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COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE

FEZILE DABI DISTRICT MUNICIPALITY

FIRE & RESCUE SERVICES: FIRE BY-LAWS

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EMERGENCY SERVICES: FIRE BY-LAWS

Fezile Dabi District Municipality hereby promulgates the Fire & Rescue Services: Fire By-laws set out below for its area of jurisdiction in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), together with section 15 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

PART I

APPLICATION OF BY-LAWS AND DEFINITIONS

1. Application of By-laws

These by-laws apply –

- a. Within the area of jurisdiction of the Council; and
- b. In addition to any applicable national or provincial law.

2. Definitions

In these by-laws, unless the context indicates otherwise-

“above ground storage tank” means a tank situated above ground for the storage of flammable substances as contemplated in SANS 100131 and SANS 10089 Part 1 and SANS 10087 Part 3;

“access door” means any door that provides access to an emergency route;

“activity” means any work that needs to be performed to test, to service, to renew and/or to replace an extinguisher, hose reel, fire installation and/or service installation;

“agricultural holding” means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

“animal” means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;

“approved” means as approved by the Council;

“area” means any residential area or any area within the boundaries of the Municipality;

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

“building” includes-

- a. Any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with –
 - i. The accommodation or convenience of human beings and animals;
 - ii. The manufacture, processing, storage, display or sale of any goods;
 - iii. The provision of any service;
 - iv. The destruction or treatment of refuse or other waste materials; and
 - v. The cultivation of any plant or crop;

- b. Any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;
- c. Any fuel pump or any tank used in connection with it;
- d. Any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- e. Any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm-water discharge, electricity supply or other similar service in respect of the building;

“building regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

“Building Control Officer” means the person appointed or deemed to be appointed as a building control officer by a local authority in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“Certificate of Compliance” means a certificate contemplated in section 20 of these by-laws, which a certificate has been issued by the Service in terms of fire related requirements to authorize a person to occupy designated premises (which are a public building) accordingly;

“Certificate of Registration” means a certificate issued by the Service in terms of section 24 of these by-laws which authorizes a person to occupy registered premises, or to use the premises for spray painting activities or for the storage, handling or use of dangerous goods, by having complied to all fire related requirements;

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5 (1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5 (3) of the Act, and

“Manager: Fire Services” has a corresponding meaning.

“Chief Inspector of Explosives” means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosive Act, 1956;

“Civil Aviation Authority” means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

“class” means a class of petroleum product based on the following classification:

- a. Class 0: liquefied petroleum gasses;
- b. Class I: liquids subdivided as follows:
 - i. Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
 - ii. Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;
 - iii. Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- c. Class II: liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;
- d. Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and
- e. Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

“code of practice” means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993);

“combustible liquid” means a liquid which has a close-cap flash point of 38°C or above;

“competent person” means a person who is qualified by virtue of his or her experience and training;

“controlling authority” means the District Municipality in control of the Service as defined in the Fire Brigade Services Act, 1987;

“control room” means a room on any premises which is specifically designed, build and equipped to coordinate and control an emergency situation in or on the premises in question;

“Council” means-

The Thabo Mofutsanyana District Municipality established by Provincial Notice No. 37 of 2000, dated 1 October 2000, as amended, constitution twelfth Amendment Act 2005, exercising its legislative and executive authority through its municipal council;

its successor in title;

a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000; or

A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.

“dangerous goods” means any flammable gas, flammable liquid or flammable solid as contemplated in SABS 0228;

“designated premises” means any premises designated by the Service with an view to an emergency evacuation plan as contemplated in section 19 of these by-laws;

“Device” means any vehicle, mechanical or electrical equipment, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

“discharge” means the ignition or activation of any fireworks whatsoever;

“distance to be covered” means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point in the room;

“dump”, in the relation to a grouped dangerous good, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have in or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or substance, and “dumping”, “spilling” and “spill into” have a corresponding meaning;

“dwelling house” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic out buildings on that site;

“emergency” means an incident or eventuality that pose or may pose a serious threat to any person, environment or property, and “emergency situation” has a corresponding meaning;

“emergency evacuation plan” means a written procedure and a set of detailed plans as contemplated in Annexure III of these by-laws;

“emergency route” means that part of an escape route which provides the occupiers of any building with protection from the fire and which leads to an escape door;

“escape door” means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

“escape route” means any door at the end of an emergency route, and included any door leading from the inside to the outside of a building;

“explosive(s)” means –

- a. Gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other metals, coloured fires and every other substances, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing an practical effect by explosion or a pyrotechnic effect;
 - b. Any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
 - c. Any other substance, which the President may from time to time by proclamation in the Government Gazette, declares to be an explosive;
 - d. A petrol bomb; and
 - e. Any container, apparatus, instrument or article which –
-

- (i) Contains any inflammable substances and can be used or adapted so that it can be used to cause an explosion or a fire; or
- (ii) Was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

“**extinguishing stream**” means the amount of water that the Service needs to extinguish a fire;

“**facility**” means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and include the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

“**feeder route**” means that part of an escape route, which allows travel in two different directions to access of at least two emergency routes;

“**fire area**” means that jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 10090;

“**fire-fighting equipment**” means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

“**fire grading**” means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 10177, Parts 2 to 5, as amended;

“**fire incident**” means a fire on any premises in the area;

“**fire installation**” means any water installation, which conveys water solely for fire fighting;

“**fire risk category**” means fire area being divided into sub-areas, which fall into one of the following fire risks categories:

Category A: Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

Category B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralized areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

Category C: Residential areas of conventional construction.

Category D: Rural risks of limited buildings and remote from urban areas.

Category E: Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

NOTE: **High rise buildings, as defined in SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major safety deficiencies may, however, be classed as special risks.**

“**fireworks**” means explosives under Class 7, Divisions 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956);

“**fireworks display**” means the use of fireworks for purposes of a public display;

“**flammable gas**” means a gas which at 20°C and a standard pressure of 101,3 kilopascals-

- a. Is ignitable when in a mixture of 13% or less (by volume) with air; or
- b. Has a flammable range with air of at least 12%, regardless of the lower flammable limit;

“**flammable liquid**” means a liquid or combustible liquid has a closed-cap flash point of 93°C or below;

“**flammable substance**” means any flammable liquid, combustible liquid or flammable gas;

“**Group I, II, III, V, VI, VII and IX hazardous substances**” means Group I, II, III, V, VI, VII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

“**grouped dangerous goods**” means a group of dangerous goods as contemplated in section 1 of the Dangerous Goods Act, 1973 (Act 15 of 1973);

“**dangerous good**” means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX dangerous good in terms of section 2 (1) of the Hazardous Substances Act, 1973;

“**hazardous substance**” means any hazardous substance contemplated in the Hazardous Substances Act;

“**Hazardous Substances Act**” means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

“**inspector**” means a member appointed as an inspector in terms of section 2 (25) of the Explosive Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned.

“**liquefied petroleum gas**” means a mixture of light hydrocarbons (predominantly propane, propene, butane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

“**member of a service**” means a member of the Service as contemplated in section 6 and 6A (5) of the Fire Brigade Services Act, 1987;

“**Municipality**” means the duly constituted Thabo Mofutsanyana District Municipality;

“**National Building Regulations**” means the regulations published by Government Notice R2378 of 12 October 1990 in Government Gazette 12780, as amended;

“**National Road Traffic Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

“**normative reference list**” means the list of SANS specifications or codes of practice, which are contained in Annexure 5 to these by-laws;

“**occupancy**” in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of “public building”;

“**Occupational Health and Safety Act**” means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“**occupier**” means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

“**owner**” in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986, (Act 95 of 1986), for the purpose of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Section A Title Act 1986 and in the case of a deceased or insolvent estate, the executor or the curator respectively;

“**power insulating switch**” means a bipolar switch that can be activated with an L-type key of which one end is fitted with a bayonet-type socket switch;

“**premises**” means land, a building or other construction or structure, or any part of it, and includes-

- a. A train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- b. (b) Any building or room in which explosives are stored, kept or handled for the purpose of sale:
Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

“**Prescribed fee**” means a fee determined by the Council by resolution in terms of section 10G (7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

“**public building**” means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practice or perform any physical activity;

“**public place**” means a public place as defined in section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

“**pyrotechnist**” means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

“**Rational design**” as defined in SANS 10400;

“**registered premises**” means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of dangerous goods, as well as a certificate or permit to occupy premises;

“**Retail dealer**” means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

“**room**” means any room or other partitioning in a building;

“**SABS**” means the South African Bureau of Standards;

“**SANS**” means the South African National Standards;

“**service**” means the Fire Service established by the controlling authority as contemplated in section 1 of the Fire Brigade Services Act, 1987;

“**service installation**” means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoist and symbolic safety signs, and includes smoke and fire door assemblies;

“**spill into**” (See the definition of “dump”);

“**spray**” means to spray, coat, plate or epoxy-coat with any hazardous substance and

“**spraying**” has a corresponding meaning;

“**spray permit**” means a permit issued by the Service in terms of section 45 (1)(a) of these by-laws;

“**spraying room**” means any room, building or structure that is designed, build, equipped or erected solely for spraying or coating vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and “**spraying booth**” and “**submersion tank**”, as well as any related process involving electrolysis, have a corresponding meaning.

“**storage vessel**” means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

“**storeroom**” means a room, which is constructed, equipped and maintained as contemplated in section 43 of these by-laws;

“**storey**” means that part of a building which is situated between the top of any floor and the top of the floor above it, or if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building-

- a. The ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these storeys;
- b. A basement will be regarded as any storey of the building which is below the level of the ground storey;
- c. An upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- d. The height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement.

“**temporary structure**” means any structure that is apparently temporary in nature;

“**underground tank**” means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

“**use**” in relation to fireworks means discharging, lighting or igniting;

“**vegetation**” includes grass, weeds, leaves, shrubs and trees;

“**vehicle**” includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, a tank truck or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996), as the case may be;

“**water installation**” means a water installation as defined in the Council’s Water Services By-laws.

“**wheel blocks**” means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity;

“**Wholesale dealer**” means

- a. A person or concern that, for the purpose of trade, supplies explosives to any other dealer for resale.
- b. If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

PART II

ADMINISTRATIVE PROVISIONS

3. ORGANISATION OF THE SERVICE

1. The controlling authority may, subject to section 3 (3) of the Fire Brigade Services Act, 1987, as amended, established and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for-
 - a. preventing the outbreak or spread of a fire;
 - b. fighting or extinguishing fire;
 - c. the protection of life or property against a fire or other threatening danger;
 - d. the rescue of life or property from a fire or other threatening danger;
 - e. subject to the provisions of the Health Act, 1977 (Act 63 of 1977), the provision of an ambulance service as an integral part of the Service, or
 - f. the performance of any other function connected with any of the matters referred to in subsection (1) (a) to (e).
2.
 - a. The Chief Fire Officer is in charge of the Service.
 - b. Whenever the Chief fire Officer is for any reason unable to perform his/her duties of office, the controlling authority shall appoint a member of the service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
 - c. The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Free State, against payment in terms of or on the conditions contained in the agreement concerned.

4. DRIVING SERVICE VEHICLES

1. Any member of service may, with the written authority of the Chief Fire Officer, drive a Service vehicle if he/she has the applicable license for the vehicle in question as required by the National Road Traffic Act, 1996.
2. A member of service, who is duly authorized to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996, and any regulations made under the Act.

3. Any member of service who fails to comply with the provisions of this section is guilty of an offence.

5. PROCEDURES AND DUTIES DURING AN EMERGENCY SITUATION

1. The Chief Fire Officer or a member of service who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that-
 - a. adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
 - b. The emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2 (3) of these bylaws, and
 - c. all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
2. All persons and/or bodies, including any State Department as contemplated in section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1) (c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
3. ***Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.***

6. PRETENDING TO BE A MEMBER OF SERVICE

1. No person, except a member of service, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member of service.
2. No person may falsely present himself/herself as a member of service or pretend to be a member of service.
3. Any person who so pretends to be or presents himself/herself as a member of service must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, or by furnishing proof of identity within a reasonable period.
4. ***Any person who contravenes or fails to comply with this section is guilty of an offence.***

7. POWERS OF MEMBER OF SERVICE AND DESIGNATED OFFICER

1. Every member of service, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
2. A designated officer as contemplated in 6 (4) may-
 - a. seize any certificate of compliance, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorized changes have been made to the document;
 - b. institute the relevant prosecution in connection with subsection (2) (a) or have the prosecution instituted, as the case may be; and
 - c. seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of compliance, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:
 - i. The Chief Fire Officer or the delegated member of service must grant prior approval in writing for the seizure.
 - ii. Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - iii. After an order issued in terms of the Fire Brigade Service Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalized, as the case may be, any object seized must be returned to the person from whose possession it was taken;

3. Any member of service may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member of service may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
- a. Designated officers must be-
- i. suitably trained and certified as peace officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
- b. All designated officers have the power –
- i. in terms of the provisions of sections 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine; in terms of provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
 - ii. in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
 - iii. in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorized to do so; and
 - iv. In terms of provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

8. MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE

1. With an approval of the Chief Fire Officer, the Service may, at the request of any body or person and at the tariffs determined in Annexure I to these by-laws, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
2. The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower are required elsewhere for or in connection with an emergency situation.

PART III

FIRE PROTECTION AND FIRE-FIGHTING

9. COMBUSTIBLE MATERIALS AND REFUSE

1. No person may store any combustible materials of whatever nature, or have them stored or permit to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
 2. No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
 3. No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
 4. No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
 5. No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a portable fire hazard to any adjacent premises and/or any other person's property.
 6. If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by
 - a. cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - b. pruning, chopping down and sawing any shrub or tree; and
 - c. removing any resulting combustible residue from the property.
-

7. Any person who fails to comply with the provisions of this section is guilty of an offence.

10. MAKING FIRES

1. No person may, subject to provision of the Veld and Forest Act and Environmental Management Act, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to-
 - a. fire in an approved, purpose made stove, fireplace or heath, which is an integral part of a structure.
 - b. a fire for preparing food on private premises or premises set aside for that purpose; and
 - c. a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
 - d. No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).

2. Any person who fails to comply with the provisions of this section is guilty of an offence.

11. FIREBREAKS

1. Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
 - a. is at least 6 meters wide (when measured parallel from the boundary concerned);and
 - b. contains no vegetation or combustible residue.
2. If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 6 metre-wide safety fire-break around that obstruction.
3. No person may clear or maintain a safety fire-break by burning without prior written permission of the Chief Fire Officer.
4. Any person who intends to clear or maintain a safety fire-break by burning must-
 - a. apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning;
 - b. be in possession of a fire permit issued by the Chief Fire Officer of the Service; and
 - c. unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.
5. No burning will be approved by the Chief Fire Officer or Fire Protection Officer if the weather conditions and fire index rating is not favourable to allow burning of fire breaks.
6. Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply mutatis mutandis to the application of this section.

7. Any person who fails to comply with the provisions of this section is guilty of an offence.

12. INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

1. Any officer contemplated in section 6 (4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods or other hazard on the premises.
 2. An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
-

3.
 - a. Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
 - b. The Chief Fire Officer may approve the proposed measure and deadline with or without amendments and may give instructions for compliance with the measures.

4. Any person who fails to comply with a written instruction referred to in this section is guilty of an offence necessary; Enforcement of provision according to Act 99 of 1987 section 18 of said Act can be implemented.

13. ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT MITIGATING AGENTS

1. Fire-fighting equipment, mitigating agents and the appropriate service installations must be installed so as to be readily accessible at all times.
2. **Any person who, in whatever way, causes or permits fire-fighting equipment, mitigating agents and the appropriate service installations not to be readily accessible is guilty of an offence.**

14. FIRE PROTECTION REQUIREMENTS FOR PREMISES

DESIGN AND CONSTRUCTION OF BUILDINGS

1. In addition to any other provisions contained in these bylaws, The A Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, for the purpose of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
2. In any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water spilled or collected to a storm water drain.
3. No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that-
 - a. The access to the transformer room(s) is situated on the building; and
 - b. Provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
4. Whenever an approved sprinkler system is required in any building in accordance with the provisions of SANS 10400; SANS 10087, Part 3; and SANS 10089, Part 1, or if the Council so requires, the owner of the building must ensure that the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.

REQUIREMENTS FOR EMERGENCY EXITS

5.
 - a. Every owner of a building must ensure that any escape door in that building-
 - i. Is fitted with hinges that open in the direction of escape; and
 - ii. Is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
 - b. Every owner of a building must ensure that any door in a feeder route-
 - i. is a double swing-type door;
 - ii. is not equipped with any locking mechanism.
 - c. Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
 - d. No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

ELECTRICAL FITTINGS, EQUIPMENT AND APPLIANCES

6. No person may cause or allow –

- a. Any electrical supply outlet to be overloaded; or
- b. Any electrical appliance or extensions lead to be used in any manner that may pose a fire hazard to any person or property.

FLAME-EMITTING DEVICES

7. No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.

8. Any person who fails to comply with any of the provisions of subsection (2), (3), (4) and (5) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 10400, as amended, where the provisions related to fire protection matter, is guilty of an offence and the necessary; Enforcements of provision according to Act 99 of 1987 section 18 of said act can be implemented.

15. ACCESS FOR FIRE FIGHTING AND RESCUE PURPOSES

1. All premises in the area must be planned, designed and constructed so as to ensure that-

- a. the requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
- b. If a building does not front onto a street, an access road shall be provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
- c. Whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 3,5 m wide and 4,2 m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5m.

2.

- a. The appropriate street number of every built-up premise within the area must be displayed clearly on the street boundary of the premises in question. This number must be 75mm high and must be visible from the street.
- b. The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.

3. Any person who fails to comply with the provisions of this section is guilty of an offence.

16. UPKEEP MAINTENANCE OF FIRE-FIGHTING EQUIPMENT AND MITGATING AGENTS

1. The owner of any premises must ensure that-

- a. all fire-fighting equipment, mitigating agents or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS 101475 and registered in terms of SANS 101475;
- b. portable mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 0105 and SANS 101475;
- c. fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
- d. Installations are inspected by a registered person at least every twelve calendar months.

2. Any person who checks, services, renews, replaces or works on any fixed service installation must-

- a. on completing the work, certify that the service installation is fully functional and;
-

- b. notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
3. The owner or occupant responsible of any premises must keep a comprehensive service record of all fire fighting equipment and any other appropriate service installations on his/her premises and submit the record to the Service upon request by the designated officer.
4. Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
5. No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- 6. Any person who fails to comply with the provisions of this section is guilty of an offence.**

17. EXTRACTOR FAN SYSTEMS

1. Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
2. Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
3. The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.
- 4. Any person who fails to comply with the provisions of this section is guilty of an offence.**

18. RATIONAL DESIGNS

1. The construction, design and/or erection of-
 - a. hangars;
 - b. helipads;
 - c. grain silos;
 - d. atriums ;
 - e. air traffic control towers;
 - f. any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable design according T1 (2) (a) or (b), submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1 (1) of the National Building Regulations.
2. Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for-
 - a. the drainage of any liquid from the floor of the hanger or helipad and/or approach to the hangar;
 - b. the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
 - c. the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
 - d. earthing devices for discharging static electricity.
- 3. Any person who fails to comply with the provisions of this section is guilty of an offence.**

19. DUMPING SITES

1. The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions and requirements of the National Department of Water and Environment (DWAE), Free State Economic Development Environment and Tourism, Department of Health & Social Development, and those of the Service.
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2. Any person who fails to comply with the provisions of this section is guilty of an offence.

20. EMERGENCY EVACUATION PLANS

1. The owner or occupier of designated premises must-
 - a. within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, this plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws.
 - b. constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection programme, this programme include regular scheduled fire evacuation drills on the premises;
 - c. ensure that
 - i. the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - ii. updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
 - iii. the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
 - d. Identify a predetermined place of safety outside, but in the vicinity of the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
 - e. An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.
2. The Service may from time to time-
 - a. provide directives for updating and/or amending an emergency evacuation plan;
 - b. instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
 - c. require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
2. The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
3. **Any person who fails to comply with the provisions of this section is guilty of an offence.**

21. CERTIFICATE OF COMPLIANCE FOR ALL PUBLIC BUILDINGS

1. The owner of any public building, or of any temporary structure which is erected or intended for holding gatherings, or event must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering, event or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
 2. No certificate of compliance will be issued for public buildings unless the relevant provisions of these by-laws have been complied with.
 3. A certificate of compliance issued to the owner of a public building will be endorsed with the following information, where applicable:
 - a. The trade name and street address of each occupier.
 - b. The certificate of capacity and of fitness from structural engineer in terms of temporary structure
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- c. The type of activity of each occupier.
 - d. The name of the persons on the executive.
 - e. The permissible number of people in proportion to the usable floor area.
 - f. The number of emergency exits and their widths and all related equipment regarding fire protection.
 - g. A cancellation clause in the event of any applicable provisions of these by-laws being disregarded.
 - h. An obligation on the part of the holder of the certificate to-
 - i. display the certificate prominently on the premises at all times; and
 - ii. maintain the certificate in a legible condition at all times
 - i. A date, year and serial number.
 - j. The date of expiry of the certificate.
4. Subject to the provisions of section 22 of these by-laws, a certificate of compliance is not required for a public building, which has been legally erected on commencement of these by-laws.
 5. If the trade name of the public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the Service immediately and in writing.
 6. No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority:
 - a. is in possession of a set plans referred to in section 13 of these by-laws and approved by the Service; and
 - b. has received the prescribed application form defined in Annexure II to these bylaws, which form has been completed in full and correctly.
 7. The holder of a certificate of compliance must ensure that he/she is at all times in possession of a valid certificate of compliance.
 8.
 - a. Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorization granted in terms of these by-laws.
 - b. The provisions of this subsection are not applicable to any action, which results in temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
 9.
 - a. The owner or the occupant must submit, on or before the first working day of the month in which the permit expires of each year, together with the prescribed fees determined in Annexure I of these by-laws, an application for the renewal of the certificate of compliance to the Service on the prescribed form: Provided that if the Service for some reason requires a plan of the premises in question for the purpose of the renewal application, the plans must accompany the application.
 - b. The Service may send a reminder in respect of the renewal.
 - c. Where a building is utilized and accordingly classified as a A-type occupancy, in terms of the National Building Regulations, the Chief fire Officer may issue such certificate for a period of not exceeding one calendar year. All other erf, stands, or premises shall be issued with validity not exceeding five years.
 10. Where so required by the Chief Fire Officer the attendance of the Service shall be provided for.
 11. ***Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence.***

22. WATER SUPPLY FOR FIRE-FIGHTING

1. In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection Against Fire) as well as SANS 11200 specifications. The Red Book Guidelines for the provision of Engineering Services and Amenities shall also be applicable.
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2. Every person who develops or redevelops a township must ensure that-
 - a. The storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these Bylaws;
 - b. The water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
 - c. Double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
3. Subsection (1) (c) is deemed to be satisfied, if
 - a. the water is supplied to the township from more than one reservoir;
 - b. each reservoir receives water from separate supply main and pump; and
 - c. the reservoirs are connected to each other.
3. Every person who develops or redevelops a township must ensure that
 - a. the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 meters in any high risk area or for more than 300 meters in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - b. if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in subsection 4, the water reticulation system is adapted without delay so as to comply with the requirements of subsections 4 and subsection 5.
4. The Service must inspect fire hydrants at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the following volume and duration:

Fire Risk Category	Minimum volume of extinguishing stream (Litres per minute)	Minimum duration of extinguishing stream (hours)
High Risk	11 500	6
Moderate Risk	5 750	4
Low Risk	2 300	2

TOWNSHIP DEVELOPMENT FIRE HYDRANT REQUIREMENTS

5. Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire Risk Category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High Risk	1980	120
Moderate Risk	1150	180
Low Risk	900	240

6. Every person who develops or redevelops a township must ensure that the positions of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

FIRE RISK CATEGORIES

7. For purposes of sections 21.5 and 21.6, the following areas of a township must be regarded –
 - a. as high risk –

- i. any factory area, high density shopping area, warehouse or commercial building;
 - ii. any plantation, timber yard or wooden building;
 - iii. any building higher than 3 storeys;
 - iv. any building in which hazardous substances are used, handled or stored or in high hazardous processes are conducted; and
 - v. any other area that has a high fire risk or high fire spread risk;
- b. as moderate risk –
- i. any area in which-
 - aa. factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
 - bb. the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;
 - ii. any area where the fire risk and spread risk of fire is moderate; and
 - iii. any other area that is not a high or low risk area; and
- c. as low risk –
- i. any area that is mainly residential or semi-rural;
 - ii. any area that has predominantly detached, duet, cluster or town house developments; and
 - iii. any area where the fire risk or risk of spread of fire is slight or insignificant.

CONNECTIONS TO WATER RETICULATION SYSTEM

8. No person may obtain a water connection to the water reticulation system of the Council unless they submit a complete set of approved fire protection plans for the premises to the Services, as contemplated in Regulation A9 of the National Building Regulations, to determine the water connection of the Service and the plans have been approved by the Chief Fire Officer.
9. Every person or owner of premises who requires a water connection to the water reticulation system of the Council must –
- a. If the premises to be connected are protected by a sprinkler installation, ensure that –
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - b. If the Chief Fire Officer requires a larger water connection for purposes of fire fighting, provide the larger water connection;
 - c. ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400 (Part W); and
 - d. ensure that the water installation upon completion complies with the provisions of SABS-1:1994.

23. REGISTRATION APPLICATIONS FOR EXISTING PREMISES

1. If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed in Annexure II of these by-laws, will be renewed, unless and until all appropriate provisions of these by-laws regarding an original application have been complied with.
2. No additions or alterations may be made to any existing registered premises unless and until –
 - a. the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
 - b. The Building Control Officer and the Chief Fire Officer have approved the plan.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

PART IV

DANGEROUS GOODS

24. APPLICATION FOR APPROVAL OF PLANS

1. Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, aboveground and underground installations and any other structures are to be erected for the use, storage and handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
2. The prescribed fees payable to the Service for the approval of plans are determined in Annexure I Part 4 of these by-laws, but exclude the fees charged by the Building Control Officer for the approval of plans.
3. The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.
4. No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Fire Safety Section of the Service, as the case may be. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
5. The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
6. An MSDS (Material Safety Data Sheet) box, as described in Annexure IV shall be installed in a prominent place at the main entrance of the premises.
7. ***Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.***

25. ISSUING OF CERTIFICATES OF REGISTRATION

1. No person may on any premises use, handle or store quantities of dangerous goods in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II of these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is to exceeded, the provisions of this section are not applicable.

Group I: Explosives

Fireworks	No exemption
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Group II: Gases

2.1. Flammable gases	Total cylinder capacity may not exceed 14kg
2.2. Non-flammable gases	Total cylinder capacity may not exceed 14kg
2.3. Toxic gases	No exemption

Group III: Flammable liquids

3.1. With flash points > 18°C	Total quantity may not exceed 40L
3.2. With flash points > 18°C	Total quantity may not exceed 40L
But < 23°C	

3.3. With flash points > 23°C Total quantity may not exceed 200L

But <61°C

3.4. With flash points > 61°C Total quantity may not exceed 200L

But < 100°C

3.5. With flash points >100°C Total quantity may not exceed 500L

Group IV: Flammable solids

4.1. Flammable solids Total quantity may not exceed 250kg

4.2. Pyrophoric substances No exemption

4.3. Water-reactive substances No exemption

Group V: Oxidising agents and organic peroxides

5.1. Oxidising agents Total quantity may not exceed 200kg

5.2. Group I organic peroxides No exemption in packets

5.3. Group II organic peroxides Total quantity may not exceed 200kg in packets

Group VI: Toxic/infective substances

6.1. Group I toxic substances in Total quantity may not exceed 5kg Packets

6.2. Group II toxic substances Total quantity may not exceed 50kg in packets

6.3. Group III toxic substances Total quantity may not exceed 500kg in packets

6.4. In effective substances No exemption

Group VII: Radioactive materials No exemption

Group VIII: Corrosive/caustic substances

8.1. Group I acids in packets Total quantity may not exceed 50kg

8.2. Group II acids in packets Total quantity may not exceed 200kg

8.3. Group III acids in packets Total quantity may not exceed 1000kg

8.4. Group I alkaline substances Total quantity may not exceed 50kg in packets

8.5. Group II alkaline substances Total quantity may not exceed 200kg in packets

8.6. Group III alkaline substances Total quantity may not exceed 1000kg in packets

Group IX: Miscellaneous substances

9.1. Liquids Total quantity may not exceed 210L

9.2. Solids Total quantity may not exceed 210kg

2. No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled in such place or in such manner as to ensure that

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- a. no dangerous goods or fumes of the substances come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
 - b. the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
3. No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
 4. No certificate of registration will be issued in the respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
 5. When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate
 - a. must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
 - b. must be maintained in a legible condition at all times;
 - c. must reflect the groups and the quantities of dangerous goods for which the premises have been registered;
 - d. must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
 - e. must reflect the number of storerooms and the total capacity of each storeroom;
 - f. must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
 - g. must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
 - h. must reflect a serial number;
 - i. must indicate whether the issue of such certificate is permanent or temporary;
 - j. must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
 - k. The Chief Fire Officer may cancel any certificate of compliance in respect of a building does not comply to these By-laws.
 - l. Is not transferable from premises to premises;
 - m. must, subject to the provisions of section 22 of these by-laws, be transferable from owner to owner and/or from control on the same premises: Provided that-
 - i. application for such transfer is made to the service on the prescribed form; and
 - ii. if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service.
 - n. will not be issued unless the Service is in possession of a set approved plans as required by section 23 of these by-laws; and
 - o. will not issued or renewed unless the prescribed application form has been completed in full and has been submitted.
 6.
 - a. Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
 - b. The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.
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- c. If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.
7. The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
8. The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
9. Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with
- a. subject to the provisions of subsection (6), portable fire extinguishers – as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type); in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
 - b. if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply –
 - i. as contemplated in SABS 0400 (Part W); and
 - ii. that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
 - c. if applicable, fire hydrants –
 - i. with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment-couplings; and
 - ii. in a ratio of at 1 to every 1000 square meters or part thereof, and
 - d. if applicable, in relation to any above-ground facility, a sprinkler system or deluge system that –
 - i. is approved by the Chief Fire Officer; and
 - ii. with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
10. Notwithstanding the provisions of subsection (9), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may –
- a. specify the type of fire extinguisher to be installed;
 - b. require that a greater number of fire extinguishers be installed; and
 - c. require that a fire detection or warning system be installed.
11. The holder of any certificate of registration or other authorization contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (9) –
- a. is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer-
 - i. by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - ii. at least every 12 months;
 - b. if installed outside the premises, is adequately protected from the weather; and
 - c. is positioned prominently or where this is not possible, the position of the fire fighting equipment is clearly indicated by a symbolic safety sign-
 - i. in accordance with the specifications of SABS 1186; and
 - ii. to the satisfaction of the Chief fire Officer.

AMMENDMENT TO CERTIFICATE OF REGISTRATION

12. The Chief Fire Officer may amend any certificate of registration on application by the holder.

CANCELLATION OF CERTIFICATE OF REGISTRATION

13. The provisions of section 20, read with the necessary changes, apply to any cancellation by the Chief fire Officer of a certificate of registration.

RENEWAL OF CERTIFICATE OF REGISTRATION

14. Any application for the renewal of a certificate of registration must be submitted to the Chief Fire Officer at least 30 days prior to the expiry date of the certificate.

NO AUTHORISATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS

15. No certificate of registration contemplated in section 24 or any other authorization contemplated in these by-laws is required in respect of flammable liquids in a fuel tank –
- of any motor vehicle; and
 - of any stationary engine if the volume of the fuel tank does not exceeds 1000 litres.

RECORD OF CERTIFICATE OF REGISTRATION

16. The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.
- 17. Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.**

26. SUPPLY OF DANGEROUS GOODS

- No person may –
 - supply more dangerous goods than the quantities referred to in section 24 (1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied.
 - deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- No person may handle any container containing a dangerous good in a manner that will damage or may damage that container, or permit the container to be damaged.
- Any person who fails to comply with the provisions of this section is guilty of an offence.**

27. EXEMPTIONS

- Notwithstanding anything to the contrary in these by-laws
 - flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
 - flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary vehicle engine: Provided that the volume of the fuel tank does not exceed 1 100 litres and the fuel tank is surrounded by a liquid-proof retaining wall: Provided further that the fuel tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.
 - Any person who fails to comply with the provisions of this section is guilty of an offence.**
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28. RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION

1. Any holder of a certificate of registration or spraying permit must, at least one month prior to the expiry date of the permit, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
2. The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

29. TEMPORARY STORAGE OF DANGEROUS GOODS

1. The Service may grant a temporary certificate of registration for a period of not more than three months to any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities in section 24 (1) of these by-laws: Provided that –
 - a. if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 9000 litres;
 - b. an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by section 23 of these by-laws; and
 - c. the duration of the temporary storage is at the discretion of the Chief Fire Officer, but not exceeding 12 months.
2. Any person whose application for a temporary storage tank is approved must ensure that it comply with the applicable South African National Standard. Provided that the storage tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
 - a. provision is made for the run-off of any possible rain water from the retaining walls or retaining embankments;
 - b. the storage tank is not erected within 5m of any erf boundary, building, excavation, road, open flames and/or driveway;
 - c. no source of ignition or potential ignition is brought within 5m of the storage tank;
 - d. symbolic signs prohibiting smoking and open flames, at least 200mm x 300mm in size, are affixed to all sides of the temporary installation; and
 - e. a minimum of two 9kg dry chemical powder type fire extinguishers are installed within 10m of the temporary installation.
 - f. HAZMAT signs must be provided on the tanks.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

30. DELIVERY OF DANGEROUS GOODS

1. Any person delivering dangerous goods to any supplier or user –
 - a. may not, while delivering, let any delivery hose lie on or across a pavement or on or across a public road;
 - b. may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
 - c. must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times,
 - d. must ensure that, during the transferral of dangerous goods, the delivery vehicle is physically earthed with the storage facility to which the dangerous goods are being transferred;
 - e. must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
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- f. must ensure that no dangerous good is transferred from a delivery vehicle to a facility that is leaking or broken.
 - g. Where delivery is done with a road tanker, as defined by the Road Traffic Act provision shall be made as to ensure that the delivery vehicle does not require to reserve in any situation.
2. The owner of any device connected with or used for a delivery of a dangerous good must ensure that the device is designed for the specific purpose and is in safe and good working condition.
 3. The person in charge of any delivery process of a dangerous good must take reasonable precautionary measures to ensure that no dangerous good is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage tank.
 4. No person may transfer any dangerous goods to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
 5. No person may transfer dangerous goods to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
 6. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

31. PROHIBITION OF CERTAIN ACTIONS

1. Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –
 - a. perform any act or action, or have any act or action performed that may reasonably result in or cause a fire or an explosion; and
 - b. perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
2. No person may dump any dangerous goods into any borehole, pit, sewer, drain system or surface water, or permit any dangerous good to be dumped in or spilled into any borehole, pit sewer, drain system or surface water.
3. No person may dump any dangerous good in any manner other than by having the substances removed or permitting the substances to be removed by an organization that is fully equipped to do so.
4. No person may light, bring or use, within 5m of any area where, to his/her knowledge, dangerous goods are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5m of such area.
5. No person may use any device in connection with dangerous goods in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
6. No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or transport any dangerous good in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
7. Deliver or supply or allow delivering or supplying of, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.
8. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

32. "NO SMOKING"

1. The owner of a building must, in areas where flammable and/or explosive dangerous goods are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SANS 1186 and of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.
 2. ***Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.***
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3. ***Any person who disregards the prohibition in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.***

33. FIRE-FIGHTING EQUIPMENTS AND MITIGATING AGENTS

1. Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 24 of these by-laws and/or spraying permit in terms of section 48 (1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with –
 - a. portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 10 (dry chemical type), SANS 1573 (foam type) and SANS 1571 (transportable type), of a minimum capacity of 9 kg or 9 litre, as the case may be, in a ratio of one fire extinguisher to every 100m² or part of it: provided that the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
 - b. hose reels as specified in SANS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 100400, enabling each hose reel to maintain a flow of 0,5 litres per second at a work rate of 300kPa;
 - c. fire hydrants, with couplings as specified in SANS 1128, Part II (Fire-fighting equipment Couplings), in a ration of at least one to every 1000m² or part of it; and
 - d. approved sprinkler systems in accordance with SANS 10087, SANS 10089 and SANS 10131.
2. Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the service.
3. If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
4. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

34. REPORTING OF FIRES, ACCIDENTS AND DUMPING

1. The occupier of any premises must immediately report any fire, accident or dumping involving dangerous goods on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.
2. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

35. SAMPLING

1. Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may have a sample taken, by a suitably authorized person or company, of any substances for analysis: Provided that –
 - a. sample so taken must be taken in the presence of the owner or occupier or any other third party;
 - b. any sample must divided into two equal parts and be sealed in similar suitable containers with the following information on the containers:
 - i. the address and the location of the premises.
 - ii. the trade name of the premises or concern.
 - iii. the name and signature of the persons who are present, as contemplated in subsection (1)(a).
 - iv. the date on which and time at which the sample was taken.
 - v. A description of the exact location on the premises where the sample was taken; and
 - c. Any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be. The taking of the sample shall also be for the cost of the owner.

36. STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

1. The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of section 37 of these by-laws, the tank, installation or device or have the tank or device removed, in order to render the tank safe.
2. If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must –
 - a. notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;
 - b. ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
 - c. unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
 - d. to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
3. Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.
4. ***Any person who fails with the provisions of this section is guilty of an offence.***

37. ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE

1. No person may enter or permit any other person to enter any storage tank which contained Group III dangerous good, unless that person is wearing an effective self supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089, Part I, as amended.
2. No person may enter any storage tank which contained Group III dangerous good unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

38. INSTALLATION, ERECTION, REMOVAL AND DEMOLITION

1. In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-laws.
 2. Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever –
 - a. anything is removed temporarily for carrying out repairs or in connection therewith;
 - b. any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - c. any above-ground or underground storage tanks are replaced with tanks of the same capacity.
 3.
 - a. No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 23 of these bylaws, is made again.
 - b. After completion of the structure, building or installation, application must be made again for a certificate of compliance, spraying permit and/or certificate of registration in accordance with the provisions of Part IV, DANGEROUS GOODS, of these by-laws.
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4. Any person who fails to comply with the provisions of this section is guilty of an offence.

39. GROUP I DANGEROUS GOODS

CONTROL OF FIREWORKS

Use of fireworks prohibited in certain circumstances

1. Unless so authorized in terms of section 38.4, no person may use fireworks –
 - a. within 500 meters of any explosives factory, explosives storage place, petrol depot or petrol station;
 - b. inside any building;
 - c. on any agricultural holding;
 - d. at any public place; or 44
 - e. at any school, old age home or hospital.
2. No person may light or ignite fireworks in any place where animals are present.
3. Unless so authorized in terms of section 38.4, no person may light or ignite fireworks on any day or at any time except –
 - a. New Years Eve from 23h00 to 01h00;
 - b. New Years Day from 19h00 to 22h00;
 - c. Hindu New Year from 19h00 to 22h00;
 - d. Lag b'omer from 19h00 to 22h00;
 - e. Chinese New Year from 19h00 to 22h00;
 - f. Human Rights Day from 19h00 to 22h00;
 - g. Freedom Day from 19h00 to 22h00;
 - h. Guy Fawkes Day from 19h00 to 22h00;
 - i. Divali from 19h00 to 22h00;
 - j. Christmas Eve from 19h00 to 22h00; and
 - k. Day of Goodwill from 19h00 to 22h00.
4. No person may allow any minor under his/her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Fireworks displays prohibited unless authorized

5. No person may present a fireworks display unless –
 - a. authorized to do so by the Council as contemplated in section 38.4;
 - b. authorized to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
 - c. the display is at all times under that person's supervision and control;
 - d. the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
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- e. that person has ensured that –
 - i. an area with a radius of at least 50 meters is clearly demarcated for the launching of fireworks at the display; and
 - ii. measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- f. a pyrotechnist is at all times present and responsible for the use of fireworks at the display.

Application to present fireworks display

- 6. Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorization by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
 - a. Proof of permission for the fireworks display from the Civil Aviation Authority;
 - b. proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
 - c. a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - d. a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- 7. The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

Authority to present fireworks display

- 8. If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.
- 9. The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under supervision and control of an official designated by the Council.

Dealing in fireworks

- 10. No person may deal in fireworks unless –
 - a. that person holds the required fireworks license in terms of the Explosives Act; and
 - b. has the written authority of the Chief Fire Officer.
 - c. Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (38.5)(1)(b), must –
 - i. complete an application in the form and manner determined by the Council; and
 - ii. submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
 - d. The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.
 - e. All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232, of the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
 - f. The legislation rests with SAPS (specifically the Chief Inspector of Explosives).
 - i. The Local Municipality does not issue any license, but must submit a recommendation to the Chief Inspector of Explosives, where it is indorsed by the Chief Fire Officer indicating that there are no outstanding requirements.

- ii. The owner/occupant must comply with Section 20 of these by-laws and such certificate is valued for a period of not exceeding one calendar year.

11. Fireworks display must be approved by the Chief Fire Officer and;

- a. subjected to the requirements as approved.
- b. an application must be done at the Fire Service.
- c. the application form must be accompanied by the proof of payment fees prescribed in Annexure I to these By-laws; and
- d. the application must be submitted for processing to the office of the Fire Service at least fourteen (14) working days prior to the display.

12. No fireworks of any form or kind will be displayed on pavements, hawker's spots and anywhere not regulated by section

13. Any person who fails to comply with the provisions of this section is guilty of an offence.

40. GROUP II DANGEROUS GOODS

Portable Containers

1. All portable metal containers and related devices for Group II Dangerous Goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.
 2. All portable containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 019 and SANS 10087, Parts I to VIII, as the case may be.
 3. All portable containers for Group II dangerous goods must at all times be transported, stored and/or installed in a vertical position.
 4. Every flammable substance container must –
 - a. be kept closed when not in use ;
 - b. be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - c. be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
 5. Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained as well as any hazard associated with the flammable liquid.
 6. No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap. (
 7. Any empty flammable liquid container must be stored in a storeroom.
 8. Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that –
 - a. the storage area is in a position and sufficient size that a fire hazard or other threatening danger will not be caused;
 - b. the storage area is well ventilated and enclosed by a wire mesh fence;
 - c. the fence supports are of steel or reinforced concrete;
 - d. the storage area has an outward opening gate that is kept locked when not in use;
 - e. when the floor area exceeds 10 m² an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - f. the storage area is free of vegetation and has a non-combustible, firm and level base.
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9. When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.

Bulk Containers

10. All bulk containers for Group II Dangerous Goods must be designed, manufactured, maintained and installed in terms of the provisions on the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019, SANS 10087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

Manifold Installations

- 11.
- a. No Group II Dangerous Good may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
 - b. The provisions of this section are not applicable to the storage, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 litres inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that liquid petroleum gas will only be permitted indoors on condition that the prospective user is sufficient natural ventilation in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralized as not to be within the recognized explosive limits for the gas in accordance with SANS 10087 codes.
 - i. Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulations A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
 - ii. Scientifically based detailed calculations and tests must be the basis of such proof.
- 12.
- a. No person may, without the permission of the Chief fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
 - b. In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
 - c. The provisions of section 39(5)(b) of these by-laws are applicable *mutatis mutandis* to this subsection.
13. Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SANS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.
14. The installation within the area of underground pipelines for any Group II Dangerous Goods and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of section 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

Underground pipelines

15. Any underground pipeline for a Group II Dangerous Good must comply with the following requirements:
- a. The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600 litres per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
 - b. The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - c. The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - d. The installation and extension of the pipeline and/or branches to consumer's premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognized standard approved by the Chief Fire Officer.
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- e. No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the controlling authority and the owner of the pipeline.

Use, handling and storage of liquefied petroleum gas

- 16.
 - a. No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Annexure V unless –
 - i. a. the person is in possession of a certificate of registration contemplated in section 24; and
 - ii. the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 10087, Parts 1, 3, 7 and 10.
 - b. Liquid petroleum gas may only be used, handled or stored within the property boundaries and in compliance with the safety distances stipulated in SANS 10087, Parts 1, 3, 7 and 10.
 - c. Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 10087, Part 7.
 - d. No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without prior written permission of the Chief Fire Officer.
 - e. An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.
 - f. The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
 - g. Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

Display of symbolic warning signs required

- 17.
 - a. The owner of any remises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –
 - i. prohibiting smoking and open flames;
 - ii. of a size and number determined by the Chief Fire Officer; and
 - iii. prominently in places where the signs can be clearly observed. (2) No person may disregard or allow to be disregarded any prohibiting on a symbolic sign displayed in terms of subsection

Duty to report fires, accidents and dumping

- 18. If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Chief Fire Officer.
- 19. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

41. GROUP III DANGEROUS GOODS

Tank Manufactures

- 1. No person may install, use or utilize or attempt to install, use or utilize any storage tank for the underground storage of Group III Dangerous Goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- 2. ***Any person who installs, uses or utilizes or attempts to install, use or utilize any underground storage tank which does not comply with the requirements of SANS 1535, is guilty of an offence.***

42. INSTALLATION OF STORAGE TANKS

- 1. Any storage tank for Group III Dangerous Goods must be installed in accordance with the provisions of SANS 10400, SANS 10089, Parts I, II, and III, SANS 10131, SANS 0108 and SANS 086, as the case may be: Provided that –

- a. all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131, Parts I, II and III, as the case may be;
 - b. all pumps and filling devices installed indoors must be in a purpose-built, registered premises;
 - c. temporary installations must be approved and for not more than six months;
 - d. no aboveground tanks classification as Class II and III in SANS 10131 Part I will be allowed in urban areas, except if it is a bulk depot according to SANS 10089 Part I.
 - e. no aboveground tank with classification as Class II will be allowed in rural areas unless it's been approved by the existing zoning of the land used in terms of the Town planning scheme for resale purposes.
 - f. a maximum of three BTF tanks will be allowed, as contemplated in subsection (1) (e);
 - g. additional safety distances for aboveground tanks with classification, Class III according to SANS 10131 for diesel in rural areas (farms) will be 15 meter from any boundary fencing, building, open flames and any other inflammable liquid stores;
 - h. all installations, as contemplated in subsection (1)(a) and
 - i. (g), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
2. The installation within the area of underground pipelines for any Group III dangerous goods, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

Permanent above ground storage tanks for flammable liquids

3. In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure
- a. that the tank is erected or installed –
 - i. in accordance with SANS 10131 and SANS 10089, Part I;
 - ii. at least 3.5 meters from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
 - b. that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
4. Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 10089, Part 2.

Underground storage tanks for flammable liquids

5. The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS 10089, Part 3 and SANS 10131.
6. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

Note: No aboveground tank used to store diesel in rural areas may be used for resale purposes. If used for diesel resale it will be deemed a filling station and must comply with SANS 10089, Part 3.

PART V

CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS

43. SERVICE TRANSPORT PERMIT

1. The owner of any vehicle used for transporting flammable substances in the area must, have a valid transport permit issued by the Chief Fire Officer in terms of the SANS Standards 1398, 1518, 10228, 10299, 10230, 10231, 10232 and 10233 for transporting flammable substances and in accordance to the National Road Traffic Act: Provided that
- a. each vehicle for which such a permit has been issued must comply with the provisions of section 42 of these by-laws;
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- b. the application form, provided for in Annexure II to these By-laws and obtainable from the Service, must be completed correctly and in full;
 - c. the application form must be accompanied by the fees prescribed in Annexure I to these by laws; and
 - d. the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
 - e. ensure that the transport permit is available in the vehicle for inspection at all times.
2. The transport permit must
- a. indicate the date of issue and the date of expiry;
 - b. be valid for a period of twelve months from the date of issue;
 - c. indicate the name, in block letters, of the issuing officer and bear the officer's signature;
 - d. indicate a year-linked serial number,
 - e. indicate the group and quantity of dangerous goods to be transported;
 - f. indicate the registration number of the vehicle in question;

Requirements of transport permits

3. A transport permit –
- a. must not be issued by the Chief Fire Officer for a period longer than 12 months; and
 - b. must-
 - i. indicate the date of issue and expiry;
 - ii. identify the issuing officer and bear that officer's signature;
 - iii. contain a serial number;
 - iv. indicate the group and quantity of dangerous goods that may be transported under the permit; and
 - v. contain a description of the vehicle concerned, including its registration numbers.

Cancellation of transport permit

- 4. The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.
- 5. The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.

Design, construction, maintenance and repair of road tankers

6. Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must-
- a. comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 10087, Part 6, SANS 10089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
 - b. ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.

Design, construction, maintenance and repair of other vehicles

7. Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle –
- a. is designed and constructed-
-

- i. to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - ii. with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
- b. is equipped with-
- i. a safety edge or safety railing-
 - aa. at least 1 meter high when measured from the surface of the body of the vehicle; and
 - bb. capable of securing dangerous goods containers;
 - ii. strong and durable straps-
 - aa. capable of fastening dangerous goods containers securely to the body of the vehicle;
 - bb. that are anchored firmly to the bodywork of the vehicle; and
 - cc. that are fitted with a reversible cog winch mechanism that can be locked;
 - iii. electrical wiring that complies with SANS 314;
 - iv. at least 2 static-free wheel blocks;
 - v. a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicles' battery and in a position readily accessible in any emergency; and
 - vi. a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General prohibitions regarding the transport of dangerous goods

8. No person may use or allow to be used, any vehicle to transport dangerous goods, unless:
- a. the vehicle has a valid roadworthy certificate;
 - b. if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers –
 - i. designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
 - ii. positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
9. No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

Supply of dangerous goods prohibited in certain circumstances

10. No person may deliver or supply or allow to be delivered or supplied any dangerous Goods of a type and in a quantity exceeding that is specified in Annexure V to any premises that are not registered as contemplated in section 35.
11. No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
12. No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
13. Every person who delivers dangerous goods must ensure that
- a. 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - b. during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - c. while delivering-
 - i. the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency.
 - ii. the delivery vehicle is not parked on or across a pavement or a road;
 - iii. no delivery hose lies on or across a pavement, road or other premises;
 - d. no dangerous goods are transferred to a storage facility that does not comply with the requirements and the provisions of SANS 0263;
 - e. any device connected with, or used for, the delivery of the dangerous goods –
-

- i. is designed for its purpose; and
- ii. is maintained in safe and good working condition; and

f. no dangerous goods are spilled during delivery.

14.No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.

15.No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

16.Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

PART VI

STOREROOM FOR DANGEROUS GOODS

44. REQUIREMENTS FOR STOREROOMS

Capacity

1. The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 24 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the store room.

Danger notices in storeroom

2. No person may use any storeroom or permit any storeroom to be used for Group III Dangerous Goods, unless –
- a. symbolic safety signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed at the storeroom; and

Display of certificate of registration

3. The certificate of registration for storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition in a weatherproof container on the outside of a door normally used as the entrance to the storeroom.

Construction of flammable liquid storerooms

(Excluding storerooms in recognized bulk depots and bulk installations)

4. The construction of any store room must be in accordance with the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- a. the storeroom floor must consist of concrete;
 - b. The storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - c. the storeroom roof must consist of-
 - i. reinforced concrete with a fire resistance of at least 120 minutes; or
 - ii. any other non-combustible material, if the storeroom-
 - aa. is not situated within 5 meters of any adjacent building or boundary of the premises; or
 - bb. adjoins a higher wall with no opening within 10 meters above and 5 meters on either side of the storeroom.

Doors

5. Any storeroom must be equipped with Class B-type fire doors, manufactured and installed in accordance with SANS 1253: Provided that –

- a. the said doors must open to the outside and have a lock or locks as approved by the Chief Fire Officer.
- b. whenever the distance to be covered from any storeroom is 4m or more, the storeroom must have at least two Class B type fire doors, which doors must be installed as far from each other as is practicable; and
- c. if it is built according (4)(c)(ii) aa and bb the door can be of non-combustible material.
- d. any door providing access to a storeroom must at times be capable of being opened easily from the inside without the use of a key.

Windows

6. All window frames must be manufactured of steel and must
 - a. be fitted with wire woven glass with a minimum thickness of 8mm; and
 - b. have window panels with a maximum size of 450mm x 450mm: Provided that no window must be capable of being opened.

Catch pit

7. Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –
 - a. the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;
 - b. if required by the Chief Fire Officer the catch pit must be covered at door sill level with strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - c. the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for the product recovery.

Ventilation

8. Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.

Natural ventilation

9. The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140mm x 215mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0.5mm: Provided that the airbricks are
 - a. provided in at least three external wall; and
 - b. positioned 100mm above the level of the sill and 100mm below the roof and more than 450mm apart.

Mechanical ventilation

10. Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that
 - a. the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour.
 - b. the vanes of the system must be manufactured from static-free material;
 - c. the fumes must be released into the open air and the outlets must not be within 5m of any opening of a building or erf boundary.
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- d. all ventilators must be attached firmly to the inside of the walls;
- e. the bottom ventilators must be affixed as close as possible to the level of the sill; and
- f. all ventilation openings and/or air duct openings must be installed in the opposite wall, 100mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.
- g. with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 mm above the level of the sill to ensure effective cross-ventilation; and equipped with ducting material that –
 - i. is as short as possible in the circumstances and does not have sharp bends; and
 - iii. is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment

11. The owner or person in charge of a storeroom must ensure that
- a. all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate classification for the particular area in terms of the provisions of SANS 10108;
 - b. all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside that storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom.
 - c. all metal parts and electrical fitting and any device in or in connection with a storeroom are earthed effectively with each other and the storeroom;
 - d. switches actuating any mechanical ventilation system are situated outside the store room;
 - e. any mechanical ventilation system is on at all times during occupation, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
 - f. whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical system, are switched off.

Electrical installations installed by qualified electricians

12. All electrical installations must be installed and certified by a suitably qualified electrician: Provided that the certificate must be submitted to the Service for record purposes immediately after installation.

Storerooms constructed from other, non-combustible materials

13. Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that
- a. the storeroom is not constructed within 3meters of any other building and/or the boundary of the premises;
 - b. the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of dangerous goods able to be stored in the storeroom, plus 10%, and
 - i. the floor of/or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination; and
 - ii. where the storage is effected outside a flammable liquid storeroom, this is allowed when the storage is not within 15m of any ignition source.

Unauthorized access

14. No person may –
- a. without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
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- b. use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
- c. allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
- d. place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

Foam inlets required for certain storerooms

15. The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure –
 - a. that the storeroom is provided with a foam inlet consisting of a 65mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
 - b. that the foam inlet is identified by a sign in block letters at least 100 mm high,
 - c. displaying the words “foam inlet”.

Shelving in storerooms

16. The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

Mixing and decanting rooms

17. The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Annexure IV are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

Hand tools must be intrinsically safe

18. The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
19. ***Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this section is guilty of an offence.***

45. KEEPING AND HANDLING DANGEROUS GOODS IN STOREROOM

1. Any storeroom referred to in section 45 of these by-laws may be used for keeping any Grouped Dangerous Goods, with the exception of Group I Dangerous Goods (explosives), as defined in section 2 (1) of the Dangerous Goods Act, 1973: Provided that all chemically reactive Dangerous Goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend the bottom of the catch pit to 1m above the highest stack of each group inside the storeroom.
2. Notwithstanding the provisions of section 46 of these by-laws, any Grouped Dangerous Good contemplated in this section, with the exception of Group I Dangerous Goods (explosives), may also be stored, and kept in terms of SANS 10263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 22, 23 and 24 of these by-laws, as the case may be.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

PART VII

SPRAY-PAINTING MATTERS AND SPRAYING PERMITS

46. REGISTRATION OF SPRAY-PAINTING ROOMS

Spraying prohibited without spraying permit

1. No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless
 - a. that person is in possession of a spraying permit contemplated in section 45.2;
 - b. the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

2. Any person who wishes to obtain a spraying permit must –
 - a. complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and
 - b. pay the prescribed fee.

Cancellation of spraying permit

3. The provisions of section 20, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

Duties of owner, occupier or person in charge of spraying room

4. Every owner, occupier and person in charge of a spraying room must ensure that –
 - a. the spraying room complies with the requirements of this Chapter; and
 - b. every other person on the premises complies with the provisions of this Chapter.

Design and construction of spraying rooms

5. Every spraying room must be designed and constructed according to the following criteria:
 - a. every window frame must consist of steel with window panels –
 - i. that cannot be opened;
 - ii. that do not exceed 450 millimetres x 450 millimetres in size; and
 - iii. that are fitted with wire woven glass with a thickness not less than 8 millimetres;
 - b. if based on a brick and concrete construction –
 - i. the floor must consist of concrete;
 - ii. the walls must consist of brick or concrete;
 - iii. the roof must consist of reinforced concrete; and
 - iv. every door must consist of a Class B-type fire doors as contemplated in SANS 1253; and
 - c. if based on a metal structure –
 - i. the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5mm;
 - ii. the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3mm;
 - iii. the framework of the entire structure must be fume-proof, flame-proof and liquid-proof.
 - iv. the floor must consist of concrete or metal;
 - v. all material used must have a fire integrity grading of at least 60 minutes; and
 - vi. the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

Water floors for spraying rooms

6. Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that
-

- a. the water is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room, and
- b. the water in the sunken water floor is circulated through an effective non combustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

Electrical equipment in spraying rooms

- 7.
 - a. Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 0108.
 - b. Any switch gear, distribution boxes, fuse and other electrical equipment, except equipment as contemplated in SANS 0108 must –
 - i. be located outside the spraying room; and
 - ii. be positioned so as not to come into contact with fumes from the spraying room.
 - c. Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
 - d. Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
 - e. Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must
 - i. certify in writing that the installation complies with all applicable legal requirements; and
 - ii. furnish the certificate to the owner or person responsible for the premises concerned.
 - f. The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

Location of spraying rooms

- 8.
 - a. The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned.
 - i. of at least 1200 mm wide; and
 - ii. that must at all times be kept free of any obstruction, refuse or combustible material.
 - b. If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall –
 - i. of a height at least 300 mm higher than the roof of the spraying room; and
 - ii. with a fire resistance of at least 60 minutes.
- 9. No more than two sides of a spraying room contemplated in section 45(5)(c), may border a fire partition wall.

Access to spraying rooms

- 10. In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that
 - a. open to the outside of the spraying room;
 - b. have dimensions of at least 800 mm wide x 2000 mm high;
 - c. are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 meters; and
-

- d. are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation of spraying rooms

11. Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed
- a. so that ventilation of at least 0.5 meters per second is provided across the spraying room;
 - b. with vanes consisting of static-free material;
 - c. so that it releases fumes into the open air from outlets that are not located within 5 meters of any opening of a building or erf boundary.
 - d. with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
 - e. with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
 - f. with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

Fire dampers, protectors and alarms in spraying rooms

- 12.
- a. A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
 - b. The fire damper must
 - i. be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
 - ii. be installed so that it will remain in position even if the air duct distorts during a fire; and
 - iii. be equipped with an overriding fusible link.
 - c. The ventilation system must be equipped with a sensor that –
 - i. is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - ii. activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and positioning of ventilation outlets for spraying rooms

13. Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least –
- a. meter above any roof on the premises;
 - b. 4 meters above the ground level; and
 - c. 5 meters from any opening of a building situated on or adjacent to the spraying room.

Display of signs on spraying rooms

- 14.
- a. A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
 - b. Any symbolic sign contemplated in subsection (1), must be –
 - i. manufactured and installed in accordance with SANS 1186; and
 - ii. of dimensions at least 290mm x 290mm.
-

Manifold installations in spraying rooms

15. Every manifold installation of a Group II Hazardous substance that forms an integral part of the heating system of any spraying room must –
- a. comply with SANS 10087, Part 1; and
 - b. the requirements of these By-laws.

General prohibitions regarding spraying rooms

16. No person may –
- a. use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 45.13;
 - b. enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;
 - c. use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
 - d. enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating;
or
 - e. place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying rooms

- 17.
- a. Every spraying room must be equipped with –
 - i. at least one 9kg dry chemical fire extinguisher installed on the inside of the spraying room; and
 - ii. at least one 9kg dry chemical fire extinguisher installed on the outside of the spraying room.
 - b. Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
 - c. Every spraying room must be protected by at least one fire hose reel as specified in SANS 543 –
 - ii. that is connected to a water supply as contemplated in SANS 10400, Part W; and
 - iii. that enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300kPa.
18. No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or part thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III Dangerous Good or with liquid compounds of a Group III Dangerous Good, or with any Dangerous Good, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II of these By-laws.

Prohibition of certain actions

19. No person may use or handle Dangerous Goods, or permit Dangerous Goods to be used or handled, on unregistered premises, unless a member is satisfied that the Dangerous Goods will be used or handled in a place and in a manner that will ensure that –
- a. no Dangerous Good or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the Dangerous Good or fumes alight; and
 - b. the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

Display and conditions of spraying permit

20. A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
-

- b. The spraying permit must be legible at all times.
- c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
- d. A serial number must be indicated on the spraying permit.
- e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.
- f. The spraying permit is not transferable from premises to premises.
- g. In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these By-laws, transferable from control to control or from owner to owner on the same premises: Provided that –
 - i. application must be made for transfer to the Service on the prescribed form; and
 - ii. if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.
- h. The Chief Fire Officer must be in possession of a set of approved plans referred to in section 23 of these By-laws.
- i. The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
- j.
 - i. Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - ii. The fees prescribed in Annexure I to these By-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these By-laws.
 - iii. Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
 - iv. The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
 - v. The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.

21. Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

47. CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS

1. The construction of a spraying room and/or spraying booth must be in accordance with the following requirements:
 - a. the floor must be of concrete;
 - b. the walls must be of brick and/or concrete;
 - c. the roof must be of reinforced concrete;
 - d. the doors must be Class B type fire doors as contemplated in SANS 1253;
 - e. the window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
 2. The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
 - a. The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5mm.
 - b. The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
-

- c. If the sheet metal is joined, the joints and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
 - d. The floor must be of concrete or metal;
 - e. The window must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
 - f. All materials used must have a fire integrity grading of at least 60 minutes.
3. The unit formed through the combination of components referred to in subsection (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.
 4. A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR and is found to be suitable for the particular intended purpose.

Location of and access to a spraying room.

5.
 - a. Notwithstanding the door(s) granting for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must-
 - i. open to the outside;
 - ii. be at least 800mm x 2000mm in extent;
 - iii. be positioned on opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4m; and
 - iv. be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
 - b. Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1200mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
 - c. If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1200mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300mm higher than the roof of the spraying room.
 - d. Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that no more than two sides of the spraying room may border the firewalls.

Water floors

6.
 - a. A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
 - b. The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of non-corrosive metal pipes with a suitable diameter and wall thickness.

Electrical equipment

7. All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.
 8. All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
 9. Switches actuating any mechanical ventilation system must be situated outside the spraying room.
 10. All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
-

11. An accredited person must install and certify all electrical installations: Provided that a copy of the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

Mechanical ventilation

- 12.
- a. Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: provided that –
 - i. the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0.5m/s;
 - ii. The vanes of the system must be manufactured from static-free materials;
 - iii. the fumes must be released into the open air and the outlets must not be within 4.5m of any of a building or erf boundary;
 - iv. all ventilators must be attached firmly to the inside of the walls;
 - v. the bottom ventilators must be affixed as close as possible to the level of the floor; and
 - vi. all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.
 - vii. every spray room shall have at least one of its doors fitted with an un-open able strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

Fire dampers, fire detectors and fire alarms

13. A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must-
- a. close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10°C in the predetermined working temperature;
 - b. be so installed that the damper will remain in position even if the air duct distorts during a fire; and
 - c. be provided with any overriding fusible link.
14. The sensor contemplated in subsection (12)(b)(i) must also-
- a. be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - b. activate a visual and audible alarm inside and outside the spraying room.

Positioning of ventilation outlets

15. All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof or 3.6m above the ground level and at least 4.5m from any opening of a building.
16. The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

Display of signs prohibiting open flames and smoking

17. No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

18. All spraying rooms must be maintained at all times in accordance with the provisions of this section and the manufacturer's specifications. Proof of such maintenance must be provided upon request from a member.

Unauthorized access

19. No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner and/or occupier or any other responsible person in charge of the spraying room.
-

Abuse of spraying room

20. No person may –
- a. use any spraying room or permit any spraying room to be used for any purpose other than for practicing or exercising activities related to spray-painting in the spraying room;
 - b. employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
 - c. place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrances or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

Provision of fire-fighting equipment

- 22.
- a. Any spraying room must have a 9kg dry chemical fire extinguisher on the outside, which must be installed in a position determined by the Chief Fire Officer.
 - b. All spraying rooms must be protected by a fire hose reel referred to in section 32(1)(b) of these bylaws.

Drying kiln/heating devices

23. Whenever any manifold installation of a Group II Dangerous Good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, Part 1, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.

24. Any person who fails to comply with the provisions of this section is guilty of an offence.

PART VIII

ANIMALS

48. HANDLING OF ANIMALS DURING EMERGENCIES

1. Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stable, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may –
 - a. authorize a suitable qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
 - b. recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.

2. Any person who fails to comply with the provisions of this section is guilty of an offence.

PART IX

PENALTIES

49. PENALTIES FOR CONTRAVENTIONS

Any person who contravenes or fails to comply with any provisions of these By-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by chief fire officer or a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R5000-00 or in default of payment, liable to imprisonment for a period not exceeding six months.

PART X

GENERAL

50. OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS

The provisions of these By-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these By-laws.

51. REPEAL OF BY-LAWS

The following by-laws are hereby repealed:

The existing municipal fire service by-laws of all four local municipalities within the district of Fezile Dabi municipality:

- a. Moqhaka Fire By-laws
- b. Mafube Fire By-laws
- c. Ngwathe Fire By-laws
- d. Metsimaholo Fire By-laws

52. SHORT TITLE

These By-laws are called the Emergency Service: Fire By-Laws. Their provisions come into operation on a date fixed by proclamation in the Government Gazette.

PART XI

ANNEXURES

ANNEXURE I

TARRIFS

20. FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 AND 7 OF THE FIRE BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING EMERGENCY SERVICES

1. A controlling authority may, subject to any condition contemplated in section 11 (2)(a) of Act 99 of 1987, determine the fees payable by a person on whose behalf the service of the controlling authority is applied –
 - a. for the attendance of the service;
 - b. for the use of the service and equipment; or
 - c. for any material consumed.
- b. A person, on whose behalf, in the opinion of the Chief Fire Officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that Chief Fire Officer for the payment of the fees referred to in subsection (1) or any portion thereof.
- c. The prescribed fees payable to the Service as determined in to these By-laws.

- d. Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned.
- e. As soon as an objection contemplated in subsection (4) is received that Chief Fire Officer of the controlling authority concerned shall without delay obtain written comment thereon from the Chief Fire Officer and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment.
- f. A certificate purporting to be signed by a Chief Fire Officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be *prima facie* proof of the amount payable by the person mentioned therein.

2. TRAINING INSTITUTIONS

1. The Minister may after consultation with the Training Board establish by section 2 of the local Government Training Act, 1985 (Act No. 41 of 1985), and the Board which has consulted with the service or other institution concerned –
 - a. on such conditions as he may determine by notice in the Gazette declare such a service or other institution as a training institution at which the proficiency training, or any part thereof, required for or connected with the prescribed qualifications of a Chief Fire Officer or a member of a service may be obtained; and
 - b. take such steps or cause such steps to be taken as he may deem necessary or expedient for the proper control, management and development of, or for the extension of the training facilities at, such training institution.
 - g. Whenever a member of a service with the approval of his employer attends a course at such training institution, that employer shall pay the training institution the costs of such attendance according to a tariff determined by the training institution concerned.
 - h. The prescribed fees payable to the Service for the training as determined in to these Bylaws.

3. FEES FOR EMERGENCY SERVICES

1. All fees shall be as determined in terms of Section 80B of the Local Government Ordinance 1939, read with Section 7 of the Rationalization of Local Government affairs Act, Act 10 of 1998 and section 74 and 75 of the Local Government Municipal System Act, 32 of 2000 and as published in the Government Gazette.

4. GENERAL DIRECTIVES FOR THE PAYMENT OF THE FEES

1. All certificates of registration, certificates of compliance and/or spraying permits will be valid for twelve calendar months. A written application for the renewal of the certificate or permit must reach the Service at least one calendar month prior to the expiry date thereof.
2. When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
3. All the appropriate forms are available from the Service and must be completed in full and, where applicable, be duly signed.
4. If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of compliance or any permit, the applicant must, within 14 days (excluding weekends and public holidays) of the date of rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
5. If there are different divisions and/or affiliates within a business and/or company situated on the same premises but each division and/or affiliate is managed separately, each division and/or affiliate is liable to registration separately.

5. EXEMPTION FROM PAYMENTS OF CHARGES

No charges shall be payable where –

1. a false alarm has been given in good faith;
 2. the services were required as a result of civil commotion, riot or natural disaster;
-

3. the services were rendered in the interest of public safety;
4. the Chief Fire Officer is of the opinion that the services were of purely humanitarian nature or were rendered solely for saving life.

ANNEXURE I PART 1

In terms of Section 10G(7)(e) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, it is hereby notified that the Fezile Dabi District Municipality has, in terms of Section 11 (3) (1) and 75 A (1) and (2) of the Local Government; Municipal Systems Act, 2000 (Act 32 of 2000) as amended read with Section 10 G (7)(a)(ii) and (b)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, amended its Tariff of Charges in respect of the By-laws relating to Licenses and Business Control with effect from 1 July 2010.

The following charges will be effective from the 1st July 2014.

DESCRIPTION OF SERVICE		TARIFFS	TARIFFS
		2014/2015	2015/2016
1. VEHICLE AND EQUIPMENT CHARGES			
a	Fire appliance or specialist vehicle per hour or part thereof, for any type of call out incident.	R363.00	R399.30
b	Service vehicle per hour or part thereof, for any callout incident.	R119.90	R131.89
c	Fire appliance or specialized vehicle hired out for any purpose other than incident attendance per hour or part thereof (Pre-contracted and paid in advance).	R503.80	R554.18
d	Service vehicle hired out for any purpose other than incident attendance, per hour or part thereof (pre-contracted and paid in advance).	R157.30	R173.03
e	Equipment of a general or specialized nature hired out for any purpose other than incident attendance per hour or part thereof, per item (Pre-contracted and paid in advance).	R74.80	R82.28
f	Recharging of compressed air cylinders paid in advance.	R49.50	R54.45
g	Rendering of lecture/recreation facilities per day or part thereof paid in advance.	R858.00	R943.80
2. PERSONNEL CHARGES			
a	Officers and staff at any type of callout incident including standby duties per person, per hour or part thereof.	R157.30	R173.03
b	Officers and staff required in attendance i.r.o. hired out vehicles and/or equipment per person, per hour or part thereof (Pre-contracted and paid in advanced).	R157.30	R173.03
c	Consultation fees for professional services i.r.o. Disaster Management, PIER and Fire Safety per hour or part thereof.	R223.30	R245.63
3. CONSUMABLES			
a	Costs of all materials used plus 10 % as an administration charge.		
4. DOCUMENTS			
a	Incident reports on request (All incident types, fire, special service etc. Reprint or duplicate of original as may be indicated, paid in advance).	R500.00	R550.00
b	Post-incident report on request (All incident types, paid in advance). If report is less than one year old.	R600.00	R660.00
c	Post-incident report on request (All incident types, paid in advance). If the report is older than one year.	R600.00	R660.00

ANNEXURE I PART 2

Outside the Fezile Dabi District Municipality will be determined by the Service Level Agreements.

ANNEXURE I PART 3

In terms of Section 10G(7)(e) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, it is hereby notified that the Fezile Dabi District Municipality has, in terms of Section 11 (3) (1) and 75 A (1) and (2) of the Local Government; Municipal Systems Act, 2000 (Act 32 of 2000) as amended read with Section 10 G (7)(a)(ii) and (b)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, amended its Tariff of Charges in respect of the By-laws relating to Licenses and Business Control with effect from 1 July 2014.

The following charges will be effective from the 1st July 2014.

DESCRIPTION OF SERVICE		TARIFFS	TARIFFS
		2014/2015	2015/2016
5. FLAMMABLE SUBSTANCES AND DANGEROUS GOODS – ANNUAL REGISTRATIONS			
a	Inspection and issue of a Registration certificate per premises		
1	Bulk flammable liquids storage		
	171 - 800 Kiloliter	2000.00	2200.00
	801 – 1600 Kiloliter	2200.00	2400.00
	1601 – 2400 Kiloliter	2400.00	2600.00
	2401 – 3200 Kiloliter	2600.00	2800.00
	3201 – 4000 Kiloliter	2800.00	3000.00
	4001 – 4800 Kiloliter	3000.00	3200.00
	4801 – 6000 Kiloliter	3200.00	3400.00
	6001 – Kiloliter and above	3400.00	3600.00
2	Bulk Liquefied Petroleum Gas (Class 0)		
	81 – 100 Kiloliter	2000.00	2200.00
	101 – 150 Kiloliter	2200.00	2400.00
	151 – 200 Kiloliter	2400.00	2600.00
	201 – 250 Kiloliter	2600.00	2800.00
	251 – 300 Kiloliter	2800.00	3000.00
	301 Kiloliter and above	3000.00	3200.00
b	Spray Booth/Spray Room – Minimum fee		
	- For the first Spray Booth/Spray Room	1000.00	1100.00
	- For each subsequent Spray Booth/Spray Room an additional	500.00	500.00
Premises with Flammable Liquid Store and Spray Booth/Spray Room			
	The tariff for Flammable Liquids will apply plus R__per Spray Booth/Spray Room.	500.00	500.00
	Maximum amount chargeable	1500.00	1650.00
c	The storage, handling and use		
1	Liquefied Petroleum Gas (Class 0)		
	0 – 800 Litres	3000.00	3300.00
	801 – 1200 Litres	3300.00	3630.00
	1201 – 3000 Litres	3600.00	3960.00
	3001 – 9000 Litres	3900.00	4290.00
	9001 – 67500 Litres	4200.00	4620.00
	67501 – 800000 Litres	4500.00	4950.00
2	Flammable Liquids (Class 1, 2, 3)		
	0 – 1500 Litres	3000.00	3300.00
	1501 – 3000 Litres	3300.00	3630.00
	3001 – 9000 Litres	3600.00	3960.00
	9001 – 23000 Litres	3900.00	4290.00
	23001 – 46000 Litres	4200.00	4620.00
	46001 Litres – 170 Kiloliters	4500.00	4950.00
d	Restoration of lapsed registration certificate-fee for each year that registration certificate were not renewed, plus current registration fees	3000.00	3300.00

e	Inspection of Vehicle and issuing of Transport Permit (Dangerous Goods)		
1	Flammable Liquids		
	0 - 1500 Litres	1500.00	1650.00
	1501 – 3000 Litres	1600.00	1760.00
	3001 – 9000 Litres	1700.00	1870.00
	9001 – 23000 Litres	1800.00	1980.00
	23001 – 46000 Litres	1900.00	2090.00
	46001 Litres and above	2000.00	2200.00
2	Hazardous Substances		
	0 – 500 kilogram	1500.00	1650.00
	501 – 1500 kilogram	1600.00	1760.00
	1501 – 3000 kilogram	1700.00	1870.00
	3001 – 5000 kilogram	1800.00	1980.00
	5001 – 9000 kilogram	1900.00	2090.00
	9001 – and above	2000.00	2200.00
f	Restoration of lapsed transport permit-fee for each year that transport permit were not renewed plus current fees.	1500.00	1650.00

ANNEXURE I PART 4

In terms of Section 10G(7)(e) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended , it is hereby notified that Fezile Dabi District Municipality has, in terms of Section 11 (3) (1) and 75 A (1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended read with Section 10G(7)(a)(ii) and (b)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, amended its Tariff of Charges in respect of the By-laws relating to Licenses and Business Control with effect from 1 July 2014.

The following charges will be effective from the 1 July 2014.

DESCRIPTION OF SERVICE		TARIFFS 2014/2015	TARIFFS 2015/2016
6. PLAN APPROVAL			
a	Flammable Liquids and Hazardous Substances		
1	Liquefied Petroleum Gas (Class 0)		
	0 - 800 litres	1500.00	1650.00
	801 – 1200 litres	1700.00	1870.00
	1201 – 3000 litres	1900.00	2090.00
	3001 – 9000 litres	2100.00	2310.00
	9001 – 67500 litres	2300.00	2540.00
	67501 – and above	2500.00	2750.00
2	Flammable Liquids (Class 1, 2, 3)		
	0 – 1500 litres	1500.00	1650.00
	1501 – 3000 litres	1700.00	1870.00
	3001 – 9000 litres	1900.00	2090.00
	9001 – 23000 litres	2100.00	2310.00
	23001 – 46000 litres	2300.00	2540.00
	46001 litres – 170 kiloliters	2500.00	2750.00
3	Flammable Liquid Store and Spray Booth/Spray Room Minimum fee R225.00	R1.32 per m ²	R1.45 per m ²
4	Pre-inspection before submitting plans (Consultancy)	R1500.00	R1650.00
b	Rational Designs and Building Plans		
1	Building Plans		
a	1 – 10000m ²	R1.32 per m ²	R1.45 per m ²
b	10001 – 15000m ²	R1.21 per m ²	R1.33 per m ²
c	15001 - 20000m ²	R1.15 per m ²	R1.26 per m ²
d	20001 – 25000m ²	R1.10 per m ²	R1.21 per m ²
e	25001 – 30000m ²	R0.99 per m ²	R1.08 per m ²
f	30001 – 35000m ²	R0.88 per m ²	R0.96 per m ²
g	35001 – 40000m ²	R0.82 per m ²	R0.90 per m ²

h	40001 – 45000m ²	R0.71 per m ²	R0.78 per m ²
i	45001 – 50000m ²	R0.60 per m ²	R0.66 per m ²
j	50001 – and above m ²	R0.52 per m ²	R0.57 per m ²
2	Rational Designs		
a	1 – 10000m ²	R1.32 per m ²	R1.45 per m ²
b	10001 – 15000m ²	R1.21 per m ²	R1.33 per m ²
c	15001 – 20000m ²	R1.15 per m ²	R1.26 per m ²
d	20001 – 25000m ²	R1.10 per m ²	R1.21 per m ²
e	25001 – 30000m ²	R0.99 per m ²	R1.08 per m ²
f	30001 – 350000m ²	R0.88 per m ²	R0.96 per m ²
g	35001 – 40000m ²	R0.82 per m ²	R0.90 per m ²
h	40001 – 45000m ²	R0.71 per m ²	R0.78 per m ²
i	45001 – 50000m ²	R0.60 per m ²	R0.66 per m ²
j	50001 – and above m ²	R0.52 per m ²	R0.57 per m ²
3	Site Development Plan	154.00 per m ²	169.40 per m ²
4	Partition Layout Plan per Floor or Tenant	154.00 per m ²	169.40 per m ²
5	Assessment and stamping of additional sets as previously Approved		
a	Building Plans	1000.00	1100.00
b	Rational Design	1000.00	1100.00
c	Site Development	1000.00	1100.00
6	Consultancy fees – discussions rate per hour or part thereof		
a	Building Plans	1000.00	1100.00
b	Rational Design	1000.00	1100.00
c	Site Development	1000.00	1100.00
7	Charges for inspection (rate per hour or part thereof)		
7.1	Inspections		
a	General inspection requested	148.50	163.35
b	Fire Works Display/Storage	152.90	168.19
c	Trade Licenses	152.90	168.19
d	Warehouses/storage of dangerous goods internal or external	152.90	168.19
7.2	Additional Inspection (Rate per hour or part thereof)		
a	Building Inspection	148.50	163.35
B	Fire Works Display/Storage	148.50	163.35
C	Trade Licenses	148.50	163.35
D	Warehouses/storage of dangerous goods internal or external	148.50	163.35
E	Flammable Substances and Dangerous Goods	148.50	163.35
f	Certificate of fitness	148.50	163.35
8	Certificate for fitness – Permanent and Temporarily Structure		
a	Public attendance		
1-1000		500.00	550.00
1001-5000		550.00	555.00
5001-10000		600.00	660.00
10001-30000		650.00	715.00
30 001-50 000		700.00	770.00
50001-100 000		750.00	825.00
100 001-and above		800.00	880.00

ANNEXURE I PART 5

In terms of Section 10G(7)(e) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended , it is hereby notified that Fezile Dabi District Municipality has, in terms of Section 11 (3) (1) and 75 A (1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended read with Section 10G(7)(a)(ii) and (b)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, amended its Tariff of Charges in respect of the By-laws relating to Licenses and Business Control with effect from 1 July 2014.

The following charges will be effective from the 1 July 2011.

DESCRIPTION OF SERVICE		TARIFFS	TARIFFS
		2014/2015	2015/2016
7. TRAINING ACADEMY			
1	ITEM/COURSE		
a	One day course	1000.00	1100.00
b	3-days course	1500.00	1650.00
c	Forty hour course unspecified	2500.00	2750.00
d	Fire Fighter I	12000.00	13200.00
e	Fire Fighter II	3000.00	3300.00
f	Hazmat Awareness Course	1000.00	1100.00
g	Hazmat Operational Course	1500.00	1650.00
h	Pump course	500.00	550.00
i	Incident Command Course	500.00	500.00
j	High Angle Rescue Course	500.00	500.00
k	First Aid	1500.00	1500.00
i	Workshop on request	250.00 p/h	262.50 p/h

2	Request of information		
a	Duplicate certificate on request. (All certificates issued departmentally, accredited, training, all general certificates or permits, paid in advance.	250.00	275.00

ANNEXURE I PART 6

In terms of Section 10G(7)(e) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, it is hereby notified that Fezile Dabi District Municipality has, in terms of Section 11 (3) (1) and 75 A (1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended read with Section 10G(7)(a)(ii) and (b)(ii) of the Local Government Transition Act, 1993 (Act 209 of 1993) as amended, amended its Tariff of Charges in respect of the By-laws relating to Licenses and Business Control with effect from 1 July 2014.

The following charges will be effective from the 1 July 2014.

DESCRIPTION OF SERVICE		TARIFFS	TARIFFS
		2014/2015	2015/2016
8. GENERAL APPLICATION PRINCIPLES			
8.1	REBATE		
8.1.1	If the service is utilized for a building used exclusively for residential purposes, (H4 only) the Chief Fire Officer may, in his/her sole discretion, limit the total amount payable in respect of 1 (a), (b), 2(a), 3(a), & (b), to the maximum of R3000,00. In addition that further discretion be exercised where the informal or poor areas are concerned and have the authority to cancel or reduce an account where such request is received.		
8.1.2	The fees payable in terms of 1(a), (b), 2(a), 3(a) & (b) do not apply to veld fires on vacant erven within the area of Jurisdiction.		
8.1.3	The fees payable in terms of 1(a), (b), 2(a), 3(a) & (b) apply neither to Humanitarian services, Extrication rescue, General rescue nor Animal rescue, except where extrication rescue cost on National roads can reasonably be recovered from National Department of Transport.		
8.2	EXCLUSIONS		
8.2.1	In some instances a Fire Service is rendered by means of exhibits and parades at various institutions and functions. These services are in most cases regarded as promotion, awareness and training, thus not charged for.		
8.2.2	Joint exercises with other Emergency Services/Institutions are not charged.		
8.2.3	Incident reports, post-fire inspection reports, cause determination reports or generic inspection reports, requested and supplied to Government agencies will not be charged the tariff in terms of 5(a) (b) & (c).		
8.3	HIRING OUT OF VEHICLES/EQUIPMENT		
8.3.1	The Chief Fire Officer may make vehicle/equipment available for hire under condition that if required elsewhere, such vehicle/equipment be withdrawn forthwith.		
8.3.2	The tariff under 1(c), (d), (e) & 2 (b) be paid in advance before making such equipment available.		
8.3.3	That the prescribed indemnity etc be completed and signed.		

8.4	TARIFFS FOR FLAMMABLE SUBSTANCES AND DANGEROUS GOODS
8.4.1	All registration certificates and permits are renewable annually, application for renewal to be submitted 30 days before certificate expiry date.
8.4.2	All fees are payable in advance.
8.4.3	All relevant application forms are available at Thabo Mofutsanyana District Municipality, Emergency Services, Fire Safety Section.
8.4.4	If a registration certificate/permit is refused, remedial steps must be taken within 14 days by the applicant in order for the re-inspection to be free of charge and to ensure the issuing of the relevant certificate or permit. Failing which will make the prescribed tariff again payable.
8.5	PLAN APPROVAL
8.5.1	All fees are payable in advance. Flammable substance plans – fees will be payable for each assessment (plans not supported – prescribed fees will be applicable for each submission).
8.6	FIRE SAFETY INSPECTIONS
8.6.1	All Fire Safety Inspections will be limited to two inspections, for additional inspection fees as per 7(2) (a), (b), (c), (d), (e) and (f) will be applicable.
8.6.2	Certificate for Fitness – permanent and temporarily structure. All fees are payable in advance.
8.6.2.1	All fees are payable in advance as per projected public attendance. Proof of payment to be provided at least five days prior to event.
8.7	DOCUMENTATION/INFORMATION
8.7.1	Fees payable on request and in advance, not refundable on the event that no records are found. Written departmental response in all instances. Duplicated or requested will make the prescribed tariff again payable in full.
8.7.2	All duplicate certificate requests are payable in advance.
8.8	GENERAL
8.8.1	All time and tariff calculations are taken from time of departure to the time returned.
8.8.2	Discretionary or authority exercise, if any, in terms of 9.1.1 & 9.2.1 be reported to council quarterly.
8.8.3	Training: All courses, which are five days and longer, candidates to pay extra for books and handouts.
8.8.4	Refunds for fees already paid are subject to the approval of the Chief Fire Officer.
8.8.5	Any unspecified or new training courses will be based on the market related tariffs subject to approval of the Chief Fire Officer.
8.8.6	Inspect of 1(g) above the service is subject to the approval of the Chief Fire Officer.

ANNEXURE II

OFFICIAL DOCUMENTS

1. GENERAL

The Service must design and draw up all official documents in connection with these By-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these By-laws.

2. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority.
2. The full name of the premises in question.
3. The name of the suburb in question.
4. The street address of the premises in question, in full.
5. The postal address of the premises in question, in full, including the postcode (on all application forms).
6. Full particulars of the occupier of the premises or the firm on the premises.
7. The telephone and fax numbers of the business in question (on all application forms).

8. The signature of the issuing officer.
9. The date on which the document was issued.
10. The expiry date of the document.
11. The type of document, such as:
 - a. **“Application for a bulk depot certificate of registration” or “Bulk depot certificate of registration”.**
 - b. **“Application for a certificate of compliance”**
 - c. **“Application for a certificate of registration/spraying permit” or “Certificate of registration /spraying permit”**
 - d. **“Application for a transport permit” or “Transport permit”**
 - e. **“Application for approval of plans” or “Application for inspection for the issuing of a Certificate of occupancy”**
3. Any other relevant information, such as:
 - a. the groups and subgroups of dangerous goods for which registration is required.
 - b. the required quantity of each group of dangerous good.
 - c. the manner in which the substances are to be stored, for example-
 - i. in an underground storage tank;
 - ii. in an above-ground storage tank;
 - iii. in a dangerous good store; or
 - iv. in a manifold installation.
 - d. An indication of all spray-painting rooms and submersion tanks, as the case may be.
 - i. A serial number (on all permits and certificates)
 - ii. A receipt number (on all permits and certificates)
 - iii. The official stamp of the Service.

3. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

- a. The purpose for which application forms are to be used must appear at the top of all application forms.
 - b.
 - i. All application forms must have all the administrative information as contained in paragraph B (**STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS**).
 - ii. On all application forms, space must be left in which the correct application fees, as contained in Annexure I to these By-laws, can be indicated prominently in red figures.
 - iii. A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
 - iv. A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these By-laws and/or relevant SANS codes of practice and/or specifications, as the case may be.
 - c. At the top of each checklist-
-

- i. it must be stated that the checklist is for office use only;
 - ii. space must be set aside for the date, time and place of the appointment for an inspection; and
 - iii. space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- d. At the end of each checklist, space must be set aside for-
- i. the signature of the member of the Service who completed the checklist;
 - ii. the date on which the checklist was completed; and
 - iii. an indication of whether or not the application is successful.
- e. Provision must also be made on each application form for-
- i. full particulars of the registration officer who received the application fee;
 - ii. the method of payment, for example cash, postal or cheque; and
 - iii. an official receipt number.

2. PERMIT AND CERTIFICATES

1. The purpose for which permits and certificates are to be used, as contemplated in paragraph **A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these By-laws must appear at the top of all permits and certificates.
2. All permits and certificates must have all the applicable administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**

3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**, a round disc with the following information must form part of the official documentation of the Service in the case of transport permits:

1. The registration number of the vehicle in question.
 2. The chassis number of the vehicle in question.
 3. The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker.
 4. The gross vehicle mass of the vehicle in question.
 5. The tare of the vehicle in question.
 - a. The type of load to be transported, for example a single load or a multiple load, and the quantity to be transported in litres or kilograms, as the case may be.
 - b. The group of dangerous good(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be.
 - c. Where applicable, the make of the vehicle.
 - d. The date of issue of the permit.
 - e. The date of expiry of the permit.
 - f. The signature of the issuing officer.
 - g. A serial number.
 - h. A watermark.
-

ANNEXURE III**EMERGENCY EVACUATION PLANS****1. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least annually, and all staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.

2. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS

The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

3. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN**1. THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY**

- a. The entire emergency evacuation plan must be made available to every member of the emergency management team.
- b. A number of copies must be kept in a safe in the control room.

2. EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE

Emergency telephone numbers must be on hand at all telephones on the premises and the bomb threat questionnaire must be on hand at all designated telephones on the premises.

3. DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.

4. ACTION PLANS AND EMERGENCY ACTIONS

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.

5. PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES

Plans of the layout of the premises and escape routes must be put up permanently at all exits and strategic points on the premises.

6. TRAINING OF STAFF MEMBERS

- a. Designated staff members must be trained in the following:
 - b. First aid and/or fire fighting.
 - c. Emergency aid.
 - d. Emergency evacuation procedures
 - e. Emergency management techniques (Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan).

4. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

1. Any emergency evacuation plan must contain the following:
-

- a. Emergency telephone numbers
- b. The following general information:
 - i. The physical address of the premises in question.
 - ii. The nature/description of the activities on the premises.
 - iii. The number of persons present on the premises at any time.
 - iv. An indication on whether or not there is a control room on the premises.
 - v. An indication of whether or not there is an alarm system on the premises.
 - vi. Particulars of contact details of every responsible persons in the event of an emergency.
- c. An area study with the following information:
 - i. History of emergency incidents on the premises in question.
 - ii. Important and relevant features/landmarks with regard to the location of the premises.
 - iii. Key information of adjacent premises that may be relevant to evacuation in an emergency.
- d. Particulars regarding socio-economic or other threats and the potential impact of these threats on premises.
- e. Particulars of the following equipment available on the premises:
 - i. Equipment in the control room.
 - ii. Fire-fighting and first-aid equipment throughout the premises.
 - iii. Any other equipment, which may be relevant in an emergency.
- f. The following information on manpower, particulars and details regarding the identity of:
 - i. Emergency management
 - ii. Fire teams
 - iii. First-aid teams
- g. The duties and responsibilities of members of the emergency team;
- h. Action plans and emergency procedures;
- i. Plans of the buildings and topographical maps of the premises;
- j. An emergency plan register with the following information:
 - i. Updated register of emergency evacuation plan.
 - ii. Drill register of emergency evacuation plan.
- k. A bomb threat questionnaire.

GUIDELINE FOR EMERGENCY EVACUATION PLANS

Content of emergency evacuation plans

1. Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below.
 2. Emergency telephone numbers

A list of all relevant emergency telephone numbers.
 3. General information
 - a. the physical address of the premises ;
 - b. a description of the activities on the premises;
-

-
- c. the number of persons present on the premises at any time;
 - d. an indication of any control room on the premises;
 - e. an indication of any alarm system on the premises; and
 - f. the particulars and contact details of every responsible person in the event of an emergency;

4. Area study

An area study addressing the following:

- a. a history of emergency incidents on the premises;
- b. any important and relevant features or landmarks regarding the premises; and
- c. any information regarding adjacent premises that may be relevant to evacuation in an emergency.

5. Socio-economic or other threats

Any socio-economic or other threats and their potential impact on the premises.

6. Details of available equipment

Particulars and details regarding the position of the following equipment:

- a. Equipment in the control room;
- b. Fire-fighting and first aid equipment on the premises; and
- c. Any other equipment which may be relevant in an emergency.

7. The emergency team

Particulars and details regarding the identity of members of the emergency team, including

- a. its management;
- b. the continuity officers;
- c. the fire teams; and
- d. the first aid teams.

8. Duties of emergency team members

The duties and responsibilities of members of the emergency team.

9. Action plans and emergency procedures

Details of the specific action plans and emergency procedures applicable to the premises.

10. Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

11. Emergency plan register

The plan must include

- a. an updated register of the emergency evacuation plan;
-

- b. an updated drill register for the emergency evacuation plan; and
- c. a bomb threat questionnaire.

Review of emergency evacuation plans

1.
 - a. An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
 - b. Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

Emergency evacuation drills

1.
 - a. An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who works or reside in the building concerned.
 - b. The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

Emergency evacuation awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

Training of persons

1. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in –
 - a. first aid or fire fighting;
 - b. emergency aid;
 - c. emergency evacuation procedures; and
 - d. emergency management techniques.

ANNEXURE IV

EXEMPTION FROM CERTIFICATE OF REGISTRATION

A certificate of registration is in terms of section 24 not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

Class 0	Liquefied petroleum gas	Flat – Total cylinder capacity may not exceed 9kg per flat. Houses or commercial premises – Total maximum of 19kg inside and total maximum of 100kg on the premises. Industrial premises – Maximum of 19kg per 600 m ³ of building space with a total maximum of 100 kg.
FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	

ANNEXURE V

EXEMPTION FROM TRANSPORT PERMIT

A transport permit is in terms of section 42 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUALITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points < 18°C	Total quantity may not exceed 100 litres
	With flash points > 18°C but < 23°C	Total quantity may not exceed 420 litres
	With flash points > 23°C but < 61°C	Total quantity may not exceed 1100 litres
	With flash points > 61°C but < 100°C	Total quantity may not exceed 1100 litres
IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kg
V	OXIDIZING AGENTS AND ORGANIC PEROXIDES	
	Oxidizing agents	Total quantity may not exceed 200 kg
	Group II organic peroxides in packets	Total quantity may not exceed 200 kg
VI	TOXIC/INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5 kg
	Group II toxic substances in packets	Total quantity may not exceed 50 kg
	Group III toxic substances in packets	Total quantity may not exceed 500 kg
VIII	CORROSIVE/CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kg
	Group II acids in packets	Total quantity may not exceed 200 kg
	Group III acids in packets	Total quantity may not exceed 1000 kg
	Group I alkaline substances in packets	Total quantity may not exceed 50 kg
	Group II alkaline substances in packets	Total quantity may not exceed 200 kg
	Group III alkaline substances in packets	Total quantity may not exceed 1000 kg
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210kg

ANNEXURE VI

SABS/SANS CODES OF PRACTICE AND SPECIFICATIONS

SABS CODE	TITLE
SANS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000liters.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10089:	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations

Part 1	
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SANS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SANS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 10131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 0142	The wiring of premises.
SANS 0177: Part 5	The testing of materials, components and elements used in buildings: Non combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 0228	The identification and classification of dangerous substances and goods.
SANS 0230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 10263	The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards.
SANS 10400	The application of the National Building Regulations.
SANS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 1253	Fire doors and fire shutters
SANS 1398	Road tank vehicles for flammable liquids
SANS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design and requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

ANNEXURE VII

MATERIAL SAFETY DATA SHEET BOX AND EMERGENCY EVACUATION PLAN BOX

1. MATERIAL SAFETY DATA SHEET BOX (MSDS BOX)

1. a day-glow orange container no smaller than 300 mm x 400 mm shall be provided to contain all MSDSs. Marked in black capital letters no smaller than 150 mm x 15mm and shall read MSDS.
2. Material Safety Data Sheets must be provided for every individual chemical substance when such substances is to be found on the said premises and falls outside exempt quantities as described in SANS 10228.
3. Such MSDS shall contain no less information than shown on the NOSA Form 2.17.05.01 "Hazardous Substances Record".

4. Such container shall be affixed to the outside of the building next to or near the main entrance and shall be placed 1.5 meters above ground level.
5. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer.

2. EMERGENCY EVACUATION PLAN BOX (EEP BOX)

1. a container no smaller than 300 mm x 400 mm shall be provided to contain al EEPs.
2. such a container shall have a locking device that will be to the satisfaction of the Chief Fire Officer.
3. such container shall be painted day-glow orange and be marked in black capitol letters no smaller than 150 mm x 15 mm and shall read EE.

ANNEXURE VIII

OFFENCES

Articles	Offences	Admission of Guilt		
		1	2	3
5.	Illegitimate wearing of fire services uniform or any other way masquerade as a member of the fire services. (impersonating to be a member of the services)	2500	2500	Court
6.	Failing to comply with the instruction given by a member of service	1500	1500	Court
6.1	Failure at the request of a Chief Fire Officer to render assistance with fire fighting or contain a fire or any other emergency.	1500	1500	Court
6.1	Failure at the command or instruction of the Chief Fire Officer to stop an existing condition or act in respect of fire.	3500	3500	Court
6.1	Failure to leave an area that is closed by the Chief Fire Officer, Traffic Officer or a member of the Police Services for the efficient fighting of a fire.	2500	2500	Court
8.1	Storing combustible materials in a manner that create a danger or fire hazard.	4500	4500	Court
8.2	Allowing accumulation of dust quantities sufficient to pose a fire hazard to persons, animals or property.	4500	4500	Court
8.3	Using or allowing sawdust or similar combustible materials to soak up flammable liquid.	4500	4500	Court
8.4	Permit soot or other combustible substances to accumulate in a chimney, flue or duct.	4500	4500	Court
8.5	Allowing vegetation to become overgrown on the premises with grass, weeds and reeds shrubs and trees to the extent that may pose a fire hazard to persons, animals or property.	2500	2500	Court
8.6	Failing to eliminate fire hazard.	2500	2500	Court
8.7	Failure to store combustible, flammable or explosive material in a manner prescribed by the Chief Fire Officer.	4500	4500	Court
9.1	Making a fire in a manner that it will endanger the safety of any person, animal or property.	3500	3500	Court
9.2	Failure to take reasonable steps to ensure that fire does not endanger persons or animals.	2500	2500	Court
9.2	Burning of rubbish or combustible materials	1500	1500	Court
10.1	Failing to comply with requirements for safety fire breaks (belts).	1500	1500	Court
10.2	Failing to provide safety fire breaks around obstructions.	1500	1500	Court
10.3	Burning Agricultural holding or farm without permission.	1500	1500	Court
10.4	Failing to obtain permission (a fire permit) to make safety fire breaks (belts) by burning.	4500	4500	Court
10.5	Failure to provide a clear safety fire break (belt) in terms of the National Veld and Forest Fires Act (Act 101 of 1998).	2500	2500	Court
11.1	Interfere with the activities of a Fire Official or a member of the Police Services or hinder him/her in the execution of his/her duties.	2500	2500	Court

12,14 & 15	Negligently or purposefully drive over a fire hose or damage, tamper, interfere, use any fire extinguisher for the purpose not intended for or fiddle with any other appliances or equipment of the fire services.	2500	2500	Court
13.2	Failing to design and construct building to allow drainage of water used during fire extinguishing.	1500	1500	Court
13.2	Allowing water from fire extinguishers to drain down specific areas not allowed.	1500	1500	Court
13.3	Failing to comply with the requirements for a transformer room.	2500	2500	Court
13.4	Failing to comply with the requirements for a sprinkler System	3500	3500	Court
13.4	Failing to comply with the design, construction or installation requirements for a sprinkler system.	3500	3500	Court
13.5(1)	Failing to comply with the requirements for emergency exit.	1500	1500	Court
13.5(2)	Failing to comply with the requirements for doors in a feeder route.	2500	2500	Court
13.5(3)	Failing to provide alternative means of escapes when feeder route is locked	2500	2500	Court
13.5(4)	Failing to keep escape doors unlocked, unblocked and to provide clear approved exit signs.	2500	2500	Court
13.5(6)	Failing to comply with the requirements for escape routes.	2500	2500	Court
13.6(a)	Allowing electrical supply outlet to be overloaded.	1500	1500	Court
13.6(b)	Allowing electrical appliances or extension leads to be used in a manner that may pose a fire hazard.	1500	1500	Court
13.7	Causing or allowing the use of flame-emitting device that may pose fire hazard to persons or property.	2500	2500	Court
	Failing to remove or restore an object or condition of a structural nature that is a fire risk or that can increase the risk to life and property.	3500	3500	Court
	Failing to provide and maintain a fire alarm or other system of communication.	2500	2500	Court
14.1	Failing to redress a condition or use that impedes the working of the services or the escape of people to safety	2500	2500	Court
14.1	Failing to design premises so that there is (provide) access for fire fighting and rescue appliances for fire fighting and rescue purposes.	4500	4500	Court
14.2(a) & b	Failing to comply with the requirements for easy identification of premises number and maintenance thereof.	1500	1500	Court
15.1	Failing to comply with the requirements for the installation and maintenance of fire equipment.	4500	4500	Court
15.4	Removing or interfering with fire fighting equipment.	5000	5000	Court
15.5	Damaging or misusing fire fighting equipment.	5000	5000	Court
16.1	Failing to comply with the requirements for the design, construction or installation of an extractor fan system.	2500	2500	Court
16.2 16.3	Failing to maintain an extractor fan system in accordance with the requirements.	1500	1500	Court
17.1	Failing to comply with the requirements to design and construct a rational design as contemplated by the National Building Standards and Building Standards Act.	2500	2500	Court
17.2	Failing to comply with the requirements for the construction of aircraft hanger and helicopter pad.	2500	2500	Court
18	Failing to comply with the requirements for design and construction of dumping sites.	5000	5000	Court
19.1	Failing to keep an emergency evacuation plan for the premises.	4500	4500	Court
19.2	Failing to provide an official with a copy of an emergency evacuation plan at a specified time and place.	3500	3500	Court
20	Failing to comply with the requirements for public gatherings	4500	4500	Court
20.1	Failing to obtain a certificate of fitness for a building or temporary structure to hold a public gathering.	5000	5000	Court
20.3	Failing to ensure that the certificate of fitness contains all required information.	2500	2500	Court

206	Failing to ensure that the Council is in possession of up to date set of building plans before a certificate of fitness is issued.	2500	2500	Court
20.7	Failing to display the certificate of fitness.	1500	1500	Court
20.11	Failing to comply with the provision of the by-laws or building structure.	3500	3500	Court
	Purposely give false alarm or untrue notice or information with respect to the outbreak of fire or emergency.	3500	3500	Court
	Move, damage, break or tamper with equipment, apparatus or fire fighting equipment of the municipality.	5000	5000	Court
21.1	Failing to ensure that sufficient water supply for fire fighting purposes is designed when developing a township.	5000	5000	Court
21.1(a)	Failing to ensure that the storage capacity and rate of replenishment of reservoirs water supply is sufficient for fire fighting.	5000	5000	Court
21.1(b)	Failing to ensure that water supply from more than one reservoir receive water from the main supply and pump.	5000	5000	
21.3	Failing to ensure that water supply distribution system is designed and equipped with control valves.	3500	3500	Court
21.4	Failing to ensure that water supply provides a fire extinguishing stream that is immediately available in case of an emergency.	4500	4500	Court
21.5	Failing to ensure that the fire hydrants are plotted on a plan and installed in accordance with the minimum delivery volumes.	4500	4500	Court
21.6	Failing to ensure that the fire protection plans for premises to be connected are approved by the Chief Fire Officer.	5000	5000	Court
21.9	Failing to ensure that water connection to the water reticulation system of council if premises are to be protected by a sprinkler installation, the connection is calculated and designed for each sprinkler installation.	3500	3500	Court
23.1	Failing to submit fire plans to the fire department for approval.	4500	4500	Court
23.4	Failing to complete and submit an application for certificate of registration of flammable liquids and substances.	2500	2500	Court
24.1	Failing to comply with the requirements to have a Certificate of Registration in respect of flammable liquids and substances for the premises.	2500	2500	Court
24.2	Use, handle or store Flammable Substances that endangers the safety of a building and/or person and/or animal.	4500	4500	Court
24.5(l)	Transfer of certificate of registration without permission.	3500	3500	Court
24.5(k)	Failing to comply with the requirements for which certificate of registration was issued.	3500	3500	Court
24.8	Failing to make available certificate of registration for the premises.	1500	1500	Court
24.9(a)	Failing to comply with the requirements for equipping premises with portable fire extinguishers.	2500	2500	Court
24.9(b)	Failing to comply with the requirements for equipping premises with hose reels.	2500	2500	Court
24.9(c)	Failing to comply with the requirements for equipping premises with fire hydrants.	2500	2500	Court
24.9(d)	Failing to comply with the requirements for an above ground facility sprinkler or dilute system.	2500	2500	Court
24.11(a)	Failing to ensure that fire equipment is maintained and serviced.	2500	2500	Court
24.11(b)	Failing to protect fire equipment adequately from the weather.	2500	2500	Court
24.11(c)	Failing to comply with the additional requirements as determined by the Chief Fire Officer.	3500	3500	Court
24.11(c)	Failing to display symbolic signs.	2500	2500	Court
24.12	Failing to submit an application to amend the certificate of registration.	2500	2500	Court
24.13	Failing to comply with the requirements as per cancelled certificate of registration.	2500	2500	Court
24.14	Failing to submit an application for the renewal of certificate of	2500	2500	Court

	registration.			
25.1(a)	Use, store or handling flammable liquids/dangerous goods not specified and more than specified on the registration certificate.	3500	3500	Court
25.1(b)	Supplying and delivering flammable liquids/dangerous goods to premises not in possession of a registration certificate.	4500	4500	Court
27.1	Failing to renew a registration certificate.	2500	2500	Court
28.1	Failing to apply for temporary Certificate of Registration for storage of flammable liquids on the prescribed form or failure to comply with the requirements in respect of temporary storage.	3500	3500	Court
28.2	Failing to comply with the requirements for the temporary above ground storage of flammable substances.	3500	3500	Court
28.2	Failing to comply with the requirements for the temporary certificate of registration.	2500	2500	Court
29.1	While delivering dangerous goods let delivery hose lie on or across pavement, public road and other structures as provided, fail to provide 9kg DCP fire extinguisher, physically earthed delivery vehicle to the supplied source, not position vehicle in such a way that it can be moved quickly during an emergency, no spillage and transfer to the source while power source is in operation.	3500	3500	Court
30.1(a)	Use, storage or handling of flammable liquids/materials where there is a danger of ignition that may cause a fire or explosion.	3500	3500	Court
30.1(b)	Storing or handling flammable substances that obstructs the escape of persons and/ or animals during an emergency.	3500	3500	Court
30.2	Spilling or dumping of flammable substances.	5000	5000	Court
30.4	Bringing fire or device capable of producing an open flame closer than 5 meters of a place where flammable substances is stored.	5000	5000	Court
30.5	Use or allow flammable substances in a basement level.	4500	4500	Court
30.7	Deliver or supply flammable substances to premises that are not in possession of a valid Certificate of Registration.	5000	5000	Court
31.1 & 3	Failing to display symbolic signs prohibiting smoking and open flames and as the case may be.	2500	2500	Court
32.1 & 2	Failing to provide fire fighting equipment and or maintenance at a filling station.	4500	4500	Court
34	Failing to comply with the requirements of payment for cost incurred by the council for analysis of samples.	3500	3500	Court
35.1	Failing to remove absolute tanks or tanks that are no more in use.	3500	3500	Court
35.2	Failing to comply with the requirements for the termination of storage and use of flammable substances.	3500	3500	Court
35.3	Failing to comply with the requirements to abandon or seal underground storage tanks no longer in use.	3500	3500	Court
36	Failing to comply with the requirement for access to repair and do maintenance on the storage tanks.	3500	3500	Court
37.1	Failing to comply with conditions as indicated on the registration certificate.	2500	2500	Court
37.1	Failing to comply with the requirements for installing, erecting, and removal and demolishing without prior notice.	2500	2500	Court
37.2	Failing to supply the service with the dates as required.	2500	2500	Court
38.1(a)	Displaying fireworks within 500 meters of explosives factory, petrol depot or petrol station.	3500	3500	Court
38.1(b)	Displaying fireworks inside a building.	3500	3500	Court
38.1(c)	Displaying fireworks on agricultural holding.	3500	3500	Court
38.1(d)	Displaying fireworks on a public place.	2500	2500	Court
38.1(e)	Displaying fireworks at school, old age home or hospital.	3500	3500	Court
38.1(2)	Lights or ignites fireworks at a place where animals are present.	3500	3500	Court
38.1(3)	Lights or ignites fireworks on any day or time unless authorized in terms of section 38.4, except: a. New Years Eve from 23h00 to 01h00; b. New Years Day from 19h00 to 22h00; c. Hindu New Year from 19h00 to 22h00;	1500	1500	Court

	d. Lag b'omer from 19h00 to 22h00; e. Chinese New Year from 19h00 to 22h00; f. Human Rights Day from 19h00 to 22h00; g. Freedom Day from 19h00 to 22h00; h. Guy Fawkes Day from 19h00 to 22h00; i. Divali from 19h00 to 22h00; j. Christmas Eve from 19h00 to 22h00; and k. Day of Goodwill from 19h00 to 22h00.			
38.1(4)	Permitting or allowing a minor to light or ignite fireworks.	1500	1500	Court
38.2(1)(a)	Failing to obtain permission for fireworks displays.	2500	2500	Court
38.4(1)	Failing to comply with the terms and conditions of fireworks display permission.	1500	1500	Court
38.4(1)	Failing to ensure that fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.	3500	3500	Court
38.5(1)(a) & (b)	Failing to ensure that the fireworks license in terms of the Explosives Act and a written authority of the Fire Department is in hand when dealing in fireworks.	4500	4500	Court
38.5(3)	Failing to ensure that a written authority to deal with fireworks from the Fire Department is not contravened.	3500	3500	Court
39	Failing to install fire fighting equipment in a bulk depot	4500	4500	Court
39.4	Failing to comply with requirements when handling or storage of flammable substances in containers.	4500	4500	Court
39.5	Failing to label and mark containers containing flammable liquids.	4500	4500	Court
39.6	Failing to comply with the requirements when extracting flammable liquids from a container exceeding 200 litres.	3500	3500	Court
39.7	Failing to store empty containers in a store room.	2500	2500	Court
39.8	Failing to comply with the requirements for the storage of empty containers in the open air.	2500	2500	Court
39.9	Failing to comply with requirements of flammable and combustible liquids to be stored in a store room.	2500	2500	Court
39.9	Failing to maintain tanks, pipe lines and tanks.	2500	2500	Court
39.16(1)(a)	Failing to comply with the requirement to have a Certificate of Registration for the use, handling or storage of liquefied petroleum gas.	3500	3500	Court
39.16(1)(b)	Failing to comply with the requirements to use, handle or store liquefied petroleum gas.	3500	3500	Court
39.16(2)	Use, handle or store liquid petroleum gas outside property boundaries.	2500	2500	Court
39.16(4)	Failing to comply with the requirement for liquid petroleum gas cylinders at public exhibitions and/or demonstrations.	2500	2500	Court
39.16(5)	Failing to submit an application in a stipulated time period for liquefied petroleum gas cylinders at public exhibition and/or demonstrations.	1500	1500	Court
39.16(6)	Failing to adhere to the requirements determined by the Chief Fire Officer for the use, handling and storage of liquid petroleum gas cylinders at public exhibition and/or demonstrations.	1500	1500	Court
39.16(7)	Failing to comply with requirements to use, handle or storing liquid petroleum gas cylinders at public exhibition or demonstrations.	1500	1500	Court
39.17(1)	Failing to display symbolic warning signs where flammable or explosive substance is used, handled or stored.	1500	1500	Court
39.17(2)	Disregard prohibition on a symbolic sign displayed.	1500	1500	Court
39.18	Failing to report fires, accident and dumping involving a flammable substance to the Chief Fire Officer.	3500	3500	Court
41.1	Installing underground tank contrary to the stipulations.	3500	3500	Court
41.3	Failing to comply with the requirements for permanent above ground storage tanks for flammable liquids.	3500	3500	Court
41.4	Failing to comply with the requirements for electrical installation.	2500	2500	Court
41.5	Failing to comply with the requirements for underground storage tanks for flammable liquids.	2500	2500	Court

42.1	Failing to comply with the requirements to obtain a permit for the transportation of dangerous goods.	2500	2500	Court
42.1	Delivering flammable liquids in the District jurisdiction without a transport permit.	2500	2500	Court
42.1(b)(c)	Failing to submit an application for the transport of dangerous goods.	2500	2500	Court
42.3	Failing to comply with the requirements of the transport permit.	2500	2500	Court
42.4	Failing to comply with the requirements when the transport permit is cancelled by the Chief Fire Officer.	2500	2500	Court
42.6	Failing to comply with the requirements for design, construction, maintenance and repair of road tankers.	3500	3500	Court
42.7	Failing to comply with the requirements for the design, construction, maintenance and repair of other vehicle transporting dangerous goods.	3500	3500	Court
42.8(1)(a)	Using or allowing a vehicle to transport dangerous goods without a valid roadworthy certificate.	3500	3500	Court
42.8(1)(b)	Failing to comply with the requirements for fire extinguishers in vehicle transporting dangerous goods	2500	2500	Court
42.8(2)	Failing to effectively and permanently earth vehicle transporting dangerous goods.	3500	3500	Court
42.9(1)	Failing to comply with the directive not to deliver or supply dangerous goods to unregistered premises.	4500	4500	Court
42.9(2)	Failing to comply with the directive not to deliver or supply dangerous goods in excess quantities than what the Registration Certificate allows.	4500	4500	Court
42.9(3)	Handling a container containing dangerous goods in a manner that may damage that container.	2500	2500	Court
42.9(4)	Failing to comply with the safety requirements when delivering goods to premises.	2500	2500	Court
42.9(4)(d)	Failing to comply with the requirements for storage facilities for the storage of dangerous goods.	2500	2500	Court
42.9(5)	Transferring dangerous goods to a motor vehicle while its power source is in operation.	2500	2500	Court
42.9(6)	Transferring dangerous goods to an aircraft without the aircraft being earthed to the transferral device by means of an earth cable.	3500	3500	Court
43	Failing to indicate a flammable liquid store room as such.	2500	2500	Court
43.4	Failing to comply with the requirements for the construction of a flammable substance store room.	2500	2500	Court
43	Failing to comply with the requirements for a flammable liquid storage.	2500	2500	Court
43.2	Failing to comply with the requirements for symbolic safety signs for flammable liquid storeroom.	2500	2500	Court
43.5	Failing to comply with the requirements for store room doors.	2500	2500	Court
43.6	Failing to comply with the requirements for storeroom windows.	2500	2500	Court
43.7	Failing to comply with the requirements for store room catchment pit.	2500	2500	Court
43.8	Failing to comply with the requirements for ventilation of store room.	2500	2500	Court
43.11;12	Failing to comply with the requirements for electrical equipment in a store room.	2500	2500	Court
43.14	Failing to comply with the requirements to use and enter a store room.	2500	2500	Court
43.15	Failing to comply with the requirements for foam inlets in a store room.	2500	2500	Court
43.16	Failing to comply with the requirements for shelving in a store room.	2500	2500	Court
43.17	Failing to comply with the requirements for a mixing and decanting room.	2500	2500	Court
43.18	Failing to comply with the requirements for use hand tools in a	2500	2500	Court

	flammable substance storeroom.			
45(1)	Failing to comply with the requirements to have a spray permit for spray painting with flammable substances.	2500	2500	Court
45(2)	Failing to submit an application for a spraying permit	2500	2500	Court
45(3)	Failing to adhere to the cancellation of spray room.	2500	2500	Court
45(4)	Failing to comply with the requirements for spray room.	2500	2500	Court
45(5)	Failing to comply with the requirements of the design and construction of a spray room.	2500	2500	Court
45(6)	Failing to comply with the requirements for sunken water floors for spray room.	2500	2500	Court
45(7)	Failing to comply with the electrical equipment in spray room.	2500	2500	Court
45(8)	Failing to comply with the requirements for the location spray room.	2500	2500	Court
45(9)	Failing to comply with the requirements for the access to spraying room.	2500	2500	Court
45(10)	Failing to comply with the requirements for the ventilation of spraying room.	2500	2500	Court
45(11)	Failing to comply with the requirements for fire dampers protectors and alarms in spraying room.	2500	2500	Court
45(12)	Failing to comply with the requirements for the design and positioning of ventilation outlets for spraying rooms.	2500	2500	Court
45(14)	Failing to comply with the requirements for a manifold installation in spraying room	2500	2500	Court
45(15)	Failing to comply with the general prohibition regarding spraying room.	2500	2500	Court
45(16)	Failing to comply with the requirements for fire extinguisher equipment in spraying room.	2500	2500	Court
47	Failing to comply with the requirements for the handling of animals during emergencies	2500	2500	Court

COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE**MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****MUNICIPAL LAND USE PLANNING BY-LAW****Passed by Council, June 2015**

- 1) Notice is hereby given in terms of the provisions of 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Municipal Land Use Planning By-laws, at the sitting held on 25 June 2015.
- 2) The By-laws are published for the purpose of general public notification.

Sibongile Mazibuko
City Manager

BY-LAWS RELATING TO MUNICIPAL LAND USE PLANNING

To provide for the regulation and control of activities on and in respect of spatial planning and land use management, and to provide for matters in connection therewith.

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within their financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include hoardings and the display of advertisements in public places and any other matter assigned to it by national or provincial legislation, by making and administering By-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Council of the Mangaung Metropolitan Municipality as follows:-

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SCHEDULE 1

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) has the meaning assigned to it in that Act.

All references to sections in this by-law refers to this specific document unless otherwise stated—

“**adopt**”, in relation to a spatial development framework, land use scheme, policy or strategy, means the approval thereof by the executive authority;

“**agent**” means a person authorized by the owner of land to make an application;

“**Appeal Authority**” means the Appeal Authority contemplated in section 83(1);

“**applicant**” means a person referred to in section 16(3) who makes an application to the Municipality as contemplated in that section;

“**application**” means an application to the Municipality referred to in section 16(2);

“**authorized employee**” means a municipal employee who is authorized by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law, the land use scheme and Deed of Title;

“**consolidation**”, in relation to land, means the merging of two or more adjacent land parcels into a single land parcel;

“**Council**” means the Municipal Council of the Mangaung Metropolitan Municipality;

“**date of notification**” means the date on which a notice is served as contemplated in section 49(6) or published in the media or Provincial Gazette;

“**day**” means a calendar day, and when any number of days are prescribed for the execution of any act, it must be calculated by excluding the first day and including the last day, however, should the last day fall on a Saturday, Sunday or Public Holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday;

“**development charge**” means a development charge levied by the Municipality as contemplated in section 88;

“**emergency**” includes a situation that arises from a flood, strong wind, severe rainstorm, fire, earthquake or industrial accident and that requires the relocation of human settlements;

“**external engineering service**” means an engineering service situated outside the boundaries of a land area and that is necessary to serve the use and development of the land area;

“**Free State Spatial Planning and Land Use Bill/Act**” means the Free State Spatial Planning and Land Use Bill, and upon enactment the Act;

“**local spatial development framework**” means a local spatial development framework contemplated in section 10;

“**municipal spatial development framework**” means a municipal spatial development framework adopted by the Municipality in terms of Chapter 5 of the Municipal Systems Act and Chapter 4 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“**Municipal Manager**” means the municipal manager of the Municipality;

“**Municipality**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

“**non-conforming use**” means an existing land use that was lawful in terms of a previous land use scheme but that does not comply with the land use scheme in force;

“**occasional use**” means a departure in respect of a right to use land for a purpose granted on a temporary basis for a specific occasion or event;

“**overlay zone**” means an area in a land use scheme that is demarcated for the purpose of conserving natural resources or promoting certain types of development and that is subject to conditions, requirements or restrictions in addition to those of the land use scheme;

“**owners’ association**” means an owners’ association established in terms of section 30 and includes, for the purpose of section 29(2)(a), a body corporate created in terms of the Sectional Titles Act (Act 95 of 1986);

“**pre-application consultation**” means a consultation between an owner or an agent and the Municipality contemplated in section 38;

“**public facilities**” means amenities that are—

- (a) intended for the use of the general public;
- (b) used to offer a service or for recreation; and
- (c) ordinarily owned by the state or a municipality;

“**service**” means a service provided by the Municipality, any other organ of state or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm water, and includes infrastructure, systems and processes related to the service;

“**site development plan**” means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, access control measures, parking, servitudes and landscaping;

“**social infrastructure**” means community facilities, services and networks that meet social needs and enhance community well-being;
 “**Spatial Planning and Land Use Management Act**” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);
 “**Tribunal**” means the Municipal Planning Tribunal established in terms of section 74.

Any reference to erf or rural land refers to the Land Survey Act, 1997, (Act No 8 of 1997). Any reference to the male gender includes the female gender and any reference to the plural will include the singular and *vice versa*, as the context may require.

2. APPLICATION OF BY-LAW

This By-law applies to all land situated within the municipal area of the Mangaung Metropolitan Municipality, including land owned by the state and by organs of state.

CHAPTER II – SPATIAL PLANNING

3. SPATIAL PLANNING CATEGORIES

- (1) All Development Frameworks developed for areas in, or associated with, the Free State province must be represented spatially. In order to create a uniform system across the Province, the attribute data must be represented according to the following primary spatial planning categories:
- (a) **Core Conservation Areas** that must be captured in the attribute data as a capital letter A including;
 - (i) *Statutory Protected Areas* that must be captured in the attribute data as a letter A.a;
 - (b) **Natural Buffer Areas** that must be captured in the attribute data as a capital letter B including;
 - (i) *Non-Statutory Conservation Areas* that must be captured in the attribute data as a letter B.a;
 - (ii) *Ecological Corridors* that must be captured in the attribute data as a letter B.b;
 - (iii) *Urban Green Areas* that must be captured in the attribute data as a letter B.c;
 - (c) **Agricultural Areas** that must be captured in the attribute data as a capital letter C including;
 - (i) *Extensive agricultural areas* that must be captured in the attribute data as a letter C.a;
 - (ii) *Intensive agricultural areas* that must be captured in the attribute data as a letter C.b;
 - (d) **Urban Related Areas** that must be captured in the attribute data as a capital letter D including;
 - (i) *Main Towns* that must be captured in the attribute data as a letter D.a;
 - (ii) *Local Towns* that must be captured in the attribute data as a letter D.b;
 - (iii) *Rural Settlements* that must be captured in the attribute data as a letter D.c;
 - (iv) *Tribal Authority Settlements* that must be captured in the attribute data as a letter D.d;
 - (v) *Communal Settlements* that must be captured in the attribute data as a letter D.e;
 - (vi) *Institutional Areas* that must be captured in the attribute data as a letter D.f;
 - (vii) *Authority Areas* that must be captured in the attribute data as a letter D.g;
 - (viii) *Residential Areas* that must be captured in the attribute data as a letter D.h;
 - (ix) *Business Areas* that must be captured in the attribute data as a letter D.i;
 - (x) *Service Related Business* that must be captured in the attribute data as a letter D.j;
 - (xi) *Special Business* that must be captured in the attribute data as a letter D.k;
 - (xii) *SMME Incubators* that must be captured in the attribute data as a letter D.l;
 - (xiii) *Mixed Use Development Areas* that must be captured in the attribute data as a letter D.m;
 - (xiv) *Cemeteries* that must be captured in the attribute data as a letter D.n;
 - (xv) *Sports fields and Infrastructure* that must be captured in the attribute data as a letter D.o;
 - (xvi) *Airports and Infrastructure* that must be captured in the attribute data as a letter D.p;
 - (xvii) *Resorts and Tourism Related Areas* that must be captured in the attribute data as a letter D.q;
 - (xviii) *Farmsteads and Outbuildings* that must be captured in the attribute data as a letter D.r;
 - (e) **Industrial Areas** that must be captured in the attribute data as a capital letter E including;
 - (i) *Agricultural industry* that must be captured in the attribute data as a letter E.a;
 - (ii) *Industrial Development Zone* that must be captured in the attribute data as a letter E.b;
 - (iii) *Light industry* that must be captured in the attribute data as a letter E.c;
 - (iv) *Heavy industry* that must be captured in the attribute data as a letter E.d;
 - (v) *Extractive industry* that must be captured in the attribute data as a letter E.e;
 - (f) **Surface Infrastructure** that must be captured in the attribute data as a capital letter F including;
 - (i) *National roads* that must be captured in the attribute data as a letter F.a;
 - (ii) *Main roads* that must be captured in the attribute data as a letter F.b;
 - (iii) *Minor roads* that must be captured in the attribute data as a letter F.c;
 - (iv) *Public Streets* that must be captured in the attribute data as a letter F.d;
 - (v) *Heavy Vehicle Overnight Facilities* that must be captured in the attribute data as a letter F.e;
 - (vi) *Railway lines* that must be captured in the attribute data as a letter F.f;
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- (vii) *Power lines* that must be captured in the attribute data as a letter F.g;
- (viii) *Telecommunication Infrastructure* that must be captured in the attribute data as a letter F.h;
- (ix) *Renewable Energy Structures* that must be captured in the attribute data as a letter F.i;
- (x) *Dams and Reserves* that must be captured in the attribute data as a letter F.j;
- (xi) *Canals* that must be captured in the attribute data as a letter F.k;
- (xii) *Sewerage Plants and Refuse Areas* that must be captured in the attribute data as a letter F.l;
- (xiii) *Planned future road alignments (to be added to this list)*

4. COMPILATION, REVIEW OR AMENDMENT OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

- (1) When the Council compiles, reviews or amends its municipal spatial development framework in accordance with the Municipal Systems Act and the Spatial Planning and Land Use Management Act, the Council must—
 - (a) establish an intergovernmental steering committee to compile or amend its municipal spatial development framework; and
 - (b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to National and Provincial Departments and contiguous municipalities for comment, in accordance with Section 7 (e) (ii) of the Spatial Planning and Land Use Management Act, 2013.
- (2) The Municipality must—
 - (a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—
 - (i) the intention to compile, review or amend the municipal spatial development framework; and
 - (ii) the process it will follow, in accordance with section 30(3) of the Municipal Systems Act;
 - (b) in writing inform the National and Provincial Departments and contiguous municipalities of—
 - (i) the intention to compile, review or amend the municipal spatial development framework;
 - (ii) its decision in terms of subsection (1)(a) or (b); and
 - (iii) the process it will follow to compile, review or amend the municipal spatial development framework, including the process for public participation; and
 - (c) register relevant affected parties, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process to be followed.

5. ESTABLISHMENT OF PROJECT COMMITTEE

- (1) The Municipality must establish a project committee to compile, review or amend its municipal spatial development framework.
- (2) The project committee must at least consist of—
 - (a) the Municipal Manager; and
 - (b) municipal employees from at least the following municipal departments:
 - (i) the Integrated Development Planning Office;
 - (ii) the Planning Department;
 - (iii) the Environmental Management Department;
 - (iv) the Engineering Services Department;
 - (v) Centlec
 - (vi) the Local Economic Development department;
 - (vii) the Housing Department; and
 - (viii) Office of the Chief Financial Officer;

6. ESTABLISHMENT OF INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council establishes an intergovernmental steering committee, the Municipality must, in writing, invite written nominations for representatives to serve on the intergovernmental steering committee from—
 - (a) the delegated party of the national and provincial government department responsible for land use planning;
 - (b) the delegated party of the provincial government department responsible for environmental affairs;
 - (c) the delegated party of the provincial government department responsible for agriculture;
 - (d) relevant organs of state; and
 - (e) any other department deemed necessary by the municipality.

7. PROCEDURE WITH INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council establishes an intergovernmental steering committee, the project committee must compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area, and must submit it to the intergovernmental steering committee for comments.
- (2) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the *status quo* document and submit it to the Council for adoption.
- (3) The project committee must compile a first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comments.
- (4) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comments.
- (5) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.
- (6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must complete the final draft of the municipal spatial development framework or final draft amendment of the municipal spatial development framework and submit it to the Council for adoption by the Council.
- (7) If the final municipal spatial development framework or final amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must follow a further consultation and public participation process in accordance with this section before the final municipal spatial development framework or final amendment of the municipal spatial development framework is adopted by the Council.
- (8) The Council or the project committee may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the spatial development framework request comments from the intergovernmental steering committee.
- (9) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

8. PROCEDURE WITHOUT INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the project committee must—
 - (a) compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to the Council for adoption;
 - (b) after adoption of the *status quo* document, compile a draft municipal spatial development framework or draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;
 - (c) after approval of the draft municipal spatial development framework or draft amendment of the municipal spatial development framework for publication contemplated in sub-section (b), submit the draft municipal spatial development framework or draft amendment of the municipal spatial development framework to the MEC for comment in; and
 - (d) after consideration of the comments received from the public and the MEC, submit a final municipal spatial development framework or final amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.
- (2) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

9. FUNCTIONS AND DUTIES

- (1) The members of the project committee must, whilst also considering the requests and proposals of [the executive authority/executive mayor/committee of councillors], but based on sound strategic spatial planning principles:
 - (a) compile a municipal spatial development framework or draft an amendment of the municipal spatial development framework for adoption by the Council;
 - (b) provide technical knowledge and expertise to the Council;
 - (c) monitor progress and ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the approved process contemplated in section 4(2)(a)(ii);
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- (d) guide the public participation process and ensure that the registered affected parties remain informed;
- (e) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process of drafting thereof;
- (f) oversee the drafting of a report setting out the response of the Municipality to the provincial comments issued;
- (g) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;
- (h) facilitate the integration of other sector plans into the municipal spatial development framework;
- (i) if the Municipality decides to establish an intergovernmental steering committee—
 - (i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and
 - (ii) ensure the flow of information between the project committee and the intergovernmental steering committee.

(2) The members of the intergovernmental steering committee must—

- (a) provide the intergovernmental steering committee with the following:
 - (i) technical knowledge and expertise;
 - (ii) input on outstanding information that is required to draft the municipal spatial development framework or an amendment thereof;
 - (iii) information on the locality of projects and budgetary allocations and written comments in terms of section 7.
- (b) communicate to the intergovernmental steering committee any current or planned projects that have an influence on the municipal area; and
- (c) provide the project committee with written comments in terms of section 7.

10. MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) The Municipal Council of a municipality must by notice in the Provincial Gazette adopt a municipal spatial development framework for the municipality in line with section 20 of Act 16 of 2013.
- (2) The municipal spatial development development framework must be prepared as part of a municipality's integrated development plan in accordance with the provisions of the Municipal Systems Act.
- (3) Before adopting the municipal spatial development framework contemplated in subsection (1) and any proposed amendments to the municipal spatial development framework, the Municipal Council must –
 - (a) Give notice of the proposed spatial development framework in the Provincial Gazette and the media
 - (b) Invite the public to submit written representations in respect of the proposed municipal spatial development framework to the Municipal Council within 60 days after the publication of the notice referred to in paragraph (a) and
 - (c) Consider all representations received in respect of the proposed municipal spatial development frameworks
- (4) Content of the municipal spatial development must comply with section 21 of SPLUMA (Act 16 of 2013)

The purpose of Spatial Development Frameworks are ;

- (a) provide detailed spatial planning guidelines and directives pertaining to land use development;
- (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;
- (c) meet specific land use planning needs and priorities;
- (d) provide detailed policy and development parameters for land use planning;
- (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues;
- (f) provide detail regarding planned new road and other infrastructure upgrades with spatial implications in the area;
- (g) guide decision making on land use applications; and
- (h) identify a funding source and budget for prioritized projects in conjunction with the IDP.

11. PROCESS OF AMENDMENT OR REVIEW OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) Section 34 of the Municipal systems Act governs the process to amend the municipal spatial development framework.
- (2) The City Manager may prescribe the form and processes governing an application to amend the municipal spatial development framework other than as a result of the annual review process contemplated in section 34 (a) of the Municipal Systems Ac.

- (3) When the Council drafts or amends its municipal spatial development framework it must advertise its draft municipal spatial development framework in line with subsection 10 (3)
- (4) The municipality must, within 21 days of adopting a municipal spatial development framework or an amendment of municipal spatial development framework, publish a notice of the decision in the media and the *Provincial Gazette*.

12 STATUS OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land decision in terms of this Act or any other Law relating to land development, may not make a decision which is inconsistent with a Municipal spatial planning framework
- (2) Subject to section 42 of Act 16 of 2013, a Municipal Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site specific circumstances justify a departure from the provisions of such municipal spatial development framework.
- (3) A person/ body who takes a decision in terms of this bylaw to which deviates from the provisions of the municipal spatial development framework must at the time of making the decision;
 - (a) record in writing the reasons for the deviation; and
 - (b) keep record of the decision and the written reasons for the deviation

13. STRUCTURE PLANS

- (1) When the Municipality intends to convert a structure plan to a local spatial development framework it must comply with section 11 and must—
 - (a) review that structure plan and make it consistent with the purpose of a municipal spatial development framework;
 - (b) incorporate the provisions of the structure plan that are consistent with that purpose in a municipal spatial development framework.
- (2) The Municipality must withdraw the relevant structure plan by notice in the *Provincial Gazette* when it adopts a local spatial development framework contemplated in subsection (1).

CHAPTER III – DEVELOPMENT MANAGEMENT

14. DETERMINATION OF ZONING

- (1) The owner of land or his agent may apply in terms of section 16(3) to the Municipality for the determination of a zoning for land within its municipal jurisdiction.
- (2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:
 - (a) the lawful use of the land, or the purpose for which it could lawfully be used immediately prior to the commencement of this By-law if it can be determined;
 - (b) the zoning, if any, that is most compatible with that use or purpose and any applicable title deed condition;
 - (c) any temporary use or consent use that may be required in conjunction with that land use scheme;
 - (d) in the case of land that was vacant immediately before the commencement of this By-law, the use that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and
 - (e) where the lawful use of the land and the purpose for which it could lawfully be used immediately before the commencement of this By-law cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.
- (3) If the lawful zoning of land contemplated in subsection (2) cannot be determined, the Municipality must determine a zoning and serve notice of its intention in terms of section 48.
- (4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

15. NON-CONFORMING USES WITH EXISTING LAND USE RIGHTS

- (1) A non-conforming use with existing land use rights provides that an erf or land parcel that is used lawfully in terms of an enactment that was applicable at the stage when the particular land use was initiated on the particular erf/land parcel, prior to the introduction of a new zoning
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for the relevant erf/land parcel, may continue to be used for that purpose when a new zoning comes into effect for the relevant erf/land parcel, even if the existing land use does not comply with such new zoning.

- (2) A non-conforming use with existing land use rights does not constitute an offence in terms of this By-law.
- (3) A non-conforming use with existing land use rights may continue as long as it remains otherwise lawful, subject to the following:
 - (a) if the non-conforming use ceases for any reason for a period of more than twenty-four consecutive months, any subsequent use of the property must conform to the requirements of this By-law, with or without temporary uses;
 - (b) a land use application must be made for the alteration or extension of buildings or structures in respect of the non-conforming use with existing land use rights;
 - (c) the owner bears the onus of proving that the non-conforming use right exists; and
 - (d) the use right is limited to the area of the building or land on which the proven use right is in existence.
- (4) If an existing building, which constitutes a non-conforming use with existing land use rights, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Council may grant permission for the reconstruction of such building subject to conditions.

16. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence or continue with, or cause the commencement or continuation of, land development, without the approval of the Municipality in terms of subsection (2).
 - (2) The municipality has categorized land use change and/or land use reservation applications, as contemplated in section 35(3) of the Spatial Planning and Land Use Management Act, into two categories;
 - (a) Category 1 applications consist of:
 - (i) The establishment of a township or the amendment of the layout of a township;
 - (ii) The amendment of an existing scheme or land use scheme by the rezoning of land;
 - (iii) The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (iv) The amendment or cancellation in whole or in part of a general plan of a township;
 - (v) The subdivision and/or consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (vi) Permanent closure of any public place
 - (vii) Any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (viii) Any consent or approval provided for in any law referred to in section 52(4) of the regulations of the Spatial Planning and Land Use Management Act
 - (b) Category 2 applications consist of:
 - (i) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (ii) The creation of any servitude or long term lease and the consolidation of any land;
 - (iii) The simultaneous subdivision, as contemplated in subsection (b)(i) and consolidation of land;
 - (iv) The consent of the municipality for any land use purpose or temporary use or deviation in terms of a land use scheme, which does not constitute a land development application;
 - (v) The registrar's removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - (3) The owner of land or his agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:
 - (a) a rezoning of land;
 - (b) a departure to use land for a purpose not provided for in the land use scheme granted on a temporary basis;
 - (c) a subdivision of land, including the registration of a servitude or lease agreement;
 - (d) a consolidation of land;
 - (e) an amendment, suspension or removal of restrictive conditions in respect of a land parcel;
 - (f) a permission required in terms of the land use scheme;
 - (g) an amendment, removal or imposition of conditions in respect of an existing approval;
 - (h) an extension of the validity period of an approval;
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- (i) an approval of an overlay zone as provided for in the land use scheme;
- (j) a phasing, amendment or cancellation of a general plan or a part thereof;
- (k) a permission required in terms of a condition of approval;
- (l) a determination of a land use scheme;
- (m) a closure of a public place or part thereof;
- (n) a consent use provided for in the land use scheme;
- (o) an occasional use of land.

- (4) If the land development is of provincial interest the provincial department responsible for land use planning must be approached.
- (5) If the land development is of national interest the national and provincial department responsible for land use planning must be approached.
- (6) If section 52 of the Spatial Planning and Land Use Management Act is applicable to the land development, the owner or agent must also apply in terms of that Act.
- (7) When an applicant or owner exercises a use right granted in terms of an approval, he must comply with the conditions of the approval and the applicable provisions of the land use scheme.
- (8) When the Municipality on its own initiative develops land as contemplated in subsection (2), it must apply to the Municipal Planning Tribunal in accordance with this Chapter and Chapter IV.

17. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the municipality:

- (a) proof of change of ownership; and
- (b) an amended power of attorney, if an agent was appointed to make the application.

- (2) The new owner must advise the Municipality in writing of the continuation of the application.
- (3) With reference to Township establishments subsection 21(3) will apply

18. REZONING OF LAND

- (1) The Municipality may, on its own initiative, amend its land use scheme by rezoning any land considered necessary by the municipality to achieve the developmental goals and objectives of the municipal spatial development framework ;

- (a) provide a public service or to provide a public recreational space; or
- (b) substitute a zoning or part thereof for a zoning in terms of which the land is not necessarily zoned in accordance with the use thereof or existing use rights.

- (2) An applicant, who wishes land to be rezoned, must submit an application to the Municipality in terms of section 16(2).
- (3) The Municipality may, on its own initiative or on application, create an overlay zone for land.
- (4) Rezoning will only apply where an existing township register was opened through a township establishment process
- (5) Rezoning will apply on farm land where a single land use apply (e g filling stations) where applications should be made to include land use in town planning scheme area.
- (6) A land use scheme may be made applicable to a land parcel or part thereof, and zoning need not follow cadastral boundaries, subject to delineation of a defined area.

19. LAPSING OF REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of three years, or a shorter period as the municipality may determine, from the date that the approval are advertised in the Provincial Gazette, within that five-years period or shorter period—

- (a) the land use is not used in accordance with the approval; or
 - (b) the following requirements have not been met:
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- (i) the approval by the Municipality of a building plan envisaged for the use of the approved use right; and
- (ii) commencement of the construction of the building contemplated in subsection (i).

20. ESTABLISHMENT OF TOWNSHIP

No person shall establish a township except with the approval of the Municipal Planning Tribunal.

21. APPLICATION FOR ESTABLISHMENT OF TOWNSHIP

- (1) The owner of land or his agent, who proposes to establish a township on such land shall submit an application for approval to do so to the Municipality.
- (2) The Application should comply with the requirements of the Municipality as agreed in a pre – application consultation with a Registered Town and Regional Planner in the Municipality.
- (3) The Application should comply with section 37 of this bylaw.
- (4) If the land upon which the township is to be established is subject to a mortgage bond, the applicant shall lodge with such application the written consent of the mortgagee.
- (5) After an owner of land has taken steps to establish a township thereon, no person shall-
 - (a) enter into any contract whereby any land in such township is sold exchanged, leased or disposed of in any other manner; or
 - (b) erect a building on such land in accordance with the conditions imposed by the Municipal Planning Tribunal when granting such approval, until-
 - (i) the application for approval for the establishment of such township shall have been refused by the Municipal Planning Tribunal ; or
 - (ii) the applicant shall have withdrawn the application;
 - (iii) the approval of the application shall have lapsed.
 - (iv) the Municipal Planning Tribunal shall have declared the township an approved township and, in the case of such an owner who is not a municipality, the Municipal Planning Tribunal shall have satisfied itself that the services and amenities that have to be provided in connection with such land in terms of the conditions subject to which the establishment of such township was approved, are available and shall have issued a certificate to that effect.
- (6) Any contract entered into in conflict as contemplated in subsection (3) shall be of no force or effect.

22. APPLICANT TO LODGE GENERAL PLAN DIAGRAMS WITH SURVEYOR –GENERAL.

- (1) An applicant shall, within a period of two years from the date of the notification of the approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge for approval with the Surveyor-General the general plan and such diagrams as may be necessary for the establishment of a township.
- (2) If an applicant fails to lodge the general plan and diagrams with the Surveyor –General within the period or further period, the approval of the application shall lapse unless the Municipal Planning Tribunal condones such failure.
- (3) When such general plan and diagrams have been approved by the Surveyor–General he shall notify the applicant and the Registrar of Deeds of such approval.
- (4) Township establishments must be accompanied with street names as part of the Township Layout submitted to the Surveyor General for approval.

23. LODGING OF GENERAL PLAN, DIAGRAMS AND TITLE DEEDS WITH REGISTRAR OF DEEDS

- (1) An applicant shall, within a period of two years from the date of the notification of an approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge the general plan and diagrams in question together with the title deeds of the land to which it relates with the Registrar of Deeds for registration, and the Registrar of Deeds shall notify the Municipality of the registration.
 - (2) With reference to subsection 22(1) the understanding will be that there will be a logical flow with the registration which is legally acceptable.
 - (3) If an applicant fails to lodge such documents with the Registrar of Deeds or to obtain registration thereof within the period or further period contemplated in subsection (1) the approval of the application shall lapse unless the Municipal Planning Tribunal after consultation with the board condones such failure.
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24. PROCLAMATION OF APPROVED TOWNSHIP

- (1) After the provisions of sections 22 and 23 have been complied with, the Municipality shall by proclamation declare the township to be an approved township.
- (2) The conditions upon which the application for the establishment of the township has been approved shall be set out in a schedule to such proclamation.
- (3) The Municipality may by proclamation rectify any error or omission in a proclamation or the schedule thereto issued in terms of subsection (1) and (2).

25. AMENDMENT OR CANCELLATION OF A GENERAL PLAN

- (1) When the Municipal Planning Tribunal is satisfied that it is desirable to amend or cancel a general plan in the interest of the development of a township, or public interest it may, on application grant approval for the alteration, amendment or total or partial cancellation of the general plan representing the layout of such township, either unconditionally or subject to such conditions as it may determine.
- (2) The legal owner of the relevant erf/land parcel or his agent may make application for the Municipal Planning Tribunal's approval and such application shall be submitted to the municipality in duplicate in such form as may be described or determined by the Municipal Planning Tribunal and shall be accompanied by such plans, documents, information and fees as may be prescribed or determined by the Municipal Planning Tribunal.
- (3) When a general plan of a township is totally or partially cancelled by the Surveyor-General, in terms of the Land Survey Act, 1997, (Act No 8 of 1997), the land uses and conditions of title, is simultaneously cancelled and the land use and status revert to undetermined or agriculture.

26. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

- (1) The ownership of land that is earmarked for a public place as shown on an approved general plan vest in the Municipality upon registration of the subdivision in the Deeds Office.
- (2) The Municipality may in terms of conditions imposed under section 69 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved general plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

27. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may, on own initiative or on application, permanently close a public place or any portion thereof in accordance with Chapter IV.
 - (2) An applicant who requires the closure of a public place, whether permanently or temporarily, must apply in terms of section 16(2) to the Municipality.
 - (3) If any person lodges a claim against the Municipality for loss or damage that he has allegedly suffered due to wrongdoing on the part of the Municipality when it permanently closed a public place, the authorized employee must—
 - (a) require proof of negligence or any other wrongdoing on the part of the Municipality which resulted in the loss or damage; and
 - (b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.
 - (4) The Municipality may pay a claim if—
 - (a) the circumstances of loss or damage reveal that the Municipality acted wrongfully;
 - (b) the claimant has proved his loss or damage;
 - (c) the claimant has provided proof of a fair and reasonable quantum;
 - (d) no claim has been made and paid by personal insurance covering the same loss; and
 - (e) any other relevant additional information as requested by the authorized employee has been received.
 - (5) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.
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- (6) The Municipal Manager may, without complying with Chapter IV, temporarily close a public place—
- (a) for the purpose of, or pending, the construction, reconstruction, maintenance or repair of the public place; for the purpose of, or pending, the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure,
 - (b) works or service alongside, on, across, through, over or under the public place;
 - (c) if the street or place is in a state that is dangerous to the public;
 - (d) by reason of an emergency or public event that requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (e) for any other reason that renders the temporary closing of the public place necessary or desirable.
- (7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

28. SERVICES ARISING FROM TOWNSHIP ESTABLISHMENT

- (1) Subsequent to the approval of an application for township establishment in terms of this By-law, the owner of any land parcel originating from the township establishment must—
- (a) allow without compensation that the following be conveyed across his land parcel in respect of other land parcels originating from the township establishment:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;
 - (vii) foul sewers;
 - (viii) storm water pipes; and
 - (ix) ditches and channels;
 - (x) public roads
 - (b) allow the following on his land parcel if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
 - (c) allow access to the land parcel at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in sub-sections (a) or (b); and
 - (d) receive material or permit excavation on the land parcel as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land parcel, unless he elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.
- (2) The rights created in subsection (1)(a) and (b) must be secured by a servitude registered in the deeds office if the services are not conveyed within the building lines applicable to the land.

29. CERTIFICATION BY MUNICIPALITY

- (1) A person may not apply to the Registrar of Deeds to register the transfer of a land parcel, unless the Municipality has issued a certificate in terms of this section.
- (2) The Municipality may not issue a certificate to transfer a land parcel in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—
- (a) a conveyancer's certificate confirming that money due by the transferor of land to an owners' association established in respect of that land has been paid, or that provision has been made to the satisfaction of the owners' association for the payment thereof;
 - (b) proof of payment of any contravention penalty or proof of compliance with an instruction in a compliance notice issued in terms of Chapter VIII;
 - (c) proof that the land use and buildings constructed on the land parcel comply with the requirements of the land use scheme;
 - (d) proof that all common property, arising from the subdivision has been transferred to the owners' association as contemplated in section 30(3)(e); and
 - (e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with in all respects.

30. OWNERS' ASSOCIATIONS

- (1) The Municipality may, when approving an application for a subdivision of land, impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
- (2) An owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution.
- (3) The constitution of an owners' association must be approved by the Municipality before the transfer of the first land parcel and must provide for—
 - (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (c) the regulation of at least one yearly meeting with its members;
 - (d) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (e) the ownership by the owners' association of all common property arising from the subdivision, including—
 - (i) private open spaces;
 - (ii) private roads;
 - (iii) private places; and
 - (iv) land required for services provided by the owners' association;
 - (f) enforcement of conditions of approval or management plans;
 - (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;
 - (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
- (4) The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.
- (5) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3), the amendment must also be approved by the Municipality.
- (6) An owners' association that comes into being by virtue of subsection (1)—
 - (a) has as its members all the owners of land parcels originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (b) is upon registration of the first land parcel automatically constituted.
- (7) The design guidelines contemplated in subsection (3)(d) may introduce more restrictive development rules than the rules provided for in the land use scheme.
- (8) If an owners' association fails to meet any of its obligations contemplated in subsection (3) and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in subsection (6)(a) the amount of any expenditure incurred by it in respect of those actions.
- (9) The amount of any expenditure so recovered is, for the purposes of subsection (8), considered to be expenditure incurred by the owners' association.

31. OWNERS' ASSOCIATION CEASES TO FUNCTION

- (1) If an owners' association ceases to function or carry out its obligations, the Municipality may—
 - (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
 - (b) subject to the amendment of the conditions of approval, remove the obligation to establish an owners' association; or
 - (c) subject to the amendment of title conditions pertaining to the owners' association, remove any obligations in respect of an owners' association.
 - (2) In determining which option to follow, the Municipality must have regard to—
 - (a) the purpose of the owners' association;
 - (b) who will take over the maintenance of infrastructure for which the owners' association is responsible; and
 - (c) the effect of the dissolution of the owners' association on the members and the community concerned.
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32. SUBDIVISION OR CONSOLIDATION OF LAND PARCELS

- (1) No person may subdivide or consolidate land without the approval of the Municipality in terms of section 16(2).
- (2) An applicant must demonstrate that each subdivision can be adequately served with civil engineering services and acceptable access to a public street or right of way, as part of the submission of a subdivision application.
- (3) A copy of the approval must accompany the diagram that is submitted to the Surveyor-General's office.
- (4) If a Municipality approves a subdivision or consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - (a) the decision to approve the subdivision or consolidation;
 - (b) the conditions of approval contemplated in section 69; and
 - (c) the approved subdivision or consolidation plan.
- (5) If a Municipality approves a subdivision or consolidation, the Municipality must amend the land use scheme in terms of Chapter IV and, where applicable, the register accordingly.

33. EXTENSION OF VALIDITY PERIODS FOR SUBDIVISION AND CONSOLIDATION

- (1) Subject to subsection (2), an approved subdivision or consolidation of land parcels lapses if the subdivision or consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval of the subdivision or consolidation.
- (2) If the subdivision or consolidation of land parcels forms part of land development that has been approved in terms of this By-law subject to longer validity periods, the applicant may apply for an extension of the period referred to in subsection (1).
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed five years.
- (4) If an approval of a subdivision or consolidation lapses in terms of subsection (1)—
 - (a) the Municipality must—
 - (i) amend the land use scheme and, where applicable, the register accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision/consolidation has lapsed.

34. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE

- (1) The Municipality may, on its own initiative or on application in terms of section 16(2), by notice in the *Provincial Gazette* amend, suspend or remove a restrictive condition.
 - (2) The Municipality may amend, suspend or remove a restrictive condition—
 - (a) permanently;
 - (b) for a period specified in the notice; or
 - (c) subject to conditions specified in the notice.
 - (3) In addition to the procedures set out in Chapter IV, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application.
 - (4) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will materially and adversely be affected by the approval of the application; and
 - (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.
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- (5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:
- (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
 - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is amended, suspended or removed;
 - (d) the social benefit of the restrictive condition remaining in place in its existing form;
 - (e) the social benefit of the amendment, suspension or removal of the restrictive condition;
 - (f) whether the amendment, suspension or removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights; and
 - (g) that due consideration be given to the potential impact that the suspension or removal of a restrictive condition will have on the provision of municipal services. (The municipality retains the right to require the submission of services reports and/or traffic impact studies if it is suspected that such services can be adversely affected by the approval of an application.)

35. ENDORSEMENTS IN CONNECTION WITH AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The applicant must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 34(1), submit the following to the Registrar of Deeds:
- (a) the original title deed;
 - (b) the original letter of approval; and
 - (c) a copy of the notification of the approval.
- (2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition, make the appropriate entries in, and endorsements on, any relevant register, title deed, diagram or plan in their respective offices or submitted to them, to reflect the amendment, suspension or removal of the restrictive condition.

CHAPTER IV – APPLICATION PROCEDURES

36. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law, all applications must be consistent and give effect to Chapter 2 of the Spatial Planning and Land Use Management Act.
- (2) The application procedures are distinctive to the different types of applications referred to in section 16.
- (3) Category 1 and 2 applications as contemplated in section 16(2) should be submitted to the Municipality
- (4) Category 1 applications must be submitted with a comprehensive application.
- (5) Category 2 applications must be submitted with an abridged application.

37. PRE-APPLICATION CONSULTATION

- (1) The Municipality will require an owner of land who intends to submit an application or his agent to meet with the authorized employee(s) for a pre-application consultation before he submits an application to the Municipality in order to determine the information to be submitted with the application.
- (a) Township establishments
 - (b) Rezoning with special use
 - (c) Traffic Impact Studies
 - (d) Environmental Impact Studies (with relevant Authority)
 - (e) Amendment of the Spatial Development Framework
 - (f) Any other application where the Municipality deem necessary.
- (2) The Municipality may make guidelines for determining whether an application requires a pre-application consultation, the nature of the information that is required, the employees from the Municipality or other organs of state that must attend the meeting and the procedures to be followed.
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- (3) The Municipality must keep minutes of the proceedings of a pre-application consultation.
- (4) The Municipality must also allow consultation on the behest of the applicant or his agent with regards to subsection (1), (2) and (3).

38. INFORMATION REQUIRED

- (1) An application contemplated in section 16, must be accompanied by the following documents:
 - (a) a comprehensive or abridged application form, as contemplated in Annexure A and B, completed and signed by the applicant;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorized to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent;
 - (e) a comprehensive motivation for all applications, based on the criteria for consideration of the application referred to in section 70;
 - (f) proof of payment of application fees;
 - (g) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds;
 - (i) if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds;
 - (j) where applicable, the minutes of any pre-application consultations and
 - (k) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application.
- (2) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of a comprehensive application, unless the Municipality has, in writing, indicated differently:
 - (a) Orientation locality map;
 - (b) Land Use Scheme Zoning extract;
 - (c) Land use map;
 - (d) Detail layout map;
 - (e) Site development plan;
 - (f) Aerial photograph;
 - (g) Extract of Approved Spatial Development Frameworks;
 - (h) Services reports regarding civil engineering services, electrical services;
 - (i) Traffic impact study (already certified as accurate by the relevant authorities);
 - (j) Environmental Impact Assessment (already certified as accurate by the relevant authorities);
- (3) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of an abridged application, unless the Municipality has, in writing, indicated differently:
 - (a) Orientation locality map;
 - (b) Basic layout map
 - (c) Land Use Scheme Zoning extract;
 - (d) Extract of Approved Spatial Development Frameworks;
 - (e) Proposed Conditions of Establishment and of Title (in the event of applications for township establishment); and
 - (f) Schedule of proposed new street names (in the event of applications for township establishment).
- (4) The Municipality may add or remove any information requirements for a particular application as recorded in the pre-application consultation contemplated in section 37.
- (5) The Municipality may make guidelines regarding the submission of additional information and procedural requirements.

39. APPLICATION STANDARDS

- (1) Applications that do not comply with the provisions of this section are deemed to be incomplete, and must be handled in terms of section 43.
 - (2) An orientation locality map should be at least clearly readable A3 sized map indicating the application area in relation to the surrounding properties and must include the following basic details:
 - (a) True north, scale, key and heading "Orientation Locality Map";
 - (b) The approximate location of the land parcel involved in the application, relative to the nearest town for farming areas and the
 - (c) immediate residential neighbourhoods for urban areas;
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- (d) Boundary of the Local Municipality, including the names of adjacent Local Municipality for applications near the border of the
- (e) aforementioned;
- (f) Roads, indicated whether they are main roads, highways, national roads or provincial roads if near or adjacent to the application area;
- (g) Size and location of the particular portion applicable to the application and;
- (h) Any other applicable particulars to give more clarity to the application.
- (3) A basic layout map of at least 1:2000 in scale must include the following details:
- (a) True north, scale, key and heading "Basic Layout Map";
- (b) Erf boundaries, street names (if applicable), including neighbouring erf or farm numbers.
- (c) The location of existing buildings on the application area and surrounding properties, if the application has an influence on them.
- (d) Detail regarding the proposed development, including proposed subdivision and consolidation boundaries.
- (e) Detail regarding relative internal engineering services.
- (f) Any physical restrictions on the land parcel or neighbouring land parcels that might influence the application (if applicable).
- (g) The maximum, minimum, ruling and average erf sizes of the proposed erven.
- (h) Any other applicable particulars to give more clarity to the application.
- (4) A Land Use Scheme zoning map extract of at least 1:2000 in scale must include an extract of the municipality's official land use scheme map with the following detail:
- (a) The scale, true north, key and heading "Land Use Scheme Zoning Map Extract";
- (b) All land parcels and existing zonings thereof within a radius of 500m from the outside boundary of the application area, as well as of all undeveloped land parcels (vacant) for applications within Urban Areas and;
- (c) All land parcels and existing zonings of adjacent farms for applications within Rural Areas.
- (5) A land use map of at least 1:2000 in scale must be included where the existing land uses differ from the relative zonings of the application area, or if it is requested by the municipality. A land use map must include the following:
- (a) The scale, true north, key and heading "Land Use Map";
- (b) All existing land uses found within a radius of 500m from the outside boundary of the application area, as well as all undeveloped land parcels for applications within Urban Areas and;
- (c) All land parcels and existing land uses of adjacent farms for applications within Rural Areas.
- (6) A detail layout map must be included for any application that necessitates such detail for consideration. A detailed map must be at least on a 1:2000 scale and must indicate at least the following details:
- (a) The scale, true north, key and heading "Detail Layout Map";
- (b) The Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers.
- (c) Contours with 1m or 2m height differences up to the outside of the Layout boundary.
- (d) A slope analysis in accordance with civil engineering regulations in terms of roads and buildings.
- (e) 1:50 year and or 1:100 year flood-line signed on the plan by a practising registered professional engineer. If neither flood-line is applicable this must also be indicated on the plan.
- (f) Other physical restrictions that might influence the layout (e.g. hills, valleys, wetlands, rivers, rocky outcrops).
- (g) All existing services within and surrounding the application area.
- (h) All existing surrounding social amenities with catchment area using network analyses in accordance with the minimum standards for social amenities.
- (i) Road layout on adjacent land parcels.
- (j) The proposed erven.
- (k) The maximum, minimum, ruling and average erf sizes of the proposed erven.
- (l) Sufficient measurements to indicate the sizes of the proposed erven.
- (m) The erven numbered consecutively.
- (n) The name of the person or firm that prepared the layout, including Professional Registration number.
- (o) If contours, indicated on the map, were prepared by another person or firm, the particular registered professional engineer should also be mentioned.
- (p) Co-coordinates together with grid references if requested.
- (q) The proposed new streets names for new township establishments.
- (r) A list of the proposed zonings distinguished by means of different colours, the colour code shall be in accordance with the scheme regulations, indicating the different uses, amount of erven for each use, areas per use and areas expressed as a percentage of the total area of the subdivision. The surface area shall be expressed in m² or hectares.
- (7) A site development plan must be included for any application that can have an influence on interested and affected parties and must include the following:
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- (a) The scale, true north, key and heading "Site Development Plan";
 - (b) Existing buildings/structures on the land parcel and on directly adjacent land parcels.
 - (c) All existing services within and surrounding the application area.
 - (d) All proposed buildings/structures, building lines, building restrictions, access, formal and informal thoroughfares, parking bays, landscaped areas and any other detail that can give more clarity to the application.
- (8) An aerial photograph should accompany a detailed layout plan on the same scale, with the layout over-lay on it.
- (9) All maps should be compiled using the Hartebeesthoek 1994 coordinate system for town level maps and Lambert Conical Conform with the appropriate standard parallels for municipal level maps.
- (10) All maps and plans must be printed in colour with a minimum dot per inch (dpi) of 300.
- (11) All maps and plans for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 300.
- (12) All text documents for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 150.
- (13) The municipality can at any time insist on adding details to application standards if the application necessitates such detail for consideration, in accordance with section 43.

40. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

41. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if—
- (a) the Municipality has already decided on the application;
 - (b) the municipality is already in the process of considering another application involving one or more of the subject properties, without such former application having been officially withdrawn by the applicant;
 - (c) there is no proof of payment of the applicable fees;
 - (d) the application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in section 38;
 - (e) the application documentation contains misrepresentations that may impact on the meaningful consideration of the application.
 - (f) Simultaneous applications for Amendment of the SDF and Rezoning / Township Establishments

42. RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

- (1) The Municipality must—
- (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within 7 days of receipt of the application.
- (2) If the Municipality fails to notify the applicant as contemplated in subsection (1)(b) the applicant may appeal against failure to confirm application is complete.

43. PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

- (1) The applicant must provide the Municipality with the requested information, documentation or plans or payment of the requested additional fees contemplated in section 42(1)(b) for the completion of the application within 14 days of the request therefor or within the further period agreed to between the applicant and the Municipality.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
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- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

44. CONFIRMATION OF COMPLETE APPLICATION

- (1) The Municipality must notify the applicant in writing that the application is complete within 7 days of receipt of the requested information, documentation or plans or additional fees required by it under section 42(1) or if further information is required as a result of the additional information received.
- (2) If the Municipality fails to notify the applicant as contemplated in subsection (1) the applicant may appeal against failure to confirm application is complete.
- (3) If the Municipality notified the applicant that further information is required as contemplated in subsection (1), section 43 applies to the further submission of the information required.

45. WITHDRAWAL OF APPLICATION OR AUTHORIZATION

- (1) An applicant may, at any time before the Municipality makes a decision, withdraw an application on written notice to the Municipality.
- (2) The owner of land must in writing inform the Municipality if he has withdrawn the authorization given to his former agent.

46. NOTICE OF APPLICATIONS IN TERMS OF INTEGRATED PROCEDURES

- (1) The Municipality may, on written request and motivation by an applicant, before notice is given of an application, determine that—
 - (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or
 - (b) public notice of an application made in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of another law.
- (2) If a Municipality determines that an application may be published as contemplated in subsection (1)(b), an agreement must be entered into between the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.
- (3) The Municipality must, within 14 days of having notified the applicant that an application is complete, simultaneously—
 - (a) cause public notice of the application to be given in terms of section 48(1); and
 - (b) forward a copy of the notice together with the application concerned to every municipal department, service provider and organ of state that has an interest in the application, unless the Municipality has determined that a procedure in terms of another law, as contemplated in subsection (1), is considered to be public notice in terms of this By-law.
 - (c) The Municipality may require the applicant to give the required notice of an application in the media.
 - (d) If an applicant has published a notice in the media at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been published as required.

47. NOTIFICATION OF APPLICATION IN MEDIA

- (1) The Municipality must, in accordance with this By-law, cause notice to be given in the media for Category 1 applications as contemplated in section 16(2).
 - (2) Applications considered by the municipality that will materially affect the public interest or the interests of the community. Must give in notice in a local newspaper. The objectors then receive 30 days to lodge and substantiate their objection.
 - (3) Notice of the application in the media must be given by—
 - (a) publishing a notice in the *Provincial Gazette*; and
 - (b) publishing a notice of the application, in two newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned in the legal notices section; or
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(c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality.

48. SERVING OF NOTICES

- (1) Notice of an application contemplated in section 47(1), (2) and (3) must be served—
- (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned; and
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application.
- (2) The Municipality must at least cause a notice contemplated in section 49 to be served of the following applications:
- (a) a determination of a zoning contemplated in section 14;
 - (b) Township establishment;
 - (c) Amendment of a township layout;
 - (d) Permanent closure of a public place;
 - (e) Consent use;
 - (f) A departure from using land for a purpose not provided for in the land use scheme granted on a temporary basis (Section 16(3)(b))
 - (g) an application for subdivision or the phasing, amendment or cancellation of a subdivision contemplated in section 16(3)(c) and (k) respectively;
 - (h) an application for consolidation contemplated in section 16(3)(d); or
 - (i) the amendment, deletion or imposition of a condition contemplated in section 16(2) (a) (iii)
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law and that is not listed in subsection (2).
- (4) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
- (a) when it was served by certified or registered post, is the date of registration of the notice; and
 - (b) when it was delivered to that person personally, is the date of delivery to that person;
 - (c) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
 - (d) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place.

49. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of section 47 or served in terms of section 48 or 50, the notice must—
- (a) provide the full names of the applicant, if authorized representative, the full names and organisation of the representative;
 - (b) identify the land or land parcel to which the application relates by giving the property description and the physical address;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefor, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than 30 days from the date on which the notice was given;
 - (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

50. ADDITIONAL METHODS OF PUBLIC NOTICE

- (1) The Municipality may, on its own initiative or on request, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
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- (a) displaying a notice contemplated in section 48 of a size of at least 60 centimetres by 42 centimetres on the frontage of the erf or farm portion concerned or at any other conspicuous and easily accessible place on the erf or farm portion, provided that—
- (i) the notice must be readable from all street or road boundaries and be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 7 days from the last day of display of the notice, submit to the Municipality—
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible;
- (b) convening a meeting for the purpose of informing the affected members of the public of the application;
- (c) broadcasting information regarding the application on a local radio station in a specified language;
- (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) provide the municipality with the application in the required electronic format to be published on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.
- (g) by serving a copy of the notice on every adjoining owner, provided that—
- (i) the applicant must within 21 days of the last day of notice submit to the municipality a copy of the registered posting delivery
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 46 or 47 to be ineffective or if it expects that the public notice would be ineffective.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 46 or 47 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.
- (5) Category 1 applications, as contemplated in section 16(2) must give additional notice in terms of subsection (1)(a) and 1(g).
- (6) Category 2 applications, as contemplated in section 16(2) must give notice in terms of subsection 1(a) and 1(g).

51. REQUIREMENTS FOR PETITIONS

- (1) All petitions must clearly state—
- (a) the contact details of the authorized representative of the signatories of the petition;
 - (b) the full name and physical address of each signatory; and
 - (c) the objections, comments or representations and reason therefore.
- (2) Notice to the person contemplated in subsection (1)(a) constitutes notice to all the signatories to the petition.

52. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) Any person may in response to a notice received in terms of sections 46, 47 or 50 objects, comment or make representations in accordance with this section.
- (2) Any objections, comments or representations received as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.
- (3) The objections, comments or representations must state the following:
- (a) the name of the person or body concerned;
 - (b) the address or contact details at which the person or body concerned will accept notice or service of documents;
 - (c) the interest of the body or person in the application; and
 - (d) the reason for the objections, comments or representations.
- (4) The reasons for any objections, comments or representations must be set out in sufficient detail in order to—
- (a) indicate the facts and circumstances that explain the objection, comment or representation;
 - (b) demonstrate the undesirable effect which the outcome of the application will have; or
 - (c) demonstrate any aspect of the application which is not considered consistent with applicable policy.
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- (5) The Municipality must refuse to accept an objection, comment or representation received after the closing date.

53. FURNISHING OF COMMENTS AND INFORMATION

- (1) If a person or government department is required by the Municipality in terms of this by-law to furnish any comment or other information in terms of this by-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or body may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.
- (3) The Municipality, MEC or Minister may request Provincial or National Technical Advisory directorates to investigate the refusal or failure of a person or body to furnish comment or information.

54. AMENDMENTS PRIOR TO APPROVAL

- (1) An applicant may amend his application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof—
- (a) at the applicant's own initiative;
- (b) as a result of an objection comment or representation made during the notice process; or
- (c) at the request of the Municipality.
- (2) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

55. FURTHER PUBLIC NOTICE

- (1) The Municipality may require that notice of an application be given again if more than 18 months has elapsed since the first public notice of the application and if the Municipality has not considered the application.
- (2) The Municipality may, at any stage during the processing of the application—
- (a) require notice of an application to be given or served again in terms of section 46, 47 or 50; and
- (b) an application to be re-sent to municipal departments for comment, if new information comes to its attention which is material to the consideration of the application.

56. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs of giving and serving notice of an application in terms of sections 46, 47, 50 and 54.

57. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
- (2) The applicant may, within a period of 14 days from the date of the provision of the objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the fourteen-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply.
- (4) If the applicant does not submit comments within the period of 14 days, the applicant is considered to have no comment.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.
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- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), section 43(2) to (5), read with the necessary changes, applies.

58. WRITTEN ASSESSMENT OF APPLICATION

- (1) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

59. DECISION-MAKING PERIOD

- (1) If the power to take a decision in respect of an application is delegated to an authorized employee and no integrated process in terms of another law is being followed, the authorized employee must decide on the application within 60 days calculated from—
- (a) the last day of submission of comments, objections or representations if no comments, objections or representations as contemplated in section 49(1)(h), were submitted; or
 - (b) the last day of the submission of the applicant's reply to comments, objections or representations submitted as contemplated in sections 57(2) and (3); or
 - (c) the last day of the submission of additional information as contemplated in section 57(5); or
 - (d) within such further period agreed to between the applicant and the Municipality.
- (2) If the power to take a decision is not delegated to an authorized employee and no integrated process in terms of another law is being followed, the Municipal Planning Tribunal must decide on the application within 120 days calculated from the dates contemplated in subsections (1)(a) to (d).

60. FAILURE TO ACT WITHIN TIME PERIOD

- (1) An applicant may lodge an appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application within the period referred to in section 59(1) or (2).
- (2) Subject to sections 43(2) and 44(2), an applicant may not appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application due to the fact that all required information to decide on the matter is not available.

61. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) An employee authorized by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a written assessment contemplated in section 59.
- (2) When conducting an inspection, the authorized employee may—
- (a) request that any record, document or item be produced to assist in the inspection;
 - (b) make copies of, or take extracts from any document produced by virtue of sub-section (a) that is related to the inspection;
 - (c) on providing a receipt, remove a record, document or other item that is related to the inspection; and
 - (d) inspect any building or structure and make enquiries regarding that building or structure.
- (3) No person may interfere with an authorized employee who is conducting an inspection as contemplated in subsection (1).
- (4) The authorized employee must, upon request, produce identification showing that he is authorized by the Municipality to conduct the inspection.
- (5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

62. DETERMINATION OF APPLICATION

- (1) An authorized employee, or if such an employee is not in the employ of the Municipality or they cannot afford to solicit the services of such an authorized employee, the Municipality shall make use of the Provincial or National Technical advisers employed in the directorates responsible for Spatial Planning and Land Use Management in these two spheres or the Municipal Planning Tribunal authorized in terms of section 72 may in respect of a Category 2 application contemplated in subsection 16(2)—
- (a) approve, in whole or in part, or refuse that application;
 - (b) upon the approval of that application, impose conditions under section 69, including conditions related to the provision of engineering services and the payment of a development charge;
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- (c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law and provincial legislation;
- (d) conduct any necessary investigation;
- (e) give directions relevant to its functions to any person in the service of the Municipality or municipal entity;
- (f) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law.

- (2) An approval comes into effect only after the expiry of the period contemplated in section 81(2) within which an appeal must be lodged.
- (3) If an appeal has been lodged, the Municipality must notify the applicant in writing whether or not the operation of the approval of the application is suspended as contemplated in section 82(14).

63. NOTIFICATION OF DECISION

- (1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the determination of the decision and their right to appeal if applicable.
- (2) A notice contemplated in subsection (1) must inform an applicant that an approval comes into operation only after the expiry of the period contemplated in section 81(2) within which an appeal must be lodged if no appeal has been lodged.
- (3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him of the decision of the Municipality.

64. DUTIES OF AGENT

- (1) An agent must ensure that he has the contact details of the owner who authorized him to act on behalf of the owner.
- (2) An agent may not provide information or make a statement in support of an application which information or statement he knows or believes to be misleading, false or inaccurate.
- (3) An agent is duty bound to make a full disclosure to his client regarding legislation that governs an application, the potential implications of the application, as well as known aspects that may hinder the approval of an application

65. ERRORS AND OMISSIONS

- (1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

66. WITHDRAWAL OF APPROVAL

- (1) The Municipality may withdraw an approval granted for a consent use or temporary departure if the applicant or owner fails to comply with a condition of approval or if such approval proves to have unforeseen negative consequences as far as the general interest is concerned.
- (2) Before the withdrawal of a consent use approval, the Municipality must serve a notice on the owner—
 - (a) informing the owner of the alleged breach of the condition;
 - (b) instructing the owner to rectify the breach within a specified time period;
 - (c) inviting the owner to make representations on the notice within a specified time period.

67. PROCEDURE TO WITHDRAW AN APPROVAL

- (1) The Municipality may withdraw, in terms of Section 66, an approval granted—
 - (a) after consideration of the representations made by virtue of section 66(2)(c); and
 - (b) if the condition is still being breached and not being complied with at the end of the time period specified in terms of section 66(2)(b).
 - (2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the unlawful use immediately.
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- (3) The approval is withdrawn from the date of notification of the owner.

CHAPTER V – CRITERIA FOR DECISION-MAKING

68. GENERAL CRITERIA FOR CONSIDERATION OF APPLICATIONS

- (1) When the Municipality considers an application it must have regard to the following:
- (a) the application submitted in terms of this By-law to be lodged to the City Manager;
 - (b) the procedure followed in processing the application;
 - (c) the desirability of the proposed use of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
 - (d) the objection, comment or representation in response to the notice of the application and the comment received from organs of state and municipal departments;
 - (e) the response by the applicant, if any, to the objection, comment or representation referred to in subsection (d);
 - (f) investigations carried out in terms of other laws that are relevant to the consideration of the application
 - (g) the integrated development plan and municipal spatial development framework;
 - (h) the integrated development plan and spatial development framework of the district municipality, where applicable;
 - (i) the applicable local spatial development frameworks adopted by the Municipality;
 - (j) the applicable structure plans;
 - (k) the applicable policies of the Municipality that guide decision-making;
 - (l) the national spatial development framework and provincial spatial development framework;
 - (m) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act;
 - (n) the policies, principles, and the planning and development norms and criteria set by national and provincial government;
 - (o) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
 - (p) the development principles, norms and standards referred to in Chapter 2 of the Spatial Planning and Land Use Management Act;
 - (q) the applicable provisions of the land use scheme.
 - (r) public interest;
 - (s) the constitutional transformation imperatives and the related duties of the State;
 - (t) the facts and circumstances relevant to the application;
 - (u) the respective rights and obligations of all those affected;
 - (v) the state and effect of engineering services, social infrastructure and open space requirements; and
 - (w) any factors that may be prescribed, including timeframes for making decisions.
- (2) The Municipality must approve a site development plan submitted to it for approval in terms of applicable development parameters or conditions of approval if the site development plan—
- (a) is consistent with the development rules of the land use scheme;
 - (b) is consistent with the development rules of the overlay zone;
 - (c) complies with the conditions of approval; and
 - (d) complies with this By-law.

69. CONDITIONS OF APPROVAL

- (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed use of land.
- (2) Conditions imposed in accordance with subsection (1) may, inter alia, include conditions relating to—
- (a) the provision of engineering services and infrastructure and the conclusion of a Services Agreement with the municipality to this effect;
 - (b) the cession of land or the payment of money;
 - (c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - (d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - (e) settlement restructuring;
 - (f) agricultural or heritage resource conservation;
 - (g) biodiversity conservation and management;
 - (h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (i) energy efficiency;
 - (j) requirements aimed at addressing climate change;
 - (k) the establishment of an owners' association in respect of the approval of a subdivision;
 - (l) the provision of land needed by other organs of state;
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- (m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (n) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;
 - (p) the implementation of a township establishment in phases;
 - (q) requirements of other organs of state.
 - (r) the submission of a construction management plan to manage the influence of the construction of a new building on the surrounding properties or on the environment;
 - (s) agreements to be entered into in respect of certain conditions;
 - (t) the phasing of a development, including lapsing clauses relating to such phasing;
 - (u) the delimitation of development parameters or land uses that are set for a particular zoning;
 - (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
 - (w) the setting of a period within which a particular condition must be met;
 - (x) requirements relating to engineering services as contemplated in section 85;
 - (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning.
 - (z) the rehabilitation of mining land.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), a services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
- (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.
- (5) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
- (6) An owners' association or home owners' association that came into being by virtue of a condition imposed under the Ordinance and that is in existence immediately before the commencement of this By-law is regarded as an owners' association that came into being by virtue of a condition imposed by the Municipality in accordance with this By-law.
- (7) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.
- (8) Conditions requiring a standard to be met must specifically refer to an approved or published standard.
- (9) No conditions may be imposed that rely on a third party for fulfillment.
- (10) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (11) The Municipality may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.
- (12) A site development plan must be submitted as proof when sectional title deeds, township establishments and amendments of the general plan are concerned as a condition of approval.

70. TECHNICAL AND OTHER ADVISERS

- (1) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Provincial Directorate of COGTA responsible for Spatial Planning as Provincial Technical Advisers in the following capacities –
- (a) Registered Professional Town and Regional Planners
 - (b) Administrative Professionals
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- (2) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for Spatial Planning as a Provincial Technical Advisers in the following capacities –
- (a) Registered Professional Town and Regional Planners
 - (b) Registered GISc Practitioners
- (3) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for National Geomatic Management as a Provincial Technical Advisers in the following capacities –
- (a) Registered Professional Land Surveyors
- (4) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Municipal Infrastructure Support Agency of the National Department of Cooperative Governance as a Provincial Technical Advisers in the following capacities –
- (a) Registered Professional Town and Regional Planners
 - (b) Registered Professional Engineers

71. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period imposed in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the expiry of the validity period.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
- (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 16(2)(h) must be submitted for consideration before or simultaneously with the application for the extension of a validity period.
- (4) The extended validity period takes effect on and is calculated from the expiry date of the validity period applicable to the original approval or from the expiry date of the previous extended validity period approved in terms of this By-law.

CHAPTER VI – MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

72. MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

- (1) Applications are decided by—
- (a) an authorized employee who has been authorized by the Municipality to consider and determine the applications contemplated in subsection 73(1);
 - (b) the Municipal Planning Tribunal, where the powers and duties to consider and determine an application has not been delegated to an authorized employee contemplated in section 73(2);
 - (c) the Appeal Authority where an appeal has been lodged against a decision of the authorized employee or the Municipal Planning Tribunal.

73. CONSIDERATION OF APPLICATIONS

- (1) Category 2 applications must be considered and determined by an authorized employee and the municipality must delegate the powers and duties to decide on those applications to an authorized employee, as contemplated in Section 35(2) of the Spatial Planning and Land Use Management Act.
- (2) The Municipal Planning Tribunal considers and determines all applications, other than those in respect of which the powers and duties to consider and determine them have been delegated and assigned to an authorized employee in terms of subsection (1).

74. ESTABLISHMENT OF MUNICIPAL PLANNING TRIBUNAL

- (1) The Municipality must—
- (a) establish a Municipal Planning Tribunal for its municipal area
- (2) An agreement referred to in subsection (1)(b) or (c) must be published in the *Provincial Gazette* and must provide for—
- (a) the composition of the Municipal Planning Tribunal;
- (b) the terms and conditions of appointment of members of the Municipal Planning Tribunal; and
- (c) the determination of rules and proceedings of the Municipal Planning Tribunal.

75. COMPOSITION OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) A Municipal Planning Tribunal established in terms of subsection 74(1)(a) must consist of the following members:
- (a) number of members who are employees, to be determined by Council by resolution, who are appointed on full-time basis by the Municipality; and
- (b) number of members who are not municipal employees or councillors and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto, appointed by the Municipality.
- (c) a Land Development Officer in the full time employ of the Municipality, with the necessary qualifications, skills and knowledge of spatial planning, land use management and land development.
- (2) The members of the Municipal Planning Tribunal referred to in subsection (1)(b) may be appointed only after the Council, by notice in the *Provincial Gazette* and in other media that the Council considers appropriate, has invited interested parties to submit within the period mentioned in the notice, names of persons who are fit and proper persons to be so appointed.
- (3) Nominations, in respect of the notice placed in terms of subsection (2), must be submitted within 30 days of the publication date, accompanied by the following:
- (a) Personal details of the applicant or nominee;
- (b) Particulars of the applicant's or nominee's qualifications or experience in the matters listed in section 36(1)(b) of the Spatial Planning and Land Use Management Act;
- (c) In the case of a nomination, a letter of acceptance of nomination by the nominee;
- (d) A sworn declaration by the applicant or nominee that he is not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act;
- (e) A disclosure of the information contemplated in section 38(3) and (4) of the Spatial Planning and Land Use Management Act;
- (f) Permission from the applicant or nominee to verify the information provided by him.
- (4) The council must appoint Municipal Planning Tribunal members within 30 days of the expiry date of the notice, as contemplated in subsection (2).
- (5) The Council must designate from among the members contemplated in subsection (1)(a)—
- (a) a chairperson; and
- (b) another member as deputy chairperson, to act as chairperson of the Municipal Planning Tribunal when the chairperson is absent or unable to perform his duties.
- (6) The Municipal Manager must, within 30 days of the first appointment of members to a Municipal Planning Tribunal—
- (a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and
- (b) after receipt of the confirmation referred to in sub-section (a), publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence its operation.
- (7) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (4).

76. TERM OF OFFICE AND CONDITIONS OF SERVICE OF MEMBERS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) A member of the Municipal Planning Tribunal is appointed for a term of five (5) years which may be renewable once.
- (2) The office of a member becomes vacant if—
- (a) the member is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;
- (b) the member tenders his resignation in writing to the chairperson of the Municipal Planning Tribunal;
- (c) the member is removed from the Municipal Planning Tribunal under subsection (3); or the member dies.
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- (3) The Council may, after having given the member an opportunity to be heard, remove a member of the Municipal Planning Tribunal if—
- (a) sufficient grounds exist for his removal;
 - (b) a member contravenes the code of conduct referred to in section 78;
 - (c) a member becomes subject to a disqualification from membership of the Municipal Planning Tribunal as referred to in section 38(1) of the Spatial Planning and Land Use Management Act.
- (4) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 75(1)(a) or, in the case of a member contemplated in section 75(1)(b), in terms of section 75(2).
- (5) A member who is appointed by virtue of subsection (4) holds office for the unexpired portion of the period for which the member he replaces was appointed.
- (6) Members of the Municipal Planning Tribunal referred to in section 75(1)(b) must be appointed on the terms and conditions, and must be paid the remuneration and allowances and be reimbursed for expenses as determined by the relevant legislation.
- (7) The Council must publish a notice in terms of section 75(2), 90 days before the expiry of every term of office, as contemplated in subsection (1).

77. MEETINGS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The Municipal Planning Tribunal contemplated in section 74(1)(a) must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—
- (a) the convening of meetings;
 - (b) preparation and distribution of agendas
 - (c) the procedure at meetings including
 - (i) formal meeting procedures
 - (ii) Apologies
 - (iii) attendance, and
 - (d) the frequency of meetings.
- (2) A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of its members.
- (3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of the Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his deliberative vote as a member of the Municipal Planning Tribunal.
- (4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the rules of the Municipal Planning Tribunal.

78. CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

The code of conduct in Schedule 1 applies to every member of the Municipal Planning Tribunal.

79. ADMINISTRATOR FOR MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The Municipal Manager must appoint an employee as the Administrator and other staff for the Municipal Planning Tribunal in terms of the Systems Act.
- (2) The Administrator must—
- (a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipal Planning Tribunal;
 - (b) maintain a diary of hearings of the Municipal Planning Tribunal;
 - (c) allocate meeting dates for and application numbers to applications;
 - (d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;
 - (e) arrange venues for Municipal Planning Tribunal meetings;
 - (f) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
 - (g) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal in accordance with the directions of the chairperson of the Municipal Planning Tribunal;
 - (h) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
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- (i) notify parties of decisions and procedural directives given by the Municipal Planning Tribunal;
- (j) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—
 - (i) decisions of the Municipal Planning Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Municipal Planning Tribunal; and
- (k) keep records by any means as the Municipal Planning Tribunal may deem expedient.

80. FUNCTIONING OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The meetings of the Municipal Planning Tribunal contemplated in section 79(1)(a) must be held at the times and places as the chairperson may determine.
- (2) The meetings of the Municipal Planning Tribunal must be held at least once per month if there are applications to consider.
- (3) If the chairperson and the deputy chairperson fail to attend a meeting of the Municipal Planning Tribunal, the members who are present at the meeting must elect one from among them to preside at that meeting.
- (4) If an applicant or a person whose rights or legitimate expectations will be affected by the approval of an application wishes to make a verbal representation at a meeting of the Municipal Planning Tribunal, he must submit a written request to the Administrator, at least 14 days before that meeting.
- (5) The Chairperson may approve a request to make a verbal representation subject to reasonable conditions.

81. APPEALS

- (1) The Executive Committee or Executive Mayor is the Appeal Authority in respect of decisions contemplated in section 63(1)(a) and (b) and a failure to decide on an application as contemplated in section 60(1).
- (2) A person whose rights are affected by a decision of the Municipal Planning Tribunal or an authorized employee may appeal in writing, stating reasons, to the Municipal Manager within 21 days of notification of the decision, as contemplated in section 51(1) in the Spatial Planning and Land Use Management Act.
- (3) An applicant may appeal verbally or in writing to the Municipal Manager in respect of the failure of the Municipal Planning Tribunal or an authorized employee to take a decision within the period contemplated in section 59(1) of (2), any time after the expiry of the applicable period contemplated in section 60.

82. PROCEDURES FOR APPEAL

- (1) An appeal that is not lodged within the applicable period contemplated in section 81 or that does not comply with this section, is invalid.
- (2) An appeal must set out the grounds on which the appellant believes the decision-maker erred in coming to the conclusion it did or the decision-maker failed to take a decision.
- (3) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented or made representations on, or objected to, the application concerned.
- (4) The notice must be served in accordance with section 115 of the Municipal Systems Act and the additional requirements as may be determined by the Municipality.
- (5) The notice must invite persons to object, comment or make a representation on the appeal within 21 days of being notified of the appeal.
- (6) The appellant must submit proof of the notification contemplated in subsections (3) and (4) to the Municipality within 14 days of the date of notification.
- (7) If a person other than the applicant lodges an appeal, the Municipality must give notice of the appeal to the applicant within 14 days of receipt thereof.
- (8) An applicant who has received notice of an appeal in terms of subsection (7) may comment on the appeal within 21 days of being notified.
- (9) The Municipality may refuse to accept any comments on an appeal after the closing date for those comments.
- (10) The Municipality—

- (a) may request National and Provincial departments to comment in writing on an appeal within 60 days of receipt of the request; and
- (b) must notify and request the National and Provincial departments to comment on an appeal in respect of the following applications within 60 days of receipt of the request:
- (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;
 - (iii) a rezoning of land zoned for agricultural or conservation purposes;
 - (iv) any development or category of land use applications as may be prescribed by legislation and national and provincial policies.
- (11) The authorized employee must draft a report assessing an appeal and must submit it to the Municipal Manager within—
- (a) 30 days of the closing date for comments requested in terms of subsection (8) if no comments were requested in terms of subsection (10); or
 - (b) within 30 days of the closing date for comments requested in terms of subsection (10).
- (12) The Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report contemplated in subsection (11).
- (13) The parties to an appeal must be notified in writing of the decision of the Appeal Authority within 21 days from the date of the decision.
- (14) The Municipality must—
- (a) on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended; and
 - (b) if a decision on the appeal upholds an approval, notify the applicant in writing that he may act on the approval.
- (15) The operation of the approval of a land use application that is the subject of an appeal is suspended pending the decision of the appeal authority on the appeal, as contemplated in subsection 14.
- (16) If an appeal is lodged only against conditions imposed in terms of section 69, the Municipality may determine that the approval of the land use application is not suspended.
- (17) The appeal authority must designate a presiding officer and a registrar for an appeal lodged, a group of appeals or a time-period to deal with appeals.
- (18) The presiding officer will act as the chairperson of the appeal process and the registrar as the secretariat of the appeal process.

83. HEARING OF APPEAL AUTHORITY

- (1) The appeal authority must notify the relevant parties of the date, time and place of the hearing, 5 days prior to the hearing.
 - (2) A hearing must commence within 15 days after the completed notice of appeal has been delivered to the appeal authority, unless otherwise stated by the appeal authority.
 - (3) An appellant of any respondent may at any time before the appeal hearing withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.
 - (4) The hearing of the appeal authority may take place as an oral hearing or a written hearing.
 - (5) Procedural arrangements for an oral hearing include that:
 - (a) An oral hearing must take place in an area within the jurisdiction of the municipality excluding the office of the Municipal Planning Tribunal or the official authorized in terms of section 72(1).
 - (b) The appellant will first present his case, followed by the Municipal Planning Tribunal or the official authorized in terms of section 72(1).
 - (c) Each party has the right to call witnesses to give evidence.
 - (d) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party, after it was determined if the absent party was notified. If the party was not notified the hearing cannot proceed and the presiding officer must reschedule the hearing.
 - (e) Hearings of the appeal authority may be recorded.
 - (f) Witnesses and parties are required to give evidence under oath or confirmation.
 - (g) Any additional documentation not included in the appeal record should be provided three days before the hearing to the appeal authority.
 - (h) The registrar must distribute the documentation to all parties to the appeal authority and members of the appeal authority.
 - (i) If the additional documentation, as contemplated in subsection (g) is not provided at least 3 days prior to the hearing, it may be provided at the hearing, where the party must bring copies of the additional documentation for the members of the appeal authority.
 - (j) If the additional documentation, as contemplated in subsection (g), is substantive or voluminous, the other party may request an adjournment
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- (6) Procedural arrangements for an written hearing include that:
- (a) Each party must be provided an opportunity to provide written submissions to support their case.
 - (b) the appellant will be given seven days to provide a written submission.
 - (c) Upon receipt of the appellant's written submission the appeal authority must forward it to the Municipal Planning Tribunal or the official authorized in terms of section 72(1).
 - (d) The Municipal Planning Tribunal or the authorized official has seven days in which to provide the written response, if no written submission is received it will be deemed that the party has declined the opportunity.
 - (e) An extension of time maybe requested in writing in advance of the due date for submissions, accompanied by reasons for the request of extension.
 - (f) Following receipt of a request the appeal authority must issue a written decision to all parties.
 - (g) Following receipt of any written submissions the registrar must forward the appeal record to the appeal authority, including written submissions.
 - (h) If no written submissions are received from the parties the registrar will forward the existing appeal record to the appeal authority for adjudication.
 - (i) The presiding officer of the appeal authority will decide whether or not to accept the late written submissions.
 - (j) The appeal authority issues a decision in writing to all other parties, who have seven days to respond.

84. DECISION OF APPEAL AUTHORITY

- (1) After hearing all parties the appeal authority:
- (a) May request any further information from any party;
 - (b) May postpone the matter for a reasonable period;
 - (c) Must within 21 days after the last day of the hearing, issue its decision with reasons
- (2) The appeal authority may confirm, amend or rescind the decision of the Municipal Planning Tribunal or official authorized in terms of section 72(1) and may include an award of costs.
- (3) The presiding officer must sign the decision of the appeal authority and any order made by it.
- (4) The registrar must notify the parties of the decision of the appeal authority within 7 days, together with reasons.
- (5) The appeal authority must, in its decision, give directives to the municipality as to how such a decision must be implemented.
- (6) Where an appeal is uphold the municipal manager must within 21 days of the decision publish the decision in the Provincial Gazette.

CHAPTER VII – PROVISION OF ENGINEERING SERVICES

85. RESPONSIBILITY FOR PROVISION OF ENGINEERING SERVICES

- (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development when an application is approved, as contemplated in section 49(1) of the Spatial Planning and Land Use Management Act.
- (2) The Municipality is responsible for the provision and installation of external engineering services, as contemplated in section 49(2) of the Spatial Planning and Land Use Management Act.
- (3) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service, as contemplated in section 49(3) of the Spatial Planning and Land Use Management Act.
- (4) The Municipality may enter into a written agreement with an applicant to provide that—
- (a) the applicant will install the external engineering service instead of paying the applicable development charges; or
 - (b) the fair and reasonable cost of the external engineering service may be set off against the development charges payable by the applicant.
- (5) If necessary to maintain the functionality of the municipality's long term plans, The Metro may require an applicant, when installing an external engineering service, to install a service in excess of the capacity of service of service required for the land development.
- If the metro requires the applicant to install an external engineering service, the fair and reasonable cost of doing so may be set off against the applicant's development charge liability.
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- An applicant is liable for the full development cost for installing external engineering services to meet the capacity of services required for the land development even if the costs exceeds the developmental charges for all phases of the development.

(7) Areas under traditional leadership

- (a) A traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of any relevant national and provincial legislation, provided that the traditional council may not make a land development decision.
- (b) If a traditional council does not conclude a service level agreement with the municipality as contemplated in (a) , that the traditional council is responsible for providing proof of the allocation of land in terms of customary law applicable in that traditional area to the applicant of a land development and land use application .

86. DEVELOPMENT CHARGES

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges is payable must be set out in a policy adopted by the Municipality.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.
- (7) When determining the contribution contemplated in sections 69(4) and (5), the Municipality must have regard to provincial norms and standards and—
 - (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in subsection 69(4) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in subsection 69(4) to be paid in the future by the owner of the land concerned.

87. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy approved by the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Spatial Planning and Land Use Management Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER VIII - ENFORCEMENT

88. ENFORCEMENT

- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a land use scheme;
 - (c) conditions imposed in terms of this By-law or previous planning legislation; and
 - (d) conditions of Deed of Title.
- (2) The Municipality may not do anything that is in conflict with subsection (1).

89. OFFENCES AND PENALTIES

- (1) Any person who—
- (a) contravenes or fails to comply with sections 86(1)
 - (b) fails to comply with a compliance notice served in terms of section 90;
 - (c) uses land in a manner other than prescribed by a land use scheme without the approval of the municipality;
 - (d) upon registration of the first land parcel arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
 - (e) supplies particulars, information or answers in an application, or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorized employee or the interpreter or assistant of an authorized employee; or
 - (g) hinders or interferes with an authorized employee in the exercise of any power, or the performance of any duty, of that employee, is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits his land to be used in a manner set out in subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine not exceeding R100 000 or imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he so continues or has continued with that act or omission.

90. SERVING OF COMPLIANCE NOTICE

- (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of section 89.
- (2) A compliance notice must instruct the occupier and owner to cease the unlawful land use or construction activity or both without delay or within the time period determined by the Municipality, and may include an instruction to—
- (a) demolish unauthorized building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or another period determined by the Municipal Manager; or
 - (b) submit an application for land use or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty.
- (3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorized building work.
- (6) A person who received a compliance notice in terms of this section may object to the notice by lodging representations to the Municipality within 30 days of receipt of the notice.

91. CONTENT OF COMPLIANCE NOTICES

- (1) A compliance notice must—
- (a) identify the judicial person as registered owner to whom it is addressed;
 - (b) describe the alleged unlawful use of land or construction activity concerned and the land on which it occurs;
 - (c) state that the activity is unlawful and inform the person of the particular offence contemplated in section 90 which that person allegedly has committed or is committing through the continuation of that activity on the land;
 - (d) the steps that the person must take and the period within which those steps must be taken;
 - (e) anything which the person may not do and the period during which the person may not do it;
 - (f) provide for an opportunity for a person to submit representations in terms of section 90(6) with the contact person stated in the notice; and
 - (g) issue a warning to the effect that—
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- (i) the person may be prosecuted for and convicted of an offence contemplated in section 89;
- (ii) on conviction of an offence, the person will be liable for the penalty as provided for;
- (iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
- (iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
- (v) in the case of an application for authorization of the activity or development parameter, that a contravention penalty, including any costs incurred by the Municipality, will be imposed.

- (2) Any person on whom a compliance notice is served must comply with that notice within the time period stated in the notice, unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 90.

92. OBJECTIONS TO COMPLIANCE NOTICE

- (1) Any person or owner who receives a compliance notice in terms of section 90 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.
- (2) After the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—
- (a) may suspend, confirm, vary or cancel a compliance notice or any part of the notice; and
 - (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or varied.

93. FAILURE TO COMPLY WITH COMPLIANCE NOTICE

- (1) If a person fails to comply with a compliance notice, the Municipality may—
- (a) lay a criminal charge against the person;
 - (b) apply to the High Court for an order—
 - (i) restraining that person from continuing the unlawful use of the land,
 - (ii) directing that person to, without the payment of compensation—
 - (aa) demolish, remove or alter any building, structure or work illegally erected or constructed; or
 - (bb) rehabilitate
 - (cc) the land concerned.
 - (c) in the case of a temporary departure or consent use, withdraw the approval granted and act in terms of section 86.

94. URGENT MATTERS

- (1) The Municipality does not have to comply with sections 90(6), 91(1)(f) and 92 in a case where an unlawful use of land must be stopped urgently and may issue a compliance notice calling upon the person or owner to cease the unlawful use of land immediately.
- (2) If the person or owner fails to cease the unlawful use of land immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

95. SUBSEQUENT APPLICATION FOR AUTHORISATION OF ACTIVITY

- (1) If instructed to rectify or cease an unlawful use of land, a person may apply to the Municipality for an appropriate land development contemplated in subsection 16(2), unless the person is instructed in terms of section 90(2)(a) to demolish the building work.
- (2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

96. GENERAL POWERS AND FUNCTIONS OF AUTHORIZED EMPLOYEES

- (1) An authorized employee may, with the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.
- (2) An authorized employee must be in possession of proof that he has been designated as an authorized employee for the purposes of subsection (1).

- (3) An authorized employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

97. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law in terms of section 90, an authorized employee may—
- (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorized employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in sub-section (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorized employee, any document, book, record or any written or electronic information referred to in sub-section (c) for inspection;
 - (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract therefrom;
 - (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
 - (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorized employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he must issue a receipt to the owner or person in control thereof.
- (3) An authorized employee may not have a direct or indirect personal or private interest in the matter to be investigated.

98. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- (1) A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—
- (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—
- (a) an authorized employee has been refused entry to land or a building that he is entitled to inspect;
 - (b) an authorized employee reasonably anticipates that entry to land or a building that he is entitled to inspect will be refused;
 - (c) there are reasonable grounds for suspecting that an offence contemplated in section 88 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorize the Municipality to enter upon the land or to enter the building or premises to take any of the measures referred to in section 96 as specified in the warrant, on one occasion only, and that entry must occur—
- (a) within one month of the date on which the warrant was issued; and
 - (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

99. REGARD TO DECENCY AND ORDER

- (1) The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—
- (a) a person's right to respect for and protection of his dignity;
 - (b) the right to freedom and security of the person; and
 - (c) the right to a person's personal privacy.

100. ENFORCEMENT LITIGATION

- (1) Whether or not a Municipality lays criminal charges against a person for an offence contemplated in section 90, the Municipality may apply to the High Court for an interdict or any other appropriate order including an order compelling that person to—
- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (c) cease with the unlawful use of land.
- (2) The City Manager may apply to the Municipal Planning Tribunal for an order that a person who has contravened the Municipal By Law must pay an administrative penalty in an amount determined by the Municipal Planning Tribunal, and must provide the information contemplated regarding the non-compliance to the extent that is known to the City Manager.
- (3) If after considering representations by the City Manager and the person concerned, the Municipal Planning Tribunal decides to impose an administrative penalty on a person who has contravened this by-law, it must determine an amount which –
- (4)
- (a) For building work in contravention of this bylaw – may not be less than 30% and not more than 100% of the value of the building, construction and engineering work unlawfully carried out, as determined by the Municipality
 - (b) For land use in contravention of this bylaw may not be less than 15% and more than 100% of the municipal valuation of the area that is used unlawfully, as determined by the municipality.
- (c) For building work and land use contraventions – must comprise penalties of both (a) and (b)
- (5) When determining an appropriate penalty, the Municipal Planning Tribunal must consider the following factors
- (a) the nature, duration, gravity and extent of the contravention
 - (b) the conduct of the person involved in the contravention
 - (c) whether the unlawful conduct was stopped
 - (d) whether the person involved in the contravention has previously contravened the By Law or a previous planning law
- (6) A penalty determined in terms of this section must be paid to the Municipality within 30 days
- (7) The Municipality may apply to the High Court for an order confirming the order of the Municipal Planning Tribunal to pay an administrative penalty.

CHAPTER IX - MISCELLANEOUS

101. NAMING OF STREETS AND NUMBERING OF PROPERTIES

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land parcels located in such street or road.
- (2) The proposed names of the streets and numbers of properties must be submitted as part of an application.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering of properties.
-

- (4) The Municipality must notify the Surveyor-General of the approval of new street names as a result of the approval of an amendment or cancellation of a general plan. The Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment to the street names on an approved general plan.

102. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Municipal Land Use Planning By-law** and comes into operation on the date of its promulgation in the Provincial Gazette and further subject to provisions of the Spatial Planning and Land Use Management Act No. 16 of 2013.

SCHEDULE 1

CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

General conduct

1. A member of the Municipal Planning Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his personal interests in any decision to be made in the planning process in which he serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an adviser or decision-maker in any matter in which he has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorized his participation.

2. A member of the Municipal Planning Tribunal may not—
 - (a) use the position or privileges of a Municipal Planning Tribunal member or confidential information obtained as a Municipal Planning Tribunal member for private gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that Municipal Planning Tribunal member or that members spouse, partner or business associate, has a direct or indirect personal or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an adviser or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—
 - (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of his duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

**Annexure A – Comprehensive application form
Mangaung Metropolitan Municipality**

Applications for land use amendments (give full details in the motivation report, if space provided is not enough)

SECTION 1 Details of Applicant (See Planning Profession Act, Act 36 of 2002)	
Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN Reg No: _____	_____

SECTION 2 Details of Land Owner (If different from Applicant)	
Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

SECTION 3 Details of Property (In accordance with Title deed)	
Erf/ Farm No and portion description: _____	Area (m ² or ha): _____
Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4 Type of Application being Submitted (Mark with an X and give detail)	
---	--

Application for:
(Please mark applicable block with a cross)

Rezoning/ Zoning:	
Creation of an overlay zoning	



Removal, suspension or amendment of Title Deed Restrictions:	
Township Establishment	
Consent use:	
Incorporation of an erf into a general plan;	
The subdivision of land:	
The removal, suspension or amendment of the original approval conditions as provided by the relevant authorities:	
General Plan Cancellation:	
Amendment of General Plan by Closure of Park or Public Road:	
Consolidation of one or more properties:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	

SECTION 5
Detail of application(Mark with an X and give detail where applicable)

1. Is the land parcel currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
2. Is the current zoning of the land used?	YES	NO	If answered NO, what is the application/ use of land?	
3. Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
4. Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
5. Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extent:	

6. Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
7. Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
8. Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
9. Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
10. Is the proposed application in line with the approved spatial development frameworks?	YES	NO	If answered NO, please provide site specific circumstances in accordance with section 22(2) of the SPLUMA.	
11. What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water			
	Storm-Water:			
	Road Network:			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Land Use Scheme Zoning Map Extract			

			Land Use Map			
			Detail Layout Map			
			Ortophoto / Aerial survey map			
			Site Development Plan			
			Extract of Spatial Development Framework			
			Contour map			
			Surveyor General diagrams (cadastral information)			
			Conveyancer's certificate			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Mineral rights certificate (together with mineral holder's consent)			
			Prospecting contract			
			Registered servitudes (deed and map/plan)			
			Status report from Surveyor General – street closure or state owned land			
			Detail Engineering Services plan (Bulk and internal)			
			Environmental Impact Study/Assessment (EIA – Environmental Authorisation)			
			Archaeological Impact Assessment (AIA) - approval from relevant Department			
			Heritage Impact Assessment - approval from relevant Department			
			Traffic impact study/assessment (Already approved by responsible roads authorities)			
			Geotechnical report (NHBR Standards)			
			Centlec services report			
			Flood line certificate - certificate from relevant Department			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Public participation report and minutes of meetings			
			Other (specify):			
			Seven (5) sets of full colour documentation copies			

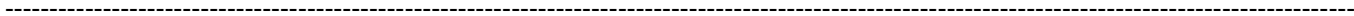
SECTION 7
Declaration

Note: *If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of*

Directors/Trustees' resolution is compulsory	
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.	
Applicant's/ Owner's Signature: _____	Date: _____
Full name (print): _____	
Professional capacity (Reg. no): _____	
Applicant's ref: _____	

SECTION 8
Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components



SECTION 9
Power of Attorney/Proxy

I/We, the undersigned

(FULL NAMES, ID NUMBER & PROFESSIONAL REGISTRATION NUMBER IF APPLICABLE)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NUMBER, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realize the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

Signature of Assigner/ Land Owner

Witness 1

Witness 2



**Annexure B – Abridged application form
Mangaung Metropolitan Municipality**

Applications for land use amendments (give full details in the attached motivation report, if space provided is not enough)

**SECTION 1
Details of Applicant(See Planning Profession Act, Act 36 of 2002)**

Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN Reg No: _____	_____

**SECTION 2
Details of Land Owner(If different from Applicant)**

Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

**SECTION 3
Details of Property(In accordance with Title deed)**

Erf/ Farm No and portion description:		Area (m ² or ha):	
Physical address of erf/farm:		Existing zoning:	
Location from nearest town:		Existing land use:	
Town/suburb:		Area applicable to application:	
Registration Division:		Title deed no:	

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the LUS	
Application for subdivision requiring abridged processes.	
The amendment or cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	

Please give a short description of the scope of the project:

SECTION 5
Detail of application (Mark with an X and give detail where applicable)

Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit	

intended development?			detail layout plan:	
Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water			
	Road Network			

SECTION 6
List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Eskom services report			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Department			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Traffic impact study/assessment (Already approved by responsible roads authorities)			
			Other (specify):			
			Seven (5) sets of full colour documentation copies			

SECTION 7 Declaration	
Note:	<i>If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory</i>
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.	
Applicant's/ Owner's Signature:	_____ Date: _____
Full name (print):	_____
Professional capacity:	_____
Applicant's ref:	_____

SECTION 8 Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

SECTION 9
Power of Attorney/Proxy

I/We, the undersigned

(FULL NAMES, ID NUMBER & PROFESSIONAL REGISTRATION NUMBER IF APPLICABLE)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NUMBER, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realize the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

Signature of Assigner/ Land Owner

Witness 1

Witness 2



APPOINTMENT OF MEMBERS TO THE MUNICIPAL PLANNING TRIBUNAL INVITATION FOR NOMINATIONS

Interested persons are invited in terms of section 35(1) of SPLUMA to nominate persons representing the following disciplines (Town and Regional Planner, Building Inspector, Environmental Expert, Agriculturalist, Engineer or any other person who has the knowledge of and interest in town planning) to serve on the Municipal Planning Tribunal. The members of the Tribunal shall hold office for a period of five years (5) years.

Function of the Municipal Planning Tribunal

To consider and formulate the decisions regarding all land development applications in the local municipality

Submissions of Nominations

Nominations must be submitted with information pertaining to name, residential and postal address, Curriculum Vitae and telephone number(s)

1. CLOSING DATE AND SUBMISSION:

The closing date for submission of the nomination is ---- /----- / 20----

1.1. Each nomination must be accompanied by the following documents:

- A copy of the nominee's ID document; and
- Latest CV of the nominee.

1.1.1. Nominations must reach the following address on or before end of business on the ---- /----- / 20---- in order for nominations to be distributed to the relevant municipalities.

Chief Town Planner – Free State Spatial Planning and Land Use Management Services
 National Department of Rural Development and Land Reform
 73 Aliwal Street
 Bloemfontein
 9300
 Tel: (051) 410 5800
 Fax: 086 548 3919
 Email: danie.splumsfs@gmail.com

**NOMINATION FORM:
 APPLICABLE TO ALL MUNICIPALITIES**

2. NOMINATOR'S INFORMATION:

2.1. NAME OF MUNICIPALITY	.....
2.2. NOMINATOR	..... (Insert name and surname of the nominator)	
2.3. IDENTITY NUMBER	.....
2.4. CONTACT NUMBER OF NOMINATOR	.....
2.5. SIGNATURE OF NOMINATOR	.....	..... DATE
(This signature implies that the nominator knows the nominee and can testify to the abilities of the nominee)		

3. NOMINEE'S INFORMATION:

3.1. I, THE NOMINATOR HEREBY NOMINATE:	<p style="text-align: center;">..... (Insert full names and surname of the nominee) <i>Please ensure the correct spelling of Name and Surname as this name will be used in official documents</i></p>						
3.2. DISCIPLINE OF NOMINEE (Mark with X)	Town and Regional Planner	Land surveyor	Building Inspector	Environmental Expert	Agriculturalist	Engineer (Please specify)	Other (Please specify)

3.3. GENDER (Mark with X):	Male	Female
3.4. IDENTITY NUMBER OF NOMINEE:	.....
3.5. RESIDENTIAL ADDRESS OF NOMINEE:	.....
3.6. POSTAL ADDRESS OF NOMINEE	.....
3.7. CONTACT NUMBER OF NOMINEE:	.....
3.8. SIGNATURE OF NOMINEE:	.....	..... DATE
<p>This signature implies that the nominee:</p> <ul style="list-style-type: none"> ▪ Accepts this nomination; and ▪ Agrees to abide by the policy and guidelines of the Provincial and National government. 		

.....

COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE

MANGAUNG METROPOLITAN MUNICIPALITY

PUBLIC NOTICE

ESTABLISHMENT OF MUNICIPAL PLANNING TRIBUNAL

- 1) Notice is hereby given in terms of the provisions of section 37(4) and (5), read together with section 35(1) Spatial Planning and Land Use Management Act № 16 of 2013 that the Council of Mangaung Metropolitan Municipality passed a resolution at the sitting held 25 June 2015, for the Establishment of Municipal Planning Tribunal.
- 2) The Established Municipal Planning Tribunal is published for the purpose of general public notification.
- 3) The Municipal Planning Tribunal has been established in order to consider and determine land use and development applications within the area of jurisdiction of the Mangaung Metropolitan Municipality.

Sibongile Mazibuko
City Manager

4) **Ten (10) Appointed Members of Municipal Planning Tribunal are as follows:**

• **Five (5) External Professionals**

1. Leon Ehlers
2. Lungile Bomela
3. Thabo John Aggrey Mongake
4. Anna Marie Sassenberg
5. Clint Koopman

• **Five (5) Internal Officials**

1. Head: Planning
2. Head: Human Settlement
3. Head: Engineering Services
4. Executive Manager: Engineering Wires
5. GM: Legal Services

Mr. Thabo John Aggrey Mongake and the Head: Planning have been appointed as the Chairperson and the Deputy Chairperson of the Municipal Planning Tribunal, respectively.

5) **Term of Office and Conditions of Service of Members of Municipal Planning Tribunal**

(8) A member of the Municipal Planning Tribunal is appointed for a term of five (5) years which may be renewable once.

(9) The office of a member becomes vacant if—

- (a) the member is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;
- (b) the member tenders his resignation in writing to the chairperson of the Municipal Planning Tribunal;
- (c) the member is removed from the Municipal Planning Tribunal under point (3) below ; or the member dies.

(10) The Council may, after having given the member an opportunity to be heard, remove a member of the Municipal Planning Tribunal if —

- (a) sufficient grounds exist for his/her removal;
- (b) a member contravenes the code of conduct under heading 6) below;
- (c) a member becomes subject to a disqualification from membership of the Municipal Planning;
- (d) Tribunal as referred to in section 38(1) of the Spatial Planning and Land Use Management Act.

(11) A vacancy on the Municipal Planning Tribunal must be filled by Council in terms of a resolution.

(12) A member who is appointed by virtue of point (4) above, holds office for the unexpired portion of the period for which the member he replaces was appointed.

(13) Members of the Municipal Planning Tribunal must be appointed on the terms and conditions, and must be paid the remuneration and allowances, and be reimbursed for expenses as determined by the relevant legislation.

(14) The Municipality must publish a 90 day notice before the expiry of every term of office Municipal Planning Tribunal.

6) Code of Conduct for Members of Municipal Planning Tribunal

General conduct

1. A member of the Municipal Planning Tribunal must at all times—

- (d) act in accordance with the principles of accountability and transparency;
- (e) disclose his personal interests in any decision to be made in the planning process in which he serves or has been requested to serve;
- (f) abstain completely from direct or indirect participation as an adviser or decision-maker in any matter in which he has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorized his participation.

2. A member of the Municipal Planning Tribunal may not—

- (a) use the position or privileges of a Municipal Planning Tribunal member or confidential information obtained as a Municipal Planning Tribunal member for private gain or to improperly benefit another person; and
- (b) participate in a decision concerning a matter in which that Municipal Planning Tribunal member or that members spouse, partner or business associate, has a direct or indirect personal or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an adviser or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—

- (e) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
- (f) use confidential information acquired in the course of his duties to further a personal interest;
- (g) disclose confidential information acquired in the course of his duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
- (h) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

<p style="text-align: center;">PROVINCIAL GAZETTE <i>(Published every Friday)</i></p> <p>All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.</p> <p style="text-align: center;">Subscription Rates (payable in advance)</p> <p>The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:</p> <p>SUBSCRIPTION: (POST)</p> <table style="width: 100%;"> <tr> <td>PRICE PER COPY</td> <td style="text-align: right;">R 27.00</td> </tr> <tr> <td>HALF-YEARLY</td> <td style="text-align: right;">R 678.00</td> </tr> <tr> <td>YEARLY</td> <td style="text-align: right;">R 1 356.00</td> </tr> </table> <p>SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)</p> <table style="width: 100%;"> <tr> <td>PRICE PER COPY</td> <td style="text-align: right;">R 19.00</td> </tr> <tr> <td>HALF-YEARLY</td> <td style="text-align: right;">R 470.00</td> </tr> <tr> <td>YEARLY</td> <td style="text-align: right;">R 940.00</td> </tr> </table> <p style="text-align: center;">Stamps are not accepted</p> <p style="text-align: center;">Closing time for acceptance of copy</p> <p>All advertisements must reach the Officer in Charge of the Provincial Gazette not later than 16:00, three working days prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge not later than 08:00 on the Tuesday preceding the publication of the Gazette and double rate will be charged for that advertisement.</p> <p>A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.</p> <p style="text-align: center;">Advertisement Rates</p> <p>Notices required by Law to be inserted in the Provincial Gazette: R29.50 per centimeter or portion thereof, single column.</p> <p>Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.</p> <hr/> <p style="text-align: center;">NUMBERING OF PROVINCIAL GAZETTE</p> <p>You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.</p> <p style="text-align: center;">Printed and published by the Free State Provincial Government</p>	PRICE PER COPY	R 27.00	HALF-YEARLY	R 678.00	YEARLY	R 1 356.00	PRICE PER COPY	R 19.00	HALF-YEARLY	R 470.00	YEARLY	R 940.00	<p style="text-align: center;">PROVINSIALE KOERANT <i>(Verskyn elke Vrydag)</i></p> <p>Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.</p> <p style="text-align: center;">Intekengeld (vooruitbetaalbaar)</p> <p>Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:</p> <p>INTEKENGELD: (POS)</p> <table style="width: 100%;"> <tr> <td>PRYS PER EKSEMPLAAR</td> <td style="text-align: right;">R 27.00</td> </tr> <tr> <td>HALFJAARLIKS</td> <td style="text-align: right;">R 678.00</td> </tr> <tr> <td>JAARLIKS</td> <td style="text-align: right;">R 1 356.00</td> </tr> </table> <p>INTEKENGELD: (OOR DIE TOONBANK / E-POS)</p> <table style="width: 100%;"> <tr> <td>PRYS PER EKSEMPLAAR</td> <td style="text-align: right;">R 19.00</td> </tr> <tr> <td>HALFJAARLIKS</td> <td style="text-align: right;">R 470.00</td> </tr> <tr> <td>JAARLIKS</td> <td style="text-align: right;">R 940.00</td> </tr> </table> <p style="text-align: center;">Seëls word nie aanvaar nie.</p> <p style="text-align: center;">Sluitingstyd vir die Aanneem van Kopie</p> <p>Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later nie as 16:00 drie werksdae voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word nie later nie as 08:00 op die Dinsdag voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.</p> <p>'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.</p> <p style="text-align: center;">Advertensietariewe</p> <p>Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R29.50 per sentimeter of deel daarvan, enkel-kolom.</p> <p>Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.</p> <hr/> <p style="text-align: center;">NOMMERING VAN PROVINSIALE KOERANT</p> <p>U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.</p> <p style="text-align: center;">Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering</p>	PRYS PER EKSEMPLAAR	R 27.00	HALFJAARLIKS	R 678.00	JAARLIKS	R 1 356.00	PRYS PER EKSEMPLAAR	R 19.00	HALFJAARLIKS	R 470.00	JAARLIKS	R 940.00
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