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**[PROVINCIAL NOTICE NO. 91 OF 2018]****MOQHAKA LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government:

Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Fire Brigade Service By-laws as contained in the schedule hereunder. These By-laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

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## CHAPTER 1

### APPLICATION AND INTERPRETATION OF BY-LAWS

#### Application of By-laws

1. (1) These by-laws apply -
  - (a) within the area of jurisdiction of the Council; and
  - (b) in addition to any applicable national or provincial law.

#### Definitions and Interpretation

2. (1) In these By-laws unless the context otherwise indicates -
  - "**above ground storage tank**" means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 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, service, renew, or 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;
  - "**approved**" means as approved by the Council;
  - "**area**" means the residential area or any other area within the boundaries of the Municipality
  - "**bulk depot**" means any premises on which the capacity of the above-ground storage of petroleum products exceeds 200m<sup>3</sup> and on which supplies of these products are received from the refinery or other bulk depots;
  - "**building**" means that as described in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;
  - "**bund wall**" means a containment wall surrounding an above ground storage tank/s, constructed of an impervious material and designed to contain 110% of the contents of the bund;
  - "**certificate of appointment**" means an identification document issued by the Chief Fire Officer to a member;
  - "**certificate of fitness**" means a certificate contemplated in clause 30 of these by-laws, which certificate has been issued by the Chief Fire Officer 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 Chief Fire Officer in terms of clause 45 of these by-laws which authorizes a person to occupy a registered premises, or to use the premises for spray-painting activities, or for the storage or handling of dangerous goods, by having complied with all fire related requirements, on the date of issuance of the certificate;
  - "**Chief Fire Officer**" means the Chief Fire Officer appointed by the Council in terms of clause 5 of the Fire Brigade Services Act as amended, and includes any person appointed as acting Chief Fire Officer and also 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 Fire Brigade Services Act;
  - "**Chief Inspector of Explosives**" means the Chief Inspector of Explosive appointed in terms of Section 2 of the Explosives Act, 15/2003;
  - "**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 O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:
  - (i) Class IA: liquids which have a closed-cup flash point below 23°C and a boiling point of 35°C; and
  - (ii) Class IB: liquids, which have a closed-cup flash point below 23°C and boiling point of 38°C or above;
  - (iii) Class IC: liquids, which have a closed-cup flash point of 23°C or above but below 38°C;
- (c) Class II: liquids have a closed-cap flash point of 38°C or above but below 60.5°C;
- (d) Class IIIA: liquids which have a closed-cup flash point of 60, 5°C or above below 93°C; and
- (e) Class IIIB: liquids, which have a closed-cap flash point of 93°C or above;

**"code of practice"** means code of practise as defined in Section 1 of the Standards Act 1993 (Act 29 of 1993)

**"combustible liquid"** means a liquid, which has a *closed-cup* 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 local authority 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, built and equipped to co-ordinate and control an emergency situation in or on the premises in question;

**"Council"** means the Council of Mqohaka Municipality referred to in Section 18(1) of the Municipal Structures Act, 1998 and includes any duly authorised political structure, political office bearer, councillor and official thereof;

**"dangerous goods"** means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 10228;

**"decanting room"** means any room used or intended to be used for the manufacture, preparation or decanting of any product involving the use of flammable liquid;

**"designated premises"** means any premises designated by the Chief Fire Officer with the view to an emergency evacuation plan as contemplated in clause 27 of these By-laws;

**"discharge"** means the ignition or activation of any fireworks whatsoever;

**"dwelling house"** means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

**"dump"** means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

**"emergency"** means any incident or eventuality which seriously endangers or may endanger any person, property or the environment;

**"emergency evacuation plan"** means the written procedure and a set of detailed plans as contemplated in Annexure of these By-laws;

**"emergency route"** means that part of any escape route which -

- (a) protects the occupiers of any building from fire; and
- (b) leads to an escape door;

**"enclosed place"** in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

**"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 the entire path of travel, measured from an escape door to the furthest point in any room in a building;

**"explosive"** means

- (a) a substance or a mixture of substances which is capable of producing an explosion;
- (b) pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke or a combination of these, as a result of self non-detonative self-sustaining exothermic chemical reaction including pyrotechnic substances which do not evolve gases;
- (c) any device or article containing one or more substances contemplated in (a)
- (d) any plastic explosive;
- (e) any other substance or article which the Minister may from time to time in notices in the Gazette declare to be an explosive

**"Explosive Act"** means the Explosive Act, 2003 (Act No. 15 of 2003), and any regulations made under that Act;

**"extinguishing stream"** means the amount of water that the Service needs in order 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 includes 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 the access doors of least two emergency routes;

**"fire area"** means the area of jurisdiction of the Mqohaka Municipality in which provision is made for fire protection as defined in SANS 10090

**"Fire Brigade Services Act"** means the Fire Brigade Service Act, 1987 (Act No. 99 of 1987), as amended and any regulations made under that Act

**"fire damper"** means an automatic damper, including its assembly, which complies with the requirements of SANS 10193;

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

**"fire grading"** means with regards 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 II to V, as amended;

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

**"fire installation"** means any water installation which conveys water solely for the purposes of firefighting;

**"fire risk area"** means a fire risk area being divided into sub-areas, which fall into one of the fire-risk categories;

**Category A:**

Central business district 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 the 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 the central business district and would therefore be included in Category A. Buildings with major fire safety deficiencies may, however, be classed as special risks.

**"fireworks"** means any pyrotechnic substance contemplated in paragraph (b) of the definition of 'explosives' as defined in Section 1 of the Explosives Act, No. 15 of 2003, which is

- (a) manufactured for the purposes of amusement or entertainment, and
- (b) divided into such classes as may be prescribed

**"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 kilopascal

- (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 which has a closed-cap flash point of 93°C or below,

**"flammable liquid store"** means a high risk storage facility contemplated in the regulations made under the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

**"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, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act 1973 (Act No. 15 of 1987 as amended);

**"hazardous substance"** means any hazardous substance contemplated in the Hazardous Substance Act;

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

**"liquefied petroleum gas"** means anyone or more of or a combination of commercial butane, commercial propane, or a mixture of light hydrocarbons (predominantly propane, 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;

**"inspector"** means a member appointed as an inspector in terms of Section 2(5) of the Explosive Act, to control fireworks in so far as the storage, use and sale of fireworks are concerned;

**"member"** means a member of the Service as contemplated in Section 6 and 6A(5) of the Fire Brigade Services Act as amended; and includes the Chief Fire Officer

**"Minister"** means the Minister of Safety and Security

**"Municipality"** means the Moqhaka Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillors, duly authorized agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

**"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 practise which are contained in Annexure 4 to these By-laws.

**"occupancy"** in relation to any public building means the assembly of people in or on any such building

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

**"occupier"** means any person who occupies or has control over any premises, irrespective of the title under which s/he occupies or has control over the premises;

**"owner"** in relation to premises, means the registered owner of the premises and includes -

- (a) any person who receives rental or profit from the premises, whether on own account or as agent;
- (b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
- (c) an executor or curator of any deceased or insolvent estate;

- "premises"** means any land, building, construction or structure or part thereof and includes  
 (a) any train, boat, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and  
 (b) any building or room in which explosives are stored kept or handled;
- "prescribed fee"** means a fee determined by the Council by resolution in terms of Section 4 of the Local Government Systems Act, 32 of 2000 as amended or any other applicable legislation;
- "public gathering"** includes any gathering by members of the public-  
 (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screening; or  
 (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;
- "public place"** means any path, street, walkway, sidewalk, park, place of rest or other place to which the public has authorized or unimpeded access;
- "pyrotechnist"** means any appropriately qualified person responsible for fireworks at fireworks display;
- "rational design"** as defined in SANS 10400;
- "registered premises"** means any premises in respect of which a certificate of registration has been issued;
- "SANS"** means South African National Standard;
- "Service"** means the Fire Brigade Service established and maintained by the Council as contemplated in Section 1 of the Fire Brigade Services Act 1987 as amended;
- "service installation"** means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;
- "spray"** means to spray, coat, plate or epoxy-coat with any hazardous substance and spraying has a corresponding meaning;
- "spraying permit"** means a permit issued by the Chief Fire Officer in terms of clause 89 of these by-laws;
- "spraying room"** means a room contemplated in clause 83;
- "storage vessel"** means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;
- "store room"** means a room, which is constructed, equipped and maintained as, contemplated in section 61 of these by-laws;
- "storey"** means that which the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act has given to it;
- "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, reeds, shrubs and trees;
- "vehicle"** includes a trailer or semi-trailer which -  
 (a) has at least 4 wheels with independent axles and suspension system; and  
 (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act; and
- "water installation"** means a water installation as defined in the Council's Water Services By-laws.

- (2) 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 Section 81 (2) of the Local Government Municipal System 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.

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**CHAPTER 1**  
**FIRE BRIGADE SERVICES**  
**PART ONE**

**ESTABLISHMENT AND MAINTENANCE OF SERVICE**

3. (1) The Council has established a Fire Brigade Service as contemplated in section 3 of the Fire Brigade Service Act, 1987, as amended.
- (2) The Council must maintain the Service, which includes -  
 (a) appointing a Chief Fire Officer and the necessary members of the Service;  
 (b) ensuring that they are properly trained; and  
 (c) acquisition and maintenance of the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.
- (3) (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 Council will appoint a member of the service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer;



**OBJECTS OF SERVICE**

4. The objects of the Service are -
- (a) preventing the outbreak or spread of a fire;
  - (b) fighting or extinguishing a fire;
  - (c) the protection of life or property from a fire or other threatening danger;
  - (d) the rescue of life or property from fire or other danger;
  - (e) subject to the provisions of the Health Act, 1977 (Act No. 63 of 1977), the rendering of an ambulance service as an integral part of the fire brigade service; or
  - (f) the performance of any other function connected with any of the matters referred to in (a) to (e)

**SERVICE TO OTHER PERSONS**

5. (1) With the approval of the Chief Fire Officer, the Service may, use any equipment and/or manpower at its disposal to provide any service related to its objects to any other person against payment of the prescribed fee.
- (2) The Council 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 the Free State, against payment of the prescribed tariffs as determined by the Council from time to time, or on the conditions contained in the agreement concerned.
- (3) Any service contemplated in subsection (1), may be terminated without notice if the services, equipment or personnel involved in providing that service are required to deal with an emergency.

**PROCEDURES AND DUTIES DURING AN EMERGENCY SITUATION**

6. (1) The Chief Fire Officer or member who is in charge of an emergency situation must ensure that:
- (a) adequate manpower and the appropriate apparatus and equipment are available and are used without delay;
  - (b) the emergency situation is immediately assessed upon arrival and additional resources or assistance as deemed necessary, are called for without delay.; 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 thereafter, 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, 1977, (Act 99 of 1987), the South African Police Services 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 by Council, 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 Council.

**INSTRUCTIONS BY MEMBERS OF SERVICE**

7. (1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in sub clause (1) may include, but is not limited to an instruction -
- (a) for the immediate evacuation of any premises;
  - (b) to close any premises until such time as any contravention of these By-laws has been rectified;
  - (c) to cease any activity;
  - (d) to remove any immediate threat to the safety of any person or property;
  - (e) to take specified steps to comply with these By-laws, immediately, either for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a timetable for the taking of these steps in order to ensure compliance with these By-laws.
- (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**PRETENDING TO BE MEMBER OF SERVICE PROHIBITED**

8. (1) No person may pretend to be a member;
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service;
- (3) Any person who presents him/herself as a member of the Service must, identify him/herself by producing the relevant certificate of appointment and/or mark of appointment.
- (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CERTIFICATES TO IDENTIFY MEMBERS OF SERVICE**

9. (1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.  
 (2) A member, while performing any function or exercising any power under these By-laws must -  
 (a) Keep the certificate provided in terms of sub clause (1), on his or her person; and  
 (b) Produce it for inspection on request by any person.

**POWERS OF MEMBERS AND DESIGNATED OFFICERS**

10. (1) Every member of the Service has all the powers provided for in the Fire Brigade Services Act, 1987.  
 (2) A designated officer as contemplated in Section 5 of the aforementioned Act may;  
 1. seize any certificate of fitness, 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;  
 2. institute the relevant prosecution in connection with subsection (4) (b) or have the prosecution instituted, as the case may be; and  
 3. seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition 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 seizures, 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 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 Services 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 must be returned to the person from whose possession it was taken subject to any order of court.  
 (3) Any member may seal off any building or premises by temporarily closing a street, passage or place which s/he deems necessary for public safety or for effectively fighting a fire or dealing with any emergency that may give rise to a fire, explosion or other threat to life or limb, and the member 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.  
 (4) (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 section 56, read with section 57, of the Criminal Procedures Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;  
 (ii) in terms of the provisions of section 341 of the Criminal Procedures Act, 1977 (Act 51 of 1977), to issue spot fines for certain minor offences;  
 (iii) in terms of the provisions of section 44 of the Criminal Procedures Act, 1977 (Act 51 of 1977), to issue a warrant of arrest;  
 (iv) in terms of the provisions of section 41 of the Criminal Procedures Act, 1977 (Act 51 of 1977), to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorized to do so; and  
 (v) in terms of the provisions of section 54 of the Criminal Procedures Act, 1977 (Act 51 of 1977), to serve summons in order to secure the attendance of the accused in a magistrate court.

**DRIVING SERVICE VEHICLES**

11. (1) Any member may, with the written authority of the Chief Fire Officer, drive a Service vehicle if s/he has the applicable driving license for the vehicle in question as required by the National Road Traffic Act, 1996;  
 (2) A member who is duly authorized to do so, as contemplated in sub clause (1) must drive a Service vehicle in accordance with the National Road Traffic Act, 1996, and any regulation made under the Act.  
 (3) Any member who fails to comply with the provisions of this clause is guilty of an offence

**12. MAKING FIRE BRIGADE EQUIPMENT AND MANPOWER AVAILABLE**

With the approval of the Chief Fire Officer, the Service may, at the request of anybody or person and at the tariffs determined by the Council from time to time, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.

- (1) The said equipment and/or manpower may be withdrawn summarily for whatever reason if the equipment and/or manpower are required elsewhere for or in connection with an emergency situation.

**CHAPTER 1  
FIRE BRIGADE SERVICES  
PART 2: FIRE PROTECTION**

**DESIGN AND CONSTRUCTION OF BUILDINGS**

13. (1) Subject to the provisions of sub clause (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that -
- (a) provides for-
    - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
    - (ii) the discharge of that water directly into a storm water drain;
  - (b) prevents any water that may result from fire-extinguishing activities from draining -
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;
    - (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any vehicle access ramp leading to or from a building.
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and
  - (d) complies with the requirements of SANS 10400: 2010 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of sub clause (3), every owner of a building equipped with a transformer room must ensure that -
- (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
  - (d) any person who contravenes or fails to comply with this clause is guilty of an offence.
- (3) Sub clauses (1) and (2) do not apply in respect of any building which exists at the commencement of this by-law.

**DESIGN AND CONSTRUCTION OF DUMPING SITES**

14. (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-
- (a) the Department of Water Affairs and Forestry; and
  - (b) the Council.
- (2) Any person who fails to comply with the provisions of this clause is guilty of an offence.

**DESIGN AND CONSTRUCTION OF OTHER STRUCTURES AND SITES**

15. (1) Every person who design, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -
- (a) any grain silo;
  - (b) any atrium;
  - (c) any air traffic control tower,
  - (d) any tower for telecommunications or other uses;
  - (e) any thatched structure, which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
  - (f) any tent or other temporary structure for holding a public gathering;
  - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door; and
  - (h) any other structure or building in the area, identified at the discretion of the Chief Fire Officer, must comply with an acceptable rational design, submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
  - (i) any person who contravenes or fails to comply with this clause is guilty of an offence.
- (2) Every person who designs or constructs any aircraft hangar or helicopter pad, must ensure that it-
- (a) complies with a rational design as contemplated by the National Building Regulations and Building Standards Act
  - (b) provides for effective drainage of any liquid from the floor of the hangar or helicopter pad or any approach to the aircraft hangar or helicopter pad;
  - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator pit;
  - (d) prevents the spread of any liquid from the floor of the hangar or helicopter pad; and
  - (e) is equipped with effective earthing devices for the discharge of static electricity.
  - (f) any person who contravenes or fails to comply with this clause is guilty of an offence.

**REQUIREMENTS FOR SPRINKLER SYSTEMS**

16. (1) If a sprinkler system is required in any building in accordance with SANS 10400: 2010, SANS 10087 (Part III) or SANS 10089 (Part I) or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or install a sprinkler system must ensure that it is designed, constructed and installed-
- (i) in accordance with SANS 10287; and
  - (ii) in compliance with the requirements of SANS 10400: 2010 (Part A, K, M, O, T, V and W) insofar as it relates to fire protection.

**REQUIREMENTS FOR EXTRACTOR FAN SYSTEMS**

17. (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that -
- (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
  - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed must ensure that every filter, damper, screen or conduit forming an integral part of the system is *free of residues* or any other combustible residues do not accumulate.

**REQUIREMENTS FOR EMERGENCY EXITS**

18. (1) Every owner of a building must ensure that any escape door in that building-
- (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit
- (2) Every owner of a building must ensure that any door in a feeder route -
- (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of sub cause (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.
- (4) 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.
- (5) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**DESIGN, IDENTIFICATION AND ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES**

19. (1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that -
- (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
  - (c) there is a climate-proof and weatherproof parking surface for parking and operating fire brigade machines and equipment in an emergency -
    - (i) of dimensions at least 10 metres wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of at least 70 metric tons; and
  - (d) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purpose of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises -
- (a) is displayed clearly on the street boundary of the premises in number at least 75 millimetres high; and
  - (b) is visible from the street; and
  - (c) is maintained in a legible condition at all times.

**BARRICADING OF VACANT BUILDINGS**

20. Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Office-
- (a) remove all combustible waste and refuse from the building; and
  - (b) lock, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorized person.
  - (c) any person who contravenes or fails to comply with this clause is guilty of an offence.
-

**CHAPTER 2  
FIRE PREVENTION AND FIRE PROTECTION  
PART 1: FIRE PREVENTION**

**CERTAIN FIRES PROHIBITED**

21. (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (2) No person may burn or allow any other person to burn any refuse or combustible material -
- (a) without the prior written permission of the Chief Fire Officer; or
- (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person who makes a fire or allows any other person to make a fire must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (4) The prohibition in sub clause (2) does not apply to any fire made -
- (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
- (b) for the purpose of preparing food on private premises set aside for that purpose; or
- (c) in any device for preparing food which -
- (i) is heated by electricity or liquefied petroleum gas; and
- (ii) is so positioned that the fire does not endanger any person, animal or property.
- (5) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**STORAGE AND ACCUMULATION OF COMBUSTIBLE MATERIAL PROHIBITED**

22. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (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 dust in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in sub clause (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 or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.
- (7) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**ELECTRICAL FITTINGS, EQUIPMENT AND APPLIANCES**

23. No person may cause or allow -
- (a) any electrical supply outlet to be overloaded; or
- (b) any electrical appliance or extension leads to be used in any manner that may pose a fire hazard to any person or property.

**FLAME-EMITTING DEVICES**

24. 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.

**SAFETY FIRE-BREAKS REQUIRED**

25. (1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety firebreak along every boundary of the agricultural holding or farm that-
- (a) is at least 5 metres 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 firebreak, the owner or occupier concerned must clear and maintain a 5 metre-wide safety firebreak around that obstruction.
- (3) No person may clear or maintain a safety firebreak by burning without the prior written permission of the Chief Fire Officer
- (4) Any person who intends to clear or maintain a safety firebreak 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; and
- (b) 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) (1) Every owner or occupier of premises in the area of jurisdiction may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs trees or any like vegetation to the extent that grass, weeds, reeds, shrubs

- trees or any like vegetation may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of agricultural holding or farm –
- (a) must clear and maintain a safety firebreak along every boundary of the erf, site, stand or premises within a proclaimed township in the area and must remove the fire hazard or ensure that the fire hazard is removed.
  - (b) if an obstruction occurs within the boundaries of a safety firebreak, the owner or occupier concerned must clear and maintain a 5 metre-wide safety firebreak around that obstruction.
  - (c) where branches protrudes into the fire break it shall be removed by pruning, chopping down or sawing off as the case may be such protrusions
4. shall remove all pruned, chopped and/or sawn off or cut off residue from the premises or ensure that such residue is removed; and
- (e) No person may clear or maintain a safety firebreak by burning without the prior written permission of the Chief Fire Officer
- (3) Any person who intends to clear or maintain a safety firebreak 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; and
  - (b) 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.
- (6) Notwithstanding the above, the provisions of the National Veld and Forrest Act, 1998, Act 101 of 1998 apply mutates mutandis to the application of this clause.
- (7) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CHAPTER 2**  
**FIRE PREVENTION AND FIRE PROTECTION**  
**PART 2: FIRE FIGHTING EQUIPMENT AND EMERGENCY EVACUATION PLANS**

**INSTALLATION AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT**

- 26 (1) Every owner of a building must ensure that -
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
  - (b) all portable and mobile fire extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 10105 and SANS 1475;
  - (c) all fire-fighting equipment and service installations on the premises are -
    - (i) maintained in a good working condition by a competent person and serviced in accordance with manufacturer specifications; and
    - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
  - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained
  - (e) and furnished to the Chief Fire Officer every 12 months.
- (2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must -
- (a) on completing the inspection, service or repairs, as the case may be-
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish that certificate to the owner of the premises; or
  - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or firefighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- (5) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CHIEF FIRE OFFICER MAY DESIGNATE PREMISES FOR EMERGENCY EVACUATION PLANS**

- 27 (1) The Chief Fire Officer may, by written notice, designate any premises as premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or occupier.

**DUTIES OF OWNER OR OCCUPIER OF DESIGNATED PREMISES**

- 28 (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of clause 27 must-
- (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Annexure 1 and submit it to the Chief Fire Officer in triplicate for approval within 30 days of service of the designation notice;

- (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or occupier to organize a fire protection programme and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed -
    - (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and
    - (iii) whenever the Chief Fire Officer requires revision of the plan;
  - (d) ensure that up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept maintained and all times available in a control room on the premises for inspection by any designated member of the Service;
  - (e) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors; and
  - (f) display the Emergency Evacuation Plan (EEP) at conspicuous positions inside the premises.
- (2) The Chief Fire Officer may in respect of premises designated in terms of clause 27 -
- (a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;
  - (b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believe is necessary to ensure the safety of persons and property on the premises; and
  - (c) require the owner or occupier to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.
- (3) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CHAPTER 2  
FIRE PREVENTION AND FIRE PROTECTION  
PART 3: CERTIFICATES OF FITNESS FOR CERTAIN BUILDINGS**

**PROHIBITION OF PUBLIC GATHERINGS IN CERTAIN CIRCUMSTANCES**

- 29
- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this sub clause, has not yet expired.
  - (2) Sub clause (1) does not apply in respect of a building or temporary structure which existed at the commencement of these " By-laws, unless after that date -
    - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
    - (b) ownership or control of the building or structure changes.
  - (3) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**APPLICATION FOR CERTIFICATE OF FITNESS**

- 30
- (1) Every owner of a building or temporary structure intended for the holding of a public gathering must -
    - (a) complete and submit to the Chief Fire Officer an application form for a certificate of fitness in the form and manner determined by the Chief Fire Officer; and
    - (b) pay the prescribed fee.
  - (2) An application contemplated in sub clause (1) must be submitted 180 days before any intended public gathering.

**REQUIREMENTS FOR CERTIFICATE OF FITNESS**

- 31
- The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure -
- (a) unless the Council is in possession of an up-to-date set of building plans for the premises;
  - (b) unless the building or temporary structure complies with the requirements of these By-laws; and
  - (c) for a period of validity exceeding 12 months.

**FORM AND CONTENT OF CERTIFICATE OF FITNESS**

- 32
- A certificate of fitness must be in the form determined by the Chief Fire Officer and must at least record the following information, where applicable:
- (a) the trade name and street address of each occupier of the building or temporary structure.
  - (b) a description of the type of activity carried on by each occupier of the building or structure;
  - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
  - (d) the maximum permissible number of people who may be admitted to the usable floor area of the building or structure;
  - (e) the number of emergency exits and their dimension; and
  - (f) the dates of issue and expiry of the certificate and its serial number.
-

**DUTIES OF HOLDER OF CERTIFICATE OF FITNESS**

- 33 The holder of a certificate of fitness must -
- (a) comply with the provisions of the certificate of fitness;
  - (b) at all times-
    - (i) display the certificate prominently on the premises; and
    - (ii) maintain the certificate in a legible condition;
  - (c) immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure; and
  - (d) submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner determined by the Council together with the prescribed fee.
  - (e) any person who contravenes or fails to comply with this section is guilty of an offence.

**CANCELLATION OF CERTIFICATE OF FITNESS**

- 34 (1) The Chief Fire Officer may cancel any certificate of fitness in respect of a building or temporary structure if s/he has reason to believe that -
- (a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
  - (b) the building or structure contravenes or does not comply with the requirements of these By-laws.
- (2) Subject to sub clause (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in sub clause (1), s/he must-
- (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
  - (b) give the owner or occupier concerned a period of not more than 7 days to make written representations regarding the matter; and
  - (c) consider any representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in sub clause (2) (b), may endanger any person or property, s/he may cancel a certificate of fitness without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate of fitness in terms of sub clause (3), s/he must -
- (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
  - (b) provide the owner or occupier a period of not more than 7 days to make written representations regarding the cancellation; and
  - (c) consider any representations received.
- (5) The Chief Fire Officer may, after considering the representations contemplated in sub clause (4) reverse the decision to cancel the certificate of fitness.

**CHAPTER 2  
FIRE PREVENTION AND FIRE PROTECTION  
PART 4: WATER SUPPLY FOR FIRE-FIGHTING PURPOSES**

**TOWNSHIP DEVELOPMENT WATER SUPPLY REQUIREMENTS**

- 35 (1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of firefighting by members of the Service.
- (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 By-laws;
  - (b) the water supply from these reservoirs is reticulated in a manner that ensure 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) Sub clause (2) (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 a separate supply main and pump; and
  - (c) the reservoirs are connected to each other.
- (4) 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 metres in any high risk area or for more than 300 metres 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 clause 38, the water reticulation system is adapted without delay so as to comply with the requirements of clauses 36 and 37.



**TOWNSHIP DEVELOPMENT FIRE-EXTINGUISHING STREAM REQUIREMENTS**

36 Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to members of the Service in an emergency, of 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**

37 (1) 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 volume of extinguishing stream (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1 980	120
Moderate risk	1 150	180
Low risk	900	240

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

**FIRE RISK CATEGORIES**

- 38 (1) For purposes of clauses 36 and 37, the following areas of 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 which 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 storey; 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;
    - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant

**CONNECTIONS TO WATER RETICULATION SYSTEM**

- 39 (1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) 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 fire engineer,
  - (b) if the Chief Fire Officer requires a larger water connection for purposes of firefighting, 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 SANS 10400.

**CHAPTER 3  
CONTROL OF FIRE WORKS**

**USE OF FIREWORKS PROHIBITED IN CERTAIN CIRCUMSTANCES**

- 40 (1) Unless so authorized in terms of clause 43, no person may use fireworks -
- (a) within 500 metres of any explosive factory, explosives storage place, petrol depot or petrol station;
  - (b) inside any building;
  - (c) on any agricultural holding;
  - (d) at any public place; or
  - (e) at any school, boarding 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 clause 43, no person may light or ignite fireworks on any day or at any time except -
- (a) New Year's Eve from 23h00 to 01h00
  - (b) Hindu New Year from 19h00 to 22h00;
  - (d) Lag b'omer from 19h00 to 22h00;
  - (e) Chinese New Year from 19h00 to 22h00;
  - (f) Guy Fawkes Day from 19h00 to 22h00
  - (g) Diwali from 19h00 to 22h00; and
  - (h) Day of Goodwill from 19h00 to 22h00;
  - (i) No person may allow any minor under his or her control to use light or ignite fireworks in contravention of subsection (1), (2) or (3).
- (4) Any person who contravenes or fails to comply with this section is guilty of an offence.

**FIREWORKS DISPLAY PROHIBITED UNLESS AUTHORIZED**

- 41 No person may present a fireworks display unless -
- (a) authorized to do so by the Chief Fire Officer as contemplated in clause 43;
  - (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 explosive expert from the South African Police Services are at all times in attendance at the display;
  - (e) that person has ensured that -
    - (i) an area with a radius of at least 50 metres is clearly demarcated for the 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 pyrotechnics is at all times present and responsible for the use of fireworks at the display.
  - (g) any person who contravenes or fails to comply with this clause is guilty of an offence.

**APPLICATION TO PRESENT FIREWORKS DISPLAY**

- 42 (1) 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 Chief Fire Officer 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 firework.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 21 days before the date of the proposed fireworks display.

**AUTHORITY TO PRESENT FIREWORKS DISPLAY**

- 43 (1) If the Chief Fire Officer decides to approve an application to present a fireworks display, s/he must provide the applicant with written confirmation of its decision and any conditions that the Chief Fire Officer may impose to safeguard persons and property.
- (2) The Chief Fire Officer may require that the 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 through the Chief Fire Officer
- (3) The applicant will pay the prescribed fee beforehand for the designated official to be present at the fireworks display.

**DEALING IN FIREWORKS**

- 44
- (1) No person may deal in fireworks unless -
    - (a) that person holds the required fireworks licence in terms of the Explosive Act; and
    - (b) has the written authority of the Chief Fire Officer
  - (2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in sub clause (1) (b), must-
    - (a) complete an application in the form and manner determined by the Chief Fire Officer; and
    - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant
  - (3) 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.
  - (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CHAPTER 4****CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES PROHIBITED IN CERTAIN CIRCUMSTANCES**

- 45
- (1) Subject to the provisions of sub clause (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.
  - (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Annexure 2.
  - (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -
    - (a) is used, handled or stored in a manner that ensures that -
      - (i) no flammable substance nor any flammable substance fumes comes into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
      - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
    - (b) is used, handled or stored-
      - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
      - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas;
    - (c) the flammable substances are stored in strong, gas-tight and labelled containers.
  - (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**APPLICATION FOR CERTIFICATE OF REGISTRATION FOR FLAMMABLE SUBSTANCES**

- 46
- (1) No application for a certificate of registration for flammable substances will be considered unless the owner of the premises on which there is a building in respect of which a floor layout changed, addition, alteration, upgrading, and/or renovations is envisaged, or the owner of a premises on which bulk-, above-ground-, underground installations and any other structures are to be constructed for the use, storage or handling of flammable liquids has submitted plans of a floor layout change, addition, alteration, upgrading, and/or renovations to a bulk-, above-ground-, underground installations and any other structures to the Municipality for approval by the Fire and Rescue Service.
  - (2) An application for a certificate of registration contemplated in clause 45 (1) must be completed and submitted in the form and manner determined by the Chief Fire Officer, together with the prescribed fee.
  - (3) Notwithstanding the prescribed fee payable for the registration of flammable substance premises, the applicant will pay the prescribed fee to the Fire and Rescue Services for approval of the plans as required in clause 46 (1) of these by-laws.
  - (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 recommended by the Fire and Rescue Services. For the duration of construction work on the premises, the approved plans must be available for inspection by the Chief Fire Officer or designated officer.

**ISSUE OF CERTIFICATE OF REGISTRATION**

- 47
- (1) If the Chief Fire Officer issues a certificate of registration to any person, that Chief Fire Officer must endorse on the certificate -
    - (a) the class and quantity of the flammable substance for which the premises have been registered;
    - (b) the number of storage tanks or storage facilities on the premises and their capacities;
    - (c) the number of flammable substance storerooms on the premises and their capacities;
    - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
    - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
    - (f) the period of validity and expiry date of the certificate;
-

- (g) the physical address of the premises and the name and postal address of the occupant; and
- (h) a serial number.
- (2) A certificate of registration
  - (a) is not transferable between premises;
  - (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
  - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.
- (3) A certificate of registration is valid only for -
  - (a) the installation for which it was issued;
  - (b) the state of the premises at the time of issue; and
  - (c) for the quantities of flammable substance stated on the certificate.

**AVAILABILITY OF CERTIFICATE OF REGISTRATION AT PREMISES**

- 48 (1) The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times, for inspection by the Chief Fire Officer or duly authorised/ designated officer.
- (2) The holder of a certificate of registration must ensure that the certificate is displayed in a weatherproof container in a conspicuous place at the premises and that the certificate is maintained in a legible condition at all times.
- (3) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**FIRE-FIGHTING EQUIPMENT**

- 49 (1) 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 portable fire extinguishers -
    - (i) as specified in SANS 10400T ;
    - (ii) in such numbers as is appropriate in each clause of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
  - (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to an approved water supply –
    - (i) as contemplated in SANS 10400 (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 SANS 1128 (Part II) (fire-fighting equipment - couplings); and
    - (ii) that is connected to an approved water supply that enables each hydrant to maintain a minimum flow of 20 litres per second at a minimum pressure of 300 kPa;
    - (iii) at a ratio of at 1 to every 1000 square metres 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.
- (2) Notwithstanding the provisions of sub clause (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, s/he may -
  - (a) specify the type of fire extinguishers 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.
- (3) The holder of any certificate of registration or other authorization contemplated in these by-laws must ensure that all fire-fighting equipment contemplated in sub clause (1) -
  - (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 SANS 10105 and SANS 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 SANS 1186; and
    - (ii) to the satisfaction of the Chief Fire Officer.
- (4) Any person who contravenes or fails to comply with this section is guilty of an offence.

**AMENDMENT TO CERTIFICATE OF REGISTRATION**

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

**CANCELLATION OF CERTIFICATE OF REGISTRATION**

51 The provisions of clause 34, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

**RENEWAL OF CERTIFICATE OF REGISTRATION**

52 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 AUTHORIZATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS**

53 No certificate of registration contemplated in clause 45 or any other authorization contemplated in these by-laws is required in respect of flammable liquids in a fuel tank -  
 (a) of any motor vehicle; and  
 (b) of any stationery engine if the volume of the fuel tank does not exceed 100 litres.

**RECORD OF CERTIFICATES OF REGISTRATION**

54 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,

**CHAPTER 5****GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****GENERAL PROHIBITIONS REGARDING USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

- 55 (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may-
- (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
  - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- (2) No person may -
- (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
  - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorized to do in terms of these by-laws;
  - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where flammable substance is stored;
  - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
  - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus-
    - (i) fill or allow the filling of its fuel tank; or
    - (ii) transport or allow the transport of any flammable substance on the bus, except in a fuel tank; and
  - (d) deliver or supply or allow to be delivered or supplied, 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.
- (3) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**USE, HANDLING AND STORAGE OF LIQUEFIED PETROLEUM GAS**

- 56 (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Annexure 2 unless -
- (a) the person is in possession of a certificate of registration contemplated in clause 45; and
  - (b) the use, handling and storage of the liquefied petroleum gas comply with the requirements of SANS 10087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 10087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 10087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application for permission contemplated in sub clause (4) must be made in writing at least 21 days before the event concerned.
- (6) 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.
- (7) 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 sub clause (6).
- (8) Any person who contravenes or fails to comply with this clause is guilty of an offence.
-

**DISPLAY OF SYMBOLIC WARNING SIGNS REQUIRED**

- 57 (1) The owner of any premises where any flammable or explosive substance is used, handled or stored must in the affected area of the premises, display symbolic signs in accordance with the specifications of SANS 1186;-
- (a) prohibiting smoking and open flames, cell phones and/or non-intrinsically safety equipment;
  - (b) of a size and number determined by the Chief Fire Officer; and
  - (c) prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of sub clause (1).

**DUTIES TO REPORT FIRES, ACCIDENTS AND DUMPING**

- 58 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.

**CHAPTER 6**

**STORAGE OF FLAMMABLE SUBSTANCES**

**STORAGE OF FLAMMABLE SUBSTANCES PROHIBITED IN CERTAIN CIRCUMSTANCES**

- 59 No person may store or allow the storage of any flammable substance in any storeroom unless -
- (a) that person has a certificate of registration contemplated in clause 45; and
  - (b) the storeroom complies with the requirements of these By-laws and any other applicable law,
  - (c) any person who contravenes or fails to comply with this clause is guilty of an offence.

**SYMBOLIC SAFETY SIGNS MUST BE DISPLAYED**

- 60 The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that-
- (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom –
    - (i) of a number determined by the Chief Fire Officer,
    - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
    - (iii) manufactured in accordance with SANS 1186;
  - (b) the groups of flammable substances and their corresponding quantities that may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.

**CONSTRUCTION OF FLAMMABLE SUBSTANCE STOREROOM**

- 61 Every storeroom must be designed and constructed according to the following criteria:
- (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 -
      - (a) is not situated within 5 metres of any adjacent building or boundary of the premises; or
      - (b) adjoins a higher wall with no opening within 10 metres above and 5 metres on either side of the storeroom.

**REQUIREMENTS FOR STOREROOM DOORS**

- 62 (1) Every storeroom must be equipped with a fire rated fire door that -
- (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
  - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in sub clause (1) and (2) must if installed on -
- (a) external walls, be "B" class fire doors; and
  - (b) internal walls in communication within a building, be "D" class fire doors.

**REQUIREMENTS FOR STOREROOM WINDOWS**

- 63 (1) Every storeroom window frame must -
- (a) consist of steel;
  - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
  - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.
-

**REQUIREMENTS FOR STOREROOM CATCH PITS**

- 64 (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the doorsill to form a catch pit-
- (a) with a holding capacity equal to the total volume of hazardous substances being stored in the storeroom, plus 10 percent, with a maximum height of 450mm; and
  - (b) if required by the Chief Fire Officer -
    - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
    - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery
- (2) The floor grill contemplated in sub clause (i) must contain a suitably positioned access hatch for cleaning purposes.

**VENTILATION OF STOREROOMS**

- 65 (1) Every storeroom must be designed and constructed to ensure -
- (a) the effective ventilation of flammable substance fumes;
  - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks -
- (a) that is not less than 140 millimetres by 250 millimetres in extent with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
  - (b) that are provided in at least 3 external walls of the storeroom; and
  - (c) that is positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system that is actuated by a courtesy switch that is operated by opening the door.
- (a) designed and installed for this purpose;
  - (a) with a flow rate of 0.5 meters/second across the store;
  - (b) with vanes that consists of a static-free material;
  - (c) that discharged through a vertical metal duct into the open air -
    - (i) not situated within 5 metres opening of a building or erf boundary; and;
    - (ii) termination at least 1 meter above roof height or at least 3.6 meters above ground level, whichever is the greater,
  - (d) equipped with ventilators that is firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
  - (e) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
  - (f) equipped with ducting material that -
    - (i) is as short as possible in the circumstances and does not have sharp bends; and
    - (ii) 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 IN STOREROOMS**

- 66 (1) The owner or person in charge of any storeroom must ensure that -
- (a) all as short as possible apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 10108;
  - (b) no switchgear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 10108, is situated -
    - (i) inside the storeroom; or
    - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in sub clause (2) to the Chief Fire Officer for record purposes immediately after installation contemplated in that sub clause.

**FOAM INLETS REQUIRED FOR CERTAIN STOREROOM**

- 67 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 millimetres high, displaying the words "foam inlet".

**SHELVING IN STOREROOMS**

- 68 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.

**UNAUTHORIZED USE AND ENTRY OF STOREROOMS PROHIBITED**

- 69 No person may -
- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
  - (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.

**MIXING AND DECANTING ROOMS**

- 70 (1) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Annexure 2 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.
- (2) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**TEMPORARY ABOVE GROUND STORAGE OF FLAMMABLE SUBSTANCES**

- 71 (1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the Chief Fire Officer -
- (a) for a period not exceeding 12 months;
  - (b) if the flammable substance concerned is required -
    - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
    - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
    - (iii) the application complies with the requirements of SANS 10131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in sub clause (1) must ensure that -
- (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
  - (b) adequate provision is made for rainwater run-off retaining walls or embankments;
  - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
  - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
  - (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 meters of a temporary storage tank.
- (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**HAND TOOLS MUST BE INTRINSICALLY SAFE**

- 72 The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.

**PERMANENTLY ABOVE GROUND STORAGE TANKS FOR FLAMMABLE LIQUID**

- 73 (1) 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 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substances or combustible material;
- (2) Any electrical installation associated with the storage tank must comply with SANS 10108 and SANS 10089, Part 2.
-



**UNDERGROUND STORAGE TANKS FOR FLAMMABLE LIQUIDS**

- 74 (1) 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 10130.
- (2) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**INSTALLATION, ERECTING, REMOVING AND DEMOLISHING PROHIBITED WITHOUT PRIOR NOTICE**

- 75 (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Chief Fire Officer.
- (2) The notice in term of sub clause (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of sub clause (1) do not apply to -
- (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
  - (b) the necessary replacement of equipment or their parts.
- (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**REPAIR AND MAINTENANCE OF ACCESS TO STORAGE TANKS**

- 76 No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance -
- (a) until such tank has been made free of gas and fumes as contemplated in SANS 10089 (Part I); and
  - (b) unless that person -
    - (i) is wearing an affective self-supporting breathing apparatus; and
    - (ii) is attached to a rescue rope under the control of a competent and responsible person.

**TERMINATION OF STORAGE AND USE OF FLAMMABLE SUBSTANCES**

- 77 (1) 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 footpath or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**CONTAINER HANDLING AND STORAGE**

- 78 (1) 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.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) 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.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of sub clause (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 s/he is satisfied that-
- (a) the storage area is in a position and of 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 10m<sup>2</sup> 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.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 40 litres of class I and/or more than 210 litres of class II and class III combined, such flammable and combustible liquids must be stored in a storeroom.
- (7) Any person who contravenes or fails to comply with this clause is guilty of an offence.
-

**CHAPTER 7****TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS****TRANSPORT OF DANGEROUS GOODS PROHIBITED WITHOUT PERMITS**

- 79 The owner of any vehicle used for transporting dangerous goods, must -
- (a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and
  - (b) ensure that the transport permit is available in the vehicle for inspection at all times.
  - (c) any person who contravenes or fails to comply with this clause is guilty of an offence.

**APPLICATION FOR TRANSPORT PERMITS**

- 80 An application for a transport permit must be completed and submitted to the Chief Fire Officer in the form and manner determined by the Chief Fire Officer together with the prescribed fee.

**REQUIREMENTS OF TRANSPORT PERMITS**

- 81 A transport permit -
- (a) may not be issued by the Chief Fire Officer for a period of 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 number.

**CANCELLATION OF TRANSPORT PERMIT**

- 82 The provisions of clause 34, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

**EXEMPTION FROM TRANSPORT PERMIT**

- 83 A transport permit contemplated in clause 79 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Annexure 3.

**DESIGN, CONSTRUCTION, MAINTENANCE AND REPAIR OF ROAD TANKERS**

- 84 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 10089, SANS 1398, SANS 10233, SANS 10087 Part 6, SANS 10089 Part 1, SANS 10230 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 10230 and any applicable law.

**DESIGN, CONSTRUCTION, MAINTENANCE AND REPAIR OF OTHER VEHICLES**

- 85 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 -
      - (a) at least 1 metre high when measured from the surface of the body of the vehicle; and
      - (b) capable of securing dangerous goods containers with strong and durable straps
      - (c) capable of fastening dangerous goods containers securely to the body of the vehicle;
      - (d) that are anchored firmly to the bodywork of the vehicle; and
      - (e) that are fitted with a reversible cog winch mechanism that can be locked;
    - (iii) electrical wiring that complies with SANS 1518;
    - (iv) at least 2 static-free wheel blocks;
    - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle 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 TRANSPORT OF DANGEROUS GOODS**

- 86 (1) 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) not exempt in terms of clause 83, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers-
    - (i) serviced in accordance with SANS 10105 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.
- (2) 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.
- (3) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**SUPPLY OF DANGEROUS GOODS PROHIBITED IN CERTAIN CIRCUMSTANCES**

- 87 (1) 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 specified in Annexure 2 to any premises that are not registered as contemplated in clause 65.
- (2) No person may deliver, 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.
- (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- (4) Every person who delivers dangerous goods must ensure that:-
- (a) 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 delivery -
    - (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; 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 of Chapter 6 and the provisions of SANS 10263;
  - (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 a safe and good working condition; and no dangerous goods are spilled during delivery.
- (5) 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.
- (6) 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.
- (7) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**RECORDS OF TRANSPORT PERMITS**

- 88 The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

**CHAPTER 8****SPRAY PAINTING****SPRAYING PROHIBITED WITHOUT SPRAYING PERMIT**

- 89 (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 clause 90;
  - (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.
  - (c) any person who contravenes or fails to comply with this clause is guilty of an offence.

**APPLICATION FOR SPRAYING PERMIT**

- 90 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 Chief Fire Officer; and
  - (b) pay the prescribed fee.
  - (c) any person who contravenes or fails to comply with this clause is guilty of an offence.

**CANCELLATION OF SPRAYING PERMIT**

91 The provisions of clause 34, 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**

92 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**

93 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 is 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 door 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 2.5 millimetres;
  - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimetres;
  - (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
  - (vii) this construction cannot conform to the requirements of the National Building Regulations and Standards Act and is there for the subject of a Rational Design as contemplated in these By-laws.
- (d) any person who contravenes or fails to comply with this clause is guilty of an offence.

**WATER FLOORS FOR SPRAYING ROOMS**

94 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**

- 95 (1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 10108.
- (2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SANS 10108 must-
  - (a) be located outside the spraying room; and
  - (b) be positioned so as not to come into contact with fumes from the spraying room.
- (3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
- (4) 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.
- (5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must-
  - (a) certify in writing that the installation complies with all applicable legal requirements; and
  - (b) furnish the certificate to the owner or person responsible for the premises concerned.
- (6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in sub clause (5) to the Chief Fire Officer without delay.

**LOCATION OF SPRAYING ROOMS**

- 96 (1) 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 -
    - (a) of a least 1 200 millimetres wide; and
    - (b) that must at all times be kept free of any obstruction, refuse or combustible material.
-

- (2) 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 sub clause (1), must be clearly identified by a fire partition wall-
- (a) of a height at least 300 millimetres higher than the roof of the spraying room; and
  - (b) with a fire resistance of at least 60 minutes.
- (3) No more than two sides of a spraying room contemplated in clause 93, may border a fire partition wall.
- (4) Any person who contravenes or fails to comply with this clause is guilty of an offence.

#### ACCESS TO SPRAYING ROOMS

- 97 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 dimension of at least 800 millimetres wide x 2000 millimetres 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 metres; 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.
  - (e) any person who contravenes or fails to comply with this section is guilty of an offence.

#### VENTILATION OF SPRAYING ROOMS

- 98 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 metres 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 metres 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 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.
  - (g) any person who contravenes or fails to comply with this clause is guilty of an offence.

#### FIRE DAMPERS, PROTECTORS AND ALARMS IN SPRAYING ROOMS

- 99 (1) 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.
- (2) The fire damper must -
- (a) 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;
  - (b) be installed so that it will remain in position even if the air duct distorts during a fire; and
  - (c) be equipped with an overriding fusible link
- (3) The ventilation system must be equipped with a sensor that -
- (a) 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
  - (b) 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

- 100 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) 1 metre above the highest roof on the premises;
  - (b) 4 metres above the ground level; and
  - (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

#### DISPLAY OF SIGNS ON SPRAYING ROOMS

- 101 (1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
- (2) A symbolic sign contemplated in sub clause (1), must be -
- (a) manufactured and installed in accordance with SANS 1186; and
  - (b) of dimensions at least 290 millimetres by 290 millimetres.

**MANIFOLD INSTALLATIONS IN SPRAYING ROOMS**

- 102 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**

- 103 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 clause 101;
  - (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.
  - (f) any person who contravenes or fails to comply with this clause is guilty of an offence.

**FIRE EXTINGUISHING EQUIPMENT IN SPRAYING ROOMS/ SPRAY CABINETS**

- 104
- (1) Every spraying room must be equipped with -
    - (a) at least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and
    - (b) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.
  - (2) Fire extinguishers contemplated in sub clause (1) must be installed in positions approved by the Chief Fire Officer or his/her delegate
  - (3) Every spraying room must be protected by at least one fire hose reel as specified in SANS 543 that is connected to a water supply as contemplated in SANS 10400 (Part W); and that enables the hose reel to maintain a flow of at least 0.5 litres per second at work pressure of at least 300 kPa.
  - (4) Every spray cabinet must be equipped with -
    - (a) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying cabinet .
  - (5) Fire extinguishers contemplated in sub clause (4) must be installed in positions approved by the Chief Fire Officer or his/her delegate
  - (6) Every spraying cabinet must be protected by at least one fire hose reel as specified in SANS 543 that is connected to a water supply as contemplated in SANS 10400 (Part W); and that enables the hose reel to maintain a flow of at least 0.5 litres per second at work pressure of at least 300 kPa.
  - (7) Any person who contravenes or fails to comply with this clause is guilty of an offence.

**105 COST OF ANALYSIS SAMPLES**

Any cost incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these By-laws, and a report on such analysis by an institution accredited by the Chief Fire Officer for that purpose may be recovered from the owner or occupier of that premises if the owner or occupier of the premises is not in compliance with these By-laws regarding the substance concerned.

**CHAPTER 9  
MISCELLANEOUS**

**HANDLING OF ANIMALS DURING EMERGENCIES**

- 106
- (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
  - (2) Notwithstanding the provisions of sub clause (1), the Chief Fire Officer may, in respect of any premises, authorize a suitably qualified person to handle or put down of any animal during an emergency.
  - (3) If an exemption is granted in terms of sub clause (2), the Chief Fire Officer must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
  - (4) The Chief Fire Officer may amend or withdraw a certificate of exemption at any time.
  - (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

**APPROVAL, AUTHORIZATION OR PERMISSION UNDER THESE BY-LAWS**

- 107 Any person who requires any approval, authorization or permission contemplated in these by-laws, in respect of which no application procedure is provided, must apply for that approval, authorization or permission -
- (a) by completing and submitting an application in the form and manner determined by the Chief Fire Officer; and
  - (b) by paying the prescribed fee.
-

**CANCELLATION OF APPROVAL, AUTHORIZATION OR PERMISSION**

108 The provisions of clause 34, read with the necessary changes, apply to any approval, authorization or permission contemplated.

**BY-LAWS BIND STATE**

109 These by-laws bind the State and any person in the service of the State.

**OFFENCES AND PENALTIES**

110 Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws;
  - (b) fails to comply with any notice issued or displayed in terms of these by-laws;
  - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
  - (d) obstructs or hinders, or improperly influences or attempts to do so, any authorized representative or employee of the Council in the execution of his/her duties or performance of his/her powers or functions under these by-laws;
- is guilty of an offence and liable on conviction to a fine of maximum R100 000.00 or in default of payment to imprisonment for a period not exceeding three years, and in the case of a continuing offence, to a further fine not exceeding R100 000.00, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Chief Fire Officer, and served on the person concerned, requesting the discontinuance of such offence.

**REPEAL OF BY-LAWS**

111 Any by-laws relating to Fire and Rescue Services adopted by the Municipality or any Municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**OPERATIVE TIME**

112 This by-law shall take effect upon publication in the Provincial Gazette.

**TRANSITION**

- 113 (1) In any event where these by-laws set out requirements that relate to any building standard/regulations/requirement that differ from any such requirement as set out in the repealed by-laws, as provided for in clause 111, and the owner, occupier or person in charge, as the case may be, was in compliance with such former standards/regulations/requirements on the date of promulgation of these by-laws, such owner, occupier or person in charge will be granted an extension until the 1<sup>st</sup> of January 2020 to comply with the new standards/regulations/requirements.
- (2) Where any permits, licenses or approvals are required by any person who has not been required by any of the repealed by-laws as set out in clause 111, a period of 12 months will be granted to attain such permits, licenses or approvals from date of inception of this by-law.
- (3) Where certification or inspection is needed under this by-law which was not dealt with in any repealed by-laws as set out in clause 111, the Chief Fire Officer will be granted a period of 12 months after inception of this by-law to submit inspection and certification plans to Council, and any person to which such certification or inspection applies will need to obtain such certification or request such inspection within 12 months after inception of this by-law.

**Short title**

114 This by-law is called the Fire Brigade Service By-Law, 2018.

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**ANNEXURE 1**  
**GUIDE FOR EMERGENCY EVACUATION PLANS**

**CONTENT OF EMERGENCY EVACUATION PLANS**

1. Every emergency evacuation plan contemplated in clause 27 must contain at least the information under the headings below:

**(1) EMERGENCY TELEPHONE NUMBERS**

A list of all relevant emergency telephone numbers.

**(2) 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;
-

- (3) **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
- (4) **SOCIO-ECONOMIC OR OTHER THREATS**  
Any socio-economic or other threats and their potential impact on the premises.
- (5) **DETAILS OF AVAILABLE EQUIPMENT**  
Particulars and details regarding the position of the following equipment  
(a) equipment in the control room;  
(b) firefighting and first aid equipment on the premises; and  
(c) any other equipment, which may be relevant in an emergency.
- (6) **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.
- (7) **DUTIES OF EMERGENCY TEAM MEMBERS**  
The duties and responsibilities of members of the emergency team.
- (8) **ACTION PLANS AND EMERGENCY PROCEDURES**  
Details of the specific action plans and emergency procedures applicable to the premises.
- (9) **BUILDING PLANS AND MAPS**  
The building plans of the premises and any relevant topographical map must be included in the evacuation plan.
- (10) **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.
- (11) **REVIEW OF EMERGENCY EVACUATION PLANS**  
(1) 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.  
(2) 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.
- (12) **EMERGENCY EVACUATION DRILLS**  
(1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.  
(2) 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.
- (13) **EMERGENCY EVACUATION AWARENESS**  
Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.
- (14) **TRAINING OF PERSONS**  
Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -  
(a) first aid or firefighting;  
(b) emergency aid;  
(c) emergency evacuation procedures; and  
(d) emergency management techniques.
-



(15) **LIST OF BUILDINGS/ PREMISES REQUIRING EMERGENCY EVACUATION PLANS**

The following Buildings/Premises require emergency evacuation plans:

**A PUBLIC ASSEMBLY**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
A1	Entertainment and public assembly	Occupancy where persons gather to eat, drink, dance or participate in other recreation.
A2	Theatrical and indoor sport	Occupancy where persons gather for the viewing of theatrical, operatic, orchestral, choral, cinematographical or sport performances.
A3	Places of instruction	Occupancy where school children, students or other persons assemble for the purpose of tuition or learning.
A5	Outdoor sport	Occupancy where persons view outdoor sports events.

**B COMMERCIAL SERVICES**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
B1	High risk commercial service	Occupancy where a non-industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.

**C EXHIBITION**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
C1	Exhibition hall	Occupancy where goods are displayed primarily for viewing by the public.
C2	Museum	Occupancy comprising a museum, art gallery or library.

**D INDUSTRIAL**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
D1	High risk industrial	Occupancy where an industrial process is carried out and where either the material handled or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.

**E DETENTION**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
E1	Place of detention	Occupancy where people are detained for punitive or corrective reasons or because of their mental condition.
E2	Hospital	Occupancy where people are cared for or treated because of physical or mental disabilities and where they are generally bedridden.
E3	Other institutional (residential)	Occupancy where groups of people who either are not fully fit, or who are restricted in their movements or their ability to make decisions, reside and are cared for.
E4	Health care	Occupancy which is a common place of long term or transient living for a number of unrelated persons consisting of a single unit on its own site who, due to varying degrees of incapacity, are provided with personal care services or are undergoing medical treatment.

**F SHOPS**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
F1	Large shop	Occupancy where merchandise is displayed and offered for sale to the public and the floor area exceeds 250 m <sup>2</sup> .

**G OFFICES**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
G1	Offices	Occupancy comprising offices, banks, consulting rooms and other similar usage.

**H RESIDENCE**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
H1	Hotel	Occupancy where persons rent furnished rooms, not being dwelling units.
H2	Dormitory	Occupancy where groups of people are accommodated in one room
H5	Hospitality	Occupancy where unrelated persons rent furnished rooms on a transient basis within a dwelling house or domestic residence with sleeping accommodation for not more than 16 persons within a dwelling unit.

**J STORAGE**

CLASS OF OCCUPANCY OF BUILDING	OCCUPANCY	DESCRIPTION
J1	High risk storage	Occupancy where material is stored and where the stored material is liable, in the event of fire, to cause combustion with extreme rapidity or give rise to poisonous fumes, or cause explosions.

**ANNEXURE 2**

**EXEMPTION FROM CERTIFICATE OF REGISTRATION**

A certificate of registration is in terms of clause 45 (2) not required if the flammable substances concerned are of a class and do not exceed the quantity stipulated below:

GASES		
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 premises
		Industrial premises – Maximum of 19 kg per 600 m <sup>3</sup> of building space with a total maximum of 100kg

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 III A together may not exceed the maximum quantity of 210 litres
Class III A	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	Total quantity of Class II and Class III A together may not exceed the maximum quantity of 210 litres

## ANNEXURE 3

## EXEMPTION FROM TRANSPORT PERMIT

A transport permit is in terms of clause 83 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
<b>II</b>	<b>GASES</b>	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 330 kilograms
<b>III</b>	<b>FLAMMABLE LIQUIDS</b>	<b>QUANTITY</b>
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres
	With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres
<b>IV</b>	<b>FLAMMABLE SOLIDS</b>	
	Flammable solids	Total quantity may not exceed 250kg
<b>V</b>	<b>OXIDIZING AGENTS AND ORGANIC PEROXIDES</b>	<b>QUANTITY</b>
	Oxidizing agents	Total quantity may not exceed 200kg
	Group II organic peroxides in packets	Total quantity may not exceed 200kg
<b>VI</b>	<b>TOXIC / INFECTIVE SUBSTANCES</b>	
	Group I toxic substances in packets	Total quantity may not exceed 5kg
	Group II toxic substances in packets	Total quantity may not exceed 50kg
	Group III toxic substances in packets	Total quantity may not exceed 500kg
<b>VIII</b>	<b>CORROSIVE / CAUSTIC SUBSTANCES</b>	
	Group I acids in packets	Total quantity may not exceed 50kg
	Group II acids in packets	Total quantity may not exceed 200kg
	Group III acids in packets	Total quantity may not exceed 1000kg
	Group I alkaline substance in packets	Total quantity may not exceed 50kg
	Group II alkaline substance in packets	Total quantity may not exceed 200kg
	Group III alkaline substance in packets	Total quantity may not exceed 1000kg
<b>IX</b>	<b>MISCELLANEOUS SUBSTANCES</b>	<b>QUANTITY</b>
	Liquids	Total quantity may not exceed 210kg
	Solids	Total quantity may not exceed 210kg

## ANNEXURE 4

## SABS CODES OF PRACTICE AND SPECIFICATIONS

SABS Code	Title
SANS 10019	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 gas storage vessels of individual water capacity exceeding 5000 litres
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 9kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SANS 10105: Part 1	The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.
SANS 10108	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 10142	The wiring of premises.
SANS 10177: 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 10228	The identification and classification of dangerous substances and goods.
SANS 10230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 10232: 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 firefighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers - Foam type extinguishers.

**ANNEXURE 5  
IDENTIFICATION OF DESIGNATED OFFICERS**

**1. REQUIREMENTS FOR THE CERTIFICATE OF APPOINTMENT**

The following particulars, as prescribed in section 3 of Government Notice R159 of 2 February 1979, must appear on the certificate of appointment in at least two of the official languages of the Republic, where applicable:

- (1) The full name of the person appointed;
- (2) The person's identity number;
- (3) The person's signature;
- (4) The person's photograph;
- (5) A description of the capacity in which the person is appointed;
- (6) The name of the employer who made the appointment; and
- (7) The signature and official stamp of the employer or responsible person.

**2. POWERS OF DESIGNATED OFFICERS**

The powers of designated officers must appear on the reverse of the certificate of appointment or, alternatively, on a supplementary card of the same size, and this card must be attached to the certificate of appointment, with the following information, in at least two of the official languages of the Republic, where applicable:

**POWERS**

**The bearer of this certificate is a LAW ENFORCEMENT OFFICER in terms of Government Notice R159 of 2 February 1979, as amended, and has been appointed a DEPUTY MESSENGER OF THE COURT in terms of section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944).**

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[PROVINCIAL NOTICE NO. 92 OF 2018]

**MOQHAKA LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Street Trading By-laws as contained in the schedule hereunder. These By-laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

**SCHEDULE**

**STREET TRADING BY-LAWS**

**TABLE OF CONTENTS**

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**Definitions**

1. In this by-laws, unless the context indicates otherwise –

“**approval**” means by the Council and “**approved**” has a corresponding meaning:

“**authorised official**” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

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“**Council**” means –

- (a) the municipal Council of the Moqhaka Local Municipality in which the executive and legislation of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
- (b) its succession in title; or
- (c) 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 System Act, 2000 (Act No 32 of 2000);

“**Council services**” means any system conducted by or on behalf of the municipality, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services.

“**Council service works**” means all property or works of whatever nature necessary for or incidental to any Council services;

“**foodstuff**” means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); and which includes any foodstuff which are prepared elsewhere or at the street trading site and which is sold as meals or snacks but excludes all fresh fruits and vegetables.

“**garden or park**” means a garden or park; to which the public has a right to access;

“**goods**” means any movable property and includes a living thing;

“**intersections**” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**litter**” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

“**motor vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

“**prescribed**” means determined by resolution of the Council from time to time;

“**property**”, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“**public building**” means a building belonging or occupied solely by the State or the Council;

“**public monument**” means any one of the public monuments and memorials as defined in the National Heritage Resources Act, 199 (Act No. 25 of 1999);

“**public place**” includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or surveyor-general’s office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in the municipality or to which the owners of the erven in the township have a common right, and all property belonging to an organ of state;

“**public road**” means any road, street, sidewalk, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes –

- (i) the sidewalk of any such road, street or thoroughfare;
- (ii) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (iii) any other work or object forming part of or connected with or belong to such road, street or thoroughfare;

“**sell**” includes –

- (a) barter, exchange or hire out;
- (b) display, expose, offer to prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward; and
- (e) “sale” or “selling” has a corresponding meaning;

“**sidewalk**” means that a portion of a public road intended for the use of pedestrians;

“**street furniture**” means any person carrying on business, whether as principal, employee or agent, by selling, supplying or offering any goods or the supplying or offering to supply any service for reward, in or from a public road or public place in the municipality.

“**street trading**” means conducting of the business of a street trader;

“**street trading-identity card**” means a card; issued by the Council to a street trader, identifying him/her and the street trading site from where he/she may conduct street trading including a street trading identity card in respect of a person assisting the street trader in respect of the site;

“**street trading site**” means a site in a public (place, determined and approved by the Council), from where street trading may be conducted;

“**verge**” means a verge as defined in section 1 of the National Road Traffic Act, 1996;

## Exclusions

2. These By-laws are not applicable to persons who conduct the businesses of providing access to cell phone from a container provided that the business and site where the container has been placed, has been approved by Council, car washing on the streets approved by Council and Food Charts approved by Council.

**Single act constitutes street trading**

3. For the purpose of the By-laws a single act of selling or offering or rendering of services on a public road or public place shall constitute street trading.

**Reference to legislation includes regulation made thereunder**

4. For the purpose of these By-Laws a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

**Street-Trading, Site, Identity Card and Structures**

- 5.
- (a) No person may conduct the business of a street trader without being in possession of a valid street trading identity card issued by the Council which card shall be valid for one year only.
  - (b) A person who wants to do street trading, must apply with to the Council on a prescribed form for the allocation of a street trading site to him or her.
  - (c) On allocation of such a site to the applicant, a street trading identity card will be issued to him or her, after payments of the prescribed fees, as determined by the Council from time to time.
  - (d) Such street trading identity card issued by the Council must on demand be presented to an officer or an employee of the municipality.
  - (e) Street trading identity cards may be issued in respect of a site to not more than two assistants of the street trader.
  - (f) The Council may reduce, extend and or disestablish any street trading site. At least 30 days written notice will be given to a street trader to vacate a site that will be disestablished.
  - (g) The Council may withdraw and cancel a street trading identity card if:
    - (i.) a street trader fails to pay any prescribed fees as determined in accordance with these by-laws to the Municipality; and
    - (ii.) a street trader is found guilty of contravention of any of these by-laws,
  - (h) The Council may erect structures on street trading sites in the business area, which structures may be leased, to the street trader to whom the site have been allocated in terms of this section.
  - (i) The municipality may exempt any person, organisation, group or committee from obtaining a street trading identity card for a public event or function and for a specific period. Such exemption must be in writing, and must on demand be provided to an offer or employee of the municipality;
  - (j) Street traders who conduct business from an approved and roadworthy food cart may do business from a parking space only after paying the fees as determined by Council.

**Prohibited conduct**

6. (1) Street trading may only be conducted form a street trading site allocated in terms of Section 5 and it is prohibited to sell from any site:
- (a) in a garden or a park to which the public has a right of access;
  - (b) on a verge contiguous to –
    - (i) a building belonging to, or occupied solely by, the State or the Council;
    - (ii) a church or other place of worship;
    - (iii) a building declared to be a Public monument;
    - (iv) an auto tellerbank machine;
  - (c) at a place where is causes an obstruction in front of-
    - (i) a fire hydrant;
    - (ii) a entrance to or exit from a building
  - (d) at a place where it could obstruct vehicular traffic;
  - (e) at a place where it could obstruct a pedestrian in his or her use of the sidewalk;
  - (f) on that half a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorised official;
  - (g) on a stand, or in any area demarcated by Council in terms of this regulations, if he or she is not in possession of a street trading identity card;
  - (h) within 5 (five) metre of any intersection as defined in Regulation 322 of the National Road Traffic Regulations, Regulation R225 of 17 March 2000; and
  - (i) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader.
- (2) A person who has rented a stand from, or been allocated a stand by the Council in terms of Section 5(h), may not trade in contravention of the terms and conditions of such lease or allocation.

**Restricted conduct**

7. A person carrying on the business of a street trader-
- (a) may not sleep overnight at the place of such business;
  - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
-

- (c) must ensure that his or her property or area of activity does not cover an area which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council;
- (d) may not trade on a sidewalk where the width of such sidewalk is less than four metres unless within a clearly demarcated street trading site;
- (e) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any person or property;
- (f) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (g) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other Council services, move his or her property so as to permit the carrying out of any work in relation to their service and or Council services;
- (h) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture;
- (i) may not carry on such business in such a manner as to –
  - (i.) create a nuisance;
  - (ii.) damage or deface the surface of any public road or public place, or any public or private property; or
  - (iii.) create a traffic and/or health hazard, or health risk, or both;
- (j) may not make an open fire on a public road or public place;
- (k) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure goods from view;
- (l) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic unless within a street trading site;
- (m) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (n) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 199, or any parking, notice or sign displayed or made in terms of these By-laws;
- (o) may not carry on business, or take up a position, or place his or her property, in contravention of a notice or sign erected or displayed by the Council of the purposes of these By-laws;
- (p) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate dump, store or deposit, or cause or permit to be accumulated duped stored or deposited, any litter on any land premises or any public road or public place or any public property.
- (q) may not place on a public road or public place or within a street trading site, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (r) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (s) may not store his or her property in a manhole, a storm water drain, a public toilet, bus shelter or in a tree, or any other place as determined by Council from time to time;

#### **Prohibition upon games and other acts in streets**

8. The following goods may not be sold by street traders: -
- (a) live-stock, pets, reptiles, birds, rabbits, wild animals and or poultry;
  - (b) raw meat or raw fish;
  - (c) milk, or any dairy products;
  - (d) any form of alcohol or alcohol drinks;
  - (e) vehicles, trailers or caravans;
  - (f) any noxious or smelly substance or article that may cause a nuisance;
  - (g) pesticides, insecticides, poisonous and, or hazardous substance;
  - (h) any counterfeit goods or articles and any goods prohibited by legislation;

#### **Cleanliness**

9. A street trader must –
- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
  - (b) Keep his or her property in a clean, sanitary and well maintained condition;
  - (c) Dispose of litter generated by his or her business in whatever receptacle provided by the Council for the public or at a dumping site of the Council;
  - (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
  - (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
  - (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
  - (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
-



- (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of Council services.

#### **Signs indicating street trading site, and restricted and prohibited areas**

10. (a) The Council may, by resolution declare any place in its area of jurisdiction to be a street trading site, and to enable compliance therewith may prescribe or make signs, markings or other devices indicating: -
- (i) Specified places, good or services in respect of which street trading is restricted or prohibited;
  - (ii) The location of boundaries of restricted or prohibited areas; and
  - (iii) any restriction of the area concerned;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of By-laws or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned;
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws; and
- (e) Road signs defined in terms of the National Traffic Act, 1996 may be used by Council and such sign has the same meaning/instruction as determined in said National Road Traffic Act.

#### **Removal and impoundment**

11. An authorised official may remove or impound any property of a street trader -
- (a) which he or she reasonably suspects is being used to has been used in or in connection with trading; and
  - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction of prohibition whether or such property is in possession or under the control of any person at the time of such removal or impoundment;
- (2) Any authorised official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
- (i) itemize the property to be removed and impounded;
  - (ii) provide the address where the impounded property will be kept;
  - (iii) state the conditions of the release of the impounded property;
  - (iv) state the terms and conditions relating to the sale of unclaimed property by public action;
  - (v) provide the name and address of a Council officials to who any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded, is attached to any immovable property or a structure, and such property is under apparent control of a person present thereat, any authorised official of the Council may order such person to remove the property, and if such person fail to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.

#### **Vicarious responsibility of person carrying on business**

12. (1) When a person who assists a street trader contravenes a provision of these By-laws the street trader shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that -
- (a) he or she neither connive at not permitted such contravention; and
  - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer, issued instructions prohibiting such contravention, shall not itself constitute sufficient proof of such reasonable steps.

#### **Offences and Penalties**

13. Any person who-
- (a) contravenes or fails to comply with any provision of these by-laws;
  - (b) fails to comply with any notice issued in terms of these by-laws; or
  - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
  - (d) who obstructs or hinders any authorised representatives of the Council in the execution of his/her duties under these by-laws-

Any is guilty of an offence and liable on conviction to a maximum fine of R10 000.00or in default of payment, to imprisonment for a period not exceeding twelve months and in the case of a continuing offence to a further fine not exceeding R50.00 per day not limited to the maximum of R10 000.00, or in the fault of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, instructing the discontinuance of such offence.

#### **Short title**

14. These By-laws are called the Street Trading By-laws, 2018 and shall take effect upon publication in the Provincial Gazette.

**[PROVINCIAL NOTICE NO. 93 OF 2018]****MOQHAKA LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Tariff By-laws as contained in the schedule hereunder. These By-laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

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**1. Interpretation**

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates—**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“municipality”** means the Municipality of Moqhaka, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**“municipality’s tariff policy”** means a tariff policy adopted by the municipality;

**“Systems Act”** means the Local Government: Municipal Systems Act, 32 of 2000;

**“tariff”** means fees, charges or any other tariffs levied by the municipality in respect of any function or service provided by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.

**2. Principles and Objectives**

- (1) Section 229 (1) of the Constitution authorizes a municipality to impose:
  - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
  - (b) if authorized by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act a municipality may:
  - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
  - (b) recover collection charges and interest on any outstanding amount.
- (3) In terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
- (4) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

**3. Adoption and implementation of tariff policy**

The municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

**4. Contents of tariff policy**

The municipality tariff policy shall, *inter alia*:

- (1) Apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality’s annual budget;
- (2) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;

- (3) specify the manner in which the principles referred to in section 4(2) are to be implemented in terms of the tariff policy;
- (4) specify the basis of differentiation, if any, for tariff purposes between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;
- (5) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law.

**5. Enforcement of tariff policy**

The municipality's tariff policy shall be enforced through the municipality's tariff policy.

**6. Operative Date**

This By-Law shall take effect upon publication in the Provincial Gazette.

**[PROVINCIAL NOTICE NO. 94 OF 2018]**

**MOQHAKA LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Traffic By-laws as contained in the schedule hereunder. These By-laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

**SCHEDULE**

**Traffic By-Law**

To provide for the regulation of public transport vehicles and traffic within the area of jurisdiction of the Moqhaka Local Municipality; and to provide for matters connected therewith.

**Preamble**

**WHEREAS** section 156 (2) of the Constitution provides that a Municipality may and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** municipal public transport is listed as a local government matter in Part B of Schedule 4 to the extent set out in section 155(6)(a) and (7);

**WHEREAS** municipal roads and traffic and parking is listed as local government matters in Part B of Schedule 5, to the extent set out in section 155(6)(a) and (7);

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the Moqhaka Local Municipality as follows:-

**CHAPTER 1  
INTERPRETATION**

**Definitions**

1. In this By-law, unless the context indicates otherwise-

“**Act**” means the National Road Traffic Act, 1996 (Act. No. 93 of 1996);

“**authorised officer**” includes-

(a) a person in the service of the Municipality whose duty is to inspect licenses, examine vehicles, examine driving licenses, or who is a traffic officer or a road traffic law enforcement officer, and also any other person declared by the Minister of Transport by regulation made in terms of the National Road Traffic Act to be an authorised officer; and

(b) a person appointed as an inspector by the Municipality as contemplated in section 86 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

“**authorised official**” means an employee of the Municipality responsible for carrying out any duty or function, or delegated to carry out any duty or function, in terms of this By-law;

“**bus**” means a motor vehicle designed or adapted for the conveyance of more than 16 persons, including the driver;

“**Central Business District**” means the central parts of township areas within the area of jurisdiction of Council;

“**Chief Traffic Officer**” means the Chief Traffic Officer of the Council;

“**Council**” means the Council of the Moqhaka Local Municipality;

“**Director**” means the Director of the department of the Council under which the Traffic section resorts;

“**driver**” means any person who drives or attempt to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads any draught, pack or saddle animal or herd or flock of animals, and “**drive**” or any like word has a corresponding meaning;

“**general industrial area**” means the industrial areas within the area of jurisdiction of Council;

“**holding area**” in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

**“kerb line”** means the boundary between the shoulder and the verge or in the absence of a shoulder, the part between the edge of the roadway and the verge;

**“medical practitioner”** means a person registered as such under the Health Professions Act, 1974 (Act 56 of 1974);

**“motor vehicle”** means any self-propelled vehicle and includes-

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electrical motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-
  - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
  - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such person;

**“municipality”** means the Municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws;

**“non-motorised vehicle”** means a vehicle or device utilised for land road based transport for the conveyance of goods or passengers, which is propelled either solely by animal power or by human power or a combination of human power, assisted by an alternative source of power or provided by any form of fossil fuel;

**“operating licence”** means an **“operating licence”** as defined in section 1 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

**“owner”** in relation to a vehicle, means-

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;
- (b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a); or
- (c) a motor dealer who is in possession of a vehicle for the purpose of sale, and who is registered as such in accordance with the regulations under section 4 of the Act, and **“owned”** or any like word has a corresponding meaning;

**“park”** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**“ply for hire”** means use of a vehicle for conveying passengers for hire or reward;

**“permit”** means a **“permit”** as defined in section 1 of the National Land Transportation Act, 2009 (Act No. 5 of 2009);

**“public transport vehicle”** means a public motor vehicle used for the conveyance of passengers of passengers and goods for hire or reward, including buses and taxis;

**“public transport service”** means a schedule or unscheduled service for the carriage of passengers by road whether subject to a contract or not, and where the service is provided for a fare any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) and except where clearly inappropriate, the term **“public transport”** must be interpreted accordingly;

**“rank”** includes-

- (a) a public transport interchange or a place upon a public road from which a public transport service may ply for hire or convey and drop off passengers for reward; and
- (b) any place designated or demarcated as a rank or for the exclusive parking of specific public transport vehicles by a road traffic sign, and **“ranking”** and **“public transport facility”** have corresponding meanings;

**“roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

**“shoulder”** means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

**“stopping place”** in relation to-

- (a) a taxi, means a place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

**“taxi”** means a public transport motor vehicle other than a public bus used for the conveyance of passengers or of passengers and goods for hire or reward such as a minibus or a midibus, and includes metered taxis;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis;

**“taxi rank”** means any place designated or demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

**“touting”** means soliciting passengers for a public transport vehicle by shouting, hooting, whistling or any other conduct, and **“tout”** has a corresponding meaning;

**“trolley”** means a device used to transport anything or person and which is propelled or pulled by human or animal power, and includes a pram or cart; and

**“vehicle”** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails.

## CHAPTER 2 LICENSE AND OPERATING LICENCE

### Driver of motor vehicle to be licensed

2. No person shall drive a motor vehicle on a public road-
- (a) in accordance with the conditions of a licence issued to him or her in accordance with the provisions of the Act; and
  - (b) unless he or she keeps such permit with him or her in the motor vehicle,
- Provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

### Operating licence to be produced on demand

3. (1) The holder of an operating licence must-
- (a) maintain the operating licence in a good and legible condition; and
  - (b) keep the operating licence in the motor vehicle of which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- (2) A traffic officer may call on the driver of a taxi or bus to stop and may demand that he or she-
- (a) produce the operating licence; and
  - (b) give his or her full name and address and also the name and address of the owner of the taxi or bus.
- (3) A driver referred to in subsection (2) may not-
- (a) operate a public transport service without a valid operating licence; or
  - (b) allow the operating licence to be used for a vehicle other than that specified in such operating licence.

### Unauthorised handing over or abandonment of taxi or bus

4. No driver of a taxi or bus may-
- (a) abandon his or her vehicle; or
  - (b) allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the operating licence or public permit concerned.

## CHAPTER 3 CONDUCT OF DRIVERS, CONDUCTORS AND PASSENGERS

### Preventing engagement of a public transport vehicle

5. No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent-
- (a) any person from obtaining or engaging a public transport vehicle; or
  - (b) the driver of a public transport vehicle from taking on passengers.

### Conveying dangerous or offensive articles in public transport vehicles

6. A person who is on charge of a public transport vehicle may not knowingly convey a person or thing or allow that person or thing to be conveyed in such vehicle, whether or not the public transport vehicle has been engaged, if that person or thing-
- (a) is not permitted to be conveyed in terms of an existing law; or
  - (b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act.

### Boarding and disembarking of public transport vehicles

7. (1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.
- (2) No person may insist on boarding a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorised to carry.
- (3) No person may board or alight or attempt to board or disembark from any public transport vehicle whilst such vehicle is in motion.

### Queues at public transport facilities

8. (1) At any established ranking facility, the council may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a public transport vehicle will stop and form a queue, and such a sign may be supplemented by queueing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queueing.
- (2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated that such public transport vehicle will leave.
- (3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must from themselves into a queue not exceeding two abreast or in a single file when required to so by an approved public transport conductor or authorised official of the Council.
- (4) A passenger may only enter a public transport vehicle when he or she gets the front of the queue.
- (5) Every passenger queueing must comply with all the instructions given by a public transport conductor, authorised officer or authorised official when on duty.

**Garments and identification of public transport service conductor**

9. (1) Every public transport service conductor must, while on duty and presenting himself or herself as available for service, be dressed in a retro-reflective bib or jacket, and must ensure that an identification card issued to him or her in terms of any other law is visibly displayed.
- (2) No public transport service conductor or any other person may engage in touting.

**Duty of care**

10. The owner, driver and conductor of a public transport vehicle must, at all times, exercise a duty of care by maintaining the inside of such public transport vehicle in a state of affairs.

**Rights and duties of passengers when a public transport vehicle becomes defective**

11. (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must, at the request of the driver, disembark such defective vehicle and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.
- (2) Upon agreement with the driver of the defective public transport vehicle, passengers are allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.
- (3) A driver who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

**Animals**

12. No passenger may enter a public transport vehicle with any animals other than a guide dog assisting a blind person.

**Actions prohibited on a public transport vehicle**

13. The following actions are prohibited on a public transport vehicle:
- (a) smoking;
  - (b) playing offensive or excessively loud music;
  - (c) using obscene or offensive language;
  - (d) committing an offensive act;
  - (e) interfering with the comfort of any passenger;
  - (f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
  - (g) forcibly causing the driver to deviate from his route;
  - (h) endangering the life of another person; and
  - (i) interfering with the actions of the driver.

**Behaviour prohibited at a public transport facility**

14. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-Law and may be removed from a queue or the vicinity of a public transport facility by any authorised officer of the Council.

**Property left in public transport vehicles**

15. The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must-
- (a) deliver that property to the person who left it behind; or
  - (b) if he or she is unable to deliver that property to the person who left it behind, take the
  - (c) property, as soon as possible, to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

**CHAPTER 4  
ROAD SAFETY**

**Overloading**

16. No driver of a public transport vehicle may allow more than the specified number of passengers as indicated in the public permit.

**Obstruction and disruption of traffic**

17. (1) No person may park or allow a public transport vehicle to park in a stopping place designated for specific public transport vehicles.
- (2) No driver of public transport vehicles or his or her conductor may depress the button of a traffic control signal so as to speedily activate the green pedestrian light in order to force vehicular traffic to stop.
- (3) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.
- (4) No public transport vehicle may park for the purpose of plying for hire in a demarcated parking bay any longer than is required to enable waiting passengers to be picked up or dropped off.

**Duties of pedestrians**

18. (1) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.
- (2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- (3) Where a traffic-control light signal ("robot") which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.
- (5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (6) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her safety, or the safety of a person or vehicle using a public road.

**Use of hooter**

19. No person shall on a public road use the sounding device or hooter of a vehicle except when such use is unnecessary in order to comply with the provisions of this By-law or any other law or on the grounds of safety.

**Duty to indicate when changing lanes**

20. (1) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.
- (2) A driver may not turn from one lane into or across another lane without giving a conspicuous signal visible to any person approaching him or her from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his or her intention.

**Driving on shoulders**

21. (1) Subject to subsection (2), no person shall drive a motor vehicle on the shoulder of a public road.
- (2) Notwithstanding subsection (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designated for one lane of traffic in each direction-
- (a) while such motor vehicle is being overtaken by another vehicle;
- (b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road; and
- (c) if persons and vehicles upon a public road are clearly discernible at a distance of at least 150 metres.

**Driver of motor vehicle to be licensed**

22. No person shall drive a motor vehicle on a public road-
- (a) except under the authority and in accordance with the conditions of a license issued to him or her in terms of the Act or of any document deemed to be a licence for the purpose of the Act; and
- (b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

**Motor vehicle to be licensed**

23. Subject to the provisions of the Act, every motor vehicle in the Council shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

**Driver to have operating licence or permit**

24. Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except-
- (a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and
- (b) if he or she keeps such permit with him or her in the motor vehicle,
- Provided that this subsection shall not apply to the holder of a learner's license who drives such motor vehicle whilst he or she is accompanied by a person registered as driver in respect of that class of vehicle.

## CHAPTER 5 COMMUNICATIONS DEVICES

### Prohibited on use of communication device while driving

25. (1) Subject to any other law, no person shall drive a motor vehicle on a public road-
- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specifically adapted or designed to be affixed to the person of the driver as headgear, and is used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.
- (2) For the purpose of this section-
- (a) the word "headgear" includes a device which is specifically designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and
  - (b) the phrases "cellular or mobile telephone or any other communication device" and "cellular or mobile telephone or other communication device", excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.
- (3) Subject to subsection (1) and (4), an authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device.
- (4) The authorised officer must, when confiscating any hand held communication device-
- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
  - (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
  - (c) follow all procedures contained in any policy of the Municipality dealing with the confiscating and impound of property.

## CHAPTER 6 METERED PARKING

**"metered parking bay"** means a parking bay in conjunction with which a parking meter has been installed.

### Prescribed fee shall be placed in parking meter

26. (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—
- (a) a parking meter at a parking space demarcated as a parking bay;
  - (b) a combined parking meter at a parking space demarcated as parking bays; or
  - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised officer may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

### Method of parking

27. (1) No driver or person in charge of a vehicle may park the vehicle—
- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
  - (b) in a parking bay which is already occupied by another vehicle; or
  - (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.



**Payment for parking**

28. (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the **beginning or end** of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.
- (d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.
- (e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 13, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that—
- (a) the time has expired; or
  - (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.
- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—
- (a) the indicator shows that—
    - (i) the time has expired;
    - (ii) the parking meter has not been set in operation; or
  - (b) a hood has been placed over the parking meter as envisaged in section 19(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

**Prevention of parking at a parking bay**

29. An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—
- (a) while the sign is so placed or erected; or
  - (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

**Tampering with a parking meter or device**

30. (1) No person may—
- (a) misuse, damage, knock interfere with or tamper with;
  - (b) attempt to misuse, damage, knock interfere with or tamper with, the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

**Prescribed coin only to be deposited**

31. (1) No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin.
- (2) A person who contravenes subsection (1) commits an offence.

**Unlawful operation of a parking meter**

32. (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

**Wheel Clamp**

33. (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may—
- (a) attach a wheel clamp to any unlawfully parked vehicle;
  - (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
  - (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes subsection (1) commits an offence.

**Prescribed hours**

34. The provisions of this chapter shall be in operation between 08h00 and 17h00 from Monday to Fridays and 08h00 to 13h00 on Saturdays but shall not be in operation on any such day which is a public holiday.

**Exemptions**

35. Notwithstanding anything in these by-laws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this by-law, park in a metered parking bay without payment of the prescribed fee:
- (1) Vehicles exempted in terms of Regulation 306 of the Road Traffic Act.
  - (2) A vehicle operated by a licensed driver suffering from a permanent physical disability and to whom a token has been issued by the Chief Traffic Officer in terms of by-law 42(1).
  - (3) (a) that a medical practitioner as referred to in the Act be exempted from the payment of parking meter fees, and that the Municipality reserves the right to withdraw this exemption in the event of this exemption being misused by a medical practitioner, or should this concession have an adverse effect on parking in the central business district.
  - (4) A vehicle owned by a bona fide Municipal employee and which is used in connection with work for the Municipality will be granted exemption for the payment of parking meter fees.
    - (a) The Chief Traffic Officer may approve a disc for display onto the motor vehicle and the disc needs to be displayed in a manner contemplated in the Road Traffic Act no 93 of 1996.
  - (5) All Council vehicles being used solely for the work of the Municipality.

**Application for exemption**

36. (1) A person suffering from a permanent physical disability who desires to obtain exemption in terms of section 41 shall apply in writing to the Director for a token of exemption. Such application shall be accompanied by a certificate signed by a registered medical practitioner stating the extent and effect of such disability.
- (2) The Director may in his discretion issue or refuse to issue a token to such disabled person.
- (3) If a token is lost or destroyed, the token shall not be replaced until 1 January of the following year.

- (4) Every token issued in terms of these by-laws shall expire on 31 December of the year for which it was issued and shall be renewed upon 1 January of each year.
- (5) Application for renewals shall be made in accordance with the conditions of sub-section (1) hereof.
- (6) Such token shall be displayed on the dashboard of the vehicle in such a manner that the information thereon will be clearly visible for a traffic officer through the windscreen of that vehicle.

**Presumption**

37. Whenever a vehicle is in a metered parking bay during the prescribed hours and the parking meter installed in conjunction with such bay indicated that the period of time for which a fee was last deposited in such parking meter has expired, it shall be presumed, until the contrary is proved, that such vehicle was parked in such a bay without the prescribed fee being deposited in such parking meter in accordance with the provisions of section 38.

**CHAPTER 7  
EXEMPTION OF MEDICAL PRACTITIONERS FROM PARKING RESTRICTIONS**

**Exemption of medical practitioners**

38. (1) A registered general medical practitioner shall be exempted from the provision of any by-law relating to parking in force in the Municipality when using, on bona fide professional domiciliary visits, a motor vehicle on which is displayed a badge confirming with the requirements of sub-section (2) hereof, issued to him on the authority of the Chief Traffic Officer, provided that such exemption shall not apply-
- (a) in respect of a road traffic sign which totally prohibits parking at all times or during specified hours on any public road;
  - (b) in any area in which the stopping of vehicles is prohibited during the hours when such stopping is prohibited;
  - (c) to parking across entrances;
  - (d) where the road traffic sign concerned is one designating or demarcating a parking bay required for exclusive parking of a certain type of vehicle; or
  - (e) where the parking of a vehicle shall cause any obstruction or danger to other road users.
- (2) The badge shall be a windscreen sticker badge of a design approved by the Chief Traffic Officer displaying on the face thereof the serial number, the medical association's symbol and the name of the medical practitioner to whom it was issued.
- (3) The badge shall be displayed on the lower nearside border of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the medical practitioner is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed, is parked. The address shown on the card must be easily legible from the outside of the vehicle.
- (3) Written application for the issue of a badge shall be made to the Chief Traffic Officer who may in his discretion authorise the issue of an approved badge to the application upon payment to the Municipality of the prescribed fee.
- (4) The Chief Traffic Officer shall keep a register in which he or she shall record the serial number allocated by him of the badge, the issue of which has been authorised by him and the name of the holder.
- (5) No duplicate badge shall be issued without the prior consent of the Director.
- (6) Where the Chief Traffic Officer has reason to believe that any holder is abusing the privileges conferred by him by a badge he or she may withdraw the badge from the holder and privileges conveyed by the badge shall hereupon cease.

**CHAPTER 8  
GENERAL PROVISIONS RELATING TO PARKING**

**Limitation on parking**

39. (1) Subject to the provisions of sub-section (2), no person shall between 20h00 on one day and 06h00 on the following day, park-
- (a) a motor vehicle which exceeds 2400 kg in tare;
  - (b) a trailer; or
  - (c) an animal drawn vehicle

In one place on a public road within the Central Business District or General Industrial Area or in any public car park for a continuous period exceeding one hour.

- (2) No goods vehicle with a mass more than 3 000kg or a tractor with a trailer, or bus may be parked on an erf or in the street in a residential area, other than the purpose to have passengers embark or disembark or loading or unloading goods and then only for the period of such embarkation, disembarkation, loading or unloading: Provided that no such activities may take place between 20:00 and 06:00.
- (3) No parking may be done in contravention of a road traffic sign. The provisions of sub-section (1) shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

**Loading zones and parking bays**

40. (1) No person shall cause or permit a vehicle other than a goods vehicle to remain in a loading zone for a period of time greater than is reasonable necessary for the actual loading or offloading of persons or goods.
- (2) No driver or person in charge of a motor vehicle may park or cause such vehicle to be parked in a demarcated parking place across any painted line marking the confines of the parking place or in such position that the said vehicle is not entirely within the area demarcated.
- (3) No person except a physical handicapped person may park a vehicle or permit such vehicle to be parked in any demarcated parking bay which has been reserved exclusively for the use by permanent physically handicapped persons and which has been indicated as such by an applicable information sign.

**Acts prohibited in parking bays**

41. No person shall, except with the permission in writing of the Director park any vehicle in a parking bay or in any other manner use a parking bay for the purpose of-
- (a) advertising any event, commodity or thing;
- (b) displaying any advertising sign or advertising device;
- (c) selling any goods; or
- (d) displaying any goods for sale.

**Presumption regarding parking**

42. Whenever a vehicle is parked or stopped or caused or permitted to remain in any place in contravention of a provision of these by-laws, it shall be presumed until the contrary is proved, that such vehicle was so parked, stopped or caused so to remain by the owner thereof.

**CHAPTER 9  
TROLLEYS**

43. (1) No owner of a trolley shall permit such a trolley to be left on any sidewalk, parking bay or public road unattended.
- (2) Any trolley which is found deserted on a sidewalk, parking bay or public road shall be impounded and the owner thereof shall be required to pay a impound fee as determined by Council by resolution from time to time before such trolley shall be released.

**CHAPTER 10  
MISCELLANEOUS PROVISIONS**

**Trees, hedges and structures obstructing the view**

44. (1) No one shall allow-
- (a) any boundary fence, hedge, structure, tree, plant or shrub or part thereof to be unsightly or to overhang or penetrate into a public road in such a manner that it creates a danger or inconvenience to any person who uses such a public road;
- (b) any tree, hedge, structure, plant or shrub to impede the free and unhampered movement of traffic or to obstruct the view which is necessary for traffic approaching an intersection;
- (2) the Municipality may, by written notice addressed to the owner or occupier of the premises whereupon any tree, hedge, structure, plant or shrub is in contravention with subsection 8.1.1 and 8.1.2, require such tree, hedge, structure, plant or shrub or part thereof to be cut back or removed within 7 days of receipt of such notice, and should the owner or occupier fail to do so, the Municipality may do the necessary work and recover the costs thereof from the owner or occupier.
- (3) No owner or occupier of fixed property abutting on any public road shall fence in such property or any portion thereof with barbed wire.

**Goods obstructing public roads**

45. (1) No one shall allow any goods, be it his property or under his control, to be or remain in a public road, on a sidewalk or in any other public place so as to obstruct traffic or inconvenience the public.
- (2) A period of one hour is allowed for the loading and off-loading of goods. All goods must be removed from the sidewalk or public road within the said period.
- (3) No one shall for trading or any other purpose place any goods, wares or articles on any stand or support in or projecting over a public road, nor place or hang such goods, wares or articles upon or from any veranda-post, stay or balcony in or over a public road.
- (4) No one shall open, pack or unpack cases, furniture, goods, materials or merchandise in a public road.
- (5) No one shall place upon, off-load on or convey across a public road or side-walk any material or goods unless he had taken precautions to protect the surface of such public road or side-walk from damage.
- (6) No one shall permit any vehicle, object or animal belonging to him or in his charge to obstruct any public road;
- (a) no one shall outspan, permit or allow such vehicle, object or animal in a public road without proper supervision;
- (b) any stray animal found in a public road without proper supervision may be impounded.

- (7) No one shall, without previously having obtained the written consent of the Municipality and subject to such conditions as the Municipality may impose, place any barricade, line, cord, wire, pole, object or anything whatsoever across any public road or place or hang or place anything whatsoever, on such barricade, line cord, wire, pole or subject.

#### **Persons loitering in a public road or causing an obstruction**

46. (1) No one shall roll any hoop, ring, tyre or wheel or fly any kite or play any ball or other game whatsoever or use any roller skates or skate boards similar contrivance or appliance or soap box carts or similar devices upon any public road within the municipal area, tending to cause annoyance or danger to the foregoing section shall not apply to a public place which has been set aside specifically for the purpose of sports or games and provided further that organised sport may be practised at such times and in those places as the Municipality may determine and consent to.

#### **Regulation of Traffic and parking**

47. The Council may-
- (a) close any street or portion of a street temporarily;
  - (b) divert any street, or any traffic temporarily or permanently;
  - (c) determine that certain streets may be used, or not used, by certain class, type or category of vehicles;
  - (d) notwithstanding any stipulation in these by-laws determine areas and or times where and during which times certain classes, types or categories of vehicles may park or not park; and
  - (e) determine the direction in which vehicles may travel in any street.

#### **Musicians performing in a public road**

48. (1) No one shall perform or sing in a public road or place without the written consent of the Municipality.

#### **Queues**

49. (1) A queue of persons outside a business or place or entertainment shall not be formed exceeding two persons abreast or across a side-walk. Persons who queue in front of the entrance to such premises shall allow free access to or exit from those premises to people who wish to enter or leave those premises. Under no circumstances may a queue be formed upon or across the roadway and no person joining a queue shall take up a position other than abreast or behind the last person in the queue.

#### **Gatherings**

50. (1) Except with the prior written consent of the Municipality, no one shall organise or hold a gathering in or at a public place.
- (2) The granting of consent is in the discretion of the Municipality.
  - (3) Application for such consent shall be made and submitted to the Municipal Manager at least 5 working days prior to the planned gathering.
  - (4) In granting consent in terms of sub-section 42.1, the Municipality may impose such conditions as he may deem expedient.
  - (5) Consent granted in terms of sub-section 42.1 may be withdrawn at any time.
  - (6) If the Chief Traffic Officer is of the opinion that traffic control measures in the form of traffic assistance by officers of the Municipality are necessary at a gathering, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

#### **Driving of cattle**

51. (1) No one shall drive an animal in the municipal area in such a way that a danger is created.
- (2) Livestock shall not be driven through any town in the municipal area.
  - (3) On other business centres within the municipal area the driving of livestock is not allowed except with the written permission of the Municipality.

#### **The use of amplifiers or loud-speakers**

52. (1) No one shall use or allow to be used a loud-speaker or amplifier in order to increase the volume of the sound of radios, musical instruments or similar apparatus in such a way as to cause a nuisance to his neighbours or the general public within the municipal area.
- (2) Without the prior written consent of the Municipality no one shall use or allow to be used a loud-speaker or similar apparatus in order to increase or strengthen the volume of sound in a public road, thoroughfare, parking area or open space.
  - (3) Except with the prior written consent of the Municipality no one shall advertise any wares or services or make a public announcement by means of a megaphone, loud-speaker system or similar device or by insistent shouting or cause a nuisance in a public road.
  - (4) Loud-speaker or similar apparatus may be used for the purpose of inviting people to a meeting or similar gatherings.

**Parking of motor cycles**

53. (1) A motor cycle shall be parked in the following manner-
- (a) where a traffic sign indicates a special parking place for motor cycles, such motor cycle shall be parked wholly within the parking lines; and
  - (b) where no parking place for motor cycles is demarcated along the kerbing, such motor cycle shall be parked parallel to and as near as possible to the kerbing.

**Driving or parking at scene of fire**

54. (1) No one shall park or drive a vehicle nearer than 100m from a fire fighting vehicle or apparatus erected on the scene of a fire. This section does not apply to vehicles of the vehicles of the traffic section, the fire section or of the South African Police Services.

**Driving vehicle over fire-hose**

55. (1) No one shall drive a vehicle over a fire-hose lying in the roadway of a public road.

**Right of way at uncontrolled intersections**

56. (1) The right of way at uncontrolled intersections, with proper consideration for the safety of other vehicles and persons, shall be as follows-
- (2) when two or more vehicles enter an intersection at more or less the same time, the driver of the vehicle on the left-hand side shall grant right of way to the vehicle on his right-hand side.

**Stopping in order to load goods**

57. (1) Goods shall be loaded on that side of a vehicle which is nearest to the kerbing.

**Crossing private property to by-pass a traffic sign**

58. (1) No one shall drive on, to or across private property in an effort to avoid compliance with any traffic sign.

**Parking of motor vehicle outside a garage**

59. (1) The owner or driver or person in control of a motor vehicle business, garage, workshop or industry using or in control of motor vehicles, shall not allow a motor vehicle or part thereof which is under the control of such business, garage, workshop or industry or which was brought to such business, garage, workshop or industry for repair to be parked or left on a public road including sidewalks or a public open space next to or in the vicinity of the premises in which the business, garage, workshop or industry is carried on.
- (2) public road, open space or public open space in the residential areas, between sunrise and sunset.

**Impeding or obstructing of street intersections**

60. (1) When traffic circumstances are such that a driver of a vehicle entering an intersection will be obliged to stop in the intersection in such a manner that cross traffic will be impeded, the driver shall stop his vehicle before entering the intersection and he shall not move forward until the traffic circumstances have changed to such an extent that it will allow traffic to flow freely through the intersection without it being necessary to stop in the intersection: Provided however that this section will not be applicable to the driver of a vehicle who is about to turn left or right and who is forced to stop in an intersection to give way to vehicles approaching him or to pedestrians.

**Robots/traffic signal**

61. (1) Where a robot erected at a crossing, shows a deviation from the prescribed light indications a vehicle driver shall, if-
- (a) a robot shows a flashing circular red indicator, treat such indication as a stop sign and shall stop on the near side of the stop line and thereafter proceed against such red indication if it is safe to do so;
  - (b) a robot shows a flashing circular amber indication, treat indication as a yield sign and allow traffic on the other entrances to such intersection the right of priority;
  - (c) a robot shows a flashing circular red indication on all entrances in order to control vehicular traffic on such entrances, treat such robot controlled intersection as a four-way stop controlled intersection and shall stop on the near side of the stop line and shall remain stationary until it is safe to enter such intersection;
  - (d) any robot shows a flashing circular amber indication on all entrances, treat the robots as probably defective and shall stop on the near side of the stop line and remain stationary until it is safe to enter such intersection;
  - (e) a robot shows no or abnormal light indications, treat such robot as probably defective and shall stop on the near side of the stop line and remain stationary until it is safe to enter such intersection.
- (2) When a pedestrian intends to cross a roadway at a robot provided with a button switch which can be controlled by a pedestrian, such pedestrian shall press the button switch and wait on the sidewalk until the robot gives a green light indication permitting him to cross the roadway.
-

**Loads to be covered**

62. No person shall, by means of any vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any manner discharged from such vehicle.

**Cleaning, washing and repairing of vehicles**

63. No person shall clean, wash or repair any vehicle in any public street, provided that in case of an accident, breakdown or other emergency, such repairs may be effected as may be necessary to enable such vehicle to proceed or be removed as expeditiously as possible.

**Roller skates and skate boards**

64. No person shall use any public road or sidewalk for the purpose of skating on roller skates, skate boards or other similar device.

**Refuse**

65. No person shall-
- (1) spit upon any public pavement, public road or public place or in any public building or public vehicle of conveyance;
  - (2) place upon the windscreen or any other part of any motor vehicle any paper or other material for the purpose of advertising without the permission of the owner of the said vehicle.

**Trees and amenities**

66. The Council may plant trees and effect such improvements and provide such amenities with a road reserve as it may deem fit.

**Traffic officers escort duties**

67. Any person requiring the services of any traffic officer or officers for escort traffic control purposes, may make application therefor to the Chief Traffic Officer who may allocate so many traffic officers as may be required to ensure public safety, and the services of such traffic officers shall be paid for by such person making application at the tariff to be determined by Municipality by resolution from time to time. The availing of these escort services will be subject to and in accordance with the Municipality's policies and decisions in this regard.

**Offences and penalties**

68. Any person who-
- (a) contravenes or fails to comply with any provisions of these by-laws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;
  - (b) gives any information required by or in connection with any provisions referred to in paragraph (a) which is false or misleading;
  - (c) resists, hinders, obstructs, molests or interferes with any traffic officer or employee of Council in the performance of his duties or the exercise of his powers under these by-laws;
  - (d) causes or permits any other person to commit any of the aforesaid acts;

Shall be guilty of an offence and shall be liable on conviction to a fine of R10 000.00 (Ten Thousand Rand) or twelve (12) months imprisonment.

**Repeal**

69. The by-laws relating to Traffic adopted by the Council or any Council now comprising an administrative unit of the Council are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

**Application**

70. The Council may by notice in the *Provincial Gazette*, determine that the provision of these by-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

**Short title**

71. These By-laws are called the Traffic By-laws, 2018 and shall take effect upon publication in the Provincial Gazette.
-

[PROVINCIAL NOTICE NO. 95 OF 2018]

**MOQHAKA LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Water Services Amendment By-laws as contained in the schedule hereunder. These By-laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

**SCHEDULE**

**WATER SERVICES AMENDMENT BY-LAW**

1. The Water Services By-Laws promulgated in the Free State Provincial Gazette no 117 of 13 March 2015 are hereby amended by the substitution of "Annexure C" for the following Annexure C:

**ANNEXURE C:**

**FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES**

1. The additional charge for industrial effluent for the disposal of high strength sewage to a waste water treatment plant must be determined in accordance with the following formula:

$$T_c = Q_{ct} [a(COD_c - COD_d/COD_d)] + b(P_c - P_d/P_d) + c(N_c - N_d/N_d)]$$

Where  $T_c$  = Extraordinary Treatment Cost to Consumer

$Q_c$  = Waste water Volume discharged by consumer in kl

$t$  = Unit Treatment cost of waste water in R/kl

$COD_c$  = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

$COD_d$  = Total COD of domestic waste water in milligrams per litre

$P_c$  = Ortho-phosphate concentration of waste water discharged by consumer in milligrams phosphorus per litre

$P_d$  = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre

$N_c$  = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre

$N_d$  = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre

$a$  = Portion of the costs directly related to COD

$b$  = Portion of the costs directly related to the removal of phosphates

$c$  = Portion of the costs directly related to the removal of nitrates

Different terms	Value
$t$	R0.82/kl
$COD_d$	600 mg/l
$P_d$	10mg/l
$N_d$	25mg/l
$a$	0.6
$b$	0.25
$c$	0.15

**Short Title**

2. This By-Law is called the Water Services Amendment By-Law, 2018. This By-Law shall take effect upon publication in the Provincial Gazette.



**PROVINCIAL GAZETTE**  
(Published every Friday)

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.

**Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

**SUBSCRIPTION: (POST)**

PRICE PER COPY	R 27.00
HALF-YEARLY	R 678.00
YEARLY	R 1 356.00

**SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)**

PRICE PER COPY	R 19.00
HALF-YEARLY	R 470.00
YEARLY	R 940.00

Stamps are not accepted

**Closing time for acceptance of copy**

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 08:00 (Tuesday), three working days** prior to the publication of the Gazette. Advertisements received **after 08:00 on the Tuesday of the publication week**, will be held over for publication in the issue of the following week, or if specifically requested by the advertiser, will be published as a "Special Publication". In such cases, the advertisement must be delivered to the Officer in Charge **not later than 12:00 on the Thursday** preceding the publication of the Gazette and double rate will be charged for that advertisement. No advertisements will be received and published on the same day, unless accompanied by a direct instruction from the top levels of the management of that department / institution.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

**Advertisement Rates**

Notices required by Law to be inserted in the Provincial Gazette: **R 36.00** per centimeter or portion thereof, single column.

**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.**

**NUMBERING OF PROVINCIAL GAZETTE**

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.

**Printed and published by the Free State Provincial Government**

**PROVINSIALE KOERANT**  
(Verskyn elke Vrydag)

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.

**Intekengeld (vooruitbetaalbaar)**

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

**INTEKENGELD: (POS)**

PRYS PER EKSEMPLAAR	R 27.00
HALFJAARLIKS	R 678.00
JAARLIKS	R 1 356.00

**INTEKENGELD: (OOR DIE TOONBANK / E-POS)**

PRYS PER EKSEMPLAAR	R 19.00
HALFJAARLIKS	R 470.00
JAARLIKS	R 940.00

Seëls word nie aanvaar nie.

**Sluitingstyd vir die Aannee van Kopie**

Alle advertensies moet die Beampte belas met die Provinsiale Koerant bereik **nie later nie as 08:00 (Dinsdag), drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na **08:00 op die Dinsdag van die publikasie week** ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit geplaas word in 'n "Buitengewone Koerant". In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 12:00 op die Donderdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word. Geen advertensies sal gepubliseer word op die selfde dag as ontvangs, indien daar nie 'n skriftelike versoek van die topbestuur van daardie departement / instansie ontvang is nie.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

**Advertensietariewe**

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: **R 36.00** per sentimeter of deel daarvan, enkel-kolom.

**Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.**

**NOMMERING VAN PROVINSIALE KOERANT**

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.

**Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering**