

## **THEEWATERSKLOOF MUNICIPALITY**

### **COMMUNITY FIRE SAFETY BY-LAW**

**Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:**

#### **PREAMBLE**

The Theewaterskloof Municipality recognises:

- (i) that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- (ii) that losses due to fire, and the subsequent economic and social impact on people, property and infrastructure, causes unnecessary hardship;
- (iii) that the protection of all sectors of the community against fire related incidents, threats and damages, is an important aspect in the development and sustainability of the economy;
- (iv) that certain aspects of the daily existence of people need to be controlled in such a manner, as to prevent and reduce the effects of fire on the community as a whole;
- (v) that the community has a vital role to play in achieving the objectives of this by-law, and
- (vi) that the benefits of a fire-safe environment should be made accessible to all, within the constraints of available funding resources.

The purpose and scope of the by-law is:

- (i) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Theewaterskloof Municipality; and
- (ii) to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Theewaterskloof Municipality.

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## CHAPTER 1: INTERPRETATION

### 1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise –

“**authorized official**”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, any officer appointed as traffic officer in terms of section 3A of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, or any employee of the Controlling Authority or the Theewaterskloof Municipality, who are authorized by the Theewaterskloof Municipality to enforce the provisions of this by-law;

“**chief fire officer**”, means the person in charge of a fire brigade service as chief fire officer, or the acting chief fire officer, as contemplated in the Fire Brigade Services Act, 1987 (Act No 99 of 1987), as amended;

“**combustible waste or material**”, means combustible waste or material, and may include any combustible fibres, plant material, hay, straw, hair, feathers, down, wood shavings and turnings, rubber trimmings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings, and any mixture of the above items, or any other recyclable combustible waste material;

“**Controlling Authority**”, means the Overberg District Municipality, represented by the Chief Fire Officer appointed by Overberg District Municipality or the Municipal Manager of the Overberg District Municipality, or their respective appointed delegates;

“**dangerous goods**”, means the commodities, substances and goods listed in the standard specifications of the latest edition of Standards South Africa publication No. 0228 – The identification and classification of dangerous substances and goods, or any revision or substitution thereof;

“**division separating element**”, means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations, promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), as amended, and “**occupancy separation element**” has a corresponding meaning;

“**emergency evacuation plan**”, means a plan specifically designed to aid in the evacuation of occupants from a building or a premises in the event of a fire or other threatening danger, and assigns responsibility to various staff members, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from the building or premises;

“**emergency vehicle**”, means any fire, rescue or other vehicle intended for use at emergency situations, such as fires and other threatening dangers;

“**entertainment and public assembly venue**”, means a place or facility where people gather to engage with each other, or assemble for meetings, socializing, eating, drinking and dancing, or to participate in entertainment and other forms of recreation;

“**escape door**”, means the door in an escape route, which is at ground level and directly leads to a street or public place or to any approved open space, to be used as an assembly point or place of safety;

“**escape route**”, means the entire path of travel from the furthest point in any room in a building to the nearest escape door, and may include an emergency route;

“**escape route plan**”, means a diagram indicating the floor layout, a person’s current position and the route of travel to the nearest primary and secondary escape routes in the building concerned, as well as the actions to be taken in the event of a fire or any other threatening danger;

“**Fire Brigade Services Act**”, means the Fire Brigade Services Act, 1987 (Act No 99 of 1987), as amended;

“**fire brigade service**”, means services intended for -

- (a) preventing the outbreak or spread of fire
- (b) fighting or extinguishing a fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other danger;
- (e) the performance of inspection functions on premises, buildings, structures or vehicles, to ensure compliance with procedures, methods and practices to regulate and promote fire safety; and
- (f) the performance of any other function related to fire brigade services and fire safety;

“**fire door**”, means an automatic or self-closing door or shutter assembly, specifically constructed and installed, to prevent the passage of fire for a specific period of time from one area to another area;

“**fire extinguisher**”, means a portable or mobile rechargeable container, which has a fire extinguishing substance that is discharged by means of an action of internal pressure on a fire for the purposes of extinguishing such fire;

“**fire hazard**”, means any situation, process, material or condition which may cause a fire or an explosion, or provide a ready fuel supply to increase the spread or intensity of a fire or an explosion, or which poses a threat to life or property;

“**fire lanes or fire corridors**”, means the road, path or other passageway, constructed or designated or reserved for emergency vehicles, to allow preferred access and passage for emergency vehicles;

“**fire protection system**”, means any device or system, including smoke detectors, designed and installed to -  
(a) detect, control or extinguish a fire, or  
(b) alert occupants or the fire service, or both, of a fire,  
but excludes portable and mobile fire extinguishers;

“**fire wall**”, means a wall that is able to withstand the effects of fire for a specific period of time, as contemplated in the National Building Regulations, promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), as amended;

“**flammable liquid**”, means a liquid or mixtures of liquids, or a liquid containing solids in solution or in suspension, that give off a flammable vapour at or below sixty-point-five (60.5) degrees Celsius, or a liquid as determined by SANS codes;

“**Municipality**”, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

“**Municipal Manager**”, means a person appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**Municipal Structures Act**”, means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

“**Municipal Systems Act**”, means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**National Building Regulations**”, means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), as amended;

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

“**occupancy separating element**”, means a building element or component which separates one area in a building from another area, and has a fire resistance of not less than that required by the National Building Regulations, promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), as amended;

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

**“operator”**, means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended;

**“owner”**, means with regard to property, the registered owner of a property, who can be either or a natural or juristic person, and include the occupant, lessee, holder of a servitude right, holder of a land tenure right, holder of a land rights letter, holder of a letter of occupation, trustee, executor, curator or appointed agent or administrator of a property;

**“organ of state”**, means -

- (a) any department of state or administration in the national, provincial or local sphere of government; or
- (b) any other functionary or institution –
  - (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa, 1996 or a provincial constitution; or
  - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

**“Overberg District Municipality”**, means the Overberg District Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, by Provincial Notice 486 of 2000, dated 22 September 2000, and as amended by Provincial Notice 162 dated 20 August 2004, and includes any reference to any duly delegated and / or appointed officials;

**“occupant of property”**, means and includes **“occupier”**, and is any person who occupies or has control over any premises, or who resides on a premise;

**“person”**, means and includes for purpose of this by-law, a natural person or a juristic person or any industrial or commercial undertaking or and an organ of state;

**“person in charge”**, means -

- (a) in relation to a premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of a premise;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of a building;
- (c) in relation to any installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of an installation; and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who in the opinion of the Controlling Authority, is deemed to be in charge of such premises, building or installation;

**“population”**, means the population as determined in accordance with the National Building Regulations, promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), as amended;

“**premises**”, means any portion of land situated within the area of jurisdiction of the Theewaterskloof Municipality, of which the outer boundaries are demarcated on a general plan or a diagram or a sectional title plan, registered in accordance with applicable legislation, and includes any building or other structures on a portion of land used in connection with any activities carried out on that portion of land, and also includes for purpose of this by-law any locomotive or other vessel or vehicle, which operates or is present within the area of jurisdiction of the Theewaterskloof Municipality;

“**public road**”, means any public road as referred to in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, street, alley or road reserve;

“**SANS codes**”, means a South African National Standard as contemplated in the Standards Act, 2008 (Act No 8 of 2008), as amended, and the use of the abbreviation “SANS”, followed by any sequel of numbers, means a reference to a SANS code of practices, specifications or standards, published under the corresponding number;

“**SANS 1186-1**”, means the latest edition of Standards South Africa publication No. 101301, titled “Symbolic safety signs - Part 1: Standard signs and general requirements”, or any revision or substitution thereof;

“**SANS 1253**”, means the latest edition of Standards South Africa publication No. 1253, titled “Fire doors and fire shutters”, or any revision or substitution thereof;

“**Standards Act**”, means the Standards Act, 2008 (Act No 8 of 2008), as amended;

“**vehicle**”, means a vehicle as defined in the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes the following -

- (a) “**road tank vehicle**”, means a tank truck, tank trailer, or a truck-tractor and tank semi-trailer combination;
- (b) “**tank semi-trailer**”, means a vehicle with a tank mounted on it or built on it as an integral part of the vehicle, and constructed in such a way that when the semi-trailer is drawn by a truck-tractor or another trailer through a fifth wheel connection, part of the load rest on the towing vehicle;
- (c) “**tank trailer**”, means a vehicle with a tank mounted on it or built on it as an integral part of the vehicle and so constructed, that when the tank trailer is drawn by a tank truck, practically all the load rests on the wheels of the tank trailer;
- (d) “**tank truck**”, means a single self-propelled vehicle with a tank mounted on it;
- (e) “**truck-tractor**”, means a self-propelled vehicle with no mounted tank, used to pull a tank semi-trailer; and
- (f) any other vehicle used at the discretion of the controlling authority, for the transport of dangerous goods.

## **CHAPTER 2: SERVICE DELIVERY AND ADMINISTRATIVE PROVISIONS**

### **2. PROVISION OF FIRE BRIGADE SERVICES**

- (1) Fire brigade services shall be delivered by the Overberg District Municipality, in the area of jurisdiction of the Municipality.
- (2) The Overberg District Municipality shall be the controlling authority for the implementation of procedures, methods and practices to regulate and promote fire safety.

### **3. ADMINISTRATION AND ENFORCEMENT OF THE BY-LAW**

- (1) When fire brigade services are not established and operated by the Municipality in the area of jurisdiction of the Municipality, but provided by another municipality or organ of state, the Municipal Manager shall be responsible for supervision over the administration and enforcement of this by-law, and the municipality or other organ of state providing the fire brigade services, shall as controlling authority be responsible for the administration of procedures, methods and practices to regulate and promote fire safety, and the enforcement of this by-law and any other by-laws relating to fire safety.
- (2) This by-law is applicable to all premises and persons within the area of jurisdiction of the Municipality, and includes both formal and informal sectors of the community and economy.

### **4. DELEGATIONS**

The Municipal Manager may delegate any power granted to him or her in terms of this by-law, subject to the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

### **5. ENFORCEMENT OF PROVISIONS BY THE CONTROLLING AUTHORITY**

- (1) The Controlling Authority may promulgate by-laws relating to fire safety and / or fire brigade services, which shall be applicable for the area of jurisdiction of the Municipality.
- (2) The Controlling Authority may, whenever it is regarded as necessary or expedient to do so, in collaboration with the Municipality –
  - (a) enter any premises at any reasonable time to ensure compliance with procedures, methods and practices to regulate and promote fire safety; and
  - (b) implement actions to abate any condition which is in violation of any procedures, methods and practices to regulate and promote fire safety, and which presents an immediate fire hazard or other threatening danger.
- (3) The Controlling Authority shall remedy any violation identified in subsection 5(2) of this by-law, by performing or implementing the necessary actions or mitigating measures, and may also –
  - (a) order the immediate evacuation of a premises;
  - (b) order the closure of any premises or facility, until such time as the violation concerned has been rectified;
  - (c) order the cessation of any activity, and
  - (d) order the removal of any immediate threat to fire safety.

## **6. AUTHORITY TO INVESTIGATE**

Notwithstanding anything to the contrary contained in any other law or by-law relating to fire safety, the Controlling Authority in collaboration with the Municipality has the authority to investigate the cause, origin and circumstances of any fire or fire hazard or any other threatening danger, for purpose of the promotion of fire safety.

## **7. ISSUANCE OF WRITTEN NOTICES**

When the Municipality and the Controlling Authority finds that there is non-compliance with the provisions of this by-law, excluding the non-compliances referred to in subsection 5(3) of this by-law, they shall consult with each other on the actions to be taken and issue a written notice to the transgressor, which notice shall include the following information –

- (a) confirmation of the findings on non-compliance;
- (b) the provisions of this by-law that are being contravened;
- (c) the remedial actions required to rectify the non-compliances, and
- (d) the target date for compliance.

## **8. REFUSAL, SUSPENSION OR REVOCATION OF APPROVALS OR CERTIFICATES**

- (1) The Municipality may be requested by the Controlling Authority to refuse, suspend or revoke any approvals or certificates provided and / or issued by the Municipality, when the owner or occupant or a person in charge of a premises, fails to comply or meet procedures, methods and practices to regulate and promote fire safety.
- (2) The Controlling Authority may refuse, suspend or revoke any approval or certificate required for fire safety certification in the area of jurisdiction of the Municipality, for any failure to meet, or non-compliance with the provisions of this by-law or any other applicable by-law for fire safety.

## **9. RECORD REQUIREMENTS**

The safekeeping of all records and documents relating to fire safety or any provision of this by-law, is the co-responsibility of the Municipality and the Controlling Authority, and the institutions concerned shall by mutual agreement implement arrangements for record keeping and the safekeeping of documents.

## **10. FEES AND TARIFFS**

- (1) The Controlling Authority shall in collaboration with the Municipality determine the fees payable by a person, or owner or occupant of a premises, on whose behalf the Controlling Authority rendered in the area of jurisdiction of the Municipality, a fire safety service or a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may determine and charge fees and tariffs in accordance with the Tariff By-law of the Theewaterskloof Municipality for the provision of any inspection, re-inspection or any other service, or the issuing of approvals or certificates for fire safety and related matters, when such an inspection or service or issuing of a permit, approval or certificate, is not undertaken or provided by the Controlling Authority.

### **CHAPTER 3: FIRE AND PUBLIC SAFETY**

#### **11. REPORTING OF FIRE HAZARDS AND OTHER THREATENING DANGERS TO FIRE SAFETY**

- (1) The owner or the occupant or the person in charge of a premises, upon discovering any evidence of a fire hazard or other threatening danger to fire safety, shall immediately notify the Controlling Authority or the Municipality thereof.
- (2) When a fire hazard or other threatening danger to fire safety has been reported to the Municipality, the Municipality shall immediately inform the Controlling Authority, as to allow for the required actions to be implemented in terms of predetermined protocols.
- (3) When a fire hazard and / or other threatening danger to fire safety has been reported to the Controlling Authority, a report on the identified fire hazard and / or threat, and the actions taken and required to address the reported hazard and / or threat, shall be conveyed to the Municipality in an agreed upon format, to ensure that the required further actions needed to be undertaken by the Municipality are brought to the attention of the Municipality.
- (4) The Municipality and the Controlling Authority shall mutually determine and implement a format for reporting to each other with regard to fire hazards, threats to fire safety, inspections carried out for fire safety, fire brigade services required and rendered, and associated matters.

#### **12. FIRE PROTECTION AND SAFETY AT BUILDINGS**

- (1) The Controlling Authority shall in terms of subsection 5(3) and / or subsection 8(1) of this by-law, in collaboration with the Municipality decide on and implement procedures, methods and practices to regulate and promote fire safety and ensure that no contraventions of the National Building Regulations, relating to fire protection and fire safety at buildings occur.
- (2) The Controlling Authority shall ensure that -
  - (a) access for emergency vehicles exist;
  - (b) fire lanes and / or fire corridors are provided on public roads and / or premises, as applicable;
  - (c) division separation elements and / or occupancy separation elements and / or fire walls in buildings are provided and that such building element or component are not unlawfully altered;
  - (d) fire doors and shutter assemblies in buildings are maintained in terms of SANS 1253;
  - (e) escape routes and doors, and escape route plans on premises and in buildings, are properly planned, formulated, marked and / or maintained;
  - (f) escape routes are clearly marked with signage, which are compliant to SANS 1186-1; and

- (g) fire safety equipment, such as, but not limited to, fire extinguishers, fire protection systems, fire alarms, smoke detectors, fire hydrants, are compliant to the National Building Regulations, the Occupational Health and Safety Act and the various applicable SANS codes, and are provided and properly maintained in terms of prescribed directions, on all premises and at all buildings.

### **13. ERECTION OF TENTS AND OTHER STRUCTURES FOR EVENTS**

- (1) Prior to the erection and temporary usage of a tent or other structure for an event, for an occupancy category as contemplated in terms of the National Building Regulations, an applicant shall –
  - (a) submit an application in terms of the National Building Regulations to the Municipality for the erection and usage of such a tent or other structure for an event, and
  - (b) submit an application in terms of subsection 14(1) of this by-law to the Controlling Authority for a certificate of suitability for public safety of the tent or other structure used for the proposed event.
- (2) The Controlling Authority shall ensure in collaboration with the Municipality, that the application for the temporary erection of a tent or other structure for an event, comply with and include the following information –
  - (a) a predetermined and acceptable location for purpose of fire safety, of the tent or other structure on the premises concerned;
  - (b) proper emergency vehicle access;
  - (c) compliance with the provisions of the National Building Regulations, with regard to the allowable population at the event, population density at the event, use during darkness, seating arrangements, and the provision of fire extinguishers;
  - (d) a prohibition and / or restrictions on the preparation of food in or nearby a tent or other structure;
  - (e) a prohibition of open fires in a tent or other structure;
  - (f) restrictions on the use of open flames, such as candles, torches or lanterns, in a tent or other structure;
  - (g) a prohibition on smoking, and the installation of non-smoking signs in terms of SANS 1186-1;
  - (h) electrical and lighting installations compliant to the applicable codes of practice for the wiring of premises; and
  - (i) any other requirements for fire safety determined by the Controlling Authority

#### **14. PREVENTION AND THE CONTROL OF OVERCROWDING**

- (1) Prior to the usage of a premises or a facility for entertainment or a public event, the owner or person in charge of such premises or facility shall submit an application for a certificate of suitability for public safety to the Controlling Authority, when required by the Controlling Authority and / or the Municipality.
- (2) The Municipality may not approve any event in terms of the By-law relating to the Holding of Events of the Theewaterskloof Municipality, before the Controlling Authority submitted their input on such an application, and indicated the requirements for a certificate of suitability for public safety, as contemplated in subsection 14(1) of this by-law

#### **15. FORMULATION OF AN EMERGENCY EVACUATION PLAN**

- (1) The owner and / or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar facility, which has an occupancy capacity in excess of twenty-five (25) persons, including staff, shall formulate an emergency evacuation plan detailing the appropriate actions to be taken by the staff and the occupants, in the event of a fire or other threatening danger.
- (2) The Controlling Authority may order the owner or person in charge of any premises to formulate in addition to the arrangements contemplated in subsection 15(1) of this by-law, additional emergency evacuation planning, detailing the appropriate actions to be taken in the event of a fire or other threatening danger.

#### **16. FIRE SAFETY AT VACANT BUILDINGS AND PREMISES**

The owner or person in charge of a building or premises or any portion thereof, which is vacant and abandoned, shall to the satisfaction of the Municipality and the Controlling Authority remove all combustible waste or material from the premises or building concerned, and shall lock and / or barricade or otherwise secure all windows, doors and / or other openings in the building or on the premises, to prevent the creation of fire hazards caused by the unauthorised persons entering a vacant and abandoned building or premises.

#### **17. COMBUSTIBLE WASTE**

- (1) The owner or person in charge of a premise, or a portion thereof, shall not allow combustible waste to accumulate in any area or in any manner on the premise, creating a fire hazard or other threatening danger.
- (2) Combustible waste shall be properly stored, as dictated by the Municipality and the Controlling Authority, or disposed of in a prescribed manner to prevent a fire hazard or other threatening danger.

#### **18. COMBUSTIBLE MATERIAL**

- (1) The owner or occupant or person in charge of a premise may not store, transport, stack, or cause or permit any combustible material or a flammable substance, to be stored, transported, used or stacked, whether inside or outside a premises or a building in quantities or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or occupant or person in charge of a premise, may not permit vegetation or any other combustible material to accumulate thereon in quantities or in a manner likely to cause or create a fire hazard or other threatening danger.

**19. LIGHTING OF FIRES AND THE BURNING OF COMBUSTIBLE MATERIAL**

- (1) The lighting of fires in any other place, except the areas and places designated for open fires for barbequing and / or cooking, and the disposal of combustible material by burning shall be prohibited, except when written approval has been provided for it by the Controlling Authority and the Municipality.
- (2) A person may only light a fire for the purpose of preparing food or for any other domestic purpose, on condition that such fire shall not cause a fire hazard or other threatening danger, that fires shall only be made in places specifically prepared and reserved for such purpose, and that open fires not be prohibited by any sign, instruction or other legislation in the locality where it are lit.
- (3) Burning of combustible material may only take place, after written approval has been obtained from the Controlling Authority and the Municipality.

**20. REPORTING OF ACCIDENTS OR INCIDENTS**

When an accident or incident occurs, which involves a flammable substance and a resulting fire, explosion, spillage or the loss of a flammable substance, as well as personal injury or death, the owner or person in charge of such a premises, building, installation or vehicle shall immediately notify the Controlling Authority and the Municipality of the accident or incident, for emergency planning to be implemented to prevent further damage or loss of life.

**21. SPRAY PAINTING ROOMS, BOOTHS OR AREAS**

Any spray painting room, booth or area designated for the application of a flammable liquid by spraying, shall be constructed and equipped in such a manner as to comply with safety regulations promulgated in terms of the Occupational Health and Safety Act, and shall be approved and regularly inspected by the Municipality for compliance to National Building Regulations and the Controlling Authority for compliance to procedures, methods and practices for fire safety.

**22. TRANSPORTATION OF DANGEROUS GOODS**

- (1) The operator of a vehicle designed and used for the transportation of dangerous goods on public roads, may not operate such a vehicle in the area of jurisdiction of the Municipality, unless a dangerous goods transportation certificate has been issued to the operator by a fire brigade service, as contemplated in terms of the National Road Traffic Act.
- (2) An operator of a vehicle transporting dangerous goods in or through the area of jurisdiction of the Municipality, shall submit an application for a dangerous goods transportation certificate to the Controlling Authority for fire brigade services in the area of jurisdiction of the Municipality.
- (3) The Controlling Authority may request additional information from an applicant for a dangerous goods transportation certificate, when an application has been received.
- (4) The Controlling Authority shall refuse to issue or renew a transportation certificate for dangerous goods, when a vehicle does not comply with the requirements of the applicable SANS codes and when the Controlling

Authority is of the opinion that the defects on a vehicle cannot be remedied easily and / or immediately, and in such instance the Municipality shall be requested to declare the vehicle concerned un-roadworthy for the transportation of dangerous goods.

- (5) A dangerous goods transportation certificate shall be renewed annually, on or before the date as indicated on the certificate concerned, or whenever major maintenance or repairs have been performed on the vehicle concerned.
- (6) When the Controlling Authority, at any time becomes aware that the usage of a vehicle is not in accordance with the dangerous goods transportation certificate issued, the Controlling Authority shall act in terms of subsections 5(3) and 8(1) of this by-law, and in collaboration with the Municipality take the required actions against the transgressions, which shall include, but is not limited to, the revoking of the dangerous goods certificate issued.
- (7) A dangerous goods certificate is only valid for the vehicle for which it was issued.
- (8) A dangerous goods certificate shall always be available in a vehicle transporting dangerous goods, and shall be presented for inspection when requested by an authorized official.
- (9) The Controlling Authority in collaboration with the Municipality, shall keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

#### **CHAPTER 4: GENERAL PROVISIONS**

##### **23. COMMUNITY LIASON FORUMS**

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating opportunities for a local community to participate in the affairs of the Municipality;
  - (b) to advise the Municipality on matters, referred to the liaison forum for input by the Municipality, and
  - (c) promoting the achievement of community fire safety.
- (2) A community liaison forum may consist of –
  - (a) a member or members of an interested group and / or affected persons or parties;
  - (b) a member or members of a community; and
  - (c) a designated official or officials of the Municipality, or organs of state.
- (3)
  - (a) The Municipality may, when considering an application for an approval in terms of this by-law, request the input of a community liaison forum.
  - (b) A liaison forum or any person or persons contemplated in subsection 23(2) of this by-law, may on their own initiative provide input to the Municipality for consideration.

## 24. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served –
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
  - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 24(2)(a), 24(2)(b) or 24(2)(c) of this by-law;
  - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

## 25. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

## 26. OFFENCES AND PENALTIES

- (1) Any person who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, or fails to comply to an instruction of an authorized official or posted on a notice board, or interferes with an authorized official in the execution in his or her duties, is guilty of an offence and is liable on conviction, for -
  - (a) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;

- (b) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (c) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

(2) The imposition of a penalty for any contravention shall not excuse the contravention, nor may the contravention be permitted to continue.

(3) The Controlling Authority shall instruct a person found guilty of a contravention, to correct or remedy the contravention or defect concerned at own costs, within a time period specified by the Controlling Authority.

## **27. CONFLICT BETWEEN LEGISLATION**

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

## **28. REPEAL OF BY-LAWS**

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

## **29. SHORT TITLE**

This by-law shall be called the Community Fire Safety By-law of the Theewaterskloof Municipality.

## **30. OPERATIVE DATE.**

This by-law shall take effect on the date of publication.