

MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO COMMUNITY FIRE SAFETY, 2009 (AMENDED 2025)



Whereas the Mossel Bay Municipality published the Mossel Bay Municipality By-Law Relating to Community Fire Safety as set out below in terms of Section 156 of the Constitution of the Republic of South Africa, 1996, in the Province of the Western Cape Provincial Gazette Extraordinary No. 6678 dated 20 November 2009;

And whereas the Council of the Mossel Bay Municipality has adopted amendment to the By-Law on 28 August 2025, Resolution E233-08/2025 and has published the amendments to the By-Law in the Province of the Western Cape Provincial Gazette No 9132, dated 5 September 2025, for general information;

Now therefore the amendment to the By-Law is hereby incorporated in English for general information.

The revised Afrikaans and Xhosa version of the proposal will be available upon request. In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

Die Afrikaanse en Xhosa-weergawe van die gewysigde Verordening sal beskikbaar wees op aanvraag. In die geval van 'n teenstrydigheid tussen die Engels, Afrikaans en Xhosa teks sal die Engelse teks aanvaar word.

Inguqulelo yesiBhulu neyesiXhosa yesi siphakamiso iyakufumaneka xa uthe wayicela. Kwiimeko apho kubonakala kukho khona ukungangqinelani phakathi kwenguqulelo yesiNgesi, eyesiBhulu okanye eyesiXhosa, inguqulelo yesiNgesi iyakudlala indima ephambili.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

INDEX

CHAPTER 1	3
1. Definitions	3
CHAPTER 2: ADMINISTRATIVE PROVISIONS	10
2. Administration and enforcement	10
3. Delegation	10
4. Enforcement provisions	10
5. Authority to investigate and right of access	10
6. Failure to comply with provisions	11
7. Denial, suspension or revocation of an approval or a certificate	11
8. Record required	12
9. Charges	12
10. Reporting a fire hazard and other threatening danger	12
CHAPTER 3: FIRE PROTECTION OF BUILDINGS	12
11. General	12
12. Access for emergency vehicles	12
13. Division and occupancy separating elements	13
14. Fire doors and assemblies	13
15. Escape Routes	13
16. Tents	13
CHAPTER 4: FIRE SAFETY EQUIPMENT	14
17. Fire extinguishers	14
18. Testing and maintenance of fire protection systems	15
19. Interference with and access to fire protection systems and fire extinguishers	16
20. Fire alarms and fire hydrants	16
CHAPTER 5: PUBLIC SAFETY	16
21. Prevention and control of overcrowding	16
22. Attendance of a service	17
23. Formulation of an emergency evacuation plan	17
24. Displaying of escape route plans	18
25. Barricading of vacant buildings	18
CHAPTER 6: HOUSEKEEPING	18
26. Combustible waste and refuse	18
27. Dust	19
28. Combustible or flammable substances and sweeping compounds	19
29. Accumulations in chimneys, flues and ducts	19
30. Sources of ignition	19
31. Smoking	19
32. Electrical fittings, equipment and appliances	20
33. Flame-emitting device	20
CHAPTER 7: FIRE HAZARDS AND FIREBREAKS	20
34. Combustible material	20
35. Lighting of fires and burning of combustible material and smoking restrictions	21
36. Firebreaks	21
CHAPTER 8: FLAMMABLE SUBSTANCES	22
37. Application of this Chapter	22
38. Storage and use of a flammable substance	22
39. Flammable substance certificate	23
40. Permanent or temporary above ground storage tank for a flammable liquid	24
41. Underground storage tank for a flammable liquid	25
42. Bulk storage depot for flammable substances	25
43. Small installations for liquid petroleum gas	25
44. Liquefied petroleum gas installation in mobile units and small non-permanent buildings	25
45. The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles	25
46. The application of liquefied petroleum and compressed natural gases as engine fuels	25

MOSSEL BAY MUNICIPALITY **BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

47.	Mobile filling stations for refillable liquefied petroleum gas (LPG) containers	25
48.	The storage and filling of refillable liquefied petroleum gas containers	25
49.	Bulk storage vessel for liquid petroleum gas	26
50.	Termination of the storage and use of flammable substances	26
51.	Reporting accident	26
52.	Flammable stores	26
53.	Container handling and storage	28
54.	Spray rooms and booths	29
55.	Liquid petroleum gas containers	29
56.	Major Hazard installations	29
	CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS AND/OR HAZZARDOUS GOODS	29
57.	Dangerous and/or hazardous goods certificate	29
	CHAPTER 10: FIREWORKS	30
58.	Firework Certificates and Permit	30
	CHAPTER 11: GENERAL PROVISIONS	30
59.	Service Delivery Arrangements	30
60.	Exemptions	31
61.	Service of documents and process	31
62.	Limitation of liability	31
63.	State Bound	32
64.	Offences and penalties	32
65.	Repeal of laws and savings	32
66.	Short title and commencement	32
	SCHEDULE 1	33
	GUIDELINES FOR EMERGENCY EVACUATION PLANS	33
1.	Content of emergency evacuation plans	33
2.	Review of emergency evacuation plans	34
3.	Emergency evacuation drills	34
4.	Emergency evacuation awareness	34
5.	Training of persons	34
	SCHEDULE 2	34
	FORM A Population Certificate Application	345
	FORM B Population Certificate	36
	FORM C Flammable Substance Certificate Application	37
	FORM D Flammable Substance Certificate	39
	FORM E Dangerous Goods Certificate Application	41
	FORM F Dangerous Goods Certificate	42
	SCHEDULE 3	43
	Applicable Legislation	43
	SCHEDULE 4	43
	SABS Codes of Practice and Specifications	43

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

CHAPTER 1

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:-

1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

“above ground storage tank” means a tank situated above ground for the storage of a flammable liquid;

“automatic releasing hold-open device” means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“boundary” means any lateral or street boundary of a site;

“building” means –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of combustible refuse or combustible waste;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of impervious material;

“chief fire officer” means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

“combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“combustible refuse” means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“combustible waste” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“Controlling Authority” means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 2 and 3 of this By-law;

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

“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 (T1) read with the SABS 0400;

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

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

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

“entertainment and public assembly occupancy” means a place where people gather to eat, drink, dance or participate in other recreation;

“escape door” means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

“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, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“fire break” means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises, and may consists of one or more of the following-

- (a) grass or vegetation that does not exceed 50mm in height;
- (b) lawn or cultivated garden; or
- (c) a road or driveway;

“Fire Brigade Services Act” means the Fire Brigade Services Act. 1987 (Act 99 of 1987);

“fire damper” means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

“fire door” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“fire extinguisher” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

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

“fire lanes” means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

“fire protection system” means any device or system designed and installed to –

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the fire service, or both, to 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 (T1) read with SABS 0400;

“flammable gas” as contemplated in SABS 0228, means a gas that at 20°C and at a standard pressure of 101,3 kilopascals -

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

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“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 60,5 °C and also includes a liquid within the following danger groups as determined in SABS 0228-

DANGER GROUP BASED ON FLAMMABILITY.

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point(°C)
i	-	≤ 35 (°C)
ii	<23 (°C)	> 35 (°C)
iii	≥23 ≤60.5 (°C)	> 35 (°C)
iv	>60.5 - 100 (°C)	> 35 (°C)

“flammable solid” means as contemplated in SABS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

“flammable substance” means a flammable liquid or a flammable gas;

“flammable store” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-law;

“Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act 15 of 1973);

“hazardous material” means any material or mixtures of materials (biological, chemical, radiological, and/or physical) that has the ability to by itself or with interaction with other materials, may cause harm to humans, animals, or the environment and “hazardous goods” shall have the same meaning;

“mobile filling station” means a site that is being used temporarily or permanently for the filling of refillable liquefied petroleum gas containers from a mobile unit;

“Municipality” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

“Municipal Manager” means a person appointed in terms of section 82 of the Municipal Structures Act;

“Municipal Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

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

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“National Building Regulations” means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977), and -

- (a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- (c) National Building Regulations (A2I) means the provisions regulating the population of a building;
- (d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- (e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of 1996);

“non-combustible” means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

“occupancy” means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the National Building Regulations (A20);

“occupancy separating element” means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993); "occupier" means a person who occupies any premises or part thereof, without regard to the title under which he occupies;

“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;

“owner” has its common-law meaning and includes-

- (a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law, order of a Court or legal appointment;
- (b) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (c) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (d) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b); and
- (e) in the event of the Controlling Authority being unable to determine the identity of a person mentioned in (a) to (d), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“person in charge” means-

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (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 the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a); 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 is in the opinion of the Controlling Authority deemed to be in charge of such premises, building or installation;

“population” means the population determined in accordance with the National Building Regulations (A21);

“premises” means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

“public place” means any square, park, recreation ground or open space which -

- (a) is vested in the Municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

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

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“SABS Codes” means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act and shall include SANS Codes;

“SANS Codes” means South African Bureau of Standards SANS Codes of Practice and Specifications issued in terms of the Standards Act, and shall include SABS Codes;

“service” means a fire brigade service as defined in the Fire Brigade Services Act;

“site” means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

“Standards Act” means the Standards Act. 1993 (Act 29 of 1993);

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

“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 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;

“storage vessel” means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

“summary abatement” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

“tank” for purposes of chapter 9 of this By-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

“tent” means a portable or temporary structure of canvas, cloth or other similar material, consisting of a canopy, which may have walls, supported by poles and stretched by cords secured to pegs driven into the ground;

“this By-law” includes the Schedules published in terms of this By-law;

“threatening danger” means the existence of an unwelcome or undesirable situation which causes or has the potential cause imminent harm, risk, peril or injury should an emergency or fire occur;

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

“vehicle” means a vehicle as defined in the National Road Traffic Act and includes the following-

- (a) **“road tank vehicle”** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) **“tank-semi-trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part or the load rest on the towing vehicle;
- (c) **“tank trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) **“tank truck”** means a single, self-propelled vehicle with a tank mounted on it;
- (e) **“truck-tractor”** means a self-propelled vehicle used to pull a tank-semi-trailer; and
- (f) any other vehicle, which in the opinion of the Controlling Authority, is a vehicle contemplated in chapter 9 of this By-law.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

CHAPTER 2: ADMINISTRATIVE PROVISIONS

2. Administration and enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this By-law.
- (2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act the Municipal Manager is responsible for the administration and enforcement of this By-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of this By-law.

3. Delegation

- (1) A Chief Fire Officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A Municipal Manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.
- (3) If any provision in this By-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act 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 Municipality provider or, where applicable, an employee of the Municipality provide, authorized by it.

4. Enforcement provisions

- (1) A Controlling Authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A Controlling Authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A Controlling Authority must remedy any violation mentioned in sub-section (2), by performing any act, and may also -
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity; and
 - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a Controlling Authority to be responsible for the existence of such condition.

5. Authority to investigate and right of access

- (1) Notwithstanding anything to the contrary contained in any other law, a Controlling Authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (2) The Chief Fire Officer or a member may, in executing the powers delegated in terms of this By-law or any other legislation, enter any premises at any reasonable time to conduct inspections in order to determine the existence of a fire hazard or compliance with any applicable legislation relating to fire safety on such premises.
- (3) Should any fire hazard or condition of non-compliance contemplated in sub-section (2) exist, such member may serve a written instruction on the owner or occupier of such premises and such notice shall incorporate such directives or requirements that are necessary to abate the condition, which instruction must determine a deadline for compliance.
- (4) Whenever any condition that may increase the risk of fire or which may pose a threat to life or property exists on any premises and such condition cannot immediately rectified, or if costs need to be incurred to rectify such condition, the owner of the premises must after receiving any written instruction referred to in sub-section (3), inform the Chief Fire Officer forthwith, in writing, of the measures which he or she intends taking to remedy the condition and provide a program and deadline to the Chief Fire Officer for approval.
- (5) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give further instructions for compliance with the proposed or required measures.

6. Failure to comply with provisions

- (1) When a Controlling Authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 4(2), a written notice may be issued and should include the following-
 - (a) confirmation of the findings;
 - (b) provisions of this By-law that are being contravened;
 - (c) the remedial action required; and
 - (d) set forth a time for compliance.
- (2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the Controlling Authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

7. Denial, suspension or revocation of an approval or a certificate

A Controlling Authority may refuse, suspend or revoke an approval or a certificate required by this By-law for-

- (a) failure to meet the provisions of this By-law for the issuance of the approval or certificate;
or
- (b) non-compliance with the provisions of the approval or certificate.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

8. Record required

The safekeeping of all relevant records and documents is the responsibility of the Controlling Authority.

9. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf, the Controlling Authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

10. Reporting a fire hazard and other threatening danger

An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the Controlling Authority.

CHAPTER 3: FIRE PROTECTION OF BUILDINGS

11. General

The Controlling Authority in terms of section 4(3) or section 6(1) of this By-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

12. Access for emergency vehicles

- (1) When, in the opinion of the Controlling Authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1) maybe required to comply with the following-
 - (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
 - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
 - (c) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road.
 - (d) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the Controlling Authority, and the area from ground level to a clearance height of four meters above the fire lane must remain unobstructed.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (e) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Controlling Authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

13. Division and occupancy separating elements

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

14. Fire doors and assemblies

- (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions -
 - (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link actuating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism; or
 - (f) any other action that renders a fire door or assembly less effective.

15. Escape Routes

- (1) A component which forms Part 1 of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the Controlling Authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

16. Tents

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20) the owner or person in charge of a premises must-
 - (a) submit an application in terms of the National Building Regulations (A2) and (A23) to the Municipality for the approval to erect and use the tent; and

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (b) submit an application in terms of the section 21 of this By-law to the Controlling Authority for a temporary population certificate.
- (2) The application submitted in terms of sub-section (1)(a) must comply with the following-
 - (a) (i) The safety distance between a tent and any building or boundary shall be determined in accordance with TT2 of the SABS 0400. The Controlling Authority may require that this distance be increased should the situation require it.
 - (ii) The tent must be erected at least 4,5 meters from any combustible stores or materials.
 - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 meters must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instance -
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions; and
 - (iv) for the provisions of fire extinguishers.
 - (d) The population density of a tent must comply with the National Building Regulations (A21).
 - (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (f) No open fire is permitted in a tent and any other flame emitting device such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the Controlling Authority.
 - (g) No open fire or flame is permitted within five meters of a tent, stake or guideline of a tent.
 - (h) Smoking is prohibited in a tent and a “No Smoking” sign must be prominently displayed at each entrance and must comply with SABS 186: Part 1.
 - (i) Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in sub-sections (1) and (2), the Controlling Authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4: FIRE SAFETY EQUIPMENT

17. Fire extinguishers

- (1) The owner or person in charge as the case may be, must provide and install fire extinguishers on premises as required by the Controlling Authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571. SABS 1573 and SABS 0105: Part I.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in sub-section (3).
- (5) When the Controlling Authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired inspected or tested by a person not in possession of a permit mentioned in sub-section (3), the Controlling Authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the Controlling Authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Controlling Authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning. Modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

18. Testing and maintenance of fire protection systems

- (1) The owner or person in charge must ensure that a fire protection system is tested and maintained on a regular basis and that a detailed record of such tests and maintenance of the system be kept.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- (6) The owner or person in charge of the premises must immediately notify the Controlling Authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Controlling Authority as soon as the system is restored.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (7) The owner or person in charge of the premises must take all steps deemed necessary by the Controlling Authority to provide alternate equipment to maintain the level of safety within the premises.

19. Interference with and access to fire protection systems and fire extinguishers

No person is permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

20. Fire alarms and fire hydrants

- (1) Without compensation to the owner of the premises concerned, the controlling authority may cause-
- (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency; or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the Controlling Authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The Controlling Authority may at any time cause a fire alarm, other transmission instrument mentioned in sub-section (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in sub-section (1), board, decal, metal plate or painted marker.
- (5) No person may render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5: PUBLIC SAFETY

21. Prevention and control of overcrowding

- (1) Prior to the usage of the premises for entertainment or public assembly where the population including staff exceeds 50 people, the owner or person in charge of such premises must submit an application for a population certificate to the Controlling Authority, as prescribed in the Schedule 2 of this By-law.
- (2) The owner or person in charge of a premise for which a population certificate is required shall not utilise such premises if a population certificate has not been issued by the Controlling Authority.
- (3) The Controlling Authority may request additional information from the applicant.
- (4) Notwithstanding the provision in sub-section (1), the Controlling Authority may instruct the owner or person in charge, of the premises to apply for either a temporary or a permanent

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

population certificate, should the premises be used in respect or any other occupancy contemplated in the National Building Regulations (A20).

- (5) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (6) The Controlling Authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the Controlling Authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (7) If at any time the Controlling Authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law,
- (8) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued. the owner or person in charge of the premises must reapply for the certificate in accordance with sub-section (1).
- (9) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (10) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (11) A person must vacate the premises that are overcrowded when instructed to do so by the Controlling Authority, the owner or person in charge of the premises.

22. Attendance of a service

- (1) When the Controlling Authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-law.

23. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or 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 the premises, other than those contemplated in sub-section (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (3) The plan mentioned in sub-sections (1) and (2) must be prepared in accordance with the guideline contained in Annexure 1 and approved by the Chief Fire Officer. The plan must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in sub-section (4) must contain the following information-
 - (a) the date and time of the test
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required; and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Controlling Authority.
- (7) The Controlling Authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

24. Displaying of escape route plans

- (1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the Controlling Authority.

25. Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

CHAPTER 6: HOUSEKEEPING

26. Combustible waste and refuse

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the Controlling Authority.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

27. Dust

The owner or person in charge of the premises or a portion thereof may not allow the accumulation of any dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

28. Combustible or flammable substances and sweeping compounds

- (1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

29. Accumulations in chimneys, flues and ducts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

30. Sources of ignition

- (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance as deemed appropriate by the Controlling Authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the Controlling Authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

31. Smoking

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Controlling Authority and the signs must comply with SABS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) (a) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

- (b) The owner or person in charge of premises may not allow or permit any person to light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

32. Electrical fittings, equipment and appliances

- (1) No person may cause or permit an electrical supply outlet to be overloaded.
- (2) No person may cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

33. Flame-emitting device

No person may cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7: FIRE HAZARDS AND FIREBREAKS

34. Combustible material

- (1) No person may store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises any combustible material or a flammable substance or hazardous goods
 - (i) in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger; and
 - (ii) which is not labelled or packaged in accordance with the prescribed legislation or regulations relating to such material.
- (2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon in a manner likely to cause a fire hazard or other threatening danger.
- (3) No person may burn or allow any other person to burn any refuse or combustible material -
 - (a) without prior written permission of the Chief Fire Officer; or
 - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (4) Subject to annual notices published by the Minister of Water Affairs and Forestry, no person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (5) 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.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

35. Lighting of fires and burning of combustible material and smoking restrictions

- (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated area, so as to prevent a fire hazard or other threatening danger.
- (4) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Controlling Authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3.
- (5) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the Controlling Authority.
- (6) No person may remove or damage a "No Smoking" sign.
- (7) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (8) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (9) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- (10) No person may discard or otherwise dispose of a burning match or cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion on any road, in any road reserve or in any other public place.
- (11) Where any match or cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

36. Firebreaks

- (1) Notwithstanding anything contained in the National Veld and Forest Fire Act (Act 101 of 1998), the owner or person in charge of a premises that has vegetation growing thereon shall where necessary make and maintain sufficient firebreak(s) to ensure that the risk of a vegetation fire spreading from one premises to the next is minimized.
- (2) For the purposes of sub-section (1), a fire break means an area not less than 5m in width, around the perimeter of a premises, contiguous with the boundary on all sides, that consists of one or more of the following-
 - (a) bare earth;
 - (b) grass that does not exceed 50mm in height;

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (c) lawn or cultivated garden; or
- (d) a road or driveway.
- (3) Where an owner or person in charge fails to prepare or maintain a firebreak or where in the opinion of the Controlling Authority, the fire- break is insufficient for the prevailing circumstances, the Controlling Authority may act in terms of section 4 or 6 of this By-law.
- (4) Where a fire break has been prepared, the vegetative material from within the fire break must be removed from the area of the fire break and must be disposed of in a manner acceptable to the Controlling Authority.
- (5) Sub-section (1) is not applicable in cases where an exemption has been granted in terms of the National Veld and Forest Fire Act.

CHAPTER 8: FLAMMABLE SUBSTANCES

37. Application of this Chapter

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chaplet regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

38. Storage and use of a flammable substance

- (1) Prior to the construction of a new installation or the alteration of an existing installation whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipe-work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), S.A.B.S. 0131: Parts 1 and 2, S.A.B.S. 089: Part 3 and S.A.B.S. 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the Controlling Authority.
- (3) Notwithstanding sub-section (2), the Controlling Authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Controlling Authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the Controlling Authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use-
 - (a) a flammable gas in excess of 100 kilogram; or
 - (b) a flammable liquid of the danger group (i), (ii), (iii) or (iv) as set out in the definition of flammable liquid, in excess of 200 liters, unless he has obtained a flammable substance certificate from the Controlling Authority.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

39. Flammable substance certificate

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38(6), must submit an application to the Controlling Authority as prescribed in the Schedule 2 of this By-law.
- (2) The Controlling Authority may request additional information from the applicant.
- (3) The Controlling Authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the Controlling Authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 38(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed whenever the quantity or class of the flammable substance requires to be changed or when section 38(5) applies.
- (5) If at any time the Controlling Authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.
- (6) Notwithstanding sub-section (5), when in the opinion of the Controlling Authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not-
 - (a) supply in excess of 100kg of a flammable gas or 200 liters of a flammable liquid of the danger group (i), (ii), (iii) or (iv) as set out in the definition of flammable liquid, as the case may be, to any person without proof that the person being supplied is in possession of a valid flammable substance certificate as contemplated in section 38(6); or
 - (b) deliver to any premises, more than 100kg of a flammable gas or more than 200 liters of a flammable liquid of the danger group (i), (ii), (iii) or (iv) as set out in the definition of flammable liquid, as the case may be, unless the owner or person in charge of a premises is in possession of a valid flammable substance certificate as contemplated in sub-section 38(6); or
 - (c) deliver or supply to the owner or person in charge of a premises, flammable gas or flammable liquid of the danger group (i), (ii), (iii) or (iv) as set out in the definition of flammable liquid, as the case may be, where, in terms of section 38(6), a flammable substance certificate is not required; on condition that the premises, storage facility or installation complies with the provisions of the relevant SANS or any other relevant National Legislation.
- (8) A flammable substance certificate is valid only –
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The Controlling Authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

40. Permanent or temporary above ground storage tank for a flammable liquid

- (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Controlling Authority, on the merit of the situation, provided that the following requirements are complied with-
 - (a) if it has a capacity not exceeding 9000 liters and is not used for the storage of flammable substances with a flash point below 40 °C;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with SABS 0131: Part 1 or S.A.B.S. 0131: Part 2 whichever is applicable; and
 - (d) written application together with a plan must be forwarded to the Controlling Authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Controlling Authority for the erection of the tank.
- (3) Notwithstanding section 38(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (Tl).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3,5 meters from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall that shall be so designed as to contain 110% of the contents of the tank within the bund or, in the case where more than one tank is within a bund area, the bund wall shall be in accordance with the requirements of SANS 0089 part 1.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the Controlling Authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

41. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with S.A.B.S. 0400, S.A.N.S. 10089: Part 3 and S.A.B.S. 0131: Part 3.

42. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (TT), read in conjunction with SANS 10089: Part 1.

43. Small installations for liquid petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 liters and a combined water capacity not exceeding 3 000 liters per installation must be installed and handled in accordance with SANS 10087: Part I.

44. Liquefied petroleum gas installation in mobile units and small non-permanent buildings

A liquefied petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with S.A.N.S 10087: Part 1 or Part 2 which ever is applicable.

45. The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles

The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles shall be in accordance with S.A.N.S. 1008: Part 8.

46. The application of liquefied petroleum and compressed natural gases as engine fuels

The use of liquefied petroleum gas and compressed natural gas as a fuel for internal combustion engines and for the operation of equipment built for or converted to the use of liquefied petroleum gas shall comply fully with SANS 10087 part 6.

47. Mobile filling stations for refillable liquefied petroleum gas (LPG) containers

- (1) The use of a mobile filling station to refill liquefied petroleum gas containers is prohibited.
- (2) No person shall have a refillable liquefied petroleum gas container filled at a mobile filling station.

48. The storage and filling of refillable liquefied petroleum gas containers

Storage and filling sites used for refillable liquefied petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS10087: Part 8.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

49. Bulk storage vessel for liquid petroleum gas

The layout design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (Tl), read in conjunction with SABS 087: Part 3.

50. Termination of the storage and use of flammable substances

- (1) If an above ground 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 was erected must -
 - (a) within seven days of the cessation, notify the Controlling Authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipework, from the premise, entirely, unless the Controlling Authority otherwise instructs; and
 - (d) restore a public footpath, sidewalk, street or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must inform in writing the Controlling Authority and implement the necessary precautionary measures.

51. Reporting accident

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Controlling Authority.

52. Flammable stores

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (Tl) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (Tl) read in conjunction with SABS 0400 –
 - (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store:
- (c) the air bricks must be covered both internally and externally with closely woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement
- (5) When required by the Controlling Authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements-
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3.6 meters above ground level, whichever is the greater;
 - (c) ducting material that is external to the store but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, the Controlling Authority may allow a flammable store door to be constructed of non-combustible material, provided that it is outward opening and that all relevant safety distances are complied with.
- (7) When required by the Controlling Authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) (a) A flammable store storing in excess of 5000 liters of flammable liquid must be provided with a foam inlet consisting of a 65 millimeter male instantaneous coupling fitted with a non-return valve and mild steel pipework leading to the inside thereof. Where deemed necessary the Controlling Authority may require more than one foam inlet.
- (b) The foam inlet and pipe-work must ensure adequate distribution of the foam,
 - (c) A foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 50 millimeter block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek Vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izi:xhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 50 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the Controlling Authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Controlling Authority has been notified in terms of the following procedure--
 - (a) within seven days of the cessation, notify the Controlling Authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render safe; and
 - (c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the Controlling Authority may call for additional requirements to improve the fire safety of a flammable store.

53. Container handling and storage

- (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 liters, unless the container is fitted with an adequately scaled pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Controlling Authority may permit such storage in the open; provided that--
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the Controlling Authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and--
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use; and
 - (iii) when the floor area exceeds 10m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material
 - (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1; and
 - (g) fire-fighting equipment is installed as determined by the Controlling Authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

54. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

55. Liquid petroleum gas containers

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

56. Major Hazard installations

- (1) Notwithstanding anything contained in the Occupational Health and Safety Act, (Act 85 of 1993) and the Major Hazard Installation Regulations, the Controlling Authority may require a risk assessment to be carried out on a premises or portion of a premises where an installation or a quantity of a substance is present which in the opinion of the Controlling Authority poses a risk that could affect the health and safety of employees and the public.
- (2) A risk assessment must be performed by an Approved Inspection Authority and comply with the requirements of Regulation 5 of the Major Hazard Installation Regulations.

**CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS AND/OR
HAZZARDOUS GOODS**

57. Dangerous and/or hazardous goods certificate

- (1) The operator of a vehicle designed for the transportation of flammable materials in excess of the exempt quantities as contained in Annexure A of SABS 0232-1 may not operate such a vehicle in the jurisdiction of the Controlling Authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- (2) An operator of a vehicle mentioned in sub-section (1), must submit an application to the Controlling Authority as prescribed in Schedule 2 of this By-law.
- (3) The Controlling Authority may request additional information from the applicant.
- (4) The Controlling Authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with sub-section (1) as well as the dangerous goods certificate.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the Controlling Authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4(2) or 6(1) and section 7 of this By-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in sub-section (1), unless the operator is in possession of a valid dangerous goods certificate issued by the Controlling Authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in sub-section (1), unless the operator meets the requirement in sub-section (7).
- (9) A dangerous goods certificate is valid only-
 - (a) for the vehicle for which it was issued;
 - (b) for the state of the vehicle at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in sub-section (1) for inspection at all times.
- (11) The Controlling Authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.
- (12) The operator of a vehicle designed for the transportation of flammable materials in excess of the exempted quantities as contained in SANS 0228 may not operate such a vehicle in the municipal area without obtaining a hazardous goods certificate issued by the Mossel Bay Fire Brigade Service in terms of the National Road Traffic Act, which must be renewed annually.

CHAPTER 10: FIREWORKS

58. Firework Certificates and Permit

The provisions in the Explosives Act 1956 (Act 26 of 1954) or Regulations as amended or new replacement legislation thereof and the Municipality By-Law relating to the Control of Firework, regulates fireworks as to prevent and reduce noise nuisance, fire hazards or other threatening dangers.

CHAPTER 11: GENERAL PROVISIONS

59. Service Delivery Arrangements

- (1) In an effort to achieve optimal service delivery in terms of this By-law, the Municipality may enter into agreements with the District Municipality with which legislative and executive powers is shared, in respect of the following:
 - (a) the practical arrangements with regard to the execution of the provisions of this By-law;
 - (b) the imposition and enforcement of conditions which pertain to the functions and powers;
 - (c) mechanisms for the settlement of disputes with regard to execution of powers or functions in terms of this By-law or the matters on which have been agreed;

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (d) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law or other prescriptions.

60. Exemptions

- (1) Any person may in writing apply to the Municipality for exemption from any provision of this By-law.
- (2) The Municipality may-
 - (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the Municipality. however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

61. Service of documents and process

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person-
 - (a) when it has been delivered to him personally;
 - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) when it has been sent by electronic mail to the last known email address;
 - (e) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
 - (f) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is there in described as the owner, occupier or holder of such immovable property or other right, as the case may be.

62. Limitation of liability

- (1) The Municipality is not liable for any damages or loss caused by-
 - (a) the exercise of any power or the performance of any duty in good faith under these By-laws; or

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

- (b) the failure to exercise any power, or perform any function or duty in good faith under these By-laws.

63. State Bound

This By-law binds the State and any person in the service of the State.

64. Offences and penalties

- (1) Any person who continues to commit an offence after notice has been served on him or fails to cease committing such offence after he has been convicted of such offence, is guilty of a continuing offence.
- (2) Any person who-
- (a) contravenes any of the provisions of this By- law, condition or restriction or fails to comply therewith; or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith; or
 - (c) furnishes a false statement, or give false or misleading information knowing it to be false or misleading; is guilty of an offence and liable to a-
 - (i) fine or imprisonment, or to both such fine and such imprisonment and;
 - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment for each day on which such offence is continued and;
 - (iii) a further amount equal to any cost, and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.
- (2) The Controlling Authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the Controlling Authority.

65. Repeal of laws and savings

- (1) The following By-laws are hereby repealed.

P.N 511/1982	Mossel Bay Municipality: By-law relating to Inflammable substances	The Whole
P.N 699/1982	Mossel bay Municipality: By-law relating to Liquefied Petroleum Gas	The Whole

- (2) A certificate that was issued. a written notice that was served or any other enforcement act done in terms of a By-law repealed in sub-section (1), within six months prior to the commencement of this By-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a Controlling Authority in terms of this By-law.

66. Short title and commencement

This By-law is called the Mossel Bay Community Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

SCHEDULE 1

GUIDELINES FOR EMERGENCY EVACUATION PLANS

1. Content of emergency evacuation plans

Every emergency evacuation plan contemplated in section 38 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) fire fighting 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 contact numbers and 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

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

(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.

2. 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.

3. 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.

4. Emergency evacuation awareness

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

5. 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 fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

SCHEDULE 2

FORMS

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

A. Population Certificate Application

For official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____	MOSSEL BAY MUNICIPALITY
Population Certificate Application Application for a Population Certificate is made in terms of section 21 (1) of the Community Fire Safety By-law.	
Name of applicant:	Telephone No.
	Cell No.
Name of business:	Telephone No.
	Cell No.
Type of business, e.g. bar, nightclub etc:	
Erf No:	
On what floor of the building is the venue situated i.e ground, 1 st etc?	
Street address:	
Suburb:	Code
Details of Premises	
How many floors does the building have:	How many floors are occupied by the venue for which this application is being made?
Square meters of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below	Expected Population Number of exits per floor Indicate exits per floor separately in the blocks below
Floor () Floor () Floor () Floor () Floor () Floor ()	Floor () Floor () Floor () Floor () Floor () Floor ()
1) The Controlling Authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations 2) The Controlling Authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.	
Signature of applicant	
Print Name	
Date	
Address	
For Controlling Authority: (Signature)	
Print name	
Date	
A certificate fee of R_____ is payable to THE MUNICIPALITY OF MOSSEL BAY in respect of this application and the subsequent inspection.	

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

B. Population Certificate

For official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____	MOSSEL BAY MUNICIPALITY	
<u>Population Certificate Application</u> Application for a Population Certificate is made in terms of section 21 of the Community Fire Safety By-law.		
Name of certified owner:	Telephone No.	
	Cell No.	
Name of certified business:	Telephone No.	
	Cell No.	
Occupancy:		
Erf No:		
The venue is situated on the _____ floor of the premises (ground, 1 st , 2 nd ect.)		
Street address:		
Suburb:	Code	
<u>Details of Premises</u>		
Number of floors in the building	Number of floors occupied by the venue	
Square meters of usable area per floor of venue	Approved Population	
	Number of exits per floor	
Floor () Floor () Floor () Floor () Floor () Floor ()	Floor () Floor () Floor () Floor () Floor () Floor ()	
		Maximum population per floor
		Floor () Floor () Floor () Floor () Floor () Floor ()
1) The certificate is issued in terms of section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position the premises for which it was issued.		
For Controlling Authority (signature)		
Print name		
Date		

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

C. Flammable Substance Certificate Application

For official use only Application No. _____ File No. _____	MOSSEL BAY MUNICIPALITY		
Flammable Substance Application Application for the storage and use of flammable substances in terms of section 38(1) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
Remarks:			
Signature of applicant:			
Address:			
Telephone No.			
For Controlling Authority: (signature)			
Print name:			
A certificate fee of R _____ is payable to THE MUNICIPALITY OF MOSSEL BAY in respect of this application and the subsequent inspection. Controlling Authority: _____ Date: _____ Name of receiving official: _____ Designation: _____			

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

[illegible]

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

D. Flammable Substance Certificate

For official use only Application No. _____ File No. _____ Certificate No. _____	MOSSEL BAY MUNICIPALITY		
Flammable Substance Certificate Permission for the storage and use of flammable substances in terms of section 37(6) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
In terms of section 37(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/use the following flammable substances			
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
This certificate is issued by THE MUNICIPALITY OF MOSSEL BAY and is valid until Date of renewal _____ For Controlling Authority (signature) _____ Date of issue _____ Name of issuing official (Print Name) _____ Designation _____			

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

[illegible]

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

E. Dangerous Goods Certificate Application

For official use only Application No. _____ File No. _____	MOSSEL BAY MUNICIPALITY
Dangerous Goods Certificate Application in respect of flammable materials. Application for a dangerous goods certificate in terms of the National Road Traffic Act (No. 93 of 1996)	
Address of operator	
Name of operator:	
Trading as:	
ERF No.	
Street address:	
Suburb:	Code
City	
Details of vehicle for which a certificate of registration is required	
Type or class of vehicle	
Vehicle Registration No.	
Dangerous Goods Registration number	
Tare	
Load	
Make	
Number of tanks	
Year of manufacture of tank	
Engine No. (if applicable)	
Chassis No.	
Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	
Remarks:	
Operator (signature)	
Address:	Print name:
Telephone No.	Fax No.
For Controlling Authority: (signature)	
<u>For official use only</u> A certificate fee is payable to THE MUNICIPALITY OF MOSSEL BAY in respect of this application and the Subsequent inspection. Signature of receiving official _____ Date: _____ Name of receiving official: _____ Designation: _____	

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

F. Dangerous Goods Certificate

For official use only Application No. _____ File No. _____	MOSSEL BAY MUNICIPALITY
Dangerous Goods Certificate in respect of flammable materials. Dangerous goods certificate issued in terms of the National Road Traffic Act (No. 93 of 1996) This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.	
Details of operator	
Name of operator:	
Trading as:	
ERF No.	
Street address:	
Suburb:	Code
City	
Details of vehicle	
Type or class of vehicle	
Vehicle Registration No.	
Dangerous Goods Registration number	
Tare	
Load	
Make	
Number of tanks	
Year of manufacture of tank	
Engine No. (if applicable)	
Chassis No.	
Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.	
This certificate is issued by THE MUNICIPALITY OF MOSSEL BAY and is valid until Date of renewal _____ For Controlling Authority (signature) _____ Date of issue _____ Name of issuing official (Print Name) _____ Designation _____	

**MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

SCHEDULE 3

APPLICABLE LIGISLATION

With reference to section 35(4):-

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 84 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4

SABS CODES OF PRACTICE AND SPECIFICATIONS

SABS Code	Title
SABS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
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 6	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10087: Part 10	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 10: Mobile filling stations for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY

SABS Code	Title
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.