

UGU DISTRICT MUNICIPALITY

The Municipal Manager of the Ugu District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Ugu Community Fire Safety Bylaws for Fire and Rescue Services for the Ugu District Municipality as approved and adopted by Council on 26 February 2015 under Resolution No. C42/02/15.

PREAMBLE

In terms of Section 11(3) (m) the Ugu District Municipality, in exercising its legislative and executive authority and in line with its integrated development plan (IDP) has identified the high risk areas of fires in its district and the need to formulate Bylaws relating Fire and Rescue Services for its community in line with both Provincial and National Legislation and to be known as the Ugu Community Fire Safety Bylaws.

PURPOSE AND SCOPE OF THIS BYLAW

The purpose and scope of this Bylaw is to formulate and promulgate an Ugu Fire and Rescue Services Bylaw which shall:

- ensure a safe and secure environment so that communities in both the rural and urban areas, commercial, agricultural and industrial business can live and operate in the understanding that Ugu District Municipality has a fire and rescue service which is effective and meets their requirements and demands.
- ensure that urban and rural communities, commerce, agriculture and industry can operate free of threats to public safety and personal emergencies.
- provide a legal framework that the Ugu District Municipality can enforce within its jurisdiction.
- To integrate and co-ordinate fire and rescue services within the Ugu District Municipality and to focus on:
 - (a) Preventing and or reducing of fires;
 - (b) Investigate the impact of such fires;
 - (c) Respond and rescue in cases of fire
 - (d) Recovery process for such fires
- To provide mechanisms and processes to deal with emergencies created by various different types of fires viz:
 - (a) Bush / veld / cane / fires
 - (b) Recreational fires (braai's etc)
 - (c) Structural fires to buildings
 - (d) Controlled fires
 - (e) Chemical fires
 - (f) Fireworks and pyrotechnics displays and exhibitions
 - (g) Fires in residential areas
 - (h) Fires in commercial, agricultural and industrial areas
 - (i) Fires in rural areas
 - (j) Fires in informal settlement

FIRE PREVENTION AND FIRE PROTECTION

Part 1: Fire Prevention

Certain fires prohibited

3.
 - (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
 - (2) No person may burn or allow any other person to burn any refuse or combustible material—
 - (a) without the prior written permission of the Chief Fire Officer; or
 - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
 - (3) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
 - (4) The prohibition in subsection (2) does not apply to any fire made—
 - (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
 - (b) for the purpose of preparing food on private premises set aside for that purpose; or

- (c) in any device for preparing food which –
 - (i) is heated by electricity or liquified petroleum gas; and
 - (ii) is so positioned that the fire does not endanger any person, animal or property.

Reporting a fire hazard and other threatening danger

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

Combustible waste and refuse

- 9. (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 danger.

Combustible or flammable substances and sweeping compounds

- 10. (1) Only water-based solutions, 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 spilled combustible or flammable substances is prohibited.

Accumulations in chimneys, flues and ducts

11. 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.

Sources of ignition

- 12. (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (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 Council, 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 they cannot be overturned and the Council 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.

Smoking

- 13. (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 Council and the signs must comply with SANS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) No person may 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.
- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

Electrical fittings, equipment and appliances

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

- (3) An illegal electrical connection to any building.

Combustible material

15. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any 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.

Storage and accumulation of combustible material prohibited without a valid permit

16. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by -
- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
- (b) pruning, chopping down or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.

Combustible waste and refuse

9. (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 danger.

Combustible or flammable substances and sweeping compounds

10. (1) Only water-based solutions, 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 spilled combustible or flammable substances is prohibited.

Accumulations in chimneys, flues and ducts

11. 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.

Sources of ignition

12. (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (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 Council, 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 they cannot be overturned and the Council 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.

Smoking

- 13. (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 Council and the signs must comply with SANS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) No person may 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.
- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

Electrical fittings, equipment and appliances

- 14. No person may cause or permit –
 - (3) an electrical supply outlet to be overloaded; or
 - (4) an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.
 - (3) An illegal electrical connection to any building.

Combustible material

- 15. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any 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.

Storage and accumulation of combustible material prohibited without a valid permit

- 16. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by -
 - (d) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - (e) pruning, chopping down or sawing any shrub or tree; and
 - (f) removing any resulting combustible residue from the property.

Part 2: Fire Protection

Designs and Construction of Buildings:-Refer to Bylaws

Part 3: Fire Fighting Equipment and Emergency Evacuation Plans and Fire Chiefs Powers

Refer to Bylaw

Part 4 Certificate of Fitness for Certain Buildings

Form and content of certificate of fitness

- 48 A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:
- (a) (i) The trade name and street address of each occupier of the building or temporary structure;
 - (ii) In the case of a rural area the trade name and some identifiable marker eg name of trading store or chief or induna
 - (b) a description of the type of activity carried on by each occupier of the building or structure;
 - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
 - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
 - (e) the number of emergency exits and their dimensions; and
 - (f) the dates of issue and expiry of the certificate and its serial number.

Duties of holder of certificate of fitness

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

Part 5: Water Supply for Fire Fighting Services

Refer to Bylaw

CHAPTER 3

Control of Fireworks: Refer to Bylaw

- 56 (1) Unless so authorised in terms of section 55, no person may use fireworks
- (a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
 - (b) inside any building;
 - (c) on any agricultural holding;

- (d) at any public place; or
- (e) at any school, old age home or hospital.
- (2) No person may light or ignite fireworks in any place where animals are present.
- (3) Unless so authorised in terms of section 55, no person may light or ignite fireworks on any day or at any time except -
 - (a) New Years Eve from 23h00 to 01h00;
 - (b) New Years Day from 19h00 to 22h00;
 - (c) Hindu New Year from 19h00 to 22h00;
 - (d) Lag b'omer (Jewish holiday) from 19h00 to 22h00;
 - (e) Chinese New Year from 19h00 to 22h00;
 - (f) Human Rights Day from 19h00 to 22h00;
 - (g) Freedom Day from 19h00 to 22h00;
 - (h) Guy Fawkes Day from 19h00 to 22h00;
 - (i) Diwali from 19h00 to 22h00;
 - (j) Christmas Eve from 19h00 to 22h00; and
 - (k) Day of Goodwill from 19h00 to 22h00.
- (4) No person may allow any minor whether under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Dealing or sale in fireworks

- 60
- (1) No person may deal in or sell fireworks unless -
 - (a) that person holds the required fireworks licence in terms of the Explosives Act; and
 - (b) has the written authority of the Chief Fire Officer.
 - (c) that person is in possession of a permit to deal in or sell fireworks
 - (2) Persons dealing in fireworks shall not display such fireworks unless:
 - (a) the fireworks are displayed in a display case, package or other suitable receptacle that is not accessible to the public
 - (b) the display case, package or other suitable receptacle in which the fireworks are displayed is not in close proximity to flammable material and not in a location where the fireworks will be exposed to the rays of the sun or excess heat
 - (c) the fireworks are displayed in lots not exceeding 25 kilograms each gross weight
 - (d) the fireworks are dispensed from the display case, package or other suitable receptacle only by the seller or the sellers employees
 - (3) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -
 - (a) complete an application in the form and manner determined by the Council; and
 - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
 - (4) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these Bylaws or any other applicable law.

CHAPTER 4

EXPLOSIVES:- REFER TO BYLAW

CHAPTER 5

**CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF
FLAMMABLE SUBSTANCES**

CHAPTER 6

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

CHAPTER 7

STORAGE OF FLAMMABLE SUBSTANCES

CHAPTER 8

TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS

CHAPTER 9

SPRAY PAINTING

Spraying prohibited without spraying permit

- 117 (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -
- (a) that person is in possession of a spraying permit contemplated in section 117;
- (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

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

CHAPTER 10

FIRE BRIGADE SERVICES

CHAPTER 11

ENFORCEMENT PROVISIONS

Enforcement provisions

140 Any authorized official of the Council may –

- (1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;
- (2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-
 - (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.

Authority to investigate

141 The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

Failure to comply with provisions

- 142 (1) When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and 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) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

Interference with duties

143 No person shall interfere with or in any manner hinder a person authorised by the Council to investigate or extinguish fires while such authorised person is in the performance and execution of their duties.

Interference with equipment

144 No person shall obstruct or interfere with the operation or use of any fire hydrant, emergency use water inlet or outlet connection on a building, fire alarm control panel, manual alarm station or any fire detection device or equipment.

Fire hydrants

145 No person shall open, cause or permit to be opened a fire hydrant to obtain or discharge water unless authorised to do so by the council

Fire hoses

146 No person shall move a fire hose or cause or permit a vehicle to be driven over a fire hose at the scene of a fire unless authorised to do so by the officer in charge of the site.

Assistance orders

147 A person who receives an oral or written order from a person authorised by the council to extinguish fires requiring the person to provide labour, services, equipment or materials to assist in extinguishing a fire shall comply with the order.

False alarms

148 No person shall make, cause or permit to be made a false alarm of a fire.

Unauthorised keys

149 No person shall use or have in their possession or control any key for a vehicle used to respond to or extinguish fires, or for a fire alarm or elevator control key box unless authorised by the council

Impersonation

150 No person shall use or have in their possession or control identification, insignia, equipment or a uniform used in relation to the fire rescue services provided by the council unless permitted by the council.

No person shall represent themselves as a fire fighter or a person providing certain fire rescue services unless permitted by the council

Bylaws bind State

151 These Bylaws bind the State and any person in the service of the State.

Offences and penalties

152 Any person who –

- (a) contravenes or fails to comply with any provision of these Bylaws ;
- (b) fails to comply with any notice issued or displayed in terms of these Bylaws ;
- (c) fails to comply with any lawful instruction given in terms of these Bylaws ; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these Bylaws;

is guilty of an offence and liable on conviction to a fine not exceeding R15.000.00 or imprisonment for a period not exceeding 6 months as regulated from time to time in terms of the Adjustment of Fines Act 101 of 1991.

Continuing offence

153 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount no less than that established by this bylaw for each such day

Vicarious liability

154 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

Corporation and partnerships

155 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorised the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorised the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

CHAPTER 12**MISCELLANEOUS****Reports**

156 The owner of any property damaged by fire shall report all particulars of the fire forthwith to the council

Handling of animals during emergencies

- 157 (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an

emergency.

- (3) The Council may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or occupier of the premises concerned.

Exemption from provisions of these Bylaws

- 158 (1) Any person may make application to the Council in writing, for an exemption from any provision of these Bylaws , specifying the reasons for exemption in such application.
- (2) The Council may grant an exemption –
- (a) in general or in particular;
 - (b) for any period; and
 - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these Bylaws .
- (3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The Council may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

SCHEDULE 8 FINES

NO.	DESCRIPTION OF OFFENCES	FINES
1	Fails to maintain a clear and unobstructed exit or means of egress as required by the Bylaws	R500.00
2	Fails to maintain a fire exit door as required by the Bylaws	R500.00
3	Fails to ensure exterior passageways and exterior exit stairs serving occupied buildings are maintained clear of obstructions as required by the Bylaws	R500.00
4	Fails to maintain, service or test fire equipment as required by the Bylaws	R500.00
5	Fails to maintain, service or test an automatic sprinkler system as required by the Bylaws	R500.00
6	Fails to maintain, service or test special extinguishing system as required by the Bylaws	R500.00
7	Fails to maintain, service or test fire alarm systems and components as required by the Bylaws	R500.00
8	Fails to maintain, service or test a standpipe system as required by the Bylaws	R500.00
9	Permits combustible materials to accumulate in or around buildings or locations that create an undue fire hazard as required by the Bylaws	R1000.00
10	Blocks or wedges open a closure in a fire separation as required by the Bylaws	R500.00
11	Fails to maintain fire separation as required by the Bylaws	R500.00

12	Obscures or obstructs a fire hydrant as required by the Bylaws	R500.00
13	Obscures or obstructs a fire department connection as required by the Bylaws	R500.00
14	Fails to maintain a clear and unobstructed fire lane as required by the Bylaws	R500.00
15	Fails to maintain exit signs as required by the Bylaws	R200.00
16	Fails to maintain emergency lighting as required by the Bylaws	R200.00
17	Fails to post an occupant load sign as required by the Bylaws	R200.00
18	Contravenes any provisions regarding the sale of fireworks as required by this Bylaws	R1000.00
19	Contravenes any of the provisions regarding the discharge of fireworks or pyrotechnics as required by this Bylaw	R1.000.00
20	Fails to obtain an indoor fireworks or pyrotechnics display permit as required by this Bylaw	R1.000.00
21	Fails to obtain a high hazard fireworks display permit as required by this Bylaw	R1.000.00
22	Contravenes any of the provisions relating to smoke alarms as required by this Bylaw	R200.00
23	Contravenes any of the provisions regarding open air fires as required by this Bylaw	R200.00
24	Contravenes any of the provisions relating to fire pits and outdoor fireplaces as required by this Bylaw	R200.00
25	Contravenes any other provisions to this Bylaw not covered by the offences and fines as set out above	R200.00