

eThekweni, South Africa

## Fire Prevention and Flammable Liquids and Substances

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## Fire Prevention and Flammable Liquids and Substances

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## eThekweni South Africa

# Fire Prevention and Flammable Liquids and Substances By-law, 2000

*Published in KwaZulu-Natal Provincial Gazette 5417 on 23 March 2000*

**Commenced on 23 March 2000**

*[This is the version of this document from 23 March 2000 and includes any amendments published up to 28 June 2024.]*

*[Repealed by [Fire](#) on 27 October 2022]*

Notice is hereby given in terms of section 162 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) that, at its meeting held on 1 March 2000, the Durban Metropolitan Council, acting under and in terms of section 156(2) of the said Constitution, adopted the following Interim Code Relating to Fire Prevention and Flammable Liquids and Substances and which Code shall come into effect on the date of publication of this notice.

## Chapter I Definitions

### 1.

- (1) For purposes of this Code unless the context indicates otherwise—

“**Approved**” means approved by a Chief Fire Officer;

“**Basement**” means that part of a Building which is below the ground floor storey;

“**Building**” includes—

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with:
  - (i) the accommodation or convenience of human beings or animals;
  - (ii) the manufacture, processing, storage, display or sale of goods;
- (b) any wall, swimming bath, 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, storm water disposal, electricity supply or other similar service in respect of the building;

“**Bulk Depot**” means any Premises defined as such in S.A.B.S Code of Practice 089: Code of Practice of the Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products, that is, Premises that normally receive supplies from a refinery or installation by road, rail, water, or pipeline or by a combination of these methods, and from which the products are delivered directly to consumers;

“**Bus**” means a bus as defined by the Road Traffic Act, 1989;

**“Certificate of Competence”** means a Certificate of Competence issued in terms of section 8;

**“Certificate of Registration”** means a certificate contemplated by section 23;

**“Chief Executive Officer”** means the statutory “Chief Executive Officer” of the Municipality referred to in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

**“Chief Fire Officer”** means the Director: Fire of the Municipality or any officer of the Municipality appointed to act as such either substantively or in an acting capacity and includes a Deputy Chief Fire Officer and any other officer of the Municipality to whom a function assigned to that position under this Code has been delegated;

**“Container”** means any vessel used or intended to be used for the holding of Flammable Liquids, but shall not include the fuel tank of any motor Vehicle or stationary internal combustion engine in normal use as such;

**“Class O Flammable Liquid”** means Liquefied Petroleum Gas;

**“Class I Flammable Liquid”** means a liquid that has a closed cup flash point below 21 °C;

**“Class II Flammable Liquid”** means a liquid that has a closed cup flash point from 21 °C up to and including 55 °C;

**“Class III Flammable Liquid”** means a liquid that has a closed cup flash point from 55 °C up to and including 100 °C;

**“Director: Fire”** means the head of the Metropolitan Fire and Emergency Services Department and includes any Acting Director: Fire;

**“Dry Cleaning Machinery”** means any machinery used or intended to be used for the cleaning or treatment of garments or textiles with the aid of Flammable Liquids;

**“Dry Cleaning Room”** means that portion of any Premises used or intended to be used for the cleaning or treatment for gain or reward of garments or textiles with the aid of Flammable Liquids in which the dry cleaning process is carried out and which has been Approved for the purpose;

**“Earth”, “Earthed” or “Earthing”** in relation to electricity means connected to the general mass of Earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger;

**“Executive Director: Durban Electricity”** means the head of the Metropolitan Electricity Service Unit and includes any Acting Executive Director: Durban Electricity;

**“Fire Alarm System”** means any system installed within a Building and so designed as automatically to operate when subjected to a predetermined degree of heat or smoke density, or any other Approved installation which may be manually activated;

**“Fire Brigade”** means the Municipality’s Fire Brigade Service executing the function referred to in paragraph 3(14) of Proclamation 38 of 1996 (KwaZulu-Natal);

**“Fire Fighting Equipment”** means any fire fighting equipment required by any law to be provided on any Premises;

**“Fire Official”** means any Chief Fire Officer and any official of the Fire Brigade who has been duly appointed as such by a Chief Fire Officer to undertake or perform any of the functions of a Fire Official under this Code;

**“Flame and Vapour Proof”** when applied to apparatus denotes that the containing case or other enclosure is certified by its supplier or manufacturer to, and can withstand without injury an application to it of a flame under practical conditions of operation and will prevent the transmission of flame, sparks and flashes such as would ignite Flammable Liquid or gas and the transmission of vapour;

**“Flammable Liquid”** means any liquid or gas falling within the classifications Class O, Class I, Class II and Class III Flammable Liquid;

**“Flammable Liquid or Substance”** means any substance that is readily ignited or any Flammable Liquid;

**“Flash Point”** means the lowest temperature at which a substance gives off sufficient flammable vapour to produce a momentary flash on the application of a small flame;

**“Habitable room”** means a room constructed or adapted to be used as living room or work room, and includes a shop, workshop and office;

**“Holder”** in relation to a Certificate of Registration or competence means the Person to whom such certificate has been issued;

**“Liquefied Petroleum Gas”** means a mixture as defined in the S.A.B.S Code of Practice No. 087. Part I: Consumer Liquefied Petroleum Gas Cylinder Installations;

**“Local Council”** means any local council established under Proclamation 80 of 1996 or its authorised delegate;

**“Metropolis”** means the area of jurisdiction of the Municipality;

**“Municipality”**: The Durban Transitional Metropolitan Council established under Proclamation LG 123 of 1995 (KwaZulu-Natal) or its successor in law;

**“Non-Combustible”** in relation to Building materials means Non-Combustible when tested in accordance with S.A.B.S Code of Practice 0177: Part V — Non-combustibility at 7500C of Building Materials;

**“Non-Flammable”** means not capable of burning with a flame;

**“Occupier”** includes any Person in actual occupation of Premises, without regard to the title under which he occupies;

**“Owner”** means—

- (a) the Person in whom from time to time is vested the legal title to the Premises;
- (b) in a case where the Person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the Person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such Person, a Person who is entitled to the benefit of the use of the Premises or a Building or Buildings thereon;
- (d) in a case where such Premises has been leased for a period of 30 years or longer, the lessee thereof;
- (e) in relation to—
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
- (f) in relation to a piece of land occupied in terms of Zulu law, the holder of a permission to occupy certificate;

(g) the Person who—

- (i) holds tenure in terms of the Black Administration Act, 1927;
- (ii) is the leaseholder in terms of the Black Communities Development Act, 1984;
- (iii) holds any land tenure right as contemplated in the Upgrading of Land Tenure Rights Act, 1991; and

(h) the head of any department of State (including a Provincial Administration) where the National or Provincial Government respectively has the ownership of any land or Premises;

and includes the lawfully appointed agent of any such Person;

**“Person”** means any natural or juristic person;

**“Portable Fire Extinguisher”** means an extinguisher complying with the requirements of one of the following standard specifications, depending upon the type required by this Code or Approved by the Chief Fire Officer:

S.A.B.S. 810: Portable Fire Extinguishers (dry chemical (dry powder) type)

S.A.B.S.889: Portable Fire Extinguishers (water types)

S.A.B.S. 1151: Portable Fire Extinguishers of the Halogenated Hydrocarbon Type,

**“Premises”** means any piece of land the external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 or in terms of the Deeds Registries Act, 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

**“Protected Work”** means any Building used or intended to be used or available for use for human habitation or public assembly, and shall include a school, club and similar institution and any animal stable, but shall not include any administrative office, change room or mess room in a Bulk Depot;

**“Pump”** means a pump used or intended for use for the supply, delivery, propulsion or pumping of Flammable Liquid or Substances, and includes all apparatus, pipes and appliances used for or in connection therewith, but shall not include pumps in Bulk Depots unless such pumps are used or intended to be used for the sale of such substances by retail;

**“Recharge”** means to condition or recondition a Portable Fire Extinguisher so as to render it capable of use in the manner intended;

**“Registered Premises”** means Premises in respect of which a Certificate of Registration has been issued;

**“Road Tank Waggon”** means a Vehicle intended for the purpose of conveying Flammable Liquid in a tank constructed as part of, and firmly attached to such Vehicle;

**“S.A.B.S. Code of Practice”** means the version of any S.A.B.S. Code of Practice applicable at the time of promulgation of this Code;

**“Spraying Booth”** means any subdivision of or compartment in a spraying room when such subdivision or compartment is used or intended to be used for the purpose of spraying Vehicles or articles;

**“Spraying Room”** means any room or structure used or intended to be used for the purpose of spraying Vehicles or articles;

**“Storage Tank”** means a metal tank of adequate strength used or intended to be used for the storage or conveyance of Flammable Liquids or substances;

**“Underground Storage Tank”** means a Storage Tank which is wholly sunk below ground level;

**“Vehicle”** means a contrivance that is equipped with wheels or revolving runners on which it moves or is moved and includes—

- (a) a self-propelled vehicle;
- (b) a trailer;
- (c) a hand-drawn or propelled vehicle;

**“Vent Pipe”** means a pipe so constructed and so installed as to allow the escape of vapour from Flammable Liquids into the atmosphere.

- (2) In this Code a reference to an S.A.B.S. Specification or Code of Practice shall be deemed to be a Standard Specification or Code of Practice of the South African Bureau of Standards referred to in section 2 of the Standards Act, 1982 (Act No. 30 of 1982).

## Chapter II

### Fire prevention

#### 2.

- (1) A Fire Official may as often as may be deemed necessary or desirable—
  - (a) enter any Premises for the purpose of identifying any hazardous condition, circumstance or practice which may result in a fire or of inspecting hazardous manufacturing processes, and the storage facilities pertaining to and any installation in which is used acetylene or other gases, chemicals, oils, explosives, Flammable Liquids or Substances and other hazardous liquids or substances or any fire alarms and sprinkler systems and Fire Fighting Equipment;
  - (b) inspect any Premises (except the interior of private dwellings) for the purpose of identifying any defective Fire Fighting Equipment and any condition liable to cause or to facilitate the spread of fire; and
  - (c) take such steps as he may consider necessary in the circumstances to prevent any injury to Persons or damage to property through fire which may arise from a condition, circumstance or practice referred to in (a) or (b) above,and he may make such orders as he deems necessary for the safeguarding of life and the protection of property from fire.
- (2) Whenever an officer referred to in subsection (1) finds on any Premises combustible or explosive matter or any accumulation of rubbish or of waste paper, boxes, shavings, sawdust or any other Flammable Liquids or Substances in circumstances which are likely to or may result in a fire hazard and so endanger human life or property, or finds obstruction to or on fire escapes, stairs, passages, doors, windows or vestibules which are liable to interfere with the operation of the Fire Brigade or the egress of Persons in case of fire, or finds any obstructed or defective fire fighting equipment (whether portable or otherwise) he shall make such order as he deems necessary to remedy the situation.
- (3) Any order referred to in this section shall be in writing and shall be served upon the Owner or Occupier or Person having the charge, or control of the Premises at the time of the order or upon two or more such Persons.

#### 3.

- (1) A member of the Fire Brigade may enter into or upon any Premises or any other property and take such action as he may deem expedient for the purpose of extinguishing a fire or preventing it from spreading.

- (2) Any cost incurred or charges prescribed by the Municipality, in respect of any action taken as contemplated in sub-section (1) above may be recovered from the Owner or Occupier of any such Premises or other property regardless of where the fire originated.

**4.**

Whenever in the opinion of a Fire Official any tree, bush, weed, grass, or any other substance or other matter situated on any Premises, constitutes or is likely to constitute a threat of fire or is likely to further the spread of fire he may cause a notice to be served on the Owner or Occupier of such Premises calling on him to remedy such conditions within a specified period.

**5.**

- (1) No Person shall burn or set alight to any rubbish, tree, weeds or grass or any other substance or matter outside the confines of a Building except with the prior consent of the Chief Fire Officer and a Person to whom such consent has been given shall Personally supervise the act of burning or setting alight and shall take all precautions necessary to avoid the fire from spreading.
- (2) The Chief Fire Officer in granting consent in terms of subsection (1) may impose such conditions as he thinks fit; provided that no authority granted shall be in conflict with any of the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965).

### **Chapter III**

### **Control of Fire Fighting Equipment**

**6. Repairing, servicing and installation of Fire Fighting Equipment**

No Person shall cause or permit Fire Fighting Equipment on any Premises to be dismantled, Recharged, disconnected, serviced or repaired or sold or any new, serviced or repaired equipment to be installed, housed or placed on any Premises except by or under the control and supervision of a Holder of a Certificate of Competence issued or recognised in terms of this Code.

**7. Mode of application for Certificate of Competence**

Every application for a Certificate of Competence shall be submitted to the Chief Fire Officer on the form prescribed in the First Schedule.

**8. Applicants to be examined**

- (1) When so required by the Chief Fire Officer, an applicant for a Certificate of Competence shall submit himself for test at the Fire Brigade headquarters.
- (2) Upon passing the test referred to in subsection (1), if required, an applicant shall subject to the provisions of section 9 be issued with a Certificate of Competence in the form prescribed in the Second Schedule.

**9. When Certificate of Competence is not to be issued**

The Chief Fire Officer shall not sanction the issue of a Certificate of Competence if, in his opinion, the applicant—

- (1) does not possess a general knowledge of the construction and design of all types of Portable Fire Extinguishers;
- (2) does not possess a satisfactory knowledge of the use to which the several types of Fire Fighting Equipment can most effectively be put; or

- (3) does not appear to be otherwise suitably qualified or competent to possess a Certificate of Competence in the interests of public safety.

## 10. Certificate of Competence and identity document

- (1) Every Certificate of Competence, once issued, shall be valid for the Person named thereon until cancelled by the Chief Fire Officer in terms of section 15 and such certificate shall not be transferable from one Person to another.
- (2) Upon the issue of a Certificate of Competence there shall be issued to the Holder thereof an identity document in the form Approved by the Chief Fire Officer which shall bear a photograph of the Holder and which the Holder shall produce on demand to any Fire Official and to any Person in authority on the Premises on which the Holder is to carry out any examination or other function in terms of this Code.

## 11. Recognition of certificates issued by other authorities

Upon production to him by the Holder thereof of a Certificate of Competence issued by another fire authority in terms of By-laws applying to the area of jurisdiction of such authority and having the same or similar provisions as this Code, which authority has been Approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of this Code and if he does so he shall endorse such certificate accordingly and enter the particulars of the Holder and the certificate in the register kept in terms of section 14 as if the certificate had been issued in terms of section 8 and thereupon the Holder of the certificate shall for all purposes of this Code be deemed to be the Holder of a certificate issued in terms thereof.

## 12.

Recognition of a certificate in terms of section 11 may at any time be withdrawn by the Chief Fire Officer upon production of proof to his satisfaction that the Holder of the certificate has been guilty of any act referred to in section 15, whereupon paragraphs (2) and (3) of that section shall *mutatis mutandis* apply and the Chief Fire Officer shall cancel his endorsement on the certificate and notify the issuing authority in writing of the action taken by him and the reasons therefore.

## 13. Replacement of Certificates of Competence

- (1) A Person whose Certificate of Competence is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for the replacement of such certificate.
- (2) An application in terms of subsection (1) shall be accompanied by an affidavit as to the circumstances in which the certificate was lost or destroyed. or the damaged certificate, as the case may be, and the prescribed fee.

## 14. Register of Holders of Certificates of Competence

- (1) The Chief Fire Officer shall maintain a register of Holders of Certificates of Competence issued in terms of section 8 or recognised in terms of section 11 setting forth full particulars of such Holders and the certificates issued them or recognised.
- (2) The register shall be available for inspection at the Fire Brigade head quarters at any time during normal working hours.

## 15. Cancellation of Certificate of Competence

- (1) If any Holder of a Certificate of Competence—
  - (a) has given false information on an application form submitted in terms of section 7;

- (b) has willfully or negligently made an incorrect or false statement in a label affixed by him in terms of section 17;
  - (c) has committed a breach of or failed to comply with any provision of this Code;
  - (d) performs any act or duty under this Code in a negligent manner,
- the Chief Fire Officer may cancel his Certificate of Competence.
- (2) A Holder shall, within 7 days of being notified in writing of the cancellation of his Certificate of Competence, surrender his certificate to the Chief Fire Officer.
  - (3) If the Chief Fire Officer cancels a Certificate of Competence he shall not consider an application for a new certificate from the Holder of such certificate until a period of 12 months has elapsed since such cancellation.

## **16. Examination of fire-fighting equipment**

The Owner or Occupier of any Premises in which any Portable Fire Extinguisher, sprinkler system or other fire-fighting equipment or any Fire Alarm System has been installed in terms of this Code shall cause such extinguisher, equipment or system to be examined at least once every calendar year by a Holder of a certificate of competence.

## **17. Report on condition of fire-fighting equipment**

The Person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be securely affixed thereto in a prominent position on which shall be written in ink—

- (1) the name of the Person conducting the examination;
- (2) the number of his Certificate of Competence;
- (3) the date of the examination;
- (4) the condition of the equipment,

and if any defect is discovered during the examination, he shall inform the Owner or Occupier of the Premises thereof in writing and deliver a copy of such report to the Chief Fire Officer.

## **18. Restrictions on removal, alteration and installation of fire-fighting equipment**

- (1) No Portable Fire Extinguishers shall temporarily be removed from any Premises for servicing or repair unless such appliances are temporarily replaced by similar serviceable equipment.
- (2) No Fire Fighting Equipment shall permanently be removed from any Premises or rendered unserviceable without due notice in writing being given to the Chief Fire Officer.
- (3) No Fire Fighting Equipment shall be installed, changed or added to without authority of the Chief Fire Officer.

## **19. Portable Fire Extinguishers to be periodically pressure tested**

In addition to the examination of Fire Fighting Equipment referred to in section 16 hereof, every Portable Fire Extinguisher shall be subject to servicing and pressure testing in accordance with S.A.B.S. Code of Practice 1475: The Production of Reconditioned Fire Fighting Equipment, Part 1: Portable Rechargeable Fire Extinguishers.

**20. Second-hand Fire Fighting Equipment to be approved by Chief Fire Officer**

No second-hand Fire Fighting Equipment shall be placed or installed in any Premises where such is required in terms of this Code unless and until such equipment has been examined, pressure tested and serviced in accordance with the Code of Practice referred to in section 19 above.

## **Chapter IV**

### **Flammable Liquids and substances**

**21.**

No Person shall manufacture, store, convey, sell, use or handle Flammable Liquids or substances except in accordance with the provisions of this Code.

**22. Application to existing premises**

The provisions of sections 54, 55, 56, 60 and 63 of this Code shall not apply to Storage Tanks which were lawfully installed prior to the date of coming into effect of this Code, so as to require such tanks to be altered or added to, but where such tanks are altered or added to, such work shall be carried out in conformity with the provisions of this Code; provided, however, that within six months of a change of Ownership of the Premises the Storage Tanks in question shall be brought into full compliance with the said sections and if at the end of that period they do not comply with their provision, the certificates of registration issued in respect of the Premises concerned shall be deemed to be suspended and none of the acts referred to in section 21 may be performed on such Premises until the non-compliance has been remedied to the satisfaction of the Chief Fire Officer.

**23. Certificate of Registration to be obtained**

(1) No Person shall—

- (a) use any Premises as a Spraying Room or Spraying Booth or as a Dry Cleaning Room;
- (b) store, manufacture, sell, use or handle any Flammable Liquids or substances on any Premises in excess of the following quantities:
  - (i) Class I Flammable Liquid, 200 ℓ, or in the case of Liquefied Petroleum Gas, 48 kg;
  - (ii) Classes II and III Flammable Liquids, 400 ℓ;
  - (iii) flammable substances, a quantity specified by the Chief Fire Officer;
- (c) transport or convey any Flammable Liquid, substance or Liquefied Petroleum Gas or vapours by means of any Vehicle within the City, save as is provided in section 91,

unless he is in possession of a Certificate of Registration in respect of such Premises or of such Vehicle; provided, however, that nothing in this Code contained shall relieve any Person from the obligation to take out any licence which may be necessary in terms of any other law.

(2) For the purpose of subsection (1), any Container for Liquefied Petroleum Gas found on any Premises shall be deemed to be full until the contrary is proved.

## 24. Application for Certificate of Registration

- (1) An application for a Certificate of Registration in respect of Premises shall be submitted to the Chief Fire Officer on the form prescribed in the Third Schedule to this Code and shall be accompanied by—
  - (a) a plan of the Premises in respect of which the certificate is required, drawn to a scale of not less than one in a hundred (1: 100), which shall indicate the proposed installation or room in which the Flammable Liquid or Substance is to be stored, used or handled, describe the material with which such installation or room is or is to be constructed, and indicate the position of any Pump, Storage Tank, store, pipeline, Dry Cleaning Machinery, Spraying Room, Spraying Booth or ventilating equipment;
  - (b) a block plan of such Premises, drawn to a scale of not less than one in five hundred (1:500) which shall specify—
    - (i) the Buildings in relation to adjoining subdivisions, and the materials of which such Buildings are constructed or to be constructed;
    - (ii) the subdivisions and lots immediately adjoining the Premises giving their street, block and postal numbers;
    - (iii) names of any streets on which the Premises abut;
    - (iv) the north point.
- (2) Where the plan relates to existing Premises in respect of which a Certificate of Registration has been issued and wherein it is proposed to make alterations or additions to any Building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of a Flammable Liquid or Substance, a ground plan only need be submitted for approval. Such ground plan shall be drawn to a scale of not less than one in a hundred (1:100) and shall show such additions or alterations in relation to the existing Buildings or equipment or apparatus.
- (3) All plans shall be—
  - (a) signed by the applicant or his agent;
  - (b) drawn in Indian ink on tracing linen or be clear prints on cloth with white back ground or on drafting paper which is acceptable to the Chief Fire Officer;
  - (c) coloured with fixed colours, as follows—
    - (i) Block plan  
Proposed Buildings: red;  
existing Buildings: grey or neutral tint;  
open spaces: uncoloured;
    - (ii) Other plans  
Ventilation ducts, trunks or enclosures: blue;  
Storage Tanks, Pumps, pipelines, Dry Cleaning Machinery and Spray Booths: red;  
Buildings in which the Flammable Liquid or Substance is to be stored, used or handled: uncoloured;  
existing Buildings where required to be shown: grey or neutral tint.
- (4) Every application for a Certificate of Registration for purposes of the conveyance of Flammable Liquids or Substances shall be submitted to the Chief Fire Officer on the form provided in the Fourth Schedule to this Code.

## 25. Issue of Certificates of Registration

- (1) No Certificate of Registration shall be issued until the Premises or the Vehicle in respect of which it is issued, as the case may be, complies with the requirements of this Code; provided, however, that in the case of a Vehicle no certificate shall be issued until such Vehicle has been made available for examination at such place as the Chief Fire Officer may direct and has been Approved by him.
- (2) A Certificate of Registration may be issued subject to such conditions as deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and taking into account the maximum amount of each class of Flammable Liquid or Substance which may be manufactured, stored, used, sold or handled and the number of Pumps, Storage Tanks and stores permitted on the Premises and, in the case of Vehicles, the maximum quantity and class of Flammable Liquid or Substance which such Vehicle shall be permitted to carry.
- (3) A Certificate of Registration, once issued, shall be valid until cancelled or revoked in terms of section 32.
- (4) If alterations and additions are Approved in terms of section 24(2) and the work has been executed in accordance with the ground plan Approved under that subsection, a new Certificate of Registration shall be issued in respect of the Premises and the old certificates shall be deemed to have been cancelled.
- (5) All certificates issued in terms of this Code, shall be substantially in the form prescribed in the Fifth Schedule.

## 26. Recognition of certificates issued by other authorities

- (1) Upon production to him by the Holder thereof of a Certificate of Registration issued by another fire authority in terms of By-laws applying to the area of jurisdiction of such authority and having the same or similar provisions as this Code, which authority has been Approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of this Code and if he does so he shall endorse such certificate accordingly and enter the particulars of the Holder and the certificate in the register kept in terms of section 30 as if the certificate had been issued in terms of section 25 and thereupon the Holder of the certificate shall for all purposes of this Code be deemed to be the Holder of a certificate issued in terms thereof.
- (2) Recognition of a certificate in terms of subsection (1) may at any time be withdrawn by the Chief Fire Officer upon production of proof to his satisfaction that the Holder of the certificate has been guilty of any act referred to in section 32, and the Chief Fire Officer shall cancel his endorsement on the certificate and notify the issuing authority in writing of the action taken by him and the reasons therefor.

## 27. Conditions for Certificate of Registration

- (1) (a) No Person shall on any Premises manufacture, store, use or handle or cause or permit to be manufactured, stored, used or handled—
  - (i) any quantity of Flammable Liquid or Substance in excess of the amount stated on the Certificate of Registration relating to such Premises;
  - (ii) any Flammable Liquid or Substance of a class other than the class or classes specified on the Certificate of Registration relating to such Premises;
  - (iii) any Flammable Liquid or Substance in a manner other than the manner stated on the Certificate of Registration relating to such Premises;
- (b) No Person shall in any Premises install or erect a greater number of Pumps, Storage Tanks or stores than is specified on the Certificate of Registration relating to such Premises.

- (c) No Person shall on any Vehicle carry or permit or cause to be carried—
  - (i) any quantity of Flammable Liquid or Substance in excess of the amount stated on the Certificate of Registration relating to such Vehicle;
  - (ii) any Flammable Liquid or Substance of a class other than the class or classes specified on the Certificate of Registration relating to such Vehicle.
- (2) A Holder of a Certificate of Registration may make written application to the Chief Fire Officer for the amendment of the certificate whether as to the total quantity or class of Flammable Liquid or Substance stated in such certificate or otherwise which application shall only be granted if the proposed amendment is in conformity with this Code.
- (3) If an application has been granted in terms of subsection (2), such Person shall surrender the Certificate of Registration to the Chief Fire Officer for amendment.

## **28. Display of Certificate of Registration**

Every Person to whom a Certificate of Registration has been issued shall cause such certificate to be affixed and displayed in a conspicuous position on the Registered Premises or on the Vehicle, as the case may be, and he shall ensure that the said certificate is, at all times, legible.

## **29. Supply of Flammable Liquids or substances**

- (1) No Person shall supply or deliver or cause or permit any Flammable Liquids or substances to be supplied or delivered at anyone time to any Premises or Vehicle in excess of the quantities specified in section 23, unless the Occupier or Person having control of such Premises or Vehicle, as the case may be, is in possession of a Certificate of Registration issued in terms of section 25 in respect of the said Premises or Vehicle.
- (2) No Person shall receive or accept delivery or cause or permit any Flammable Liquids or substances to be received at any one time—
  - (a) in excess of the quantities specified in section 23, at any Premises or Vehicle the Occupier or Person having control of which, as the case may be, is not in possession of a Certificate of Registration issued in terms of section 25 in respect of the said Premises or Vehicle;
  - (b) at any Premises or in or on any Vehicle in excess of the amount specified on the Certificate of Registration relating to such Premises or Vehicle.

## **30. Register of Certificates of Registration**

The Chief Fire Officer shall maintain a register in which he enters full particulars of the Premises and any Vehicle in respect of which he has issued a certificate and the names and addresses of the Person to whom it has been issued and the date of issue, as well as the date of any transfer, cancellation or suspension.

## **31. Exemptions**

Notwithstanding anything contained in this Code, Flammable Liquid shall be deemed not to be stored or conveyed or transported when contained in the fuel tank of a motor Vehicle or stationary engine in normal use.

## **32. Suspension or cancellation of Certificates of Registration**

Where a Holder of a Certificate of Registration has been convicted for a contravention of this Code on two or more occasions, the Chief Fire Officer may either cancel the Certificate of Registration or may suspend it for such period as he may decide and during the period of suspension the Holder shall not do anything which the certificate otherwise authorises him to do; provided, however, that the powers conferred by this section shall not be exercised unless and until fourteen (14) days' written notice has been given to

the Holder by the Chief Fire Officer of his intention to cancel or suspend the certificate. The Holder may within the said period of fourteen (14) days submit written representations for consideration.

### 33. Transfer of Certificate of Registration

- (1) A Certificate of Registration may be transferred from one Person to another but no Certificate of Registration shall be transferred from one Premises to another or from one Vehicle to another.
- (2) The Person desiring such transfer shall make application in writing to the Chief Fire Officer on the form prescribed in the Sixth Schedule to this Code. Such application shall be accompanied by the Certificate of Registration relating to the Premises or Vehicle in respect of which such transfer is desired.

### 34. Storage

- (1)
  - (a) No Person shall store or cause or permit to be stored Class III Flammable Liquid in any room or Building except in sealed Containers.
  - (b) No more than 5 kℓ of Class III Flammable Liquid may be stored in a room or store unless—
    - (i) such room or store is constructed of Non-Combustible material;
    - (ii) fire-fighting equipment is installed to the satisfaction of the Chief Fire Officer.
  - (c) Not more than 20 kℓ of Class III Flammable Liquid may be stored in anyone room or store.
- (2) The Chief Fire Officer may in writing exempt from the provisions of sections 23 and 24 of this Code, for such period as he may deem necessary, any Person wishing to store more than 200 ℓ of Class I Flammable Liquid, more than 400 ℓ of Class II Flammable Liquid and 2.3 kℓ of Class III Flammable Liquid required for or in connection with any excavation, Building or road making work of a temporary nature, provided, however, that—
  - (a) application is submitted, in writing, to the Chief Fire Officer;
  - (b) suitable provision has been made to surround the Storage Tank or Containers in which such Flammable Liquid is stored by walls or bunds of such a character that such Flammable Liquid cannot escape from such walls or bunds either under the action of fire or otherwise;
  - (c) at least one efficient chemical fire extinguisher of a type to be Approved by the Chief Fire Officer has been provided as set out in section 46 of this Code.
- (3) Any Person to whom an exemption has been granted in terms of this section shall ensure that at all relevant times—
  - (a) all reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite Flammable Liquid or Substance or flammable vapour being brought into contact with such Flammable Liquid or its vapour;
  - (b) such Flammable Liquid or Substance is not placed within 4,5 m of any Protected Work or public thoroughfare;
  - (c) the provision of paragraphs (b) and (c) of subsection (1) hereof are observed.

### 35. Inspection of Premises and installations

The Person responsible for the installation or erection of any Pump, Storage Tank, filling device, Dry Cleaning Room, store, Spraying Room or other equipment or Premises intended for the storage, use or handling of Flammable Liquid or Substance, shall notify the Chief Fire Officer in writing upon completion of installation or erection.

### 36. Removal and dismantling of installation for Flammable Liquid or Substance

- (1) Every Person who intends to remove or cause or permit to be removed any Pump, Storage Tank, filling device or other equipment used or intended for the use for the handling, storage or use of Flammable Liquids or Substances from any fixed position on Registered Premises other than refineries and bulk storage depots or who intends to resite the same within the Premises shall give prior written notice of such removal or resiting to the Chief Fire Officer.
- (2) The removal of any such Pump, tank, filling device or equipment shall *ipso facto* cancel that portion of the Certificate of Registration in so far as it refers to such Pump, tank or filling device or equipment, as the case may be, as well as any exemption granted under this Code and a further certificate shall be sought and issued and no such Pump, tank, filling device or equipment shall be re-erected or re-installed on that site unless and until a new Certificate of Registration has been obtained in the manner provided for in this Code: provided, however; that the provisions of this subsection shall not apply in respect of any such Pump, tank, filling device or equipment which is temporarily removed for the purpose of effecting repairs thereto or which, being worn out, is replaced by a similar unit, having, in the case of a tank, the same capacity.

### 37. Storage, use and handling on Registered Premises prohibited in certain circumstances

Except as otherwise provided in this Code, no Person shall store, use or handle or permit or cause to be stored, used or handled any Flammable Liquid or Substance on any Registered Premises—

- (1) in circumstances that such Flammable Liquid or Substance, or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such Flammable Liquid or Substance or its vapour;
- (2) unless such Premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining Premises or part thereof from the risk of danger from fire;
- (3) as to prevent, or impede the escape of any Person or animal;
- (4) unless all equipment used in such Premises for the storage, use and handling of Flammable Liquid or Substance is maintained in good and proper order and free from leakage of Flammable Liquid or Substance;
- (5) unless such Person has taken all due precautions for the prevention of accidents by fire or explosion on such Premises and for the prevention of unauthorised Persons obtaining access to the Flammable Liquid or Substance kept thereon.

### 38. Prohibited acts: Notices

- (1) Whenever so directed by the Chief Fire Officer in writing the Occupier of any Premises, whether registered in terms of this Code or not upon which Flammable Liquids or Substances are stored, used or handled shall post and keep posted in a conspicuous position or positions in such Premises or part thereof, as the Chief Fire Officer shall specify a sign or signs conforming to signs PV1 and PV2 described in S.A.B.S Specification No. 1186 - 1978: Symbolic Safety Signs prohibiting smoking or the use or causing of fire or an open flame on such Premises or part thereof.
- (2) Any Person who, upon Premises on which Flammable Liquids or Substances are stored, used or handled who does, or causes or permits to be done, any act which tends or is likely to cause a fire or explosion or who smokes or uses an open flame in contravention of a notice posted in terms of subsection (1) and any Occupier of Premises who fails to post or keep posted any notice in terms of a direction given under subsection (1) shall be guilty of an offence.

### 39. Notice to discontinue dangerous method

- (1) Where on inspection of any Premises it appears that any degree, manner or method of storage, use, transport or handling of Flammable Liquids or Substances which is in conflict with the

provisions of this Code or any act or omission which constitutes a contravention of this Code, is calculated to endanger the safety of Persons or property, any Fire Official may require the immediate discontinuance, of such degree, manner or method or the removal of the Flammable Liquid or Substance to a place of safekeeping.

- (2) A Person who fails to comply with an instruction given in terms of subsection (1) shall be guilty of an offence.

#### **40. Sewers and drains**

- (1) No Person shall cause, permit or allow a Flammable Liquid or Substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- (2) Any Person having charge or control of any Premises or Vehicle and any Person who is in the Person's employ who becomes aware of any escape, whether accidental or otherwise, of any quantity of Flammable Liquid or Substance likely to constitute a fire hazard from such Premises or Vehicle into any sewer or drain or any inlet or drain communicating with any sewer or drain, shall report such escape to the Chief Fire Officer forthwith.

#### **41. Prohibition against devices and pumps in Basements**

No Person shall use or cause or permit the use in any Basement of any device for spraying Flammable Liquid or any Pump or other device for the issue or transfer of any Flammable Liquid to Vehicles or Containers.

#### **42. Filling operations**

- (1) No Person shall transfer any Flammable Liquid from or to any Road Tank Waggon at a place other than a Bulk Depot unless such transfer is carried out under seal and the engine of such waggon is not running. During filling operations the fire extinguisher provided on such Vehicle in terms of section 87 hereof shall be removed from the Vehicle and kept ready for use in an easily accessible place, and prohibitory notice conforming to signs PV1 and PV2 described in the S.A.B.S. Specification referred to in section 38(1) shall be conspicuously displayed at access points to the Premises concerned.
- (2) Any Person responsible for the filling of a tank mounted on a Road Tank Waggon carrying Liquefied Petroleum Gas and any Person having control of such a Vehicle shall ensure that such filling is effected in accordance with the requirements of S.A.B.S. Code of Practice 087, Part IV: Transportation of Liquefied Petroleum Gas in Bulk by Road.

#### **43. Filling on or across public sidewalks**

No Person shall—

- (1) take on or across any public sidewalk or cause or permit to be so taken the hose of a Pump for the purpose of replenishing any Vehicle or Container with Flammable Liquid;
- (2) so replenish or cause, allow or permit to be so replenished any Vehicle or Container which is standing on any public sidewalk.

#### **44. Replenishing of fuel tanks**

No Person shall—

- (1) upon any Registered Premises strike a match or smoke a pipe, cigar, or cigarette or have in his possession a lighted pipe, cigar or cigarette or ignite a petrol lighter or other similar device or approach which any fire, flame, naked light or other agency likely to ignite Flammable Liquid or Substance or its vapour within a distance of 3 m of any fuel tank of any motor Vehicle whilst such fuel tank is being replenished or is unsealed;

- (2) replenish or cause or permit to be replenished any such fuel tank while the engine or such motor Vehicle is in motion.

#### **45. Replenishing of bus**

No Person shall replenish or cause or permit to be replenished the fuel tank of any Bus or carry or cause or permit to be carried any Flammable Liquid in or on any Bus except in the fuel tank thereof whilst any Person other than the driver or Person responsible therefor is within or upon such Bus.

#### **46. Fire Fighting Equipment**

- (1) Except where otherwise provided in this Code, the Holder of a Certificate of Registration shall install or cause to be installed in all Premises to which such certificate refers, Approved fire extinguishers in an easily accessible and visible position in accordance with the following scale and provisions:
  - (a) for each Underground Storage Tank on the Premises to which the Certificate of Registration refers, two (2) fire extinguishers;
  - (b) for each Dry Cleaning Room on the Premises three (3) fire extinguishers;
  - (c) for each Spraying Room two (2) fire extinguishers; and every such fire extinguisher shall be installed, maintained and serviced in accordance with S.A.B.S Code of Practice 1475: The Production of Reconditioned Fire Fighting Equipment, Part I: Portable Rechargeable Fire Extinguishers.
- (2) The Person to whom a Certificate of Registration has been issued in terms of this Code shall maintain at all times on the premise or Vehicle to which such certificate refers—
  - (a) all Fire Fighting Equipment and Fire Alarm Systems in accordance with the provisions of this Code;
  - (b) all such equipment in good order and ready for immediate use.

#### **47. Examination of Fire Fighting Equipment**

- (1) Where, in terms of this Code, any fire extinguisher or other Fire Fighting Equipment or a Fire Alarm System has been installed on any Premises, the Occupier of such Premises shall cause such equipment or alarm system to be examined once every twelve (12) months by a Holder of a Certificate of Competence.
- (2) Every such extinguisher, equipment and alarm system shall bear a label, on which the Person examining it shall endorse his name, the date of examination and the condition, in his opinion, of the extinguisher, equipment or alarm at that date.

#### **48. Reporting of fires and accidents**

The Occupier of any Premises shall immediately report to the Chief Fire Officer, any fire or accident involving Flammable Liquid or Substance that has occurred on or in connection with any such Premises, where such fire or accident has resulted in damage to any property or injury to any Person.

#### **49. Rules to be observed on unregistered Premises**

- (1) No Person shall store, use or handle or cause, allow or permit to be stored, used, or handled any Flammable Liquid or Substance on any unRegistered Premises unless such Flammable Liquid or Substance is stored, used or handled in such a position or in such a manner that—
  - (a) no Flammable Liquid or Substance or its vapour accidentally comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such Flammable Liquid or Substance or its vapour;
  - (b) in the case of fire, the escape of Persons or animals will not be prevented or impeded.
- (2) No Person shall use or handle or cause, allow or permit to be used or handled any Flammable Liquid or Substance on unRegistered Premises, except in such a place in the open air as will prevent the accumulation of vapour or its ignition or in a room with ventilation which is adequate to remove the fumes therefrom and effectively prevent the accumulation of fumes therein.
- (3) No Person shall store or issue or permit Flammable Liquids or substances to be stored except in a substantial Container which shall be kept securely closed when not in immediate use.

#### **50. Inspection of Premises**

- (1) Any Fire Official may, for any purpose related to compliance with or the application of this Code enter upon any Premises whatsoever, and make such examination and enquiry thereon as he may deem necessary.
- (2) The Owner or Occupier of Premises or in their absence, any other Person employed thereon, shall upon demand, disclose to a Fire Official the presence of any Flammable Liquid or Substance in or upon such Premises and shall answer all enquiries relating either to the observance of this Code or to any condition connection with the Certificate of Registration in respect of the Premises.

#### **51. Taking of samples**

Upon inspection of any Premises by a member of the police or a Fire Official such Person may take samples for the purpose of analysis or examination of any Flammable Liquid or Substance or of any liquid or substance suspected of being flammable which is found upon such Premises; provided, however, that—

- (1) any sample so taken shall be taken in the presence of the Owner, Occupier or other Person in charge, as the case may be;
- (2) the Owner, Occupier or other Person in charge may require the member or servant taking the sample to divide it into two parts and to mark each and deliver to him one such part.

### **Chapter V** **Storage Tanks, Pumps and Containers**

#### **52. Storage Tanks in Basement**

A Basement Storage Tank authorised in terms of subsection (1) shall have a capacity not exceeding 1 500 litres and the Person to whom authority has been given under that subsection shall comply with all conditions subject to which such authority has been given.

#### **53. Capacity of Underground Storage Tanks**

The capacity of any Underground Storage Tank, if not within a Bulk Depot or an aerodrome or landing ground used by aircraft, shall be in accordance with S.A.B.S Code of Practice 089: Code of Practice of the Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products.

#### 54. Ventilation of Underground Storage Tanks

The Holder shall ensure that every Underground Storage Tank installed on the Premises in respect of which a Certificate of Registration has been issued has a ventilation pipe in accordance with S.A.B.S Code of Practice 089: The Petroleum Industry, Part 1: The Handling, Storage and Distribution of Petroleum Products.

#### 55. Abandoned tanks

- (1) Before any storage tank which is no longer required for use as such is removed, the following steps shall be carried out successively:
  - (a) all Flammable Liquid shall be removed from the tank and from connecting pipes;
  - (b) the suction, filler, vent and dipping hole pipes shall be disconnected;
  - (c) the tank shall be rendered thoroughly airtight after disconnecting all pipes by blanking off all flanges and screwing in metal gas plugs onto any sockets in the tank. All leakage holes shall be plugged with lead or hardwood plugs.
- (2) If an Underground Storage Tank which is no longer required for use as such is not to be removed in terms of subsection (1), the Owner of such tank shall cause it to be filled with sand, liquid concrete or such other substance as may be Approved by the Chief Fire Officer.
- (3) If a tank is to be disposed of as scrap, it shall before disposal be retested for explosive vapours and, if necessary, rendered gas-free and a sufficient number of holes or openings shall be made in such tank so as to render it unfit for future use.

#### 56. Entering of Storage Tanks

No Person shall—

- (1) enter or cause or permit any Person to enter any Storage Tank which has contained Flammable Liquid before such tank has been certified by a competent Person who has the necessary qualifications and training to give such certificate that it is free from any Flammable Liquid vapour, unless such Person is wearing an Approved gas mask;
- (2) enter any Storage Tank at any time unless he is bound to a lifeline which is under the control of a Person who is continuously responsible for the safety of the Person in the Storage Tank and who is outside the tank and, in the case of an Underground Storage Tank, is at surface level.

#### 57. Position of pumps

- (1) No Pump or other device used or intended to be used for the issue or transfer of Flammable Liquid to or from any Vehicle shall be erected or situated in such a position that the hose thereof can be used for the issue or transfer of Flammable Liquid on or across any public street or public place.
- (2) No Person shall cause, allow or permit the issue or transfer of Flammable Liquid to or from a Vehicle by means of a Pump or other device except while within the Premises on which the Pump or device is situated.

#### 58. Pumps on ramps

Pumps or other devices used or intended to be used for the issue of Flammable Liquid to motor Vehicles or Containers shall not be erected on any ramp or within 6 m of the beginning or top of the ramp and shall in all cases be erected on level ground.

**59. Dipping sticks**

Dipping sticks shall be made only of wood or brass or other non-ferrous metal or alloy.

**60. Pump hoses**

No Person shall deliver flammable liquid or permit it to be delivered from any Pump to the fuel tank of any Vehicle except through sound hose having an Earthing wire in its construction which is effectively attached to the metal of the Pump and to the metal hose nozzle and, except at an aerodrome or landing ground used by air crafts, no hose attached to any such Pump shall exceed 4.5 m in length when measured from the Pump to the tip of the nozzle.

**61. Situation of pumps and their filling pipes**

Every filling pipe inlet and every Pump, except where used for manufacturing purposes, shall be—

- (a) at surface level;
- (b) installed in such a position that it will not impede the escape of any Person or animal from the Premises in the case of fire;
- (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during filling operations or otherwise.

**62. Naked lights and electrical apparatus**

- (1) No Person shall install or take or cause, allow or permit to be installed or taken within 3 metres of any Pump, any fire, flame, naked light or other agency likely to ignite Flammable Liquids or its vapour.
- (2) No Person shall install any electrical switch, fuse, motor or other device or cause, allow or permit the same to be installed within a distance of 3 metres of any Pump unless such switch, fuse, motor or device is of Flame and Vapour Proof construction.
- (3) The electrical wiring between the distribution board or junction box and the Pumps shall where possible, be in one continuous length of wire, provided, however, that where this is not possible, Flame and Vapour Proof junction boxes shall be used.

**63. Maintenance of tanks, pipelines, pumps and other equipment and fittings**

- (1) The Holder shall ensure that in respect of the Premises for which a Certificate of Registration has been issued to him all Storage Tanks, pipelines, Pumps, machinery and other equipment and fittings for the storage, use or handling of Flammable Liquid or Substance are—
  - (a) of sound and proper construction;
  - (b) so installed and fixed as not to be unnecessarily exposed to damage;
  - (c) effectively electrically Earthed;
  - (d) free from leakage of Flammable Liquids and, as far as is reasonably possible, free from leakage of Flammable Liquid vapour, except by means of a Vent Pipe;
  - (e) maintained in good and proper order and are at all times in accordance with the provisions of this Code.
- (2) All pipelines between a Storage Tank and a Pump shall be below ground level.
- (3) All electrical Earth connections required under this Code shall be examined once every twelve months by a qualified Person, who shall enter in a suitable log book, supplied by the Occupier of the

Premises and kept solely for that purpose, the effectiveness and conditions of such Earth, his name and address and the date of examination. All such entries shall be signed by such qualified Person.

- (4) All work on Flammable Liquid installations is to be carried out by a qualified Person as defined in the applicable S.A.B.S Code of Practice.

#### **64. Construction of portable Containers**

No Person shall store or convey or cause or permit to be stored or conveyed Class I Flammable Liquid in any quantity except in a Container constructed in accordance with the requirements of SABS 0229 or Liquefied Petroleum Gas except in a Container constructed in accordance with the requirements of SABS Code of Practice 019: Portable Metal Containers for Compressed Gases.

*[R. 64 substituted by MN 22 of 2004.]*

#### **65. Filling of Containers**

- (1) No Person shall fill a Container with Class O or Class I or II Flammable Liquid other than in a room or Building constructed of Non-Combustible materials and used solely for such purpose, which room or Building shall be adequately ventilated or in the open air at a distance of not less than 15m from any fire, flame, naked light, or other agency likely to ignite Flammable Liquid or its vapour.
- (2) No Person shall fill a Container with Class O Flammable Liquid or cause or permit it to be filled except in accordance with the requirements of S.A.B.S Code of Practice 087, Part VII: Retail Outlets and Similar LP Gas Installations Sites for Small Containers.
- (3) A Person who fills a Container with Class O, I or II Flammable Liquid shall ensure that both it and the Container from which it is filled are properly Earthed.

#### **66. Quantity in Containers**

No Container shall be filled with Flammable Liquid to more than ninety seven and a half per cent (97,5%) of its capacity; provided that in the case of Liquefied Petroleum Gas, Containers shall not be filled more than eighty percent of their capacity.

#### **67. Containers after delivery**

No Person who has taken delivery of any Flammable Liquid in Containers in excess of the quantity stated in section 23 shall cause or permit such Containers to remain unattended in any place other than a store for a longer period than may reasonably be necessary. In the case of portable Containers filled with Liquefied Petroleum Gas which are stored for the retail market, the Holder of a Certificate of Registration in respect of Premises shall ensure that storage of such Containers complies with the requirements of Part VII of the S.A.B.S. Code of Practice referred to in section 65.

#### **68. Storage and handling of Liquefied Petroleum Gas**

- (1) No Person shall store or handle Liquefied Petroleum Gas or construct or assemble an installation for the storage and distribution of Liquefied Petroleum Gas except in accordance with the requirements of Part VII of the S.A.B.S. Code of Practice referred to in section 65 and in accordance with the provisions of S.A.B.S. Code of Practice 019: Portable Metal Containers for Compressed Gases: Basic Design Criteria, Use and Maintenance.
- (2) No Person shall cause or allow more than 19 kg of Liquefied Petroleum Gas to be kept or stored in any Building and for the purpose of this provision any Container for Liquefied Petroleum Gas found in any Building shall be deemed to be full until the contrary is proved.

## 69. Storage of empty Containers

- (1) No Person shall place or keep any used empty Container or cause or permit any used empty Container to be placed or kept in any part of any Premises other than a store; provided, however, that—
  - (a) such a Container may be stored in the open air at a distance of not less than 6 m from any fire, flame, naked light or other agency likely to ignite Flammable Liquid or its vapour;
  - (b) no Person shall cause or allow any used empty Container to remain in or on any public street or public place.
- (2) The Person who stores used empty Containers in terms of subsection (1) shall at all times ensure that they are securely closed with a bung or other suitable stopper.
- (3) The Holder of a Certificate of Registration in respect of any Premises shall ensure that the storage of filled Liquefied Petroleum Gas Containers and empty cylinders shall be in accordance with the requirements of Part VII of the S.A.B.S. Code of Practice referred to in section 65.

## 70. Repair of Containers

No Person shall carry out or permit to be carried out any repair or alteration of or perform any work on any used Container until all Flammable Liquid and Flammable Liquid vapours have been removed from such Container; provided that in the case of faulty Liquefied Petroleum Gas cylinder, no attempt at repair shall be made and the Owner or the Person having possession of the cylinder shall ensure that it is treated as described in S.A.B.S. Code of Practice 019: Portable Metal Containers For Compressed Gases: Basic Design Criteria, Use and Maintenance.

## 71. Marking of Containers

No Person shall supply or deliver to any Person any Class I Flammable Liquid in any Container unless such Container bears in conspicuous letters the words “FLAMMABLE/VLAMBAAR” or a sign conforming to sign W W 2 described in S.A.B.S. Specification 1186: Symbolic safety signs and the marking of Liquefied Petroleum Gas Containers is in accordance with the requirements of the S.A.B.S. Code of Practice referred to in section 65.

# Chapter VI

## Timber and flammable substances

## 72. Storage of flammable substances near furnaces

It shall not be lawful for any Person to pile, stack or store cut or uncut timber, lathwood, firewood, casks, barrels, boxes or cases or other flammable substances in the same yard or Premises, or in any part of the same Premises where any furnace is situated, except—

- (a) where the furnace is enclosed in a Building or chamber constructed of fire-resisting material; or
- (b) where there is a distance of not less than 7,7 m between the furnace and the pile, stack or store of timber, or other flammable substances.

## 73. Piling, stacking or storing of timber and other flammable substances

- (1) It shall not be lawful for any Person to pile, stack or store timber or any other flammable substance to a height exceeding 4m from the level of the ground, and every Person who shall pile, stack or store any such substance as aforesaid shall pile, stack or store the same in a safe, compact and proper manner.

- (2) (a) (i) Timber and other flammable substances shall be piled, stacked or stored 200 mm off the ground within stack areas 6 m by 3 m by 4 m high to the satisfaction of the Chief Fire Officer.
- (ii) Each stack shall be separated from adjoining stacks by an unobstructed pathway not less than 2 m in width.
- (iii) Stacks shall be a minimum of 3 m from any boundary wall and 6 m from any Building.
- (iv) Individual stacks shall be stacked in a compact and proper manner to the satisfaction of the Chief Fire Officer.
- (b) The entire site shall be enclosed with a brick or pre-cast concrete wall not less than 2,4 m in height.
- (c) The area between the stacks and boundary wall shall be kept entirely free of any obstruction.
- (d) The entire site shall be kept free of unkempt and overgrown vegetation.
- (3) No Person shall pile, stack or store timber or any other flammable substance on sites subject to flooding unless a permit is granted by the Local Council based on the fact that the area to be utilised is above the 1 in 50 year flood occurrence level as determined by the Local Council. The sites subject to flooding shall be those sites as determined from time to time by the Local Council.

#### **74. Room or chamber prohibited in a timber stack**

It shall not be lawful for any Person to form in any pile, stack or store of timber or any other flammable substance any room, chamber or space (other than a passage) to be used for any purpose whatever.

### **Chapter VII Stores**

#### **75. Provisions of stores**

- (1) When deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of Flammable Liquids or substances to be stored, the nature and proximity of adjacent Buildings and other attendant risks, the Occupier of the Premises shall provide thereon a store in accordance with the requirements of this Code for the storage of such liquids or substances.
- (2) No Person who is the Holder of a Certificate of Registration shall store in any store provided in terms of this Code any greater quantity of Flammable Liquids or substances than is permitted by the Certificate of Registration issued in respect of that store and in the case of the storage of Liquefied Petroleum Gas at retail outlets the Holder shall ensure that the requirements of Part VII of the S.A.B.S Code of Practice referred to in section 65 are complied with.

#### **76.**

No Person shall use or permit the use of a store for the purpose of storing Flammable Liquid or Substance, unless it complies with the requirements of this Code and until warning notices conforming to sign W W 2 described in S.A.B.S. Specification 1186: Symbolic Safety Signs are legibly painted or otherwise displayed on the outer face of the door of such store and such notices shall at all times be maintained in such position and in a legible condition.

#### **77. Construction and situation of store**

- (1) Every store shall be constructed in accordance with the following requirements—
  - (a) The walls shall be constructed of brick or concrete, the floor of concrete or other impervious material and the roof of reinforced concrete; provided, however, that the roof may be

constructed of other Non-Combustible material where such store is not likely to endanger any room, Building or adjoining Premises in case of fire.

- (b) The store shall be fitted only with a hardwood door or doors, suitably covered with metal of not less than 1 mm thickness and carried on a metal door frame, or a well-fitted metal door of not less than 4 mm thickness, carried on an angle frame and having an all-round overlap of not less than 50 mm. Such doors shall open outwards and be fitted with a substantial lock.
  - (c) All window frames shall be constructed of metal and glazed with wirewoven glass and all windows shall be so constructed and secured as to be incapable of being opened and as to prevent the escape of vapours.
  - (d) A store shall be constructed in such manner that the Flammable Liquid therein cannot escape therefrom with sills at every doorway so as to form a well of sufficient capacity to contain the maximum liquid capacity of the store, plus ten (10) per cent thereof.
  - (e) The store shall be, ventilated by an Approved ventilation system of such design, construction and capacity as will prevent the accumulation of Flammable Liquid vapour within the store and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided, however, that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation, such system shall conform to the provisions of section 107.
  - (f) All ventilating openings which are fitted into walls shall be set in iron frames and fitted tightly to the interior faces of the walls. The low ventilating openings shall be installed as near to the level of the well, referred to in (d) above, as possible, but shall be above such level.
  - (g) The openings shall be protected by non-corrodible wire gauze of not less than eleven (11) meshes to the linear centimetre.
  - (h) A store shall not be situated in such a position that it will impede the escape of any Person or animal from the Premises or any part thereof or endanger any room, Building or Premises in the case of fire.
  - (i) A store with a floor area in excess of 10 m<sup>2</sup> shall be provided with at least two doors, complying with paragraph (b) hereof and situated at such a distance from each other as to allow the free and unimpeded escape of Persons within the store from either door in case of fire or other danger.
- (2) Every store shall be maintained at all times so as to comply with the provisions of this section.

## 78. Lighting of store

All lights installed shall be of the incandescent electric type, which shall be enclosed in an outer Flame and Vapour Proof fitting, and all wiring shall be armoured cable or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store.

## 79. Use of store

No Person shall, without the prior written authority of the Chief Fire Officer—

- (1) use any store or cause or permit such store to be used for any purpose other than the storage of Flammable Liquids or substances and their Containers;
- (2) be present in or cause or permit any other Person to be present in any store unless all doors of the store are fully open and kept entirely unobstructed.

**80. Unauthorised Persons entering store**

No Person shall enter any store or cause or permit any store to be entered without the express permission of the Occupier of the Premises or other responsible Person in charge of such store.

**81. Storage in open air**

No Person shall store Flammable Liquid outside a Building or elsewhere in the open air except in accordance with the following requirements:

- (1) The Flammable Liquid may only be stored in sealed Containers which shall be staked to a height not exceeding three Containers;
- (2) No Flammable Liquid or drum shall be nearer than—
  - (a) 3 m from any boundary of the Premises or any drain;
  - (b) 6 m from any Building on the Premises;
  - (c) 15 m from any Building on adjacent Premises;
- (3) the area in which storage takes or is to take place shall, if required by the Chief Fire Officer, be bunded to his satisfaction;
- (4) signs prohibiting smoking and naked flames conforming to prohibitory signs PV 1 and PV2 as described in S.A.B.S. Specification 1186: Symbolic Safety Signs, shall at all times be displayed so as to be visible to all Persons approaching the storage area.

## **Chapter VIII Bulk Depots**

**82.**

The Person who is the Holder of a Certificate of Registration in respect of a Bulk Depot shall ensure that its establishment, maintenance and control is in accordance with the requirements and recommendations of S.A.B.S. Code of Practice 089, Part 1: The Handling, Storage and Distribution of Petroleum Products.

**83. Construction, use and maintenance of vehicles used for conveyance of flammable liquids**

- (1) Every Person who—
  - (a) uses a Road Tank Waggon for the purpose of conveying Class I or Class II Flammable Liquid shall ensure that such waggon is constructed in accordance with the specifications of S.A.B.S. Specification 1398: Road Tank Vehicles for Flammable Liquids;
  - (b) uses a Road Tank Waggon for the purpose of conveying Flammable Liquid shall ensure that in its use and maintenance all the requirements and recommendations of S.A.B.S. Code of Practice 0189: The Operating, Handling and Maintenance of Road Tank Vehicles for Flammable Liquids and S.A.B.S. Code of Practice 0230: Transportation of Dangerous Goods: Inspection Requirements for Road Vehicles are complied with.
- (2) Every Person who uses or causes, allows, permits or suffers to be used a Road Tank Waggon for the purpose of conveying Class III Flammable Liquid or a Vehicle used for the conveyance of Flammable Liquids or Substances other than a Road Tank Waggon shall ensure that such waggon or Vehicle is—
  - (a) of adequate capacity and construction to convey safely the quantity of Flammable Liquid or Substance which is or is to be conveyed on such Vehicle;

- (b) equipped with at least four (4) wheels; provided, however, that a trailer forming a portion of an articulated Vehicle shall for the purposes hereof be deemed to be equipped with four wheels;
  - (c) so constructed and equipped as not to cause Flammable Liquid which may be conveyed in or on such Vehicle to be ignited;
  - (d) fitted with a means of cutting off manually the electrical current close to the battery by a double pole switch or other suitable method;
  - (e) securely fitted with raised sides at least 800 mm in height; provided that a length of chain may be fitted across the rear of the Vehicle in place of a tailboard;
  - (f) equipped either with “No Smoking — No Naked Lights” signs of 150mm red lettering on white background or with signs conforming with signs PV1 and PV2 as described in S.A.B.S. Specification 1186: Symbolic Safety Signs and fitted as follows—
    - (i) One of each such sign on each side of the Vehicle; or
    - (ii) one of each such sign across the top of the Vehicle or above its cab and in either case parallel to the length of the Vehicle with lettering or pictograms on both sides and clearly visible when the Vehicle is carrying the permitted load;
  - (g) fitted with two 9 kg dry chemical powder type fire extinguishers.
- (3) No Person shall drive, or cause or permit or allow to be driven any Road Tank Waggon within the area of the City described in the Eighth Schedule between the following hours except with prior written permission of the Chief Executive Officer:
- Mondays to Fridays 06:30 to 17:30
- Saturdays 06:30 to 13:30
- (public holidays excluded in each case).

#### **84. Maintenance of vehicle**

No Person shall use or cause or allow to be used in any public place any Vehicle for the transport of Flammable Liquid other than in the fuel tank of the Vehicle unless such Vehicle is maintained in good condition and in proper working order.

#### **85. Openings to tank**

All openings to the tank of any Vehicle used for the transport of Flammable Liquids shall be kept securely and effectively closed at all times when not in use.

#### **86. Supervision of waggon by responsible Person**

Every Road Tank Waggon shall be under the constant supervision of the Person having charge and control of such waggon during the period that it is in use as such outside a Bulk Depot.

#### **87. Position of Road Tank Waggon during delivery operations**

No Person shall—

- (1) cause or permit a Road Tank Waggon to stand on or across any public footpath during delivery operations;
- (2) place the hose or cause or permit the hose to be placed across such footpath during such operations;

- (3) cause or permit a Road Tank Waggon to face in any direction other than toward the exit during such operation.

## **88. Fire extinguishers**

- (1) No Person shall use or cause or permit to be used any Road Tank Waggon conveying Flammable Liquid, unless such waggon is provided with at least two dry chemical powder type fire extinguishers each having a capacity of not less than 9 kg dry chemical powder.
- (2) Such extinguishers shall be carried on the Road Tank Waggon in such a position and shall be attached to the Road Tank Waggon in such a manner as to be readily and easily accessible in the case of fire.

## **89. Agencies likely to ignite flammable liquid**

No Person shall—

- (1) bring or cause to be brought any fire, naked light, flame or other agency likely to ignite Flammable Liquid or its vapour within 3 m of any Vehicle in which Flammable Liquid is transported;
- (2) carry or permit to be carried any matches, cigarette lighter or similar contrivance on any Vehicle used for the transport of Flammable Liquid;
- (3) smoke or be in possession of a lighted cigarette, cigar or pipe or permit any other Person to smoke or be in possession within 3 m of a Vehicle in use for the transport of Flammable Liquid or during the filling of such Vehicle with Flammable Liquid or the discharge of such liquid therefrom;
- (4) smoke or be in possession of a lighted cigarette, cigar or pipe within 3 m of such Vehicle during the filling of such Vehicle with Flammable Liquid or the discharge of such liquid therefrom or while in attendance thereon permit any other Person so to smoke or be in possession.

## **90. Precautions**

Every Person responsible for or concerned in the conveyance of Flammable Liquid or Substance shall take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorised Person to any Vehicle or Container whilst in transit.

## **91. Restriction of scope of certain sections relating to transport of flammable liquid**

The provisions of section 23 and 24 of this Code shall not apply to the conveyance of Flammable Liquid on a Vehicle, not being a Road Tank Waggon—

- (1) of a quantity not exceeding 200 ℓ of Class I Flammable Liquid or 400 ℓ of Class II Flammable Liquid or 600 ℓ of Class III Flammable Liquid in securely closed metal Containers of a capacity not exceeding 200 ℓ; or
- (2) of a quantity of Class 0 Flammable Liquid in Containers not exceeding 90 litres in total capacity, provided that the Person who so conveys such liquid shall ensure that such Containers are of substantial construction and are packed in such a manner as to prevent leakage from and damage to the Containers in the course of conveyance, and provided, further, that any Container for Liquefied Petroleum Gas found on a Vehicle shall be deemed to be full until the contrary is proved.

## **Chapter IX**

### **Dry-cleaning Rooms**

#### **92. Dry-cleaning rooms**

The Person who is the Holder of a Certificate of Registration in respect of a Dry Cleaning Room shall ensure that the provisions of sections 92 to 109 are complied with and no Person shall use a Dry Cleaning Room for any purpose other than that of dry-cleaning and purposes reasonably incidental thereto.

#### **93. Installation of machinery**

- (1) No Person shall instal or cause or permit to be installed any dry-cleaning machinery elsewhere than in a Dry Cleaning Room.
- (2) All machinery shall be properly electrically Earthed.
- (3) All electrical Earth connections shall be examined and entered in a log book as required under section 65.

#### **94. Boilers**

No boiler or chimney of a boiler shall be installed within 6 m of a Dry Cleaning Room; provided, however, that a boiler may be installed not nearer than 3 m to a Dry Cleaning Room where there is an unbroken brick or concrete wall between such boiler or its chimney and such room of a height of not less than 450 mm above the top of the boiler and its chimney and of not less than 2 m above the floor of the Dry Cleaning Room.

#### **95. Draining of dry-cleaning machinery**

All dry-cleaning machinery on or above floor level shall be drained immediately after the termination of cleaning operations each day.

#### **96. Electrical equipment**

No Person shall instal or cause or permit to be installed in or near a Dry Cleaning Room or in any position which comes or is likely to come into contact with Flammable Liquid or its vapour any electrical equipment other than—

- (1) an incandescent electric light enclosed in a Flame and Vapour Proof or other Approved fitting;
- (2) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together, or armoured or lead-covered cable, Approved by the Executive Director: Durban Electricity; provided, however, that, with the written permission of the Local Council concerned, other types of cables may be installed where the use of such cable is unlikely to cause danger to Persons or property from fire;
- (3) one electrical push button switch of Flame and Vapour Proof construction which is designed for use to stop all machinery in an emergency and which is situated not less than 1.35 m above the level of the floor;
- (4) electric motors of Flame and Vapour Proof construction.

#### **97. Handling of flammable liquid**

The Storage Tank shall be connected to the dry-cleaning machinery and no Flammable Liquid shall be handled during any cleaning process; provided, however, that a total quantity not exceeding 101 at any time may be handled in one or more Containers for the purpose of hand washing or spotting.

**98. Notice of Danger at entrance**

Approved signs prohibiting smoking and naked flames or signs conforming to prohibitory signs PV1 and PV2 as described in S.A.B.S. Specification 1186: Symbolic Safety Signs shall be prominently displayed at each entrance to a Dry Cleaning Room and within such room to the satisfaction of the Chief Fire Officer.

**99. Removal of foreign matter and metallic substances from garments**

No Person shall dry-clean or cause, allow, permit or suffer to be dry-cleaned any article of clothing or other textiles unless and until such article has been thoroughly examined and all object such as matches, metallic substances, metal buttons and other items which are liable to cause sparks have been removed therefrom.

**100. Instructions to employees**

The Person having charge or control of the business conducted on the Premises shall cause all Persons employed in the Dry Cleaning Room to be thoroughly instructed as to the hazards involved in the use of Flammable Liquids and in the handling and method or usage of all Fire Fighting Equipment required by this Code to be on the Premises, and shall repeat such instructions quarterly.

**101. Unauthorised Persons and unlawful acts**

- (1) No Person other than a Person lawfully employed on the Premises or a Fire Official shall enter any Dry Cleaning Room without the express permission of the Occupier or Person in charge.
- (2) No Person shall commit any act which is liable or calculated to cause fire, explosion or other danger to a Dry Cleaning Room or its contents or any Person therein.

**102. Position of machinery**

All dry-cleaning machinery shall be situated as near as reasonably possible to the exhaust ventilation ducts required by section 108.

**103. Power shafts**

Where any machinery is driven by means of a shaft from motive power outside the Dry Cleaning Room, the driving shaft shall pass through a gasproof wall box which shall be installed at the point where such shafting enters such Dry Cleaning Room.

**104. Scouring or brushing table**

Every table used for washing or brushing any material with Flammable Liquid shall—

- (1) be provided with a liquid-tight top with a curb on all sides not less than 25 mm high;
- (2) have a top which is so pitched as to ensure thorough draining by a pipe of not less than 25 mm diameter directly connected to an underground tank through a trap preventing the return of vapour and which, in the case of a metal top, is electrically Earthed;
- (3) be secured to the floor or wall so as not to disturb the electrical Earth and drain connections.

**105. Portable lamps and trolleys**

No Person shall take or cause, allow, permit or suffer to be taken any flash lamp or any other light or lamp into any Dry Cleaning Room except an incandescent electrical light or safety lamp which has been fitted with an outer Flame and Vapour Proof fitting, and no Person shall use any handtruck or any trolley for the conveyance of any material, clothing or liquid unless it is equipped with hard rubber tyres and non-ferrous edges, so as to prevent sparks arising from accidental contact with any other metal surface.

## 106. Construction of Dry Cleaning Rooms

- (1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be constructed and maintained in accordance with the following requirements—
  - (a) The walls shall be constructed of brick or concrete or similar Non-Combustible material, the floor of concrete or other impervious material and the roof of reinforced concrete;
  - (b) all windows shall be glazed with wire-woven shatterproof glass and shall be of the closed or fixed type;
  - (c) all doors shall be of hardwood, suitably covered with metal of not less than 1 mm in thickness and shall be carried on metal door frames and fitted with automatic closing devices;
  - (d) a sill of concrete at least 150 mm in height shall be erected across all door openings at surface level or the floor of the room shall be 150 mm below the adjacent surface level;
  - (e) the Dry Cleaning Room shall be situated not closer than 1,5m to any public thoroughfare or adjacent Building unless the wall or walls which face such thoroughfare or Building are constructed without openings whether glazed or otherwise; provided, however, that not more than two sides of any Dry Cleaning Room shall be without such openings;
  - (f) there shall be provided at least two (2) doors opening outwards directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow the free and unimpeded escape of Persons within the Dry Cleaning Room through either of such doors in the case of fire or other danger;
  - (g) no Dry Cleaning Room shall have any opening into any other room or Building, provided, however, that, subject to compliance with the conditions hereunder set out, any room used or intended to be used solely for the purposes of drying garments or materials which have been cleaned or treated with Flammable Liquid may have direct access to the Dry Cleaning Room:
    - (i) Such drying room shall be separated from the Dry Cleaning Room by a wall constructed of Non-Combustible material; and
    - (ii) the entrance to such drying room shall be provided with a door of hardwood which is covered with metal of not less than 1 mm in thickness and which is carried on a metal door frame and fitted with an automatic closing device.

## 107. Steam pipes

- (1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be fitted with at least one steam pipe not less than 25 mm in diameter. Every such pipe shall be provided with—
  - (a) perforation or jets of at least 6,3 mm in diameter and so spaced as to give as near as practicable an equal distribution of steam in such a manner that such room can immediately be flooded with steam in case of fire;
  - (b) a steam trap or other effective means of preventing the accumulation of water within such pipe.
- (2) A steam supply for such pipe or pipes shall be maintained continuously while any Flammable Liquid is contained in any dry-cleaning machinery.
- (3) Such steam supply system shall be provided with a valve placed in the service line and situated outside the Building in any easily accessible position; provided that the Chief Fire Officer may authorise the installation of alternative Fire Fighting Equipment where in his opinion the circumstances warrant it.

### 108. Ventilation of Dry Cleaning Room

- (1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity as will remove Flammable Liquid vapour from such room and discharge such vapour into the open air at a point which is above the roof of such room and more than 5 m from any opening to any Building.
- (2) Such system of ventilation shall cause the air in the Dry Cleaning Room to be changed at least thirty (30) times in every hour.
- (3) The blades of all ventilating fans shall be made of non-ferrous metal.
- (4) All exhaust ventilation ducts shall be of Non-Combustible material and shall be installed—
  - (a) as near ground level as practicable; provided, however, that where any such duct or any portion thereof is situated at a level which is less than 150 mm above the level of the Dry Cleaning Room floor adequate provision shall be made to prevent the escape of Flammable Liquid therefrom in the case of fire or otherwise;
  - (b) as near as practicable to the parts of the dry-cleaning machinery from which the Flammable Liquid vapour is emitted.
- (5) Any Person discovering a fire in any Dry Cleaning Room shall immediately take all reasonably possible steps to shut down the exhaust ventilating system.

### 109. Construction of Dry Cleaning Room

Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be constructed and maintained in accordance with the following requirements:

- (1) The walls shall be constructed of brick or concrete or other similar Non-Combustible material and the floor of concrete or other impervious material and the room of Non-Combustible material.
- (2) A sill of concrete at least 150 mm in height shall be erected across all door openings at floor surface level or the floor of the room shall be 150 mm below the adjacent surface level.
- (3) There shall be provided at least two (2) doors opening outwards one of which shall lead directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow free and unimpeded escape of Persons within the Dry Cleaning Room through either of such doors in the case of fire or other danger.
- (4) No Dry Cleaning Room shall be situated below or above any other room or other part of the Building; provided, however, that a room or Building may be constructed above a Dry Cleaning Room if such room or Building is not used as a Habitable room and is provided with adequate means of escape to the satisfaction of the Chief Fire Officer.

### 110. Ventilation of Dry Cleaning Room

Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of Flammable Liquid vapours within any portion of such room and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided, however, that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation, such mechanical system shall conform to and comply with the provisions of section 108.

## Chapter X

### Spraying Rooms

#### 111. Duties of Holder

A Person who is the Holder of a Certificate of Registration in respect of a Spraying Room shall ensure that every Spraying Room shall be constructed in accordance with the following requirements:

- (a) The walls shall be constructed of brick or concrete, the floor of Concrete or other impervious material, the roof of reinforced concrete. The doors (one of which shall be an escape door) shall be of hardwood suitably covered with metal of not less than 1 mm in thickness and shall be carried on metal door frames opening outwards and fitted with automatic closing devices: provided, however, that modifications in the construction of the Spraying Room may be permitted if, in the opinion of the Chief Fire Officer, such modifications will not endanger any room, Building or adjoining Premises in the case of fire.
- (b) There shall be installed a mechanical system of exhaust and inlet ventilation such as will remove vapour from and be capable of changing the air in the Spraying Room at least thirty (30) times in every hour.
- (c) Where a Spraying Room is subdivided into Spraying Booths, each booth shall be ventilated in accordance with subsection (b) hereof.
- (d) A Spraying Booth shall be constructed of metal or non-combustible material.
- (e) All exhaust vents leading from Spraying Rooms or Spraying Booths shall be so designed and constructed that all vapours are expelled into the open air at a point not less than 4 m above the floor level and at a distance of not less than 5 m from the opening to any Building and such vent shall be constructed of Non-Combustible material; provided, however, that the Chief Fire Officer may permit vapours to be expelled into the open air at a lesser distance than 4 m from the floor level when such vapour is not likely to be ignited from an external source.
- (f) All ventilation inlets and outlets shall be so placed as to effect a continuous and complete change of air within any such Spraying Room or Spraying Booth and the ventilation inlets shall be substantially equivalent to the exhaust capacity required in terms of this section.
- (g) The ventilation system shall be so installed that all Flammable Liquid vapours shall pass as near as reasonably possible from the area where spraying takes place directly into the ventilation outlets.
- (h) The blades of any fan used in the Spraying Room shall be of non-ferrous metal.
- (i) No electrical equipment shall be installed in the Spraying Room other than—
  - (i) incandescent electric lights enclosed in outer Flame and Vapour Proof or other fittings Approved by the Executive Director: Durban Electricity;
  - (ii) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together, or armoured or lead-covered cable, Approved by the Executive Director: Durban Electricity; provided, however, that, with the written permission of the Local Council concerned, other types of cables may be installed where the use of such cable is unlikely to cause danger to Persons or property from fire;
  - (iii) electrical apparatus of Flame and Vapour Proof construction used for ventilating purposes or other equipment Approved by the Executive Director: Durban Electricity.
- (j) Approved signs warning of danger and prohibiting smoking and naked flames or signs conforming to prohibitory signs PV1 and PV2 and warning sign WW1 as described in S.A.B.S. Specification 1186: Symbolic Safety Signs shall be displayed prominently at each entrance to a Spraying Room.

## 112. When permit is not required

Nothing contained in section 111 shall prohibit the spraying with Flammable Liquid of any Vehicle or article in the open air if such spraying is not within a distance of 15 m from any fire, flame, open light, or other agency likely to ignite such Flammable Liquid or its vapour and is not likely to impede the escape of Persons or animals in the case of fire.

## 113. Inspection of premises

- (1) The Chief Fire Officer shall on behalf of the Municipality arrange for the periodic inspection by a Fire Official of all Premises in respect of which a Certificate of Registration has been issued in terms of this Code in order to ensure that the provisions of this Code are being complied with and that all equipment, apparatus and appliances are provided and maintained in accordance therewith.
- (2) Premises referred to in subsection (1) shall be inspected at least once during the period 1 January to 31 December in each and every year and a record of all inspections carried out shall be kept.

## Chapter XI General

## 114. Presumptions

In addition to the Person by whose act or omission any contravention of or failure to comply with a provision of the Code is actually committed, the Owner of the Vehicle in respect of which the offence is committed or the Owner of the Premises on which the offence is committed or, if the Premises are occupied by a Person other than such Owner, the Occupier thereof, shall be presumed also to have committed such contravention or to have so failed to comply unless it is proved to the satisfaction of the court that he has taken all reasonable steps to have prevented such a contravention or failure to comply by any other Person; provided that the fact that such Owner or Occupier issued instructions forbidding any such act or omission shall not of itself be accepted as sufficient proof that such Owner or Occupier took all reasonable steps to prevent such a contravention or failure to comply by such other Person.

## 115. Penalties

Any Person who—

- (a) contravenes any provision of this Code; or
- (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, certificate, permit or authority in terms of this Code; or
- (c) fails to comply with the terms of any order given to or notice served upon him in terms of this Code, shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding two years.

## 116. Repeals and Savings

- (1) The following By-laws and all amendments thereto are hereby repealed—
  - (a) By-laws relating to Fire Prevention and Matters Incidental thereto of the former Borough of New Germany (as amended) published in *Official Gazette* No 4332 dated 6 January 1983;
  - (b) By-laws relating to Fire Prevention and Matters Incidental thereto of the former Borough of Pinetown (as amended) published in *Official Gazette* No 4332 dated 6 January 1983;
  - (c) By-laws relating to Fire Prevention and Flammable Liquids and Substances (as amended) of the former City Council of the City of Durban published in *Official Gazette* No 4532 dated 29 May 1986;

- (d) Any Standard By-laws relating to Fire Brigade Services adopted by any local government body dissolved or disestablished by Proclamation LG123 of 1995 published in *Official Gazette* No 5044 dated 31 May 1995.
- (2) Anything done or deemed to have been done under any provision of the Bylaws repealed by subsection (1) and which is capable of being done under any provision of this Code shall be deemed to have been done under the last mentioned provision.

## First Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

For office use only:

No: \_\_\_\_\_

Date and time of test: \_\_\_\_\_

To the Chief Fire Officer, Durban Metropolitan Council

#### *Application for Certificate of Competence*

Full name of applicant (*in block letters*) \_\_\_\_\_

Postal address \_\_\_\_\_

Age \_\_\_\_\_

Length of residence in Durban \_\_\_\_\_

Name of employer \_\_\_\_\_

Period of service with present employer \_\_\_\_\_

Address of employer \_\_\_\_\_

Brief details of experience in the use and construction of fire extinguishing appliances \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant

## Second Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

#### *Certificate of Competence*

This is to certify that the Person named hereunder passed a test carried out by me the \_\_\_\_\_ in regard to his knowledge in the construction, use and purpose of fire fighting equipment, and having satisfied the requirements of this Department is entitled to this Certificate of Competence.

1. Person \_\_\_\_\_
2. Postal address \_\_\_\_\_
3. Signature of Holder \_\_\_\_\_

Date of issue \_\_\_\_\_ Certificate No \_\_\_\_\_

Signature of examining officer

(Note: This certificate is not transferable).

### Third Schedule

#### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

#### *Application for Certificate of Registration (Premises)*

Date \_\_\_\_\_ 19 \_\_\_\_\_

Application for a Certificate of Registration for premises under the Interim Code relating to Fire Prevention and Flammable Liquids and Substances.

This form must be completed and forwarded to the Chief Fire Officer and accompanied by a plan of the premises, in terms of the Code.

Full name of applicant; if a company, the name of company and its secretary

(Write in block letters):

Name of applicant \_\_\_\_\_

Trading as \_\_\_\_\_

Name of Secretary \_\_\_\_\_

State the address of the premises to be registered and the name of the Owner thereof:

Name of Owner \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_

Street No. \_\_\_\_\_ Block \_\_\_\_\_

Street \_\_\_\_\_

State class of business \_\_\_\_\_

Give a full description of existing and proposed buildings \_\_\_\_\_

How many Spraying Rooms are there on the premises?

\_\_\_\_\_

If this application is for additional storage, state the number of extra litres

\_\_\_\_\_

How many flammable liquid tanks are there on the premises?

\_\_\_\_\_

State total storage capacity of flammable liquid tanks on the premises (in litres).

Litres \_\_\_\_\_

State the type and number and date of issue of any mineral oil and/or trading licence issued for these premises. If no licence has been granted, please state date of application therefor.

How many flammable liquids stores are there on the premises?

Number of stores \_\_\_\_\_

State capacity of stores in litres.

Capacity \_\_\_\_\_ Litres

State total quantity in litres proposed to be kept on the premises

Class 0 \_\_\_\_\_

Class I \_\_\_\_\_

Class II \_\_\_\_\_

Class III \_\_\_\_\_

How many flammable liquid Pumps are there on the premises? \_\_\_\_\_

How many fire extinguishers are there on the premises? State the capacity and make of each.

Maker's name \_\_\_\_\_

Number on premises \_\_\_\_\_

Capacity of each \_\_\_\_\_

Signature of applicant \_\_\_\_\_

Capacity of signatory \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ P.O. Box No \_\_\_\_\_

## Fourth Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

#### *Application for Certificate of Registration (Vehicle)*

Date \_\_\_\_\_ 19 \_\_\_\_\_

Application for a Certificate of Registration for a vehicle under the Interim Code relating to Fire Prevention and Flammable Liquids and Substances. This form must be completed and forwarded to the Chief Fire Officer.

Full name of applicant. If a company, the name of company and its secretary.

(Write in block letters).

Name of applicant \_\_\_\_\_

Trading as \_\_\_\_\_

Name of secretary \_\_\_\_\_

Details of the vehicle for which a Certificate of Registration is required.

Type or class of vehicle \_\_\_\_\_

(trolley/waggon/van/lorry/tanker/etc)

Registration No \_\_\_\_\_

Tare \_\_\_\_\_

Load \_\_\_\_\_

Make \_\_\_\_\_

Number of Containers or tanks \_\_\_\_\_

Capacity of Containers or tanks \_\_\_\_\_

Year of manufacture \_\_\_\_\_

Engine No. \_\_\_\_\_

Chassis No. \_\_\_\_\_

Quantity of liquid of flammable substances to be conveyed.

Class O \_\_\_\_\_ litres

Class I \_\_\_\_\_ litres

Class II \_\_\_\_\_ litres

Class III \_\_\_\_\_ litres

Manner in which it is proposed to convey the liquid \_\_\_\_\_

Number of Containers or tanks \_\_\_\_\_

Capacity of Containers or tanks \_\_\_\_\_

Signature of applicant \_\_\_\_\_

Capacity of signatory \_\_\_\_\_

Phone \_\_\_\_\_ P.O. Box No \_\_\_\_\_

## **Fifth Schedule**

### ***Durban Metropolitan Council***

#### ***Interim Code relating to Fire Prevention and Flammable Liquids and Substances***

#### ***Certificate of Registration (Premises)***

This is to certify that the premises situated at \_\_\_\_\_ occupied by \_\_\_\_\_ and used as a \_\_\_\_\_ have been duly registered by the Chief Fire Officer under the said Code. The maximum quantity of flammable liquids and substances kept or handled at this address shall not exceed:—

Flammable liquids

Class O \_\_\_\_\_ litres

Class I \_\_\_\_\_ litres

Class II \_\_\_\_\_ litres

Class III \_\_\_\_\_ litres

Flammable substances \_\_\_\_\_

(Specify types) \_\_\_\_\_ kgs

This certificate is issued subject to the following conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chief Fire Officer

Date \_\_\_\_\_

This Certificate of Registration must be displayed in a conspicuous position on the Registered Premises.

## Sixth Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

#### *Certificate of Registration (Vehicles)*

This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the prescribed structural requirements as contained in the Municipality's Interim Code relating to Fire Prevention and Flammable Liquids and Substances for the conveyance of \_\_\_\_\_ 1. of Class O/Class I/ Class II/ Class III \* flammable liquids in tanks/Containers each of a capacity \_\_\_\_\_ litres within the limits of the municipal area and subject to all By-laws for the time being in force.

Registration No \_\_\_\_\_ Make \_\_\_\_\_

Type of vehicle \_\_\_\_\_

Owner's name \_\_\_\_\_

Address \_\_\_\_\_

This Certificate of Registration is not a warranty of fitness of the vehicle herein described and any Owner, driver or other Person interested should satisfy himself as to the construction and condition of the said vehicle.

\_\_\_\_\_

Chief Fire Officer

Date \_\_\_\_\_

This Certificate of Registration must be displayed in a conspicuous position on the vehicle.

\* Delete whichever is not applicable.

## Seventh Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

##### *Application for transfer of Certificate of Registration (Premises)*

I hereby apply for the Certificate of Registration No. \_\_\_\_\_ issued on \_\_\_\_\_ (date) in respect of the premises situate at \_\_\_\_\_ used as \_\_\_\_\_ or in respect of the vehicle with the registration no \_\_\_\_\_

Make \_\_\_\_\_

Type \_\_\_\_\_ to be transferred to:

Name \_\_\_\_\_

Address \_\_\_\_\_

The reason for this application to transfer the Certificate of Registration from one Person or firm to another Person or firm is because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Signature of applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ P.O. Box No \_\_\_\_\_

## Eighth Schedule

### *Durban Metropolitan Council*

#### *Interim Code relating to Fire Prevention and Flammable Liquids and Substances*

##### *Road Tank Waggons - restricted areas*

The area bounded by and including Aliwal Street, Victoria Embankment, Russell Street and Commercial Road, Central Durban. The area bounded by and including Ireland Street, Dore Street, Wick Street, Moss Street, Starr Street and Todd Street, Verulam.

The R102 (MR2) from Coronation Street to Dore Lane/Victory Avenue, Tongaat.

The area bounded by and including Crompton Street, Kings Road, that portion of Glenugie Road between Kings Road and Roselle Road, and Anderson Road, Pinetown."