

Cederberg, South Africa

Community Fire Safety By-law, 2026

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Cederberg South Africa

Community Fire Safety By-law, 2026

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Cederberg Municipality, by virtue of the powers vested in it by section 156(2) of [the Constitution of the Republic of South Africa](#) as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#)), has enacted this by-law set out below:

The Municipal Council of Cederberg Municipality recognizes that:

Everyone has the constitutional right to an environment that is not harmful to their safety or well-being;

Losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;

The protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;

Certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;

The community has a vital role to play in achieving the objectives of this by-law; and

The benefits of a fire-safe environment should be accessible to all.

Chapter 1 Definitions, purpose scope and application

1. Definitions

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

"**above ground storage tank**" means a tank situated above ground for the storage of a flammable liquid;

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

"**boundary**" means any lateral or street boundary of a site;

"**building**" means—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof erected or used for or in connection with:
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;

- (iv) the destruction or treatment of combustible refuse or combustible waste; and
- (v) the cultivation or growing of any plant or crop.
- (b) any wall, swimming pool, reservoir, 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); and
- (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;

“bund wall” means a containment wall surrounding an above ground storage tank constructed of an impervious material and designed to contain 110% of the contents of the tank;

“Chief Fire Officer” means the person in charge of a service, or the Acting Chief Officer, as contemplated in the Fire Brigade Services Act, [Act 99 of 1987](#);

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

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

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

“combustible liquid” means a liquid, which has a close-cap flash point of 380 C or above.

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

“controlling authority” means either a Chief Fire Officer, a Municipal Manager or their respective delegates as contemplated in sections 3 and 4 of this by-law;

“dangerous goods” means commodities, substances and goods that are capable of posing a significant risk to health and safety or to property or the environment and that are listed in SANS 10228;

“designated area” shall mean a place designated as such in terms of Chapter 7;

“division separating element” means a building element or component, which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

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

“emergency” means any incident or eventuality, which may seriously endanger or may endanger any person or property;

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

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

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

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

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

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

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

“explosives” means explosives as defined in section 1 of the Explosives Act, 1956;

“Explosives Act” means the Explosives Act, 1956 ([Act 26 of 1956](#));

“feeder route” means that part of an escape route, which allows travel in two different directions to the access doors of at least two emergency routes;

“fire” includes a veldfire;

“Fire Brigade Services Act” means the Fire Brigade Services Act, 1987 ([Act 99 of 1987](#)) and any regulations promulgated under the Act;

“fire control zone” may include any premises or area that is in close proximity to an area or premises of high fire risk or sensitive land use;

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

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

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

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

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

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

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the Fire Service, or both, to a fire, but excludes portable and mobile fire extinguishers;

“fire wall” means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SANS 10400;

“firework” has the meaning assigned thereto in the Explosives Act, [Act 26 of 1956](#), as amended and the Regulations framed in terms thereof and include any article or thing commonly recognized as a firework;

“fireworks display” means the discharge of fireworks as part of a public, religious or private function;

“flammable gas” as contemplated in SANS 10228, means a gas that at 20°C and at a standard pressure of 101,3 kilopascals:

- (a) is ignitable when in a mixture of 13% or less (by volume) with air; or

- (b) has a flammable range with air of at least 12 percentage points regardless of the lower flammable limit.

"flammable liquid" means a liquid or mixtures of liquids or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in SANS 10228:

Danger group based on flammability		
1	2	3
Danger group	Closed Cup Flash Point	Initial Boiling Point
I	-	<35
II	<23	>35
III	>23 <60, 5	>35
IV	>60, 5 100	>35

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

"flammable substance" means a flammable liquid or a flammable gas;

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

"hazardous substance" means any hazardous substance contemplated in the Hazardous Substances Act;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 ([Act 15 of 1973](#));

"heavy fuel" means heavy continuous brush, more than 1,8m in height, and timber slash;

"light fuel" means surface fuels of short grass and light brush up to 0, 6m that burn rapidly and with high intensity;

"liquefied petroleum gas" means a mixture of light hydrocarbons (predominantly propane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

"medium fuel" means brush up to 1,8m in height;

"Municipality" means the Cederberg Municipality, and includes any political structure, political office bearer or duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

"Municipal Manager" means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 ([Act 32 of 2000](#));

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

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

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

- (a) National Building Regulations (A2) means the provisions regulating the submission of building plans and Particulars to the Municipality;
- (b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- (c) National Building Regulations (A21) means the provisions regulating the population of a building;
- (d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- (e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

“**National Road Traffic Act**” means the National Road Traffic Act, 1996 ([Act 93 of 1996](#));

“**non-combustible**” means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5;

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

“**occupancy separating element**” means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

“**Occupational Health and Safety Act**” means the Occupational Health and Safety Act, 1993 ([Act 85 of 1993](#));

“**occupier**” means any person who occupies or has control over any premises;

“**operator**” means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

“**owner**” means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the Deeds Office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation provided that such a person is not the owner mentioned in (b); and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

“**peace officer**” shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 ([Act 51 of 1997](#)), in respect of persons authorized by the Municipality to enforce the provisions of this by-law;

“person in charge” means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management maintenance or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilization of the installation, provided that such a person is not the person mentioned in (a), and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c) any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

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

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

“prescribed fee” means a fee determined by the Municipality by resolution;

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

- (a) is vested in the Municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a Deeds Registry or a Surveyor-General’s Office and has been provided for or reserved for the use of the public or erven in such ownership.

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

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

“SANS Codes” means South African National Standards (SANS) Codes of Practice and Specifications issued in terms of the Standards Act, 1993 ([Act 29 of 1993](#)) and includes any reference to SABS Codes;

“service” means a fire brigade service as defined in the Fire Brigade Services Act, 1987 ([Act 99 of 1987](#));

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

“spray permit” means a permit contemplated in section [52](#);

“spray room” means a room contemplated in section [52](#);

“Standards Act” means the Standards Act, 1993 ([Act 29 of 1993](#));

“State” means:

- (a) any department of state or administration in the national, provincial or local sphere of government, or

- (b) any other functionary or institution:
- (i) exercising a power or performing a function in terms of [the Constitution](#) or a provincial constitution, or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer.

"**storage vessel**" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act, 1993 ([Act 85 of 1993](#));

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

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

"**this by-law**" includes the schedules attached to this by-law;

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

"**vegetation**" included grass, weeds, leaves, shrubs and trees.

"**vehicle**" means a vehicle as defined in the National Road Traffic Act, 1996 ([Act 93 of 1996](#)) and includes the following:

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

"**veldfire**" means a veld, forest or mountain fire.

"**written notice**" means a notice issued in terms of section 56 of the Criminal Procedure Act, [Act 51 of 1977](#) and for the purposes of this by-law shall include a compounding notice issued in terms of section 341.

2. Purpose, scope and application of this by-law

- (1) The purpose and scope of the by-law is—
 - to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
 - (b) to repeal all existing relevant by-laws of the Municipality; and
 - to provide for procedures, methods and practices to regulate fire safety within the jurisdiction of the Municipality.

- (c) This by-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.
- (2) If any provision in this by-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section [81\(2\)](#) of the Municipal Systems Act ([Act 32 of 2000](#)) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

Chapter 2

Administrative provisions

3. Administration and enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this by-law.
- (2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act, [Act 99 of 1987](#), the Municipal Manager is responsible for the administration and enforcement of this by-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of this by-law.

4. Delegation

- (1) A Chief Fire Officer may delegate any power granted to him in terms of this by-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A Municipal Manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegation of the Municipality developed in terms of section [59](#) of the Municipal Systems Act.

5. Enforcement provisions

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

6. Authority to investigate

Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

7. Failure to comply with provisions

- (1) When a controlling authority finds that there is non-compliance with the provisions of this by-law excluding the circumstances as provided for in section 5(2), a written notice, including the following must be issued:
 - (a) confirmation of the findings;
 - (b) provisions of this by-law that are being contravened;
 - (c) the remedial action required; and
 - (d) the time within which the notice must be complied with.
- (2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.
- (4) Notwithstanding the provisions contained in subsection (1), a written notice may be issued when a controlling authority finds that there is non-compliance with the provisions of this by-law.

8. Interference with the service

- (a) No person may interfere with, prevent, obstruct or hinder the Chief Fire Officer, the Municipal Manager or any member in the execution of his or her duties as contemplated in the Fire Brigade Services Act and this by-law.
- (b) Any person who contravenes subsection (1) commits an offence.

9. Furnishing of false information

- (a) No person may wilfully give any notice, or furnish any information regarding an outbreak of fire, or any other emergency requiring the attendance of the service, and which, to his or her knowledge, is false or inaccurate.
- (b) Any person who contravenes subsection (1) commits an offence.

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

A controlling authority may refuse, suspend or revoke an approval or a certificate required by this by-law for:

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

11. Records required

The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

12. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.

- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

13. Indemnity

The Municipality, controlling authority or a member of the service is not liable for damage or loss as a result of bodily injury, loss of life, loss of or damage to property or financial loss, which is caused by or arises out of or in connection with anything done or performed in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this by-law.

14. Reporting a fire hazard and other threatening danger

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

Chapter 3 Fire protection of buildings

15. General

The controlling authority in terms of section [5 \(2\)](#) or section [6](#) of this by-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

16. Access for emergency vehicles

- (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads, it must be provided with emergency vehicle access and notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following:
 - (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
 - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
 - (c) Fire lanes must be provided for all premises, which are set back more than forty-five (45) metres from a public road or exceed nine (9) metres in height and are set back over fifteen (15) metres from a public road.
 - (d) Fire lanes must be at least four (4) metres in width, the position of which must be decided upon after consultation with the controlling authority and the area from ground level to a clearance height of four (4) metres above the fire lane must remain unobstructed.
 - (e) A cul-de-sac that is more than ninety (90) metres in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle, which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

17. Division and occupancy separating elements

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

18. Fire doors and assemblies

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

19. Escape routes

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

20. Tents

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must:
 - (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent; and
 - (b) submit an application in terms of section 28(4) of this by-law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following:
 - (a) The tent must be erected at least 4, 5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
 - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - (c) The requirements set out in the National Building Regulations (T 1) must be complied with in the following instances:
 - (i) where the population of a tent exceeds twenty-five (25) people;

- (ii) where a tent is occupied during the hours of darkness:
 - (iii) for seating arrangements and aisle dimensions; and
 - (iv) for the provisions of fire extinguishers.
- (d) The population density of a tent must comply with the National Building Regulations (A21).
- (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be out in a separate tent or an area to which the public does not have access.
- (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
- (g) No open fire or flame is permitted within five (5) metres of a tent, stake or guideline of a tent.
- (h) Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SANS 1186: Part 1.
- (i) Lighting and wiring installed in a tent must comply with the requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to meet additional requirements for the erection and usage of a tent.

Chapter 4

Fire safety equipment

21. Fire extinguishers

- (1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SANS 1573 and SANS 10105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of permit or certificate mentioned in subsection (3).
- (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.

- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

22. Testing and maintenance of fire protection systems

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

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

A person is not permitted to render less effective, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

24. Fire alarms and fire hydrants

- (1) Without compensation to the owner of the premises concerned, the controlling authority may cause:
 - (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency; or
 - (c) a transmission instrument for warning residents of a fire or other emergency, to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.

- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned,
- (4) An unauthorized person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

Chapter 5

Veldfire prevention through firebreaks

25. Duty to prepare and maintain firebreaks

- (1) Every owner or occupier on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land:
 - (a) for light and medium fuels the firebreak must be a minimum of three (3) metres wide; and
 - (b) for heavy fuels the firebreak must be a minimum of six (6) metres wide.
- (2) If an owner or occupier referred to in subsection (1) intends to prepare and maintain a firebreak by burning, he or she must determine a mutually agreeable date or dates with the owners of adjoining land for doing so, providing that all requirements are complied with and the fire protection association for the area is informed.
- (3) An owner may not burn a firebreak, despite having complied with subsection (2), if—
 - (a) the controlling authority objects to the proposed burning; or
 - (b) the fire protection association objects to the proposed burning; or
 - (c) a warning has been published because the fire danger is high in the region; or
 - (d) the conditions are not conducive to the burning of firebreaks.

26. Requirements for firebreaks

An owner or occupier who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area—

- (1) it is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land;
- (2) it does not cause soil erosion; and
- (3) it is reasonably free of inflammable material capable of carrying a veldfire across it.

27. Additional requirements

The National Veld and Forest Fire Act, [Act 101 of 1998](#), Chapter 4, places a duty on owners or occupiers to prepare and maintain firebreaks. The requirement of Chapter 4 must be complied with as applicable, in addition to the requirements of this bylaw.

Chapter 6 Public safety

28. Prevention and control of overcrowding

- (1) Prior to the usage of a premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority as prescribed in Schedule 1 of this by-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding thirty (30) calendar days.
- (5) The controlling authority must refuse to issue a temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 5(2) or 6 and section 7 of this by-law,
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

29. Attendance of a service

- (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 12 of this by-law.

30. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of twenty-five (25) persons (including staff) must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsection (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a minimum of six monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:
 - (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required; and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority,
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan

31. Displaying of escape route plans

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

32. Barricading of vacant buildings

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

33. Safety requirements for informal settlement areas

In the event of the establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained; and
- (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks; and

- (c) a safety height of 4 metres from normal ground level free from any overhead obstructions shall be maintained.

Chapter 7

Declaration of fire control zones

34. Declaration of fire control zones

- (1) Where the Chief Fire Officer is of the opinion that a fire control zone should be declared in the area or that a fire control zone should be disestablished, he or she must, after consultation with the Fire Protection Association for its jurisdiction, cause such intention to be published in terms of the Municipality's public participation policy.
- (2) If the Municipality is of the opinion that any objection or comment should be investigated, it may decide to hold a public enquiry. If the Municipality decides to hold a public enquiry, it must—
 - (i) appoint a suitably qualified person or panel of persons to hold such enquiry; and
 - (ii) determine the procedure for the public enquiry, which may include a public hearing.
- (3) The person or panel of persons appointed to hold such enquiry must conduct the enquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the enquiry and give reasons for any administrative action recommended.
- (4) Where practical, the Municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the Particulars of the places and times at which the report may be inspected and copied.
- (5) After the Municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment, it may declare a fire control zone or disestablish any such fire control zone concerned
- (6) The Municipality must publish such zone or amended zone.

Chapter 8

Housekeeping

35. Combustible waste and refuse

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.
- (3) The owner or person in charge of premises, may not allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property
- (4) If a fire hazard as contemplated in subsection (3) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by—
 - (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - (b) pruning, chopping down or sawing any shrub or tree; and

- (c) removing any resulting combustible residue from the property.
- (5) The owner or person in charge of railway lines, may not allow any vegetation to grow in the area between railway tracks.
- (6) The owner or person in charge of railway lines, may not allow any vegetation to become overgrown at any place within a distance of three (3) metres from either track of the railway line.
- (7) The owner or person in charge of overhead power lines may not allow any vegetation to become overgrown at any place in the servitude directly under the lines within a minimum distance of the maximum width of such overhead power lines; and a 5m radius around towers and support stays.

36. Dust

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

37. Combustible or flammable substances and sweeping compounds

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

38. Discard of flammable liquid or substance in sewers or drains

- (1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste, foul water or storm water sewer or drain whether underground or on the surface.
- (2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the Chief Fire Officer.

39. Accumulations in chimneys, flues and ducts

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

40. Sources of ignition

- (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the controlling authority must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

41. Smoking

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and a "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SANS 1186: Part 1.
- (2) A person may not remove a "No Smoking" sign.
- (3) A person may not throw or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

42. Electrical fittings, equipment and appliances

- (1) A person may not cause or permit an electrical supply outlet to be overloaded.
- (2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner, which is likely to create a fire hazard or other threatening danger.

43. Flame-emitting device

A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner, which is likely to create a fire hazard or other threatening danger.

Chapter 9 Fire hazards

44. Combustible material

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

45. Lighting of fires and burning of combustible material

- (1) The lighting of fires and the disposal of combustible material by burning are prohibited, save for in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner, which will not cause a fire hazard or other threatening danger.

- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Before the owner or person in charge of a farm or small holding, or an organ of state controlling nonproclaimed residential areas may dispose of combustible material by burning, and before making an application in writing for approval from the controlling authority, prior approval must be obtained in terms of the applicable legislation set out in Schedule 1 (G)

46. Fireworks

- (1) Any person who wishes to use or discharge any fireworks may only do so if he or she is in possession of a permit authorizing such use, issued by an inspector in the manner prescribed by the Explosives Act, [Act 15 of 2003](#) and must make application for permission for a fireworks display as set out in Schedule 1 (I).
- (2) The Municipality may designate:
 - (a) any public open space; or
 - (b) on the application of the owner or lawful occupier, any private open space as defined in the Zoning Regulations of the Cederberg Municipality or its legal predecessors as the only place at which fireworks may be discharged, and further the Municipality may impose conditions as to the dates on which and/or periods of time and/or hours when such discharge may take place and further may impose conditions as to the manner of discharge.
- (3) No person may discharge any firework outside an area designated by the Municipality.

47. Dealing in fireworks

- (1) No person may deal in fireworks unless—
 - (a) that person hold the required fireworks licence in terms of the Explosives Act; and
 - (b) has written authority from the Chief Fire Officer.
- (2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection [\(1\)](#) must—
 - (a) complete an application in the form and manner determined by the Municipality; and
 - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of this by-law.

48. Seizure of fireworks

A member of the Fire Service or a Law Enforcement Officer of the Municipality may take into his possession any fireworks found by him in contravention of this by-law and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

49. Designated areas

The Municipality may, by annually publishing notices in at least 3 newspapers circulating in its area of jurisdiction, designate places as places where legally permitted fireworks as defined in the Explosives Act, [Act 15 of 2003](#), and the regulations framed thereunder, may be discharged.

Chapter 10 Flammable substances

50. Application of this chapter

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

51. Storage and use of flammable substances

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use—
 - (i) a flammable gas indoors in excess of the requirement of SANS 10087 (5.2.2), or
 - (ii) a flammable gas outdoors in excess of 38kg; or
 - (ii) a flammable liquid of a danger group (i), (ii), (iii) or
[Please note: numbering as in original.]
 - (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority.

52. Application for a flammable substances certificate

- (1) The owner or person in charge of premises who requires a flammable substance certificate mentioned in section 51(6), must submit an application to the controlling authority as prescribed in Schedule 1(E) of this by-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) If the controlling authority issues a certificate of registration for flammable substances, he must endorse on the certificate—
 - (a) the class and quantity of the flammable substance for which the premises have been registered;

- (b) the number of storage tanks or storage facilities on the premises and their capacities;
 - (c) the number of flammable substance storerooms on the premises and their capacities;
 - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stores on the premises;
 - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
 - (f) the period of validity and expiry date of the certificate; and
 - (g) the physical address of the premises and the name and postal address of the occupant.
 - (h) a certificate of registration:—
 - (a) is not transferable between premises;
 - (b) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing; and
 - (c) may not be issued by the Chief Fire Officer for a period exceeding 12 months.
- (4) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law and where the controlling authority is of the opinion that the noncompliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section [51 \(6\)](#) and the issuing of the certificate.
- (5) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section [51 \(5\)](#) applies.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of section [5\(2\)](#) or section [6](#) and section [7](#) of this by-law.
- (7) Notwithstanding subsection [\(5\)](#), when in the opinion of the controlling authority, a flammable substance is stored or utilized for any process in a manner which is hazardous to life or property, or an installation is unauthorized an order may be issued for the removal of the flammable substance or installation from the premises.
- (8) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (9) A flammable substance certificate is valid only:
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (10) The flammable substance certificate must be available on the premises for inspection at all times.
- (11) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

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

- (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:
 - (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with SANS 0131:
Part 2; and
 - (d) written application together with a plan must be forwarded to the controlling authority at least fourteen (14) days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding section 41(1), if a larger capacity above ground storage tank is required, the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code, or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognized codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient spillage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with an above ground storage tank must comply with SANS 10108.

54. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SANS 10400, SANS 089: Part 3 and SANS 0131: Part 3.

55. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read with SANS 089: Part 1.

56. Small installations for liquefied petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

57. Handling, storage, distribution and maintenance of liquid petroleum gas in domestic, commercial, and industrial installations

Liquefied petroleum gas installations involving storage gas containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

58. Liquid petroleum gas installation in mobile units and small non-permanent buildings

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 087: Part 2.

59. Liquefied petroleum gas installations exceeding 500 L

Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 litres must be installed and handled in accordance with SANS 10087: Part 3.

60. Transportation of liquefied petroleum gas by road

The transportation of liquefied petroleum gas by road must be in accordance with SANS 10087: Part 4.

61. Liquefied petroleum gas application as engine fuel

The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines must be in accordance with SANS 10087: Part 6.

62. The fuelling of forklift trucks and other LP gas operated vehicles

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SANS 10087: Part 8.

63. The storage and filling of refillable liquid petroleum gas containers

- (1) Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 7.
- (2) Mobile filling stations for refillable petroleum gas (LPG) containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 10.

64. Bulk storage vessel for liquid petroleum gas

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

65. Termination of the storage and use of flammable substances

- (1) If an above ground or underground tank installation liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
 - (a) within seven (7) days of the cessation, notify the controlling authority in writing thereof;
 - (b) within thirty (30) days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six (6) months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and
 - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven (7) days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

66. Reporting accidents

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

67. Flammable stores

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400:
 - (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;

- (c) the airbricks must be covered both internally and externally with closely woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
 - (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least one metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - (c) ducting material that is external to the store, but communicates with the remainder of the building must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipe-work leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words "Flammable Store – Bewaarplek vir Vlambare Vloeistowwe – Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store, cause, or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the controlling authority must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a

flammable store and the controlling authority has been notified in terms of the following procedure:

- (a) within seven (7) days of the cessation notify the controlling authority in writing thereof;
 - (b) within thirty (30) days of the cessation, remove the flammable substance from the flammable store and render it safe; and
 - (c) within thirty (30) days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

68. Container handling and storage

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

69. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act and also comply with the requirements of Schedule 1(F).

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless—
 - (a) that person is in possession of a spraying permit;
 - (b) that spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose; and
 - (c) any person who contravenes subsection (1) commits an offence.
- (2) Any person who wishes to obtain a spraying permit must complete and submit to the Chief Fire Officer an application form for such permit in the form and manner as prescribed.

70. Liquid petroleum gas containers

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087: Part 1 and SANS 10019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine (9) kilogram must be filled and stored in accordance with SANS 10087: Part 7.

Chapter 11 Transportation of dangerous goods

71. Dangerous goods certificate

- (1) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 1 (K) of this by-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SANS 10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1) as well as the dangerous goods certificate.
- (4) A dangerous goods certificate must be renewed annually on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (5) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 5(2) or section 6 and section 7 of this by-law.

- (6) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (7) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).
- (8) A dangerous goods certificate is valid only:
 - (a) for the vehicle for which it was issued;
 - (b) for the state of the vehicle at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (9) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.
- (10) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

Chapter 12

General provisions

72. Handling of animals during emergencies

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

73. Exemption from provisions of this by-law

- (1) Any person may apply to the Municipality in writing, for an exemption from any of the provisions of this by-law, specifying the reasons for exemption in such application.
- (2) The Municipality may grant an exemption—
 - in general or in particular;
 - (i) for any period; and
 - (ii) subject to any condition that will provide for the same overall fire prevention and protection that would result from the full application of this by-law.
- (3) If an exemption is granted in terms of subsection (2), the Municipality must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by a member of the fire service.

74. State bound

This by-law binds any organ of state and any person in the service of any organ of state as defined in section 239 of [the Constitution](#), 1996.

75. Offences and penalties

- (1) Any person who:
 - (a) contravenes any of the provisions of this by-law or fails to comply therewith; or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.
- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.
- (4) Notwithstanding the penalties as prescribed in the Fire Brigade Services Act, a controlling authority may also impose an admission of guilt fine to anyone who contravenes this by-law.

76. Repeal of laws and savings

- (1) The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, [Act 117 of 1998](#).
- (2) In the event of any conflict between the provisions of this by-law and the provisions in any other by-law, the provisions of this by-law shall prevail.
- (3) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a by-law repealed in subsection (1), within six months prior to the commencements of this by-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this by-law.

77. Short title and commencement

This by-law is called the Cederberg Municipality: Community Fire Safety By-law and comes into operation on the date of publication in the *Provincial Gazette*.