

## LOCAL AUTHORITY NOTICE 53

### **BY-LAWS RELATING TO FIRE BRIGADE SERVICES**

*These by-laws are to provide for standard procedures and guidelines for the employment, co-ordination and maintenance of the fire brigade services throughout the MP313 area.*

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##### Definitions

1. In these by-laws, unless the context otherwise indicates - "the Act" means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), as amended;

"approved" means approved by the chief fire services;

"chief fire services" means the person appointed by the Council in terms of section 5 of the Act and includes any member of the service appointed in terms of section 6 of the act representing the chief fire services in the administration of these by-laws and any official representing the chief fire services and in control of any section, station, substation, fire fighting operation or other emergency operation, situation or inspection, as the case may be;

**"council"** means the controlling authority in whose area of jurisdiction these by-laws apply, which was established in terms of Section 12 of the Local Government, Municipal Structures Act, 117 of 1998, published under Provincial Notice 300 of 2000 read with Section 157 of the Constitution of the Republic of South Africa, 108 of 1996.

**"drip torch"** means a device using flammable liquid for the preparing of fire breaks

**"emergency situation"** means a situation or event which constitutes or may constitute a serious danger to any person or property;

**"fire fighting equipment"** means a vehicle, or any other apparatus, intended to be used by a service in the performance of its functions.

**"firewall"** a wall with the stability and integrity as prescribed in SANS 0177, Part II, Code of Practice.

**"occupier"** means any person in actual occupation or control of any land, premises, or building, or any portion, thereof, without regard to the title under which he occupies or control such land, premises, building, or portion thereof;

**"owner"** in relation to land and premises, means the registered owner of the land or premises and includes also any person receiving the rent or profits of such land or premises from any tenant or occupier thereof, whether on his own account or as the agent for any person entitled thereto or interested therein, and in relation to a sectional title scheme, also the body corporate established in terms of the Sectional Titles Act, 1971, (Act 66 of 1971), and in relation to any vehicle it bears its ordinary meaning, and in the case of a deceased or insolvent estate, it shall also include the executor or trustee respectively;

**"premises"** includes land, any building or structure, or any vehicle, conveyance, ship, boat or aircraft.

**"service"** means a fire brigade service established in terms of section 3 of the Act or deemed to have been established in terms of that section.

**"veld fire"** means a veld, forest, mountain or vegetation on fire.

#### **Organisation of service**

2. (1) The Chief Fire Services may exercise control over any fire fighting or rescue organisation and any fire appliance which is at the scene of a fire or rescue incident whether owned by the council or by any other person, and he shall be entitled to make use of any such fire fighter, volunteer and any fire appliance and other apparatus as he deems necessary.

(2) The service may be divided into sections as the Council may determine and each section shall be under the control of an official appointed by the Council or by the person appointed in terms of section 5 of the Act if these powers are delegated to such a person.

### **Duty to assist**

3. Any member of a fire brigade service or fire brigade service organisation whether it is controlled by the Council or not and subject to the provisions of Section 12 of the Act, shall when called upon to do so by the Chief Fire Services, render the necessary assistance in combating or containing of a fire or any other emergency situation.

### **Procedure on the Outbreak of Emergency Situation**

4. (1) Where the service has been notified of, or there is reason to believe that an outbreak or emergency situation or other situation has occurred where the services of the service are required, the Chief Fire Services shall, together with such personnel and fire fighting equipment as he thinks necessary, forthwith proceed to the place where the emergency situation or other situation is taking place, or where he has reason to believe that it is taking place.

(2) The Chief Fire Services may assume command of, or interfere with, or put a stop to any existing situation or any operation being conducted in respect of a fire or an emergency by any person not employed in the service, including the owner of the premises and his employee or agent and no person shall fail to comply with any order or direction given by the Chief Fire Services in pursuance of this subsection.

### **Evacuation**

5. (1) The Chief Fire Services may close off any street, passage, place or premises for as long as he deems necessary for the effective handling of an emergency situation.

(2) Any person ordered to leave an area closed off in terms of subsection (1), shall forthwith obey such order.

### **Obstruction and damage**

6. (1) No person shall interfere with, or hinder any official of the service, or any other person acting under the orders of the Chief Fire Services in the execution of his duties under these by-laws or the Act.

(2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose apparatus or any appliance of the service.

### **Wearing of Uniform and Insignia**

7. (1) Where the service is subsidised in terms of Section 3 of the Act every member of the service shall wear the uniform, rank markings and insignia as promulgated by regulation by the South African Emergency Services Institute.

(2) No person other than a member of the service shall wear a uniform intended to convey the impression that he is such a member, or in any other manner represent himself to be a member of the service.

### **Combustible Material**

**8. (1) The Chief Fire Services may, whenever he deems it necessary and at any time, which in his opinion, is reasonable in the circumstances-**

- (a) enter any land, premises or building and inspect**
  - (i) such land, premises or building for the purpose of ascertaining whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of fire, or the creation of an emergency situation, or jeopardise or obstruct the escape of persons to a place of safety**

**(2) No person shall:**

- (a) Store or cause or permit to be stored, any combustible material closer than 2 metres from the boundary of any premises unless a proper firewall is erected on the boundary.**
- (b) Store, permit or allow the storage of combustible material higher than such firewall.**
- (c) Permit any trees, bushes, weeds or other vegetation to grow on such premises, or any rubbish to accumulate thereon in such a manner or in such quantities as to create danger or fire to any building or premises.**
- (d) Permit, combustible material to be stored in such a manner that a 1 metre clear area between the material and the walls of such building on the inside can not be maintained.**
- (e) Permit combustible materials to be stored in such a manner that a 6 metre clear area between the material and the walls of such building on the outside can not be maintained, were such outside wall is a fire wall the clear area can be reduced, but not less than 1 metre.**
- (f) Cause or permit spray painting, by means of a compressor, causing flammable or explosive gasses to be done unless such work is done in an approved spray booth.**

**(3) No person shall**

- a) fail to burn firebreaks on any land without obtaining the fire danger rating for the day from the fire department.**
- b) engage in the making of fire breaks by burning on any land without the permission of the Chief: Fire Services of the local municipality in whose jurisdiction the land falls.**
- c) engage in the making of fire breaks by burning without obtaining a burn permit number provided by the Chief: Fire Services or his authorised official.**
- d) make fire breaks without notifying the neighbouring landowners at least fourteen days prior to the date he/she is intending to commence with the burning of the fire breaks.**

- e) make fire breaks on any land without adhering to the prescriptions of the National Veld and Forest Act 101 of 1998 as amended.
  - f) extinguish veld fires by making pre-burns without the permission of the fire officer in charge of the fire fighting activities.
  - g) make use of drip torches on any veld fire without the permission of the Chief: Fire Services
- (4) Where the Chief Fire Services finds that the requirements of subsection 8(2) (a) (b) (c) (d) (e) (f) or subsection 8(3) (a) (b) (c) (d) (e) (f) (g) of these by-laws read with section 16 and 18 of the Act is not complied with, he/she may notify the owner, occupier or person in charge of the premises in writing to remove the irregularity or pay the relevant fine for admission of guilt.
  - (5) Where there has been non compliance with the requirements of the notice as referred to in subsection 8(3), the Chief Fire Services may issue a written notice to the transgressor to appear in court in accordance with section 20 of these by-laws read with section 21 of the Act.
  - (6) Where at any fire the Chief: Fire Officer or his authorised official find that no fire breaks have been provided for the control of a veld fire, landowner will be charged and liable to pay an admission of guilt fine for the negligence.

#### **Safety of Premises and Buildings**

9. No person shall:

- (1) (a) Cause or create or allow anybody to cause or create any condition which may cause a fire or emergency situation or which may increase the danger of, or contribute towards the spread of fire or jeopardize or obstruct the escape of persons to a place of safety.
- (b) Allow the use of or tampering with any fire alarm, sprinkler installation system or other fire fighting or fire - detecting equipment and appliances.
- (c) Allow any unsafe working - or manufacturing process to be carried out which may create any danger of fire or explosion.
- (d) Allow the storage of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substances in a manner that may cause danger.
- (e) Permits any defective, inferior or an insufficient number of fire appliances or escape routes which is likely to interfere with the extinguishing of a fire or the escape of persons to a place of safety.
- (f) Disconnect or tamper with any water supply which, is installed for the extinguishing of fire unless permission has been granted by the

Council's Department Town Engineer and the Chief Fire Services notified thereof.

#### **Exits**

10. Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exit signs: Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

#### **Gas-filler devices**

11. (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the Chief Fire Services, who may impose such conditions as he may require having regard to all the circumstances of the case: Provided that such permission shall only be granted after the Council has been indemnified by the said person.

(2) No person shall keep, store, use or display or permit to be kept, used stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.

(3) Nothing in this section contained shall be construed as to prevent the use of balloons filled with hydrogen for meteorological or other bona fide scientific or educational purposes.

#### **Making of Fires**

12. (1) No person shall make a fire, or cause, or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.

(2) Subject to the provisions of any other law, no person shall, without the written permission of the Chief Fire Services, burn any rubbish, wood, straw, or other material in the open air or cause or permit it to be done, except for the purpose of preparing food.

(3) Any permission granted in terms of subsection (2) shall be subject to such conditions as are imposed by the Chief Fire Services.

#### **Fires and Chimneys, Flues and Ducts**

13. No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substances to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.

#### **Attendance of Fire Fighter**

14. (1) If at any meeting held at a place of entertainment or recreation, excluding education, places of worship or the showing of films at licensed cinemas or a performance in a theatre, five thousand or more persons are likely to be present, the persons convening such meeting, shall deliver a notice in writing to the Chief Fire Services not less than 48 hours before any such meeting takes place stating the time when and premises where such meeting will take place.

(2) Where in the opinion of the Chief Fire Services, the presence of a fire fighter is necessary on the grounds of safety, he may provide one or more fire fighter to be in attendance at any premises during the whole or part of any entertainment, recreation, meeting or other event.

(3) The person in control of such entertainment, recreation, meeting or other event shall pay to the Council the charges set out in the tariff of Fees attached as annexure hereto.

#### **Removal of Liquid or Other Substances**

15. (1) The Chief Fire Services may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substance, from such premises, subject to payment of the charges set out in the Tariff of Fees as depicted in Schedule ii of these by-laws.

(2) The Chief Fire Services may at any incident where hazardous material has been involved or spilled, take such actions he/she deems necessary to safeguard the community or the environment either by their conduct or an approved organisation.

#### **Payment for Attendance and Service**

16. (1) Subject to the provisions of Section 17 of this by-laws, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the council the charges determined by the Chief Fire Services to be due in accordance with the charges set out in the Tariff of Fees as depicted in Schedule ii for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

(2) (a) Notwithstanding the provisions of subsection (1), the Chief Fire Services may assess the whole or portion only of the charges contemplated in subsection (1):  
Provided that such portion shall not be more than ninety percent lower than the aggregate of the charges which would have been payable in terms of subsection (1):  
Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be given to -

(i) the fact that the amount so assessed shall be commensurate with the service rendered:

(ii) the manner and place of origin of the fire; and

(iii) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.

(b) Where the charges are assessed in terms of paragraph (a) and the person liable to pay such charges is dissatisfied with such assessment, he may lodge an appeal with the Council.

(c) An appeal in terms of paragraph (b) shall be lodged by forwarding, within 14 days after receipt of an account for the assessed charges, a written notice of appeal to the Council. The Municipal Manager of the Council shall obtain a written comment thereon from the Chief Fire Services and submit it together with the objection to the Council, which may confirm, alter or revoke the assessment.

#### **Exemption from payment of Charges**

17. Notwithstanding the provisions of section 16, no charges shall be payable where-

- (a) A false alarm has been given in good faith;
- (b) The services were required as a result of civil commotion, riot or natural disaster;
- (c) The services were rendered in the interest of public safety;
- (d) The Chief Fire Services is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
- (e) The owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Services that such vehicle was stolen and that it had not been recovered by him at the time when the services of the service were rendered in respect thereof;
- (f) Any person, including the State, has entered into an agreement with the Council in terms of Section 14 of the by laws whereby the services of the service are made available to such person against payment as determined in such agreement.

#### **False Information**

18. No person shall wilfully give to any member of the service any notice or furnish any information relating to the outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, notwithstanding the provisions of Section 17 be liable to pay the turning out charge prescribed in the Tariff of Fees as depicted in Schedule ii.

#### **Telephones, Fire Alarms and other Apparatus**

19.(1) The Council may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to a fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment provided that no sign for the control of traffic be obstructed.



(2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

#### **Servicemen**

20(1) Serviceman shall be equipped as contemplated in the SABS 1475 Code of Practice 1998.

(2) No person shall:

Service or repair fire fighting equipment in the Jurisdiction of the Municipality unless such person is in possession of a certificate issued by the Chief Fire Services and wherein there is specified which equipment can be serviced or repaired.

(3) The certificate as described in subsection 2 shall not be issued unless application is made on the prescribed form at the Fire Department, and accompanied by the prescribed fee as set out in the Tariff of Fees as depicted in Schedule ii.

(4) Where the Chief Fire Services finds that the service and repair work has not been done in accordance with the requirements as prescribed in the relevant codes of practices of the Bureau of Standards and referred to these by-laws, he shall notify the relative company to rectify the irregularities.

(5) Where the Chief Fire Services finds that the requirements of subsection 4 are not complied with, he may cancel the certificate of the person in question and he shall re-apply for the certificate as prescribed in subsection 3.

(6) The Chief Fire Services reserves the right to issue the certificate as contemplated in subsection 2.

(7) The certificate referred to in subsection 2 of these by-laws shall be valid for a period of 12 months.

(8) The Council indemnifies itself from any claim, which may arise from any loss of life, injury or damage due to service or repair of fire equipment.

#### **Penalties**

21. Any person who:

(a) Contravenes or fails to comply with any provision of these by-laws; or

(b) Fails to comply with any order, direction, request or condition given, made or imposed in terms of these by-laws; or

(c) Fails to comply with any notice given in terms of these by-laws, shall where such is not elsewhere declared to be an offence, be guilty of an offence and liable on conviction to a fine not exceeding R10 000,00 (Ten Thousand Rand) or, in default of payment, to imprisonment for a period not exceeding twelve months or to both and in the case of a continuing offence, to a fine not exceeding R100,00 (Hundred Rand) for each day on which the contravention continued subject to a maximum of R10 000,00 (Ten Thousand Rand).

#### **REPEAL OF BY-LAWS**

22. The by-laws published under Administrators Notice 1771 of 22 December 1981 are hereby repealed.

#### **CHAPTER II**

##### **Schedule i**

Where in the By-laws, there is referred to **SANS CODES** such reference relate to the document with the number and title as referred to in **SANS 10400** Sub-Section 2.2.

##### **Schedule ii**

Tariffs of fees payable in respect of the service as determined in the by-laws of the controlling authority.