

The Council of the Ulundi Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws :

BYLAWS RELATING TO FLAMMABLE LIQUIDS

1. Definitions

For the purpose of these bylaws, unless the context indicates otherwise -

“Approved” means approved by the Chief Fire Officer

“Bulk Depot” means any premises where the capacity for storage of flammable liquids exceeds 50 kiloliters, which normally receive its supplies from a refinery or other installation by road, rail, water, pipeline or any combination of these methods, and from where the products are delivered direct to consumers in the area immediately surrounding

“Certificate of Registration” means a certificate issued by the Council authorizing a specific person or organization to use the said premises therein specified for the manufacturing, storage, use or handling or selling of flammable liquids or to use such premises for the purpose of spray – painting

“Municipal Manager” shall have the mean a person appointed as such by the Ulundi Municipality, Services Act, 1987 (Act 99 of 1987) in respect of the officer appointed in terms of the Fire Brigade Services Act to be in direct control of the Ulundi Municipality fire brigade service.

“Council” means the Ulundi Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

“Flammable Liquid” means any substance in a liquid, gas or vapour form, that is easily ignited, and shall be classified as follows:

☐ **Class 0** : Liquefied gas

☐ **Class I** : Liquids which have a closed-cup flash point below 21 degrees Celcius.

☐ **Class II** :Liquids which have a closed-cup flash point in the range 21 - 55 degrees Celcius.

☐ **Class III** : Liquids which have a closed cup-flash point in the range 55 – 100 degrees Celcius.

“Flash Point” (closed cup) means the lowest temperature at which application of a small flame causes the vapour above a liquid to ignite when the product is heated under prescribed conditions in a closed container.

“Inspector” means an officer of Ulundi Municipality fire brigade service, duly authorised by the Chief Fire Officer to conduct inspections of any premises as provided for in terms of the Fire Brigade Services Act, 1987 (Act 99 of 1987).

“Occupier” means the person or business in actual occupation of a building, land or any premises or a specific portion of any specific building, land or any premises and actually enjoys the benefit thereof.

“Owner” shall take the meaning as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

“Registered premises” means premises in respect of which a certificate of registration has been issued by the Chief Fire Officer in terms of these bylaws.

“Municipality” means the same as Council

“Store” means any building or structure or part of any building or structure which is used or intended to be used solely for the storage of flammable liquids.

2. Certificate of registration to be obtained

(1) No person shall –

(a) use any premises in connection with any spray painting activity; or

(b) store, manufacture, sell, use or handle any flammable liquids or substances on any premises in excess of the following quantities :

(i) Class 0 : 48 kilograms

(ii) Class I : 210 liters

(iii) Class II : 210 liters

(iv) Class III : 420 liters

unless such person is in possession of a certificate of registration issued by the Municipal Manager in respect of such premises.

(2) In the case of liquefied petroleum gas filling operations, the SABS Code of Practice 087 part VII shall apply.

3. Application for certificate of registration

Every application for a certificate of registration in respect of any premises, shall be submitted to the Municipal Manager on the form prescribed in the first schedule of these bylaws, and shall be accompanied by an approved plan, submitted in accordance with the stipulations of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended.

4. Issue of certificate of registration

(1) No certificate of registration shall be issued unless and until the premises comply with the relevant and applicable legislation, including but not limited to a certificate of occupation issued in terms of the National Building Regulations and Building Standards Act, 1977, as amended.

(2) Any such certificate may be issued subject to such conditions as are deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and shall further state the maximum amount of each class of flammable liquid permitted to be manufactured, stored, used, sold or handled.

(3) If any alterations are made to any registered premises , the certificate of registration issued in respect thereof shall be deemed to have been cancelled and application for a new certificate shall be made in terms of section 4.

(4) All certificates of registration issued in terms of these bylaws shall be in the form prescribed in the third schedule of these bylaws.

5. Conditions of certificate of registration

No person shall manufacture, store, use or handle any flammable liquid on any premises in excess of the amount stated on the certificate of registration relating to such premises.

6. Display of certificate of registration

Every person to whom a certificate of registration has been issued shall cause such certificate to be affixed and displayed in a conspicuous position on the registered premises at all times.

7. Supply of flammable liquids

(1) No person shall supply or deliver or cause or permit any flammable liquids to be supplied or delivered to any premises in excess of the quantities specified in section 3, where the occupier is not in possession of a certificate of registration issued in terms of these bylaws in respect of the said premises.

(2) No person shall receive or accept delivery or cause or permit any flammable liquids to be received -

(a) in excess of the quantity specified in section 3 at any premises where the occupier is not in possession of a certificate of registration issued in terms of these bylaws in respect of the said premises;

(b) in excess of the amount specified on the certificate of registration issued relating to the premises.

8. Transfer of certificate of registration

(1) A certificate of registration may, at the discretion of the Municipal Manager, be transferred from one person or organization to another.

(2) The person desiring such transfer shall make application in writing to the Chief Fire Officer on the form prescribed in the second schedule to these bylaws.

(3) No certificate of registration shall be transferable from one premises to another.

9. Inspection of premises and installations

(1) Upon commencement of the installation or erection of any pump, storage tank, filling device, store, spraying room, spraying booth or any other premises used for storage, use or handling of flammable liquids has been commenced with, the occupier of the premises shall notify the Executive Director Protection Services in writing.

(2) No person shall use or cause or permit the use of any such pump, storage tank, filling device, store, spraying booth, spraying room or any other premises used in connection with the storage, use, or handling of flammable liquids until such person is in possession of a certificate of registration relating thereto.

10. Storage, use and handling prohibited in certain circumstances

Except as otherwise provided in these bylaws, no person shall manufacture, store, use, sell or handle or permit or cause to be manufactured, stored, used, sold or handled any flammable liquids on any premises -

(a) where such flammable liquid or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such flammable liquid or its vapour ;

(b) unless such premises are situated or constructed or so protected by surrounding walls as not to expose any adjoining premises, room, building or other property to the risk or danger from fire ;

(c) so situated as to prevent or impede the escape of any person or animal in the case of fire or emergency;

(d) unless all equipment and apparatus used in such premises for the storage, use and handling of flammable liquid is maintained in good and proper order and free from leakage of flammable liquid;

(e) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises and for the prevention of unauthorized persons obtaining access to the flammable liquids kept thereon.

11. Prohibited acts : Notices

(1) Whenever so directed by the Executive Director Protection Services, the occupier of any premises, upon which flammable liquids are manufactured, stored, used, sold or handled, shall post and shall keep posted in a conspicuous position or positions in such premises or such part thereof, as the Chief Fire Officer may specify, a notice or notices in such form as approved by the Chief Fire Officer, prohibiting smoking or the use of a naked flame in such premises or part thereof.

(2) Any occupier of a premises, or any other person upon or near the premises upon which flammable liquids are manufactured, stored, used, sold or handled who does, or causes or permits to be done, any act or omission which tends to or is likely to cause a fire or explosion or who smokes or uses a naked flame in any portion of the premises where such is prohibited by a notice posted in terms clause

(1), and any occupier of premises who fails to post or keep posted any notice as directed in terms of clause(1), shall be guilty of an offence.

12. Notice to discontinue dangerous practice

(1) Where on inspection of any premises it appears to the inspector that any method of manufacturing, storage, use, selling, transport or handling of flammable liquids is in conflict with the provisions of these bylaws or any other law or is considered by the inspector to be a danger to the public or any person employed in or on the premises, any duly authorized official of the Council may order the immediate discontinuance of such dangerous practice or the removal of the flammable liquid to a place of safekeeping.

(2) Any person failing to comply with an instruction of any duly authorized official servant of the Council issued in terms of these bylaws shall be guilty of an offence.

13. Flammable liquid spillages

(1) No person shall cause or permit any flammable liquid to enter any sewer, drain, storm-water system, natural water course or inlet communicating with any such system or any other environmental system.

(2) Any person becoming aware of any such escape or spillage, accidental or otherwise of any quantity of flammable liquid referred to in subsection (1), shall report such incident to the Chief Fire Officer forthwith.

14. Reporting accidents

The occupier of any premises, or any person becoming aware of it, shall immediately report to the Executive Director Protection Services any fire, spillage, injury or accident involving flammable liquid or liquids that has occurred in connection with any such premises.

15. Breach of conditions of certificate

Any person who commits any breach of any conditions endorsed on the certificate of registration issued in terms of these bylaws shall be guilty of an offence.

16. Flammable liquid stores to be provided

(1) Where deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of flammable liquids to be stored, the nature and proximity of adjacent buildings and other risks, an approved flammable liquid store shall be provided in accordance with the requirements of these bylaws or as specified by the Chief Fire Officer.

(2) No person may use any flammable liquid store for any purpose other than the storage of flammable liquids as defined in these bylaws.

17. Inspection of registered premises

The Executive Director Protection Services shall arrange for periodic inspection of all premises in respect of which a certificate of registration has been issued in terms of these bylaws in order to ensure that the said premises are maintained and used in accordance with these bylaws.

18. Penalties

Any person contravening any provision of these bylaws or failing to comply with any lawful instruction given in terms of these bylaws, shall be guilty of an offence and liable upon conviction, to a fine or imprisonment for a period not exceeding three years, or both the fine and the imprisonment.

FIRST SCHEDULE

ULUNDI MUNICIPALITY

**FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS
APPLICATION FOR A CERTIFICATE OF REGISTRATION**

Date :

Application for a certificate of registration for a spray painting installation, or premises used for the storage, use or handling of flammable liquids, under the fire brigade bylaws relating to flammable liquids.

This form must be completed and submitted to the office of the Chief Fire Officer at the Fire Brigade, of Ulundi Municipality

No certificate of registration will be issued unless a Certificate of Occupation has been issued by the Building Control Officer in respect of : (a) the premises and (b) the flammable liquids installation in respect of which application for registration is submitted.

Full name of Applicant / Owner / Chief Executive Officer

Trading as
Physical address of premises to be registered
Subdivision Lot
Street Number
Street Name
Farm Name
Building Name
Type of business
Number of spraying rooms / booths / cabinets
Number of flammable liquid pumps
Number of flammable liquid tanks
Total capacity of flammable liquid tanks
Number of flammable liquid stores
Total capacity of flammable liquids
Class 0
Class I
Class II
Class III
Signature of applicant
Postal Address of applicant
Telephone Number Facsimile Number

For office use :

Date of inspection : Inspector :

Comments :

New certificate number : Date of issue :

SECOND SCHEDULE

ULUNDI MUNICIPALITY

**FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS
APPLICATION FOR TRANSFER OF A CERTIFICATE OF REGISTRATION**

This form must be completed and submitted to the office of the Chief Fire Officer at the Fire Brigade, of Ulundi Municipality

No certificate of registration will be issued or transferred unless a Certificate of Occupation has been issued by the Building Control Officer in respect of : (a) the premises and (b) the flammable liquids installation in respect of which application for registration is submitted.

I hereby apply for the transfer of certificate of the registration as indicated hereunder:

Certificate Number : Date of issue :

Name of Present Holder :

Site Address :

Name of New Applicant :

Postal Address :

Telephone Number :

Signature of applicant Date of application

For office use :

Date of inspection : Inspector :

Comments :

New certificate number : Date of issue :

THIRD SCHEDULE

ULUNDI MUNICIPALITY

FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS

CERTIFICATE OF REGISTRATION

This is to certify that the premises situated at and occupied by

..... and used as a have been duly registered by the Chief Fire Officer, under the fire brigade bylaws relating to flammable liquids.

The maximum quantity of flammable liquids kept or handled at this address shall not exceed –

Class O Kilograms

Class I Liters

Class II Liters

Class III Liters

This certificate of registration is issued subject to the following conditions :

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.....
.....
.....
.....
.....
.....

Chief Fire Officer Date of Issue

Certificate number

This certificate must be displayed in a conspicuous position on the registered premises.

Annexure B

ULUNDI MUNICIPALITY

NUISANCE BYLAWS RELATING TO FIREWORKS

1. No person shall discharge, or cause or permit to be discharged, any fireworks in or from any public place without prior written permission from the Chief Inspector of Explosives and the Chief Fire Officer.

2. No person shall discharge, or cause or permit to be discharged, any fireworks in or from any private dwelling, private land or any other private property, without prior written permission from the Chief Fire Officer and written consent of adjoining neighbours.

3. Any person failing to comply with the provisions of section 1 or section 2, shall be guilty of an offence.

Annexure C
BYLAWS TO BE REPEALED
RICHARDS BAY

Provincial Notice Date of Notice Description

323 of 1984 28th June 1984 Bylaws Relating to Fire Prevention and Matters Incidental Thereto

534 of 1988 as

amended by

42 of 1998

8th December 1988

30th July 1998

Discharge of Fireworks with written permission of Chief Fire Officer

EMPANGENI

Provincial Notice Date of Notice Description

415 of 1984 16th August 1984 Bylaws Relating to Flammable Liquids and Substances 524 of 1980 6th November 1980 Bylaws to Control the Handling of Fire Extinguishing Appliances 615 of 1981 12th November 1981 Fire Brigade Bylaws 83 of 1981 26th February 1981 Bylaws Relating to Flammable Liquids and Substances 639 of 1984 6th December 1984 Bylaws Relating to the Hire and Use of the Town Hall Complex, the Old Town

Hall and the Group Activities Room (Library)

218 of 1960 1960 Standard Nuisance Bylaws as amended by P.N. 52 of 1997 Discharge of Fireworks with written permission of Chief of Protection Services and only on specific days

Annexure D

TARIFF OF CHARGES IN RESPECT OF FIRE AND RESCUE SERVICES
A. FIRE BRIGADE SERVICES RENDERED IN RESPECT OF ATTENDANCE AT FIRES, EMERGENCIES AND SPECIAL SERVICES WITHIN THE COUNCIL'S AREA OF JURISDICTION

(Note that all charges indicated are levied per hour or part thereof from the time of departure until time returned. Part of an hour is deemed to be a full hour).

1. FIRE Cost Per Hour

1.1. Attendance at fires in residential / non – profit premises 200,00

1.2. Attendance at fires in commercial or industrial premises 500,00

1.3. Attendance at private vehicle 200,00

1.4. Attendance at goods vehicle or other transportation 500,00

1.5. Attendance at grass, bush or rubbish No charge

1.6. Attendance at any grass, bush, garden refuse or rubbish fire caused by any malicious act or omission, negligence or disregard of any law 450,00

1.7. Attendance at automatic fire alarm : false alarm good intent No charge

1.8. Attendance at automatic fire alarm : false alarm condition caused by any omission, negligence or lack of reasonable maintenance or disregard of any law). 450,00

- 1.9. Attendance at any malicious false call caused by any malicious act or omission, negligence or disregard of any law 1000,00
- 1.10. Cost of replacement of any extraordinary extinguishing agents, supplies, materials, tools or equipment used at, or damaged during any incident or in connection with any such incident or the hire of any contractors or equipment. Cost plus 15 %

2. RESCUE Cost Per Hour

- 2.1. Attendance at entrapments
- 2.2. Attendance at vehicle accidents No Charge
- 2.3. Attendance at medical emergencies or other rescue
- 2.4. Attendance at other humanitarian service
- 2.5. Attendance at any malicious false alarm caused by any malicious act or omission, negligence or disregard of any law 1000,00
- 2.6. Cost of replacement of any extraordinary extinguishing agents, supplies, materials, tools or equipment used at, or damaged during any incident or in connection with any such incident or the hire of any contractors or equipment. Cost plus 15 %

3. SPECIAL SERVICES

- 3.1. Pumping operations. (hourly rate plus cost of water)
- 3.2. Attendance at Hazardous material incidents
- 3.3. Other special services
- 3.4. Standby services

Refer to charges set out in section B.2.

- 3.5. Cost of replacement of any extraordinary extinguishing agents, supplies, materials, tools or equipment used at, or damaged during any incident or in connection with any such incident or the hire of any contractors or equipment. Cost plus 15 %

B. FIRE BRIGADE SERVICES RENDERED IN RESPECT OF ATTENDANCE AT FIRES, RESCUES, HAZARDOUS MATERIAL INCIDENTS AND SPECIAL SERVICES, OUTSIDE COUNCIL'S AREA OF JURISDICTION

(Note that all charges indicated below are levied per hour or part thereof from the time of departure until time returned. Part of an hour is deemed to be a full hour).

1 TURN – OUT FEE AND REPLACEMENT COSTS

- 1.1. A Turn – out fee will be levied in addition to the charges specified in B.2. below
- 1.2. The turnout fee will be levied in respect of any shipping incident attended, including rescue, in addition to the charges as specified in B.2 below. R700,00
- 1.3. This turn – out fee is not applicable in respect of an official Mutual Aid Agreement between Fire Brigade Services.
- 1.4. Cost of replacement of any extraordinary extinguishing agents, supplies, materials, tools or equipment used at, or damaged during any incident or in connection with any such incident or the hire of any contractors or equipment. Cost plus 15 %

2. VEHICLES PERSONNEL & EQUIPMENT Cost Per Hour

- 2.1. per fire tender or rescue appliance 250,00
- 2.2. per equipment trailer 40,00

- 2.3. Per aquatic rescue craft 200,00
- 2.3. per staff car 150,00
- 2.4. per item of portable motor driven equipment 110,00
- 2.5. per kilometer per fire tender or rescue vehicle 6,00
- 2.6. per kilometer per staff car 4,00
- 2.7. per fire officer 100,00
- 2.8. per firefighter 70,00

C. FIRE SAFETY SERVICES

- 1. Registration of flammable substance installations and vehicles 100,00
- 2. Investigation of fires as per B.2.
- 3. per copy of incident report 40,00
- 4. Standby services as per B.2.
- 6. fire surveys as requested as per B.2.

D. CONTROL CENTRE SERVICES

- 1. Monthly monitoring fee : Alarm systems linked to fire control 120,00
- 2. copy of alarm or incident report 50,00

E. TRAINING (Charge levied per candidate)

- 1. Fire Extinguisher Course 200,00
- 2. Basic Fire Technology Course 500,00
- 3. Advanced Industrial Fire Team Course 1 000,00
- 4. Breathing Apparatus Course 600,00
- 5. Hazardous Materials Course 1 200,00
- 6. Marine Fire Fighting Course 1 200,00
- 7. Rescue Course 700,00
- 8. First Aid Course 500,00
- 9. Any Course not specifically provided for Refer B.2.
- 10. Use of fire station lecture room or training ground (per day or part thereof) 250,00 plus costs.