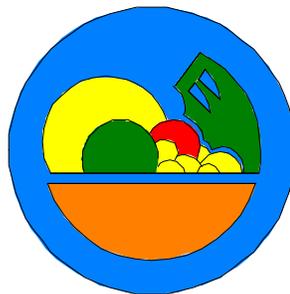




*Umnotho Development*

# **FIRE BRIGADE SERVICES BY-LAW**

v June 2004



**Greater Tzaneen  
Municipality**

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**BY-LAW****CHAPTER 1****1. Definitions**

1.1 In this by-law, unless the context indicates otherwise –

“**Act**” means the Fire Brigade Services Act, no 99 of 1987;

“**approved**” means approved by the chief fire officer;

“**chief fire officer**” means the person appointed by the Council in terms of section 5 of the Act and includes any member of a service meant in section 6 of the Act;

“**Council**” means the Council of the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“**emergency situation**” means a situation or event, immediate or eminent, which constitutes or may constitute a serious danger to the life or health of any person or danger to property;

“**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 controls 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 for his own account or as the agent for any other person, and in relation to a Sectional Title Scheme, a Share Block Scheme or Company Not for Profit, also the body corporate thereof, and in relation to any vehicle the registered owner, and in the case of a deceased or insolvent estate, it shall also include the executor or trustee respectively;

“**service**” means a fire brigade service established in terms of section 3 read with section 1 (1) of the Act.

- (2) Any word or phrase in these by-laws, unless defined in subsection (1) above, shall bear the meaning of such word or phrase in the Act.

## CHAPTER 2

### 2. Organisation of Service

2. (1) The chief fire officer may exercise control over any fire fighting organization and reserve service and any fire appliance which is at the scene of a fire whether owned by the Council or by any other person, and he shall be entitled to make such use of any fireman, volunteer and any fire appliance and other apparatus as he or she thinks fit.
- (2) The service may be divided into such sections as the Council may determine and each section shall be under the control of the chief fire officer.
- (3) The chief fire officer will inform the head of the disaster management service, established in terms of the Disaster Management Act, 2002, of any fire, eminent fire, situation or other danger, which is or may lead to a disaster, described in that Act.

**3. Duty to Assist**

Any member of a fire brigade service, reserve service or fire service organization whether it is controlled by the Council or not, shall when called upon to do so by the chief fire officer, render all assistance in its power in connection with the combating or containing of a fire or any other emergency situation.

**4. Procedure on the Outbreak of Fire**

4. (1) Where the service has been notified of or there is reason to believe that an outbreak of fire or other situation has occurred or is imminent where the services of the service are required, the chief fire officer must, together with such personnel and appliances as he or she thinks necessary, forthwith proceed to the place where the fire or other situation is taking place or where he or she has reason to believe that it is taking place or is imminent.
- (2) The chief fire officer 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 by any person not employed in the service, including the owner of the premises and his or her employee or agent and any such person shall comply with any order or direction given by the chief fire officer in pursuance of this subsection.

**5. Closing of Streets**

5. (1) The chief fire officer or any traffic officer or any member of a police force may close off any street, passage or place for as long as he or she deems necessary for the effective fighting of a fire or dealing with any emergency situation.

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

## **6. Obstruction and Damage**

6. (1) No person shall interfere with, or hinder any official of the service, or any traffic officer or member of a police force or other person acting under the orders of such official, officer, or member in the execution of his or her duties under these by-laws or the Act.
- (2) No person shall damage, tamper with or interfere with any vehicle, fire hose, appliance, apparatus or substance of the service.
- (3) No person shall willfully or negligently drive a vehicle over any fire hose or any part or appurtenance thereto.

## **7. Wearing of Uniform and Insignia**

7. (1) The chief fire officer and every member of the service shall wear the uniform, rank markings and insignia prescribed by regulation in terms of the Act.
- (2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he or she is such a member, or in any other manner represent himself or herself to be a member of the service.

## **8. Combustible Material**

8. (1) Where the chief fire officer is of the opinion that any person –
  - (a) stores or causes or permits to be stored, whether inside or outside any building, any timber, cardboard, paper, forage, straw

or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to or in any building; or

- (b) in occupation or control of any premises permits any trees, bushes, weeds, grass 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 a danger of fire to or in any building or any premises;

the chief fire officer may by notice in writing require such person or the owner or occupier or the person in charge of the premises to remove the said combustible material or grass, weeds, trees, other vegetation or rubbish, or to take such other reasonable steps to remove the danger of fire as he or she may prescribe in such notice, by a specified date.

- (2) Where there has been no compliance with the requirements of the notice the chief fire officer may take such steps as he or she deems necessary to remove such danger and the cost thereof shall be paid to the Council by the person to whom the notice was directed.

## **9. Safety of Premises and Buildings**

- 9. (1) The chief fire officer may, whenever deemed necessary and at any time, which in his or her 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 cause or spread of fire, or the creation of an emergency situation, or

- jeopardize or obstruct the escape of persons to a place of safety;
- (ii) any fire-hydrant, fire-alarm, sprinkler system, fire-extinguisher, fire-hose or other fire-fighting or fire-detecting appliance;
  - (iii) any manufacturing process involving the danger of fire or explosion;
  - (iv) the method of storing of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substance;
  - (v) any installation or equipment making use of the substances referred to in subparagraph (iv);
- (b) give such directions as he or she may deem necessary for lowering the risk of fire or for the protection of life and property.
- (2) Where the chief fire officer finds on any premises –
- (a) any flammable, combustible or explosive matter is so stored or used as to increase the risk of fire or the danger to life or property;
  - (b) any situation, or practise exist, which in his opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to a place of safety; or
  - (c) any defective, inferior or an insufficient number of fire appurtenances or appliances mentioned in subsection (1) (a) (ii).

The chief fire officer must subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to

forthwith take such steps as he or she may deem expedient for the elimination of the danger.

- (3) Should the chief fire officer find in any building or on any premises –
  - (a) any obstruction on or in any fire-escape, staircase, passage, doorway or window; or
  - (b) a fire-escape or means of escape which, in his opinion would, in the event of fire be inadequate for the escape to a place of safety of the number of persons likely to be in such building or premises at any time; or
  - (c) any other object or condition of a structural nature or otherwise, which, in his or her opinion, may increase the risk of fire, the spread or intensity thereof, or the danger to life or property; or
  - (d) that a fire-alarm or other fire warning system is required,

The chief fire officer shall notify the owner or occupier of such building in writing of the findings and require of the owner or occupier to take such steps at such owner or occupier's own cost to rectify the irregularity within such time as is stated in such notice.

- (4) Where the owner or occupier fails or refuses to comply forthwith with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the council may take such steps as are, in the opinion of the chief fire officer, necessary to remove such risk or danger and the council may recover from such owner or occupier any expenditure incurred thereby.
- (5) The chief fire officer can inspect any vehicle for which a public driver's permit is required to ascertain whether which complies with the standard set in subsection (6) fire extinguisher is available in such vehicle.

- (6) Any person driving a motor vehicle requiring a public driver's permit on a public road without having a fire extinguisher meant (a) above, shall be guilty of an offence.
- (7) Any person who fills, refills, repairs or installs a fire extinguisher, shall fill, refill, repair or install such fire extinguisher in such a manner that it complies with the standards set by the South African Bureau of standards, number 0105 and permission to do so must be obtained in advance from the chief fire officer.

## **10. Exits**

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.

## **11. Gas-filled Devices**

11. (1) No person shall fill any container, balloon, toy or other device with flammable gas without the written permission of the chief fire officer, who may impose such conditions as he or she may require having regard to all the circumstances of the case: Provided that such permission shall only be granted after the person concerned has furnished the Council with and indemnity in the form set out in the appropriate Schedule hereto.
- (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 so construed as to prevent the use of balloons filled with hydrogen for meteorological or other bona fide scientific or educational purposes.

## **12. 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 person, building, premises or property.
- (2) Subject to the provisions of any other law, no person shall, without the written permission of the chief fire officer, burn any rubbish, coal, 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 officer.

## **13. Fires in Chimneys, Flues and Ducts**

No owner or occupier of a building shall willfully or negligently allow soot or any other combustible substance 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.

## **14. Attendance of Fireman**

14. (1) If at any meeting to be held in a building, excluding the showing of films at licensed cinemas or a performance in a theatre, one hundred or more persons are likely to be present, the person convening such meeting, shall deliver a notice in writing to the chief fire officer 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 officer, the presence of a fireman is necessary on the grounds of safety, he or she may provide one or more firemen 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 determined by the Council.

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

The chief fire officer 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 determined by the Council.

#### **16. Payment for Attendance and Service**

16. (1) Subject to the provisions of section 17, 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 officer to be due in accordance with the charges determined by the Council 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 officer may assess the whole or portion only of the charges contemplated in subsection (1):
    - (i) provided that such portion shall not be more than ninety per cent lower than the aggregate of the charges which would have been payable in terms of subsection (1);
    - (ii) provided further that in assessing such charges or portion

thereof, due regard shall, amongst other relevant factors, be had to –

- (a) the fact that the amount so assessed shall be commensurate with the service rendered;
  - (b) the manner and place of origin of the fire; and
  - (c) 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.
- (c) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is dissatisfied with such assessment, he or she may lodge an appeal.
- (d) An appeal in terms of paragraph (b) shall be lodged by submitting within 21 days after receipt of an account for the assessed charges a written notice of appeal, with the municipal Manager of the Council.

#### **17. Exemption form Payment of Charges**

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 officer 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 officer that such vehicle was stolen and that it had not been recovered by him or her 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 whereby the services of the service are made available to such person against payment as determined in such agreement.

#### **18. False Information**

No person shall willfully give to any member of the service any notice or furnish any information relating to an outbreak of fire or any other emergency situation requiring the attendance of the service and which to his or her knowledge is false or inaccurate, Such person shall, notwithstanding the provisions of section 17 be liable to pay the charge prescribed for attendance as determined from time-to-time by the Council.

#### **19. Telephones, Fire Alarms and Other Apparatus**

- 19. (1) The Council may affix to any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

#### **20. Offences and Penalties**

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or, to imprisonment or to both such fine and imprisonment, and in the case of a continuing offence, to a fine not exceeding R400 for each day on which such offence continues, subject to a maximum fine of R2 000.

**21. Fire Brigade Services By-Laws**

The by-laws shall be known as the Fire Brigade Services By-Laws.

**SCHEDULE 1**

**FORM OF INDEMNITY**  
**(in terms of section 11(1) of the Fire Brigade By-Laws)**

**INDEMNITY**

In consideration of the permission to be granted to me by the Chief Fire officer of ..... on ..... (date) to inflate certain balloons, toys or other devices as specified therein, I the undersigned ..... hereby indemnify and safeguard against loss the ..... Council and all its employees against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against it or be incurred or become payable by it arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of such inflation, or by the use or mere possession by any person of any of the said toys, balloons or devices.

Signed at ..... on this ..... day of ..... 20.....

.....  
Applicant

Witnesses:

- 1. ....
- 2. ....