

The Council of the uMhlathuze 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**

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#### **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 Compliance”** 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

**“Chief Fire Officer”** shall have the meaning assigned to it in the Fire Brigade 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 City of uMhlathuze’s fire brigade service.

**“Council”** means the uMhlathuze 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 the City of uMhlathuze 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 compliance 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 compliance 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 : 19 kilograms
    - (ii) Class I : 40 liters
    - (iii) Class II : 40 liters
    - (iv) Class III : 210 liters

unless such person is in possession of a certificate of compliance issued by the Chief Fire Officer 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 compliance**

Every application for a certificate of compliance in respect of any premises, shall be submitted to the Chief Fire Officer 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 compliance**

- (1) No certificate of compliance 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 compliance 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) All certificates of registration are renewable on an annual basis.

**5. Conditions of certificate of compliance**

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

**6. Display of certificate of compliance**

Every person to whom a certificate of compliance 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 compliance 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 compliance issued in terms of these bylaws in respect of the said premises;
  - (b) in excess of the amount specified on the certificate of compliance issued relating to the premises.

**8. Transfer of certificate of compliance**

- (1) A certificate of compliance may, at the discretion of the Chief Fire Officer, 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 compliance 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 Chief Fire Officer 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 compliance 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 Chief Fire Officer, 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 Chief Fire Officer 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 compliance 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 Chief Fire Officer shall arrange for periodic inspection of all premises in respect of which a certificate of compliance 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 as determined by the Magistrate.

**FIRST SCHEDULE**  
**CITY OF uMHLATHUZE**  
**FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS**  
**APPLICATION FOR A CERTIFICATE OF COMPLIANCE**

Date : .....

Application for a certificate of compliance 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, City of uMhlathuze.

No certificate of compliance 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**

**CITY OF uMHLATHUZE**

**FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS**

**APPLICATION FOR TRANSFER OF A CERTIFICATE OF COMPLIANCE**

This form must be completed and submitted to the office of the Chief Fire Officer at the Fire Brigade, City of uMhlathuze.

No certificate of compliance 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	
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**For office use :**

Date of inspection :	Inspector :
Comments :	
New certificate number :	Date of issue :

**THIRD SCHEDULE**

**CITY OF uMHLATHUZE**

**FIRE BRIGADE BYLAWS RELATING TO FLAMMABLE LIQUIDS**

**CERTIFICATE OF COMPLIANCE**

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 compliance is issued subject to the following conditions :

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

.....  
Chief Fire Officer

.....  
Date of Issue

Certificate number .....

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

## Annexure C

### BYLAWS TO BE REPEALED

#### RICHARDS BAY

Provincial Notice	Date of Notice	Description
323 of 1984	28 <sup>th</sup> June 1984	Bylaws Relating to Fire Prevention and Matters Incidental Thereto
534 of 1988 as amended by 42 of 1998	8 <sup>th</sup> December 1988 30 <sup>th</sup> July 1998	Discharge of Fireworks with written permission of Chief Fire Officer

#### EMPANGENI

Provincial Notice	Date of Notice	Description
415 of 1984	16 <sup>th</sup> August 1984	Bylaws Relating to Flammable Liquids and Substances
524 of 1980	6 <sup>th</sup> November 1980	Bylaws to Control the Handling of Fire Extinguishing Appliances
615 of 1981	12 <sup>th</sup> November 1981	Fire Brigade Bylaws
83 of 1981	26 <sup>th</sup> February 1981	Bylaws Relating to Flammable Liquids and Substances
639 of 1984	6 <sup>th</sup> 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