

Mberengwa Rural District Council (Fire) Bylaws, 2023

ARRANGEMENT OF SECTIONS

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Title

1. These By-laws may be cited as the Mberengwa Rural District Council (Fire) By-Laws

Interpretation

2. In these By-laws—

“accidents” refers to any incident in a roadway, building, land or water of an unplanned nature causing damage to property and threat to life;

“authorised person” means a person who has been issued with a certificate of competence in terms of section 17;

“building” includes any structure, whether of a permanent or temporary nature—

(a) for the housing or accommodation of human beings or animals; or

(b) for the storage, manufacture or sale of goods or materials;

“certificate of competence” means a certificate issued in terms of section 17;

“chief fire officer” means the person holding office under the control as chief fire officer to perform any of the functions or exercise any of the powers assigned to the chief fire officer by these by-laws and in terms of section 201 of the Urban Councils Act [*Chapter 29:15*] and shall include any person authorised to exercise such functions.

“Council” means the MBERENGWA RURAL DISTRICT COUNCIL

“fire appliance” means any motor-pump, service vehicle, ladder, or other equipment maintained by the fire brigade;

“fire brigade” means the fire brigade established and maintained by the Council in terms of section 200 of the Urban Act [*Chapter 29:15*];

“fire-extinguisher” means a type of fighting equipment which is designed to generate pressure within a container, such pressure being sufficient to eject the liquid, powder, chemical or gas contained in some container when such appliance is actuated or a seal or valve within such appliance is broken or released;

“fire-fighter equipment” means any fire-extinguisher, hose reel, water pipe, fire hydrant, pump, pump connection, water tank, foam ejectors, carbon dioxide systems, sprinkler or drenched system which is installed in any building, for fire-fighting or protection purposes;

“fire-hydrant” means any water connection—

(a) connected directly or indirectly to the council’s water mains;

- (b) situated in, near or upon any land or building, or under a street or thoroughfare;
- (c) designed to discharge water through a hose for the purpose of extinguishing or controlling fire;

“function” includes a theatrical or musical performance, wedding reception, dance, cinema, show, meeting, lecture, display, sporting contest and any other function, event or occasion for which more than twelve members of the public are likely to attend;

“fire-works” include any article, package or object containing explosive or pyrotechnic matter primarily used for entertainment purposes;

“inflammable gas” means any gas having a flash-point of less than seventy-three degrees Fahrenheit of normal temperature and pressure;

“occupier” in relation to any land building, means—

- (a) in respect of vacant land or building or land and building occupied by the owner, the owner thereof; or
- (b) where such land buildings are occupied by persons other than the owner—
 - (i) the person in actual occupation; or
 - (ii) the person having the charge and management of such land buildings;

“public buildings” means a theatre, music hall, cinema, dance hall, public hall, concert room, indoor sports stadium or other building in which the public gather for the purpose of a function;

“tariff” means the tariff fixed for the purpose of the council services in terms of section 219 of the Urban Councils Act [*Chapter 29:15*].

Procedures upon outbreak of fire

3.(1) If the chief fire officer or any other member of the fire brigade has been notified or has reason to believe that a fire has broken out, the chief fire officer—

- (a) shall be entitled to assume command and control over the land or building upon or in which the fire has broken out and over any other land or building which is in danger of being affected by the fire in the vicinity of such land or building;
- (b) may modify, interfere with or put a stop to any operation being conducted in respect of a fire by any persons who are not members of the fire brigade, including the occupier of the land or building which is on fire and his servants or agents;
- (c) may take measures which appear to him necessary or expedient for the purpose of preserving life or property, or for preventing, controlling or extinguishing any fire.

(2) In the exercise of his powers in terms of subsection (1) the chief fire officer—

- (a) may break into, pull down or destroy property in terms of section 201 of the Urban Councils Act [*Chapter 29:15*];
- (b) shall have access to, and the right to draw water from the hydrant, tank, cistern, pipe or private property;
- (c) shall forcibly evacuate people from any property and forcibly remove or cause to remove any persons interfering with or whom he considers likely to interfere with the operations of the fire brigade:

Provided that he or she shall exercise these powers in such a manner as to cause as little damage as possible.

(3) Any person, other than a member of the fire brigade who voluntarily, offers his or her assistance in preventing, controlling or extinguishing a fire and whose assistance is accepted, shall for such period as he or she assists in the fighting of a fire—

- (a) be deemed to be a member of the fire brigade; and
- (b) obey all orders and directions given to him or her by or on behalf of the chief fire officer.

(4) The chief fire officer may, in terms of section 200 of the Urban Councils Act [*Chapter 29:15*], if he or she finds it necessary in the case of any fire or other emergencies, employ casual assistance on behalf of the council and avail himself or herself of the assistance of persons who place their services at the disposal, and any such assistance or persons, whilst engaged at that fire or in connection with that emergency, be deemed to be members of fire brigade.

Temporary closure of streets

4.(1) The chief fire officer may—

- (a) by appropriate signs, barriers or other suitable means, close for as long as it is necessary any road, street, thoroughfare or public place, in or near which an outbreak of fire had occurred or is in progress or any emergency;
- (b) instruct any person to leave that area or the vicinity of the fire.

(2) If a person has been requested to leave any road, thoroughfare or public place which has been closed in terms of subsection (1) but refuses to leave such place, the chief fire officer, any member of the fire brigade or policeman may remove him or her.

Reports

5. The chief fire officer shall make a report to the council in writing on every fire attended by the fire brigade.

Charge for services and water

6. The owner of the land, building, vehicle or goods which have been affected by fire or involved in an accident shall pay to the council the appropriate charge specified in the tariff for—

- (a) the services of the fire brigade and the use of the fire-fighting or rescue equipment;
- (b) water supplied or used by the fire brigade;

for the purpose of preventing, controlling or extinguishing fire, rescue or rendering safe such land, building, vehicle, boat or goods.

Fire-alarms and hydrant signs

7.(1) The council may cause to be fixed to any land, building, wall, fence or tree—

- (a) a telephone, fire-alarm, instrument or apparatus for the transmission to the fire-brigade of any message, call or signal relating to an outbreak of fire or an accident;
- (b) any board, metal plate or device indicating the position of any fire-fighting equipment.

(2) No person shall wilfully—

- (a) deface, damage, tamper or interfere with—
 - (i) any telephone, fire-alarm, instrument apparatus, board, metal plate or device affixed in terms of subsection (1); or
 - (ii) any other fire-fighting equipment;
- (b) give or cause to be given to the fire brigade or any member thereof any false alarm of fire, rescue or any information relating to any outbreak of fire which is false or inaccurate.

Making fires

8 (1) No person shall—

- (a) make a fire; or
- (b) light a receptacle containing inflammable or combustible material; or
- (c) burn any grass, wood, straw, waste paper or any combustible material in such a manner as to endanger the safety of any person, animal, vehicle, goods or building.

(2) Controlled burn off and burning of such materials and combustible referred to in subsection (1) (b) shall only be done under the directive or supervision of the chief fire officer.

Fireworks

9.(1) No person shall—

- (a) discharge, or cause or permit to be discharged any fireworks in such manner as to endanger the safety of any person, animal, vehicles, goods or land.
- (b) keep or display or cause to be kept or displayed any fireworks—
 - (i) on a payment display cabinet; or
 - (ii) in an open or exposed position in or any vehicle or building; or
 - (iii) in a place readily accessible to the public.

(2) The chief fire officer shall inspect the premises, land or building and surroundings to authorise the discharging of any fireworks and ensure that no person shall act contrary to subsection (1).

Combustible materials

10.(1) The occupier of any building or land shall take all reasonable precautions to prevent damage by, or danger from fire to any person, animal, vehicle, goods, land or building, from any accumulation, pile or stack of straw, paper, cut or uncut timber, or other inflammable or combustible material, in such building or upon such land, upon receipt of written notice from the chief fire officer, shall, within the period specified in such notice, take such precautions as may be specified in such notice to prevent such damage or danger.

(2) If the recipient of a notice issued in terms of subsection (1) fails to comply with the terms of such notice, the chief fire officer may take such steps as he or she considers necessary to secure compliance with such notice, and the cost of his or her so doing shall be charged to, and recovered from, the recipient of such notice.

Storing inflammable liquids

11.(1) No person shall keep or store on any premises—

- (a) more than twenty litres of paraffin;
- (b) more than twenty litres of petrol or any inflammable liquids;
without the permission of the council for the purpose of reducing the risk of fire.

(2) No person shall keep or store paraffin, petrol or any inflammable liquids on any premises in terms of subsection (1) except—

- (a) in a container which is kept securely sealed against leakage; and
- (b) in a place which is well away from the kitchen and the site of any fire or where large quantities are stored, they shall be stored in a separate room from the building of use.

Storing flammable gases

12 (1) Inflammable gas cylinders stored for the purpose of domestic or industrial use may be kept outside buildings or maybe kept in a room, cage or open, well ventilated place with—

- (a) no source of fire or high voltage electric cables which are likely to produce sparks; and
- (b) adequate protection from sunlight or any source of heat.

Inspection of buildings and land

13.(1) The chief fire officer may—

(a) at all reasonable times enter and inspect any building or land for the purpose of ascertaining—

(i) whether adequate precautions are being taken for the prevention of fire;
and

(ii) whether effective means of readiness in case of fire are provided;

In or such building or land.

Provided that the chief fire office shall not enter a dwelling house in terms of this subsection otherwise than during the day time and with the consent of the occupier of the dwelling house, unless in the opinion of the chief fire officer it is necessary in the interests of public safety that he or she should enter the dwelling house, otherwise than during the day time and with the occupier's consent; and

(b) require the occupier of any building in which any fire-fighting equipment is installed is in terms of Model building by-laws—

(i) to replace or repair within seven days any fire-fighting equipment which the

chief fire officer finds to be defective, unsafe or ineffective, by virtue of its

construction, design or deterioration; and

(ii) to recharge within seven days any fire-extinguisher which the chief fire officer

finds to be empty.

(2) If an occupier referred to in subsection (1) fails to comply with any requirements specified by the chief fire officer in terms of that subsection, the chief fire officer may take such steps he or she considers necessary to secure compliance therewith, and the cost of his or her so doing shall be charged to and recoverable from, such owner or occupier.

Inspection of premises and their use

14.(1) The chief fire officer or any member of fire brigade may, in terms of section 220 of the Urban Councils Act [*Chapter 29:15*], at all reasonable times, enter upon any premises or building to examine arrangements and precautions for the prevention of fire or for reducing the risk of fire.

(2) The occupier of any premises or building on receipt of a notice from the council shall, within such period as is stipulated in such notice, take all precautionary measures and install and maintain such appliances as may be specified in such notice.

(3) If any building or its use is a source of danger to persons or property by reason of the risk of fire, the council shall, by notice in writing, advise the occupier that the use of such building or premises is to be restricted in any one or more of the following ways—

- (a) by the restriction of its use to such uses as may be approved by the council; and
- (b) by the imposition of conditions relating to the storage, handling and capacity of materials kept in such building or premises.

(4) At the request of the occupier of a building the chief fire officer may attend and patrol the building during the function.

(5) If he or she has reasonable grounds for believing that any article or thing in or at a building is likely to endanger the safety of persons during a function, the chief fire officer may attend at the function and patrol the building and its environment to ensure that no fire breaks out.

(6) If the chief fire officer attends at and patrols a building in terms of this section, the council may require the occupier to pay for these services at the appropriate charge specified in the tariff.

Approval of building plans

15. The council shall not consider the erection of a proposed new building until the plan is approved in terms of Chapter 11, of the Building (Adoption) By-laws, 1979, by the chief fire officer or any authorised person to ensure that the building shall have—

- (a) no risk or danger to life or property generally and in case of fire; and
- (b) no risk of spreading of fire.

Issue of shop licence

16. A licence to operate business in any building, premises or land shall be granted if the building, premises or land has been inspected by the chief fire officer or any authorised person in conjunction with persons with such powers in terms of the council by-laws and any other law to ensure that such building, premises or land, in terms of section 20 of the Shop Licenses Act [*Chapter 14:17*]—

- (a) is not dangerous to life; and
- (b) is fire-protected with adequate fire protection equipment in relation to the

fire risk category of such building, premises or land.

Certificate of competence

17.(1) The chief fire officer may, on application being made to him, issue in writing a certificate of competence to any person who, in his opinion, has—

(a) a good general knowledge of the construction and design of several types of fire extinguishers; and

(b) a sound practical knowledge of the manner in which fire extinguishers and fire-fighting equipment is to be installed, dismantled, repaired, serviced, recharge, disconnected and otherwise maintained in good order.

(2) Every certificate of competence issued in terms of subsection (1) shall be numbered by the chief fire officer.

Attendance at functions

18(1) The chief fire officer may—

(a) at the request of the occupier of a building, attend and patrol the building during a function; or

(b) if he or she has reasonable grounds for believing that an article or thing in or at a building is likely to endanger the safety of persons during a function, attend the function and patrol the building and its environment to ensure that no fire breaks out.

(2) If the chief fire officer attends and patrols a building in terms of this section, the council may require the occupier to pay for these services at the appropriate charge specified in the tariff.

Fire appliances in buildings

19. The occupier of every commercial, industrial, shop or institutional building shall install in such building—

(a) approved chemical fire extinguishers;

(b) fixed hose reels;

(c) landing valves; and

(d) sprinklers or other approved automatic systems depending on the fire risk, floor area and height of such building.

Installation and repair of fire extinguishers

20. (1) No person other than an authorised person shall—

(a) install in a building any fire- extinguisher which is required to be installed in a building in terms of the Model Building by-laws; or

(b) dismantle, repair, service or recharge any fire-extinguisher referred to in paragraph (a).

(2) Every person who repairs and services fire-fighting equipment shall render before the tenth day of every month to the chief fire officer, a return giving particulars of any fire-fighting equipment which he or she has repaired or serviced during the preceding month.

Examination and Inspection of fire-fighting equipment

21.(1) The occupier of any land or building in or upon which there is installation in terms of section 20 shall—

- (a) cause any fire extinguisher to be examined and serviced not less than once in every calendar year;
- (b) cause any fire-fighting equipment, to be examined and tested by an authorised person not less than once in every calendar year; and
- (c) cause any fire alarm, to be tested not less than once in every calendar year.

(2) If, upon examination, an authorised person has found a fire-extinguisher to be in good order so as to be serviceable for a further year, he or she shall affix to the extinguisher a label indicating—

- (a) his or her name and number of his or her certificate of competence; and
- (b) the date by which the extinguisher must be re-examined.

(3) If he or she finds during his or her examination, that any fire-extinguisher is in any way defective, the authorised person shall give written notice thereof to: —

- (a) the Chief fire officer; and
- (b) the occupier of the building shall within twenty-one days or within such period as is stipulated by the Chief fire officer repair or replace the defective extinguisher.

(4) The occupier of the building shall, within twenty-one days of the receipt of the notice given in terms of subsection (3), repair or replace the defective extinguisher.

(5) If a fire-extinguisher referred to in subsection (3) is not repaired or replaced in terms of the notice given in terms of the same subsection, the council may itself repair or replace it, and the cost thereby incurred shall be recoverable from the occupier of the building in which the extinguisher is installed.

Removal of extinguisher and fire-fighting equipment

22.(1) Save upon the outbreak of fire, no person shall remove any fire-extinguisher or fire-fighting equipment installed in a building in terms of section 20 from such building without temporarily replacing the equipment with another which is in good order and repair.

(2) If any person wishes to remove from a building of any of the fire-fighting equipment installed in such building in terms of section 20, he or she shall—

- (a) inform the chief fire officer, in writing; or
- (b) comply with any directions given by the chief fire officer concerning alternative fire-preventive measures.

Ringling and testing of fire-alarms

23.(1) No person shall ring any bell, fire-alarm or warning device except: —

- (a) on the outbreak of fire; or
- (b) whilst conducting an authorised test.

(2) If a person wishes to test any bell, fire-alarm or warning devices, he shall first obtain the permission of the chief fire officer.

(3) In granting permission in terms of subsection (2), the chief fire officer may specify the time and date on which the bell, fire-alarm or warning devices shall be tested.

Interference and obstruction

24. No person shall—

- (a) interfere with, molest or obstruct the chief fire officer or any member of the fire brigade in the execution of his or her duties;
- (b) fail to comply with any reasonable direction of the chief fire officer or any member of the fire brigade given in the course of his or her duty.

Offences

25. Any person who—

- (a) contravenes any provision of these by-laws; or
- (b) fails to comply with any lawful requirements made by the authorised person or officer in terms of these by-laws;

shall be guilty of an offence and liable to a fine not exceeding level 3 or to imprisonment for

a period not exceeding fifteen days or to both such fine and imprisonment.