

LEGAL NOTICE NO. OF 2024
THE URBAN GOVERNMENT ACT, 1969
(ACT NO. 8 OF 1969)
EZULWINI FIRE BYE-LAWS, 2024
(Under Section 77)

In exercise of the powers conferred by section 77 of the Urban Government Act, 1969, the Minister for Housing and Urban Development makes the following Bye-laws -

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PART I

PRELIMINARY PROVISIONS

Citation and commencement

1. (1) These Bye-laws may be cited as the Fire Bye-laws, 2024.
(2) These Bye-laws shall come into force on the date of publication in the Gazette.

Interpretation

2. In these Bye-laws, unless the context otherwise requires -
“authorized officer” means -

- (a) any person authorized by the Municipality to perform the duties of the Municipality in terms of these Bye-laws;
- (b) an employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of these Bye-laws; or
- (c) any employee of the Municipality assigned or delegated to perform any function or exercise any power in the enforcement of these Bye-laws;

“building” means -

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with -
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of combustible refuse or combustible waste;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“Court” means the Magistrates Court established in terms of the Magistrate’s Court Act No. 66 of 1938;

“combustible material” means combustible waste or any other material capable of igniting;

“evacuation plan” means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

“fire” means any combustion process that produces heat, light, and flame, capable of causing damage to property, injury, or loss of life;

“fire extinguisher” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

“fire hazard” means any situation, process, condition, material, substance, equipment, or activity that increases the risk of fire occurrence or explosion or provides a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property or contributes to the spread or intensity of fires such as open flames, smoking areas and storage of hazardous materials;

“fire safety measures” includes preventive, protective, and mitigative actions taken to reduce the likelihood and impact of fires, such as fire prevention, detection, suppression, evacuation, and emergency response;

“inflammable substance” means a flammable liquid or a flammable gas;

“Municipality” means the Ezulwini Town Council established in terms of section 4 of the Urban Government Act. No. 8 of 1969;

“notice” means a document issued by an authorized officer in terms of these Bye-laws;

“Minister” means the Minister responsible for Urban Government Administration;

“owner” means property registered owner, property manager, operator or occupant; and

“Service” means the National Fire, Emergency and Rescue Service established in terms of the National Fire, Emergency and Rescue Service Act No. 16 of 2022.

Objects

3. The objectives of these Bye-laws are to -
 - (a) prevent fire incidents, ensure public safety, and establish guidelines for fire prevention, preparedness, and response within the Municipality;
and

- (b) regulate fire safety practices within the Municipality, prevent fire incidents, protect lives and property, and ensure compliance with fire safety standards and regulations.

Application

4. (1) These Bye-laws shall apply to all individuals, businesses, establishments, industries, and activities within the jurisdiction of the Municipality that may pose fire hazards or risks.

(2) Where a local disaster or emergency has been declared by the Municipality these Bye-laws shall be applied in line with the Fire, Rescue and Emergency Services Act, 2022, Disaster Management Act, 2006 and the applicable Disaster Management Laws and Regulations.

PART II

FIRE PREVENTION REQUIREMENTS

Prevention measures

5. (1) A property owner, shall implement fire prevention measures, including designation of emergency assembly points and exits and regular inspection and maintenance of fire safety systems, equipment, and facilities, such as fire alarms, smoke detectors, fire extinguishers, sprinkler systems, and emergency lighting.

(2) An occupant shall adhere to all fire prevention measures implemented by an owner or manager.

Building requirements

6. (1) A person who undertakes new construction, alterations, renovations, or occupancy changes shall comply with building codes, fire safety standards, and zoning regulations, including requirements for fire-resistant materials, exit routes, access roads, and fire hydrants laid down in terms of the Building Act, 1968 or its successor and building or construction standards.

(2) A person who undertakes any construction, shall, subject to the guidance of the Chief Fire Officer, ensure compliance with SZNS SANS 10177 - 1:2005 in respect to Fire testing of materials, components and elements

used in buildings - Part 1: General introduction to the methods of test

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Hazardous materials

7. A person who owns, stores, handles, or uses hazardous materials, chemicals, flammable liquids, gases, or explosives shall take measures to ensure that hazardous materials, chemicals, flammable liquids, gases, or explosives are

regulated and supervised through applicable standardized requirements for handling and storage of hazardous materials to prevent fire hazards, spills, leaks, or accidents that may endanger public safety or the environment.

Fire prevention inspections

8. The Municipal department responsible for health and safety shall conduct regular inspections of buildings, premises, and facilities to assess compliance with fire safety regulations, identify fire hazards, and recommend corrective actions to owners.

PART III

FIRE EMERGENCY PREPAREDNESS AND RESPONSE

Emergency plans

9. (1) An owner or occupier shall develop and implement a fire emergency plans, including evacuation plans and procedures, fire drills, and training for occupants and emergency responders, to ensure prompt and effective response to fire incidents.

(2) An evacuation plan shall detail the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(3) An evacuation plan shall be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing shall be kept in a register.

(4) The register kept in terms of sub bye-law (3) shall contain the following information -

- (a) the date and time of the test;
- (b) the number of participants;
- (d) the outcome of the test and any corrective actions required, and
- (e) the name and signature of the person supervising the test.

(5) The register, together with the emergency evacuation plan, shall be available on the premises for inspection by the Municipality.

(6) The Municipality may evaluate the formulation and implementation of the evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Firefighting equipment

10. An owner shall provide and maintain firefighting equipment, such as fire extinguishers, hoses, hydrants, and fire suppression systems make ensure that all firefighting equipment is readily accessible in buildings, facilities, and high-risk areas to facilitate fire suppression and evacuation efforts.

Emergency entry and exit

11. (1) An owner or occupier shall display an escape route plan in a conspicuous position in any room designed for sleeping purposes in a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population;

(2) All access roads, driveways, entrances, exits, and exit routes shall be kept clear and unobstructed to allow for the rapid entry and exit of firefighting vehicles, personnel, and occupants during fire emergencies.

PART IV

DUTIES OF OWNERS

Accumulation of inflammable or combustible materials

12. (1) The owner shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the Municipality, an owner or occupier has allowed the accumulation of deposit of straw, wood, paper or other inflammable or combustible material on his property, the Municipality may, by notice in writing to such owner, order that owner or occupier to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice.

(3) An owner or occupier of any premises shall not allow vegetation to grow or allow other combustible material to accumulate or accumulate on the premises, in a manner that is likely to cause a fire hazard or other threatening danger.

(4) An owner or occupier shall comply with any legal authority for entry and search served or imposed upon such owner by an authorised person, or fire officer

in terms of the Fire, Rescue and Emergency Service Act, 2022 or its successor, for the purpose of ensuring the objectives of these bye-laws.

Inflammable or combustible materials fences

13. Where, in the opinion of the Municipality, any fence of wood, grass, rushes reeds, or any such material is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire spreading from that fence to any buildings, the Municipality may, by notice in writing, order the owner to remove that fence, or in the absence of that owner or occupier, the authorized officer may enter the premises upon which the fence is situated and remove the fence.

Storing of inflammable, combustible or explosive substances

14. (1) A person shall not store any inflammable, combustible or explosive substance on any property.

(2) Notwithstanding sub-bye-law (1) a person may upon request to the Municipality be granted permission to store, at that person's place of residence or place of business, not more than a total of twenty-five (25) litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes in a closed-top container or other approved receptacle at in that person's place of residence or place of business.

(3) Where a person requires more than twenty-five (25) litres of petrol, paraffin, methylated spirits or other such inflammable substance for household or business purposes, the Municipality may impose such conditions as it deems necessary.

(4) The provisions of this bye-law shall not apply to -

- (a) liquor which a person may store at their place of residence or at their place of business; or
- (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which is stored at a garage, service station or petrol filling station.

(5) In granting the request in terms of sub-bye-laws (2) and (3) the Municipality may impose such conditions as it deems necessary.

Prohibition of opening burning of grass, refuse or waste

15. (1) An owner or occupier not set fire at any time to grass, reeds or other vegetation whether standing, fallen or cut, living or dead, upon any on any, land owned or occupied by that owner.

(2) A person shall not burn or set fire to any grass, waste or other material on any private property, street or public open space.

Fire-fighting appliances in public buildings

16. (1) An owner or occupier of a hall, shop, office or other building to which the public has access shall, provide such building with portable or approved fire-fighting equipment or products which shall include but not limited to fire-fighting equipment of products listed in the Schedule.

(2) Fire-fighting equipment or products shall be kept in a conspicuous and easily accessible position in efficient working condition and readily available and distributed throughout the building in accordance with the law and applicable building standards.

Prevention and control of overcrowding

17. (1) A person who owns or is in charge of such premises for entertainment or public assembly where the population including staff exceeds fifty (50) people, shall prior to the initial usage of the premises obtain a once-off approval of the capacity for the building or premises from the Municipality.

(2) A person who has made an application for approval in terms of bye-law (1) shall not utilise such premises prior to issuance of the required approval by the Municipality.

(3) The owner or the person in charge of the premises shall prevent overcrowding by limiting the maximum population to that which is specified on an approval letter issued by the Municipality.

(4) A person shall vacate overcrowded premises when instructed to do so by the Municipality, the owner or person in charge of the premises.

PART V

EMERGENCY FIRE RESPONSE

Coordination

18. The Municipality shall coordinate with other emergency response agencies, including law enforcement, medical services, and disaster management authorities, to ensure effective coordination, communication, and mutual support during fire incidents and emergencies.

Attendance of fire by the National Fire, Emergency and Rescue Service

19. (1) In the event of a fire brigade attending upon any fire the officer in charge of the Service shall have full control over the property on fire and over such other property as the Service may consider to be in danger for the purposes of taking such reasonable measures as the Service may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising powers in terms of sub-bye-law (1), the officer in charge of the Service -

- (a) shall have the right of entry to any property and may or through any person under the control of that officer break into, take possession of, or pull-down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may, or through any person under the control of that officer, divert, stop or regulate traffic in the vicinity of the fire; or
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

MISCELLANEOUS PROVISIONS

Public awareness

20. The Municipality shall conduct public awareness campaigns, educational programs, and outreach activities to raise awareness about fire safety issues, prevention measures, evacuation procedures, and available resources for residents, businesses, schools, and community organizations.

Collaboration

21. The Municipality shall collaborate with stakeholders including residents and the business community for the promotion of fire safety, prevention, preparedness, and response.

Enforcement

22. These Bye-laws shall be enforced by authorized officers, including fire inspectors, building inspectors, and law enforcement officers, who may conduct

inspections, investigations, and enforcement actions against persons who contravene the provisions of these Bye-laws, including fines, closure orders, or legal action where necessary.

Offences and penalties

23. (1) A person who -

- (a) unlawfully sets fire on any inflammable substance or material;
- (b) wilfully fails to implement fire prevention and emergency measures; emergency plans, including evacuation plans and procedures;
- (c) unlawfully stores or uses, inflammable, combustible or explosive substances in contravention of these Bye-Laws;
- (d) unlawfully obstruct or prevents an authorized officer or any person carrying out duties in furtherance of the provisions of these bye-laws;
- (e) wilfully fails to comply with any provisions of these bye-laws,

commits an offence and shall on conviction be liable -

- (a) to a fine not exceeding five thousand Emalangeni (E5000.00) or imprisonment for a period not exceeding one (1) year; or
- (b) in the case of a continuing offence, to a further fine not exceeding five thousand Emalangeni (E5000.00), or imprisonment for a period not exceeding one (1) year, for every day during which the offence is continued after a date set by the Court.

(2) Half of the amount paid as fines imposed for a continuing offence shall accrue to the Municipality in terms of the provisions of section 86 of the Urban Government Act No. 8 of 1969 or its successor.

Objections and appeals

24. (1) A person who is affected or aggrieved by a decision made by the Municipality in terms of these Bye-laws in respect of any matter or the conditions imposed by the Municipality under a duty or power which has been delegated or sub-delegated may object against that decision by giving written notice of the objection to the Municipality, setting out the grounds thereof and the remedy sought within twenty-one (21) days of the date of the notification of the decision of the Municipality.

(2) The Municipality shall commence with an objection within six (6) weeks from the date of lodgement and shall decide the appeal within a reasonable period.

(3) The Municipality shall confirm, vary or revoke the decision, but no such revocation or variation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) The Municipality shall furnish written reasons for its decision on all objection matters.

(5) A person who is aggrieved by a decision of the Municipality may within thirty (30) days of receipt of the decision on the objection appeal in writing to the Minister who after making such enquiries as the Minister deems fit and giving due consideration to any representations made by the interested parties may make such order as the Minister deems just in the circumstances.

Amendment Bye-laws

25. The Municipality may amend or modify these Bye-laws as necessary to address changing circumstances, emerging fire safety concerns and standards, technological advancements, or legislative developments.

Schedule

Fire-fighting equipment and products

1. Fire Buckets
2. Hand Pumpers
3. Fire Hooks
4. Leather Hose
5. Fire Grenades
6. Water Carts
7. Fire Extinguishers
8. Fire Hoses
9. Fire Engines
10. Thermal Imaging Cameras
11. Self-Contained Breathing Apparatus (SCBA)
12. Fire Blankets
13. Fire Suppression Systems
14. Fire Helmets
15. Protective Clothing
16. Fire Extinguisher Balls