

WHITE RIVER MUNICIPALITY: FIRE BRIGADE BY-LAWS

The Administrator hereby, in terms of section 101 of the Local Government Ordinance, 1939, publishes the by-laws set forth hereinafter, which have been approved by him in terms of section 99 of the said Ordinance.

Definitions

1. In these by-laws, unless the context indicates otherwise: -

“chief fire officer” means the person appointed by the Council as head of the fire department or his duly authorised representative;

“Council” means the Village Council of White River and includes the management committee of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960).

“fire department” means the Council's fire department, or any section, station or substation thereof;

“municipality” means the area under the control and jurisdiction of the Council;

“officer in charge” means the officer or member of the fire department in charge of any section, station, substation, fire-fighting operation or other emergency operation or inspection, as the case may be.

Control over Fire-Fighting Organisations

2. The chief officer shall be in charge of the fire department who shall have the control of all fire-fighting organisations, irrespective of whether such organisation is owned by the Council or by any other person within the municipality, called to the scene of a fire or any other emergency, and shall be entitled to make such use as he shall think fit of any fireman or fire-extinguishing appliance belonging to any such organisation.

Duty to Assist

3. Any member of any fire brigade or department in the municipality not belonging to the Council who shall refuse or neglect when called upon by the officer in charge to render all assistance in his power to any other officer or member of the fire department in the execution of his duty in extinguishing a fire on the premises of the owner of such fire brigade or department shall be liable on conviction to a penalty not exceeding R50 (fifty rand).

Organisation of Department

4. The fire department shall be divided into such sections as the Council may from time to time determine.

Procedure on Outbreak of Fire

5. The following provisions shall apply when the fire department has been notified of a fire, or has reason to believe that an outbreak of fire or an emergency for which its services are required, has occurred: -

- (a) The chief fire officer or any other officer of a fire station shall immediately and with the utmost speed, with such men and fire appliances or ambulances as he may think necessary, go to that place where fire or other emergency is reported to him to have occurred.
- (b) The fire department or an ambulance shall have a preferent right of way over all classes of traffic in any street, thoroughfare or open space within the municipality.
- (c) The officer in charge may avail himself of any offer of voluntary assistance in the fighting of a fire or in dealing with an emergency, and any person whose assistance is accepted shall be under a duty to obey all orders or directions given to him by or on behalf of the officer in charge.
- (d) The officer in charge shall be entitled to assume entire command of, to modify or to interfere with, or to put a stop to any operations being conducted in respect of a fire or any other emergency by persons not in the employ of the fire department, including the owner of the premises or his servants or agents, and any person who interferes or commits any act in contravention of any order or without the approval or who refuses to comply with any reasonable request of the officer in charge or any other officer shall be liable to a penalty not exceeding R100 (one hundred rand).
- (e) The officer in charge may take any measure that may appear to him expedient for the protection of life or property or for the prevention, control or extinction of fire, and in particular he may, if he deems it necessary for the said purposes, take possession of or break into or through any building or structure, and shall have for the said purpose right of access to and to draw or take away water from any hydrant, tank, cistern, pipe, or other water supply whether on public or private property: Provided that no unreasonable exercise shall be made of the powers given in this paragraph and that they shall be so exercised as to cause as little damage as is possible, regard being had to the purpose to be achieved.

Power to Close

- 6. (1) It shall be lawful for any officer in charge, to seal off any building or premises by the temporary closing of any street, passage or place which he may deem necessary for public safety and for the effective fighting of a fire or dealing with any other emergency which may give rise to a fire or explosion and it shall be lawful for him to remove, using no more force than is reasonably necessary, any person who refuses to leave any street, passage or place so closed after having been required by such officer to do so.
- (2) Any person who fails to obey any order of the officer in charge given to him in terms of subsection (1) shall be guilty of an offence.

Penalty of Any Person not a Member Wearing Fire Department Uniform

- 7. Any person, not being an officer or member of the fire department, who shall wear the recognised uniform of the department or in any way represent himself to be an officer, fireman or member of the fire department, shall be liable for the first offence to a penalty of not exceeding R50 (fifty rand), and for the second or any subsequent offence to a penalty not exceeding R100 (one hundred rand).

Recovery of Expenditure

- 8. The Council may recover from the owner or occupier of any building which was either on fire or, in the opinion of the chief fire officer, endangered by fire, the expense

incurred by it through the consumption of water, other than water under the control of the Council, for the purpose of fighting fire.

Determination of Amount of Expense

9. Any expenditure, other than for the consumption of water, incurred by the Council in the removal, storage or other handling of movable property for the purpose of protecting it from damage by or in connection with a fire or any other state of emergency shall be determined by the Chief Fire Officer and certified by him in writing, and the sum so certified may be recovered by the Council from the owner of such property.

Removal of Water

10. The Council may on request, undertake the removal other than for fire-fighting purposes, of water from any premises. The owner or occupier of any premises from which such water, from whatever source, has been pumped or otherwise removed by the fire department at the said owner's or occupier's request, shall pay for such service in terms of item 2 of the Tariff of Charges set out in the Schedule hereto.

Damage to Council's Property

11. Any person who wilfully drives a vehicle over any fire hose or damages any appliances, belonging to the fire department shall be guilty of an offence and shall in addition be liable to compensate the Council for the damages caused.

Making a Fire, Burning Rubbish in the Open Air and Prevention of Grass Fires

12. (1) No person shall make or cause to be made a fire in the open air in such a manner as to endanger the safety of any premises or articles thereon.
- (2) No person shall, without first obtaining written permission from the Chief Officer, burn or cause to be burnt in the open air, whether on private property or not, any rubbish, wood, straw, vegetation or other material: Provided that a quantity of rubbish not exceeding 1 m³ may be burnt in the open air between 10 a.m. and 4 p.m. without obtaining such permission, and provided due precautions are taken and no nuisance is caused thereby.
- (3) Every owner and every occupier of a vacant erf in a township within the municipality shall every year during the month of April, or earlier if called upon by the chief officer, take the following precautions against fire: -
 - (a) Clear a fire break as specified hereunder around the inside perimeter of such erf and keep such fire-break free of all grass, rubbish, underbush and undergrowth. Such fire break shall be not less than 3 m wide in the case of erven smaller than 6 000 m² and not less than 8 m wide in the case of erven of 6 000 m² and over.
 - (b) Remove and destroy all material resulting from operations performed in terms of paragraph (a), or place such material in a compost heap on the erf, provided such compost heap on the erf has a fire break not less than 3 m wide around its perimeter.
 - (c) Cut down all vegetation, which normally dies down in winter, except fruit trees, berry trees, ornamental shrubs and culinary plants, to a height of not more than 150 mm above ground level and keep such vegetation at that height until the 30th September of every year.

(4) Every owner and every occupier of an erf in the municipality shall at all times keep all trees on the erf free from underbush, undergrowth or regrowth, to prevent the occurrence of a fire.

(5) For the purpose of this section: -

“erf” means an erf as defined in the Deeds Registries Act, 1937 (Act 47 of 1937), and includes a piece of land registered in the farms register of a deeds registry if it is bounded on one or more sides by a township;

“township” means a township as defined in the Deeds Registries Act, 1937 (Act 47 of 1937), and includes agricultural holdings established in terms of the provisions of Act 22 of 1919.

(6) Any person contravening any provision of this section shall be guilty of an offence.

Use of Hydrogen Gas

13. (1) Provided that nothing contained in this section shall be construed as preventing the use of balloons filled with hydrogen gas for meteorological or other *bona fide* scientific or educational purposes, no person shall: -

(a) fill with hydrogen gas any balloon or such other device without the permission of the Chief Fire Officer, in writing, previously obtained; or

(b) use or display any balloon or such other device filled with hydrogen gas inside a building.

(2) The giving or refusing of permission in terms of subsection (1) (a) shall be at the absolute discretion of the Chief Fire Officer and any such permission given by him shall be subject to such conditions as he may think fit to impose having regard to all the circumstances of the particular case.

(3) For the purpose of this section the words “hydrogen gas” includes any mixture of gases in which free hydrogen gas is present unless it is proved that the mixture is neither flammable nor explosive in the air.

Fireworks

14. Any person who discharges any fireworks within the municipality and any person who permits any fireworks to be discharged on any premises without permission of the Chief Fire Officer, shall be liable to a penalty not exceeding R50 (fifty rand).

Chimney Fires

15. (1) An occupant of a building who wilfully or negligently allows soot or any other combustible matter to accumulate in a chimney to an extent rendering the building liable to the danger of fire, shall be guilty of an offence.

(2) Whenever a fire occurs in a chimney in consequence of an accumulation of soot, the occupier of the building concerned shall be deemed to be guilty of an offence referred to in subsection (1) unless the contrary is proved.

Inspection of Premises and Directions to Occupiers

16. (1) The Chief Fire Officer or any other officer of the fire department duly authorised by him so to do may, whenever he deems it necessary and at any reasonable hour, enter upon and inspect any premises or building for the purpose of ascertaining whether any conditions exist which are liable to

cause or increase the dangers connected with fire, and in particular to jeopardise or obstruct the escape of persons to safety and furthermore of inspecting fire alarms, sprinkler systems and other fire-fighting appliances, manufacturing processes involving the danger of fire, the method of storing, or installations making use of acetylene or other flammable gases, chemicals, oils, explosives, fireworks, or other flammable substances; and may give such directions as he may deem necessary for minimising the risk of fire and for the protection of life and property.

- (2) Without prejudice to the generality of subsection (1) when an officer authorised in terms of subsection (1) finds in or upon any premises combustible or explosive matter or any dangerous or unnecessary accumulation of rubbish, waste, papers, cases and boxes, shavings, sawdust or other flammable matter so situated as to increase the risk of fire or the danger of life or property which may arise in the event of fire, or finds any obstruction on or in any fire escape stair, staircase, passage, doorway or window, or finds any situation, state of affairs or practice which is in his opinion likely to increase the said risk or danger or in particular to interfere with the operations of the fire department or the escape of occupants to safety in the event of fire, the said officer shall direct the owner or occupier or person in charge or control of the premises forthwith to do whatever is necessary to remedy such state of affairs or to minimise the risk of, and the danger which may arise in the event of fire.
- (3) Where the officer referred to in subsection (2) finds in or upon any premises a fire escape stair which is by reason of disrepair or obstruction thereof inadequate for the escape to safety in the event of fire of such number of persons as is likely to be in the building at any time, or any other state of affairs, of a structural nature or otherwise any other thing which is such as to increase the risk of, or the danger to life or property which may arise in the event of fire, which cannot immediately be remedied and which requires for the remedying thereof the doing of work or the incurring of expense, he shall report to the Chief Fire Officer who may, in writing, require the owner, occupier or person in control of the building within a specified period, at no expense to the Council, to do whatever is specified therein as being necessary to remedy or remove the said risk or danger.
- (4) Any person who receives a direction in terms of subsection (2) or on whom a notice is served in terms of subsection (3) and who fails to comply therewith within the time specified therein shall be guilty of an offence and in the case of a continuing non-compliance liable to a penalty of R10 (ten rand) for every day or part thereof for the period during which the non-compliance continues.

Fire Escapes

17. Every door which affords a way of escape from a building other than a public building to a place of safety in the event of fire shall always be kept unlocked and, in working order and shall be clearly marked on the inside with the words "Fire Escape" in both official languages in letters no less than 150 mm in height: Provided that such door as aforesaid may be kept locked by means of a device which enables it to be opened at all times from inside the building, the said device to be enclosed, protected or arranged to the satisfaction of the Chief Fire Officer.

False Information

18. Any person who wilfully gives to the fire department by any means, whatever any notice of an alleged outbreak of fire or any information relating to a fire, which is found to be false or inaccurate shall be guilty of an offence and liable on first conviction thereof to a penalty not exceeding R50 (fifty rand) and on every subsequent such conviction to a penalty not exceeding R100 (one hundred rand).

Fire Fighting Equipment

19. (1) Every building hereafter erected exceeding 6 m in height and having more than two floor levels shall have an approved double fire engine connection with a pressure gauge installed on the ground floor and on the street front in a position capable of easy access. A reflux valve to close off the supply from the Council's mains when the pump connection is being used shall be fixed on the fire service main and the fire engine connection.
- (2) Such building shall also be provided with a 100 mm pipe known as the fire service main leading from the street water main to a riser main extending to each floor of the building and provided with a wheel valve type hydrant with a 63,5 mm female outlet at each floor at a point approved by the Chief Fire Officer, at the rate of one for every 500 m² of floor area at each level.
- (3) Each floor level shall also be provided with hydraulic hose reels, to comply with the South African Bureau of Standards Specification No. 543 connected to the riser main each with an adequate length of 19 mm rubber hose but not exceeding 32 m in length and with shutoff nozzles, to the length and number and in the position indicated by the Chief Fire Officer.
- (4) In addition to the requirements mentioned in subsection (1), (2) and (3), chemical extinguishers in sufficient numbers and of a type and size to be decided by the Chief Fire Officer, shall be installed on each floor level should the Chief Fire Officer so require.

Sprinklers in Basements

20. (1) Any person who erects or causes to be erected wholly or partly below ground level any basement exceeding 140 m² in floor area shall provide such basement with an efficient automatic sprinkler system in the ceiling with at least one sprinkler head to every 10 m² of floor area which system shall be constructed, installed and maintained to the satisfaction of the Chief Fire Officer.
- (2) In addition to the requirements of subsection (1), all basements in which motor vehicles are stored or parked shall be provided with at least one ramp connecting the street to the basement floor level. Such ramps shall be kept free of all stationary vehicles and any other form of obstruction whatsoever.
- (3) Such basements shall also be provided with an exhaust method of artificial ventilation or air conditioning capable of providing between 4 and 5 changes of air per hour where adequate natural ventilation does not exist.
- (4) Premises constructed prior to the publication of these by-laws shall be made to conform to subsection (1) when there is a change of ownership, change of use or alteration to the basement.
- (5) When an automatic sprinkler system has been installed and completed, the owner shall advise the Chief Fire Officer, in writing within 14 days of the date of completion of the installation of such sprinkler system.
- (6) Subject to the provision that adequate fire appliances shall be installed to the satisfaction of the Chief Fire Officer, the requirements of this by-law shall not apply to any basement which has adequate natural ventilation and lighting and which is provided with an entrance or entrances communicating directly with an adjoining street or adjoining air space if any portion of the curtilage of the building is situated at the same level as the floor of such basement.

Chemical Extinguishers

21. Where, in terms of these by-laws, any chemical fire extinguisher, fire-fighting equipment or fire alarm has been installed on any premises, the owner of such premises or his agent shall cause such extinguisher equipment or alarm to be examined once every 12 month by the makers thereof or their duly authorised representatives or other person qualified to examine such equipment. Every such extinguisher, equipment or alarm shall bear a label on which such person examining it shall endorse his name, the date of examination and the condition of the extinguisher, equipment or alarm at that date.

Penalties

22. Subject to the provisions of these by-laws prescribing penalties for the offences mentioned therein, any person committing any contravention of any of the by-laws for which no penalty is specifically provided, shall be guilty of an offence and liable on conviction thereof to a fine not exceeding R100 (one hundred rand) and in default of payment thereof to imprisonment for a period not exceeding three months.

Provisions of other By-laws to Apply

23. The provisions of these by-laws, shall be in addition to, and not in substitution for any other by-laws of the Council.

Charges for Services

24. The charges for any service in respect of the prevention or extinction of fires, shall be as set out or determined, as the case may be, in the Schedule hereto.

SCHEDULE

TARIFF OF CHARGES

1. Fire fighting Services

- (1) Tariff in respect of fire calls within the Council's areas of jurisdiction:
- (a) Agricultural holdings, farms and portions of farms: Per machine or per pump, per hour or part thereof: R40-00 AN 1415 of 30/7/1986
 - (b) All other properties not included in paragraph (a): Per machine or per pump, per hour or part thereof: R20-00 AN 1415 OF 30/7/86
- Plus expenses in respect of material or chemicals used in connection with the fighting of a fire.
- (2) Tariff in respect of fire calls outside the Council's area of jurisdiction;
- (a) For the first machine or pump, per hour or part thereof: R200-00.
 - (b) For each additional machine or pump, per hour or part thereof: R100-00.
 - (c) All expenses in respect of material and chemicals used in connection with the fighting of a fire.
 - (d) For every kilometre or part thereof: R1-00.

(e) For the purpose of the charges payable in terms of paragraphs (a) and (b), times shall be calculated from the time the machines leave the fire station until their return thereto.

(3) For the use of fire-hoses outside the Council's area of jurisdiction, per length: R2-00 AN 1415 of 30/7/86.

2. Pumping of Water

(1) In respect of the use of a pump, other than for fire fighting purposes: -

(a) For the first hour or part thereof: R6-00

(b) Thereafter, for each quarter of an hour: R1,50

(2) In respect of the use of fire hoses, per length: R1-00

3. Protective Duties

R3-00 per firearm, per performance: Provided that after midnight double the tariff shall be charged.

4. Inspection, Testing, Refilling and Cleaning of Fire Extinguishers and Testing and Reparation of Fire Hoses and Fire Reels

(1) Fire extinguishers: In respect of each fire extinguisher: Actual cost of contents and material plus R1-00 for handling and labour.

(2) Fire Hoses: Testing, per length: 75c plus 40c per patch.

(3) Fire reels: Testing, per reel: 75c

5. Special Services

In respect of special services rendered by members of the fire department in the discretion of the Chief Fire Officer and for which no tariffs have been determined elsewhere, the following charges shall be payable: -

(1) Within the Council's area of jurisdiction

(a) services rendered by an officer, per hour or part thereof: R12-00

(b) Services rendered by a fireman, per hour or part thereof: R6-00

(c) Sundays and public holidays, twice the amount mentioned in paragraphs (a) and (b) above.

(2) Outside the Council's area of jurisdiction

(a) Services rendered by an officer, per hour or part thereof: R24-00

(b) Services rendered by a fireman, per hour or part thereof: R12-00

(c) Sundays and public holidays twice the amount mentioned in paragraphs (a) and (b) above.