

CITY OF PIETERMARITZBURG

FIRE BRIGADE BYLAWS

The Administrator has in terms of section 271 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), read with section 17 of the Fire Brigade Services Ordinance, 1978 (Ordinance 31 of 1978), framed the following Standard Bylaws:

LOCAL AUTHORITIES ORDINANCE, N° 25 OF 1974

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STANDARD BYLAWS FRAMED UNDER THE PROVISIONS  
OF SECTION 271 : AMENDMENT

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The Standard Bylaws published on 10 March 1953 under Provincial Notice 87, as amended, are hereby further amended by the insertion after Chapter XVII of the following chapter :

"CHAPTER XVIII

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BYLAWS RELATING TO THE FIRE BRIGADE SERVICES

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### Definitions

1. In these bylaws, unless the context otherwise indicates -

"approved" means approved by the chief fire officer;

"chief fire officer" means the person appointed by the Council in terms of section 3(1) of the Ordinance and includes any member of the Service representing the chief fire officer in the administration of these bylaws and any official representing the chief fire officer and in control of any section, station, substance, fire fighting operation or other emergency operation, situation or inspection, as the case may be;

"Council" means the City Council of the City of Pietermaritzburg

"emergency situation" means a situation or event which constitutes or may constitute a serious danger to any person or 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;

"Ordinance" means the Fire Brigade Services Ordinance, 1978 (Ordinance 31 of 1978) :

"owner" -

- (a) means in relation to land, premises or a building -
  - (i) the registered owner of the land concerned and includes any person receiving the rents or profits of such land, premises or building from any tenant or occupier thereof, whether on his own account or as the agent for any person entitled thereto or interested therein;
  - (ii) in the case of sectional title schemes, the body corporate established in terms of the Sectional Title Act, 1971 (Act 66 of 1971);
- (b) in relation to any vehicle, bears its ordinary meaning; and
- (c) includes, if an owner is insolvent, in liquidation, or dead, the trustee, liquidator, executor or administrator, as the case may be, in the estate of such owner.

"police force" means a police force established under any law;

"Service" means a fire brigade service established in terms of section 2 of the Ordinance;

"traffic officer" means a traffic officer appointed in terms of section 2 of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966).

### Organisation of Service

2. (1) The chief fire officer may exercise control over any fire-fighting organisation and any fire appliance whether owned by the Council or by any other person, which is at the scene of a fire and he shall be entitled to make such use as he thinks fit of any fireman, volunteer and any fire appliance and other apparatus.
- (2) The Service may be divided into such sections as the Council may determine and each section shall be under the control of an official appointed by the Council or by the chief fire officer appointed in terms of section 3(1) of the Ordinance if such power is delegated to him.

### Duty to assist

3. Any member of a fire brigade service or fire fighting body, wether it is controlled by the Council or not, shall, when called upon to do so by the chief fire officer, render all assistance in his power to any official of the Service in execution of such official's duty in connection with an outbreak of fire or any other emergency situation.

### Procedure on the outbreak of fire

4. (1) When the Service has been notified of or there is reason to believe that an outbreak of fire or an emergency situation has occurred for which its services are required, the chief fire officer shall, without delay, with such personnel and appliances as he thinks necessary, go to the place where the fire or emergency situation, according to the report, has occurred, or where he has reason to believe that it has occurred.
- (2) The chief fire officer shall be entitled to assume command of, or interfere with, or to 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 employee or agent, and no person shall fail to comply with any order or direction given by the chief fire officer in pursuance of this sub-bylaw.

### Closing of streets

5. (1) The chief fire officer or any traffic officer or any member of a police force may close any street, passage or place for as long as he thinks necessary, for the effective fighting of a fire or dealing with any emergency situation.
- (2) Any person who is ordered to leave an area closed in terms of sub-bylaw (1), shall immediately obey such order.

### Obstruction and damage

6. (1) No person shall interfere with, molest or obstruct 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 duties under these bylaws or the Ordinance.
- (2) No person shall wilfully or negligently, drive a vehicle over any hose or damage, tamper or interfere with any such hose or any appliance or apparatus of the Service.

### Wearing of uniforms and insignia

7. (1) No person other than a member of the Service shall wear a uniform of the Service or any uniform intended to convey the impression that he is such a member or in any other manner represent himself to be such a member.
- (2) If the Service is subsidised in terms of section 2(2) of the Ordinance, the chief fire officer and every member of the Service shall wear such uniforms, rank markings and insignia as may have been prescribed by the Administrator in terms of that section.

### Combustible material

8. (1) If the chief fire officer is of the opinion that any person -
  - (a) has stored or caused or permitted to be stored, whether inside or outside any building, any timber, forage, packing cases, 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 any building; or
  - (b) in occupation or control of any premises has permitted 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 any building or on any premises,

the chief fire officer may by notice in writing require the person concerned or the

owner or occupier concerned to remove the said combustible material or grass, weeds, trees, other vegetation or rubbish, or to take such other reasonable steps by a specified date to remove the danger of fire as he may prescribe in such notice.

- (2) If by the date so specified such notice has not been complied with, the chief fire officer may take such steps as he 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.

#### Safety of premises and buildings

9. (1) The chief fire officer may, whenever he deems it necessary and at any time which, in his opinion, is reasonable in the particular circumstances, enter any land, premises or building and inspect -
- (a) such land, premises, or building for the purpose of ascertaining whether any condition, circumstances or practice exists which is likely to cause a fire or emergency situation or which will or may increase the risk of, or contribute towards the spread of, fire or the creation of an emergency situation or obstruct or interfere with the escape of persons to safety;
  - (b) any fire alarm, sprinkler system and other fire-fighting or fire-detecting appliance;
  - (c) any manufacturing process involving the danger of fire or explosion;
  - (d) the method of storage acetylene or other flammable gas, chemicals, oils, explosives, fireworks or any other flammable or hazardous substance; and
  - (e) any installation making use of any substance referred to in paragraph (d).
- (2) If the chief fire officer on or in any land, premises, or building, finds -
- (a) any condition, whether of a structural nature or otherwise, or any circumstances or practice which in his opinion is likely to -
    - (i) increase the risk of fire danger to life or property in the event of fire or other emergency situation;
    - (ii) contribute to the spread of fire or creation of an emergency situation;
    - (iii) interfere with the proper operation of the Service in the event of fire or an emergency situation; or
    - (iv) obstruct or interfere with the escape of persons in the event of fire

or an emergency situation; or

- (b) any defective or inferior fire appliance or an insufficient number of such appliances; or
- (c) a fire escape or means of escape which is, in his opinion, inadequate for the number of persons which is likely to be in the building concerned at any time; or
- (d) that a fire alarm or other system of communication is required,

the chief fire officer, shall in writing notify the owner or occupier of the land, premises, or building concerned of the findings and require him to take such steps as the chief fire officer may specify in such notice at such owner's or occupier's own cost.

- (3) Notwithstanding the provisions of sub-bylaw (2), if the chief fire officer is of the opinion that the steps which he deems necessary should be taken immediately, he may verbally direct the owner or occupier to forthwith take such steps at such owner's or occupier's own cost.
- (4) If the owner or occupier fails or refuses to comply with a notice in terms of sub-bylaw (2) within the time specified in such notice or forthwith with a direction in terms of sub-bylaw (3), the council may itself take the steps specified in the notice or direction and may recover any expenditure incurred thereby from the owner or occupier to whom the notice or direction was given.

#### Exits

- 10. Every door which affords a way of escape from a building in the event of fire shall be kept unlocked and in working order and shall be clearly indicated with approved exit signs; provided that such door may be locked by means of any approved device installed in an approved manner which enables such door to be opened from inside the building at all times.

#### Gas-filled devices

- 11. (1) No person shall fill any balloon, toy or other device with hydrogen without prior written permission of the chief fire officer subject to such conditions as he may impose having regard to all the circumstances of the particular case; provided that such permission shall only be granted after the person concerned has furnished the Council with an indemnity in the form set out in the Schedule.

- (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 hydrogen on or in any land, building or premises to which the public ordinarily has access or which is used as a club or any place of assembly.
- (3) Nothing contained in this bylaw shall be construed as preventing the use of balloons filled with hydrogen for meteorological or other bona fide scientific or educational purposes.
- (4) For the purposes of this bylaw, "hydrogen" includes any mixture of gasses in which hydrogen is present unless the mixture is neither flammable nor explosive.

#### **Making of fires**

12. (1) No person shall make a fire, or cause, or permit or allow a fire to be made, in such a place or in such a manner as to endanger any building, premises or property.
- (2) Notwithstanding the provisions of sub-bylaw (1), no person shall, without the prior written permission of the chief fire officer, burn any rubbish, wood, straw or other material in the open air or cause, permit or allow it to be done, except for the purpose of preparing food.
- (3) Any permission granted in terms of sub-bylaw (2) shall be subject to such conditions as the chief fire officer may impose.

#### **Fires in chimneys, flues and ducts**

13. No occupier of a building shall wilfully or negligently allow soot or any other combustible substance to accumulate in any chimney, flue or duct of the building in such quantities or in such manner as to create a danger of fire to the building.

#### **Attendance of firemen**

14. (1) If at any entertainment, amusement or recreation or at a meeting held at a place of entertainment, amusement or recreation (excluding the showing of films at licensed cinemas) one hundred or more persons are likely to be present, the person conducting such entertainment, amusement or recreation or convening such meeting, as the case may be shall by written notice delivered to the chief fire officer not less than 48 hours before any such entertainment, amusement, recreation or meeting take place, notify such officer of the time and premises at which such entertainment, amusement or recreation or meeting will take place.

- (2) If, in the opinion of the chief fire officer, the presence of a fireman is necessary on the grounds of safety, he may provide one or more firemen who shall be in attendance at any premises during the whole or part of any entertainment, amusement, recreation, meeting or other event or occasion as the chief fire officer may decide.
- (3) The person in control of such entertainment, amusement, recreation, meeting or other event or occasion shall be required to pay the charges set out in the Council's tariff of charges for any service rendered in terms of sub-bylaw (2).

#### Removal of liquid or other substances

15. 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 for such service of the appropriate charge set out in the Council's tariff of charges.

#### Payment for attendance and service

16. (1) Subject to the provisions of bylaw 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, at or in connection with which the attendance of the Service is required or any services of the Service is rendered, shall pay to the Council for such attendance or service, including the use and supply of water, chemicals, equipment and other means, a sum of money which the chief fire officer has assessed to be due in accordance with the charges set out in the Council's tariff of charges.
- (2) (a) Notwithstanding the provisions of sub-bylaw (1), where a service is rendered by the Service to more than one person, the chief fire officer may apportion the aggregate of the charges payable in terms of sub-bylaw (1) in respect of the said service between the said persons in such proportions as he may deem fit; provided that no portion payable by any one such person shall be less than 10% of such aggregate; and provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to -
  - (i) the fact that the amount so assessed should be commensurate with the service rendered;
  - (ii) the manner and place of origin of the fire; and
  - (iii) 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.

- (b) If charges are assessed in terms of this bylaw and the person liable to pay such charges is dissatisfied therewith he may appeal against such assessment as provided for in section 9(1) of the Ordinance.
- (c) An appeal in terms of paragraph (b) shall be lodged by forwarding to the Council by registered post within 14 days after receiving an account for the assessed charged, a notice of appeal in which the grounds of appeal are fully set out, and by forwarding a copy of such notice to the chief fire officer by registered post who shall forward his comments thereon on the Council within 14 days of the receipt of such copy.
- (d) An account and copy of a notice of appeal contemplated in paragraphs (b) and (c), shall, unless the contrary is proved, be deemed to have been received on the date upon which it would have been delivered in the ordinary course of the post.

#### **Non-payability of charges**

17. Notwithstanding the provisions of bylaw 16, no charges shall be payable -
- (a) if a false alarm is given in good faith;
  - (b) if the services of the Service were required as a result of civil commotion, riot or natural disaster;
  - (c) if the services of the Service were not rendered in the interest of a specific person, but purely in the interest of public safety;
  - (d) if the chief fire officer considers that the services of the Service were of a purely humanitarian nature or were rendered solely for the saving of life;
  - (e) by the owner of a vehicle if he furnishes proof to the satisfaction of the chief fire officer that such vehicle was stolen from him and that it has not been recovered by him at the time when the services of the Service were rendered in respect thereof;
  - (f) by any person, including the State, with whom the Council has entered into an agreement in terms of section 14 of Ordinance whereby the services of the Service are made available to such person against payment specified in such agreement.

#### **False information**

18. Any person who wilfully gives to any member of the State any notice or any information relating to an outbreak of fire or to any other emergency situation requiring the attendance of the Service which to his knowledge is false or inaccurate, shall be guilty of an offence in terms of these bylaws and shall, in addition to any penalty which may be imposed in

terms of bylaw 21, be liable to the Council for the turning-out charge of the Service as prescribed in the Council's tariff of charges.

#### Telephones, fire alarms and other apparatus

19. (1) The Council may affix or remove 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, to or from, any building, wall, fence or other structure.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of sub-bylaw (1).

#### Notices

20. Unless otherwise specified a notice in terms of these bylaws shall be in writing and shall be served on the person concerned by post or by handing it to him personally.

#### Offences and penalties

21. (1) Any person who -
    - (a) contravenes or fails to comply with any provision of these by-laws; or
    - (b) fails to comply with any order, direction, request or condition given, made or imposed in terms of these bylaws; or
    - (c) fails to comply with any notice given in terms of these bylaws,shall, where such is not elsewhere declared to be an offence, be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or, in default of payment, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, and in the case of a continuing offence, to a fine not exceeding fifty rand for each day on which the contravention continued subject to a maximum of five hundred rand.
  - (2) No provision of these bylaws shall be constructed so as to affect any liability in terms of sub-bylaw(1)
22. In the case of any conflict between these and any other bylaws of the Council these bylaws shall prevail.

**SCHEDULE**

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Form of indemnity in terms of bylaw 11(1) of the Bylaws relating to the Fire Brigade Services.

**INDEMNITY**

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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 to be specified therein, I, the undersigned ..... hereby indemnify and hold harmless 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 of mere possession by any person of any of the said toys, balloons or devices.

Signed at ..... on this ..... day of ..... 19.....

.....  
**APPLICANT**

**WITNESSES :** 1. ....

2. ....