

VKLM FIRE

The portal for public information to residents within the Victor Khanye Municipal area on safety



VKLM - Fire Brigade Services By-Law



Walkthrough

Part 2

Section III

Fire Protection and Fire Fighting

This section refers to Part III of the By-Law and deals with matters related to the prevention of fires or the intensity and spread thereof. Each sub section will be summarized and where required, some examples will be thrown to the wolves;...

COMBUSTIBLE MATERIALS AND REFUSE

This section deals with the accumulation of combustible materials on any property as well as its position. It prohibits any person to accumulate any form of combustible materials on any property as this will, when on fire cause or threatens the lives of people, animals or properties.

The general rule here are housekeeping and the prevention of hoarding and also includes the allowance of vegetation to grow uncontrolled. Such as grass or weed, which may cause a fire to rapidly spread and endanger neighbors.

Another point addressed is towards the discarding of cut vegetation (grass, weeds, shrubs, trees or tree branches). Let's, for the sake of this document refer to them as "garden waste". You cut your grass and decide that you do not have the time to put it in refuse bags, you decide to throw it on the empty stand opposite your house as an example. Because the thought is "it is natural, it will decompose and nothing will come of it" *How many have done or thought this way?* This section goes further to state that this action can be done, but with the "**written permission of the land owner, stating the purpose of the authorization**".

A few thoughts here; firstly, dumping the garden waste on another property without the specific permission it classified as illegal dumping and under legislation such as the National Environmental Management Act (NEMA) is punishable with extremely high fines and/or imprisonment. Secondly, the dumping of such garden waste creates the risk of spontaneous ignition and subsequent fire or severe smoke production. To start off, garden waste is plant based products that when dumped on heaps and with exposure to the natural elements start to decompose (which in itself is the natural process), but because of the dumping method, these waste is dumped in a heap or heaps, meaning little to no ventilation to get rid of the heat production during the decomposition process. And this is where the danger is. When this heat production is not ventilated, it may accumulate to the ignition temperature of the products, and a fire starts.

This usually starts as a smouldering fire until fresh oxygen can be introduced, then flames become present, and the fire spreads from there. The smoke may cause other dangers, such as preventing visibility over a road that may cause a serious accident.

MAKING FIRES

This subsection puts a restriction on the making of fires within the municipal area, or making a fire and leaving it unattended or cause it to become uncontrollable.

This is a very broad restriction, but let’s break it down for better insight. It is not allowed to make any fire on a street, street curb or where public may be affected. It is also not allowed to make a fire that becomes uncontrollable (specific towards grass fires that spread towards other properties, and it is also not allowed to make a fire and then leave it unattended.



The specific intention of this subsection is to prevent fires from becoming a danger to humans (neighbours), property and animals. Another not so obvious requirement within this is to ensure compliance with the Air quality section of NEMA which restricts the uncontrolled release of pollutants into the air (amongst others), in other words to prevent or minimise air pollution and subsequently prevent the contribution to the global warming phenomenon.

The subsection does indicate in which circumstances the making of a fire is allowed, such as the preparation of food.

The subsection also puts a requirement that, for the purpose of making fires in the open air to burn garden refuse, or other combustibles, the written permission of the Chief Fire Officer must be obtained. This requirement is set in order to assist with ensuring that all safety measures are put in place to ensure safety. However, during the grassfire season, this restriction becomes more stricter in that a burn permit must be obtained as per the prescriptions of the National Veld- and Forest fire Act (101 of 1998).

FIRE OUTBREAK PREVENTION / FIREBREAKS



This section will be discussed separately a bit later as it deals directly with the provisions of Chapters 4 and 5 of the National veld- and forest fire Act (Act 101 of 1998) in relation to land owners and grassfires.

INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS


This subsection deals mostly with business and commercial premises and operations. This subsection, read with Section 8 of the Fire Brigade Services Act (Act 99 of 1987)(FBASA) gives the authority to the Chief Fire Officer and other delegated appointed Fire Department members to enter any business or commercial property at any reasonable time for the purpose of fire compliance inspections, or to inspect any fire extinguishing equipment or installations for compliance.

The term “any reasonable time” refers to normal business hours. In this, it means that inspections for the purpose of fire safety compliance must be conducted at the normal operating times of the business being inspected.

This subsection also gives effect to Section 18(2) of the FBASA to issue a notice of compliance to such owner/ manager or occupant to ensure compliance. (for interest sake this is called an administrative justice system and works on the following tiers. 1) a notice of compliance is given with a period to rectify or remove the hazard or risk.

 <p>VICTOR KHANYE LOCAL MUNICIPAL DISASTER & FIRE BRIGADE SERVICES</p> <p>FIRE SAFETY</p> 	<p>Enquiries: Office of the Chief Fire Officer P O Box 6, Delmas, 2210 Tel: 013 665 6000 Email: firechief@vklmfire.co.za</p> <p>Notice No. VKLMFD/FS/</p>
<p>ORDER TO COMPLY</p>	<p>FIRST NOTICE</p>
<p>Issued in terms of Section 11 and Section 13 of the Victor Khanye Fire Brigade Services By-Law read with section 18 of the Fire Brigade Services Act, Act 99 of 1987, thereby giving effect to Section 152(1)(d) of the Constitution of the Republic of South Africa</p>	

- 2) on a follow-up inspection with no actions taken, a compliance Directive or Warrant is issued (Final Notice) with a time limit of up to 7 days to comply depending on the transgression.

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(** Note: The original notices may present a little different as the above two images are only draft versions)

- 3) if still no compliance after this time or upon first visit if the non-compliance is severe in nature, a Section 56 notice to appear in court or pay a fine is issued. If, after this, non-compliance continues, a court order is obtained for closure of the business/commercial site. This is the last resort in the criminal justice system.

Finally, this subsection also makes provision that the owner/manager or occupant issued with compliance notices, which requires additional time for what reasonable reason, may submit a representation to the Chief Fire Officer in writing, explaining the intended measures for rectification and a proposed timeframe for these to be implemented.

This representation must be submitted to the office of the Chief Fire Officer before the deadline date given in the compliance notice. However, for the compliance Directive (Final notice), this option is not available as sufficient time for rectification or submission of a representation was given during the compliance notice.

ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT AND EMERGENCY EXITS

This subsection is self-explanatory. If firefighting equipment is blocked, it creates the risk that in the event of a fire, access to the equipment is obstructed, rendering it useless and the building could burn down as a result of ineffectiveness. This includes the escape doors or any emergency route or feeder routes. These are serious transgressions that will result in the issuance of a Section 56 Notice without compliance notices.

FIRE PROTECTION REQUIREMENTS FOR PREMISES

This sub-section gives effect to the requirements of the National Building Regulations (SANS 10400) as fire requirements in buildings, both existing and new.

It further makes provision for drainage requirements for firefighting water in buildings in the event of a fire.

ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

Subsection 14 deals specifically with the requirement that all buildings and property must be provided with at least one entrance for the purpose of access to firefighting appliances and firefighters.

Allocation is also made that property owners need to provide house numbers, displayed on street boundary side. This requirement is for easy identification of the house numbers in the event of an emergency.

UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT

Within this subsection instruction is given that any business owner shall have sufficient firefighting equipment installed for the risk, and that such firefighting equipment shall be serviced in accordance with the relevant SABS Code of practice (in this case SANS 1475 or SANS 10105), and that all symbolic safety signage indicating the position of firefighting equipment are also installed.

The responsibility is also placed on a business owner to have a maintenance record for all firefighting equipment on such premises.

EXTRACTOR FAN SYSTEMS

This subsection deals with extractor fan systems installed and deals mainly with food preparation systems where the accumulation of flammable substances such as grease holds a fire risk.

RATIONAL DESIGNS

There are eleven categories whereby rational designs may be required by the Chief Fire Officer. Rational designs may be required for fire safety requirements of buildings that are not normally classified under the Rule A20 categories of buildings in the National building regulations and therefore does not fully address the fire compliance requirements of such buildings. These are usually categorised as special within the occupancy classifications.

DUMPING SITES

This section is self-explanatory.

EMERGENCY EVACUATION PLANS

Due to the change in occupancies within an existing building, it may become a requirement to have emergency evacuation plans in place for the safe evacuation of employees and public from such buildings when an emergency occurs. If the Chief Fire Officer, during a routine inspection classifies such business as requiring such evacuation plan, this section prescribes the procedures and what needs to be within such a plan.

CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS

Here comes the interesting one. This subsection deals with building fitness requirements. For a building to be used for public gatherings (of any kind) an application must be submitted to the Chief Fire Officer for the issuing of such certificate. This IS NOT the occupancy certificate as per requirements of the National building standards Act, but specifically deals with the fire safety compliance of the building for the purposes of public gatherings.

The Occupancy certificate is issued by the Building inspectorate after agreement from the Chief Fire Officer was obtained, and is usually issued after a building was constructed and before the building is occupied. The purpose of the building at that time is for that function, but as it occurs, the purpose of the building may change after it is sold. In example a store is sold and converted into a public assembly such as a church. For this, the building needs to be re-evaluated by the Fire department to ensure that the building complies with the fire and life safety requirements for the new occupancy, whether there are sufficient emergency exits, if there are sufficient and correct firefighting equipment installed, etc. Only after these requirements are met or complied with can the Chief Fire Officer issue a Certificate of fitness for such building.

This subsection further puts down what the content of such Certificate should bear, and this Certificate of fitness will therefore only be valid for a year, and must be renewed every consecutive year.

WATER SUPPLY FOR FIRE-FIGHTING

This sub section sets requirements for the provision of dedicated water supplies for firefighting purposes. It is detailed and of a more technical nature and therefore does not apply to the day-to-day fire safety and more information may be obtained from the office of the Chief Fire Officer.

REGISTRATION APPLICATIONS FOR EXISTING PREMISES

This sub section is a continuation of the subsection related to the Certificate of fitness of a public building. This subsection refers specifically to a change in occupation or transfer of a public building or for which a building have spray-painting facilities, such needs to be re-registered at the Fire Department

This sub-section also puts a restriction in that any changes intended to be made to buildings with existing registrations may only be effected after consultation with the Chief Fire Officer and the required building plans have been submitted for approvals at the building inspectorate.

REGULATION OF FIREWORKS

Subsection 23 deals with the regulation of fireworks, both sale and use. The subsection provides for two requirements that must be in place for a person to deal in fireworks, both a license to deal in fireworks under the Explosives Act as well as a written authority from the Chief Fire Officer indicating such.

The procedure for obtaining a license is set down for the application process. It gives the Chief Fire Officer the authority to withdraw any written authorities if license conditions are contravened. A prohibition is set for the selling of fireworks on any street, from any vehicle or in any building other than where a license is held.

Provision is made that Council may designate, with recommendation from the Chief Fire Officer, any area for the purpose of discharging of fireworks, or give permission for a lawful occupier to discharge fireworks after procedures for application have been followed.

Furthermore, certain restrictions may be set on the type of fireworks that can be sold or discharged, and the authority is given that the Chief Fire Officer may pose additional restrictions as deemed necessary for public safety. And finally, certain general requirements are made on safety distances for discharging fireworks.

This concludes Section III of the Fire Brigade Services By-Law.

Next Part will be discussing Hazardous Substances.