

CITY OF CAPE TOWN

COMMUNITY FIRE SAFETY
AMENDMENT BY-LAW

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CITY OF CAPE TOWN

COMMUNITY FIRE SAFETY AMENDMENT BY-LAW

To amend the By-law Relating to Community Fire Safety published in Provincial Gazette Extraordinary 5832 dated 28 February 2002.

Be it resolved by the City Council of Cape Town as follows:—

Amendment of section 1 of the Bylaw Relating to Community Fire Safety

1. Section 1 of the by-law is hereby amended by—

(a) the substitution of the definition of “bund wall” of the following definition:

“ ‘bund wall’ means a containment wall surrounding an above ground storage tank, constructed of impervious material;”;

(b) the insertion after the definition of “escape route plan” of the following definition:

“firebreak” means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises, and may consist of one or more of the following:

(a) grass or vegetation that does not exceed 50 mm in height;

(b) lawn or cultivated garden, or

(c) a road or driveway;”

(c) the insertion after the definition of “fire wall” of the following definition:

“ ‘firework’ has the meaning assigned thereto in section 1 of the Explosives Act, Act 15 of 2003;”;

(d) the substitution of the definition of “SABS Codes” of the following definition:

“SABS Codes” means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act, and shall include SANS Codes”;

(e) the insertion after the definition of “SABS Codes” of the following definition:

“SANS Codes’ means South African Bureau of Standards Sans Codes of Practise and Specifications issued in terms of the Standards Act and shall include SABS Codes”;

- (f) the insertion after the definition of "tank" of the following definition:

" 'tent' means a portable or temporary structure of canvas, cloth or other similar material, consisting of a canopy, which may have walls, supported by poles and stretched by cords secured to pegs driven into the ground;"

- (g) the insertion after the definition of "this By-law" of the following definition:

" 'threatening danger' means the existence of an unwelcome or undesirable situation which causes or has the potential to cause imminent harm, risk, peril or injury in the event of an emergency or fire;"

- (h) the insertion after the definition of "Hazardous Substance Act" of the following definition:

"Mobile filling station" a site that is being used temporarily or permanently for the filling of refillable liquefied petroleum gas containers from a mobile unit;

Amendment of section 6(1) of the By-law

2. Section 6(1) of the By-law is hereby amended by the substitution of subsection (1) with the following paragraph:

" (1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 4(2), a written notice may be issued and should include the following:—

- (a) confirmation of the findings;
- (b) provisions of this By-law that are being contravened;
- (c) the remedial action required, and
- (d) set forth a time for compliance."

Amendment of section 16 of the By-law

3. Section 16 of the By-law is hereby amended by—

- (a) the substitution of subsection (1) with the following paragraph:

"(1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), the owner or person in charge of a premises must:—

- (a) submit an application in terms of the National Building Regulations (A2) and (A23) to the Municipality for the approval to erect and use the tent, and
 - (b) submit an application in terms of section 21 of this By-law to the controlling authority for a temporary population certificate.";
- (b) the substitution of subsection 16(2)(a) of the following subsection:

"(a) The safety distance between a tent and any building or boundary shall be determined in accordance with TT2 of the SABS 0400. The controlling authority may require that this distance be increased should the situation require it.";

- (c) the insertion after subsection 16(2)(a) of the following subsection:

"(aA)The tent must be erected at least 4,5 metres from any combustible material or dangerous goods".

Amendment of Section 17 of the By-law

4. Section 17 of the By-law is hereby amended by the substitution of subsection (1) with the following subsection:

"(1) The owner or person in charge, as the case may be, must provide and install fire extinguishers on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2)."

Amendment of section 18 of the By-law

5. Section 18 of the By-law is hereby amended by the substitution of subsection (1) with the following subsection:

"(1)The owner or person in charge must ensure that a fire protection system is tested and maintained on a regular basis and that a detailed record of such tests and maintenance of the system be kept."

Amendment of section 21 of the By-law

6. Section 21 of the By-law is hereby amended by—

- (a) the substitution of subsection (1) with the following subsection:

"(1) Prior to the usage of the premises for entertainment or public assembly where the population including staff exceeds 50 people, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in Schedule 2 of this By-law."

- (b) the insertion after subsection (1) of the following subsection:

“(1A) The owner or person in charge of a premises for which a population certificate is required shall not utilise such premises if a population certificate has not been issued by the Controlling Authority.”.

Amendment of section 31 of the By-law

7. Section 31 of the By-law is hereby amended by—

- (a) the insertion of the following subsection after subsection 31(3):

“(3A) The owner or person in charge of premises may not allow or permit any person to light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material in any place where expressly prohibited.”;

- (b) the insertion of the following subsection after subsection 31(5):

“(6) Where any person throws, puts down or drops a burning match or similar item, burning cigarette or similar item, or other burning or smouldering material or item, any material or item capable of spontaneous combustion or self-ignition or any material or item capable of causing the spontaneous combustion or ignition of any material in a road or any other place, from a vehicle, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the owner of such vehicle.”.

Amendment of the title of Chapter 7 of the By-law

8. Chapter 7 of the By-law is hereby amended as follows:

- (a) the title of Chapter 7 is substituted with the following:

“FIRE HAZARDS AND FIREBREAKS”;

- (b) the following section is inserted after section 35:

“Firebreaks

35A(1) Notwithstanding anything contained in the National Veld and Forest Fire Act, the owner or person in charge of a premises that has vegetation growing thereon shall where necessary prepare and maintain sufficient firebreak(s) to ensure that the risk of a vegetation fire arising on or spreading from one premises to another is minimised.

(2) Where an owner or person in charge fails to prepare or maintain a firebreak or where in the opinion of the controlling authority, the firebreak is insufficient for the prevailing circumstances, the controlling authority may act in terms of section 4(2) or 6(1) of this By-law.

(3) Where a firebreak has been prepared, the vegetative material from within the firebreak must be removed from the area of the firebreak and must be disposed of in a manner acceptable to the controlling authority.

(4) Subsection (1) is not applicable in cases where an exemption has been granted in terms of the National Veld and Forest Fire Act.

Amendment of section 37 of the By-law

9. Section 37 of the By-law is hereby amended by the substitution of subsection (6)(i) with the following:

“(i) a flammable gas in excess of 38 kilogram, or”.

Amendment of section 38 of the By-law

10. Section 38 of the By-law is hereby amended by—

- (a) the substitution of subsection 38(4) with the following subsection:

“(4) A flammable substance certificate must be renewed whenever the quantity or class of the flammable substance requires to be changed or when section 37(5) applies.”;

- (b) the substitution of subsection 38(7) with the following subsection:

“(7) A supplier may not:—

- (a) supply in excess of 38 kg of a flammable gas or 200 litres of a flammable liquid of danger group (i), (ii), (iii) or (iv), as the case may be, to any person without proof that the person being supplied is in possession of a valid flammable substance certificate as contemplated in section 37(6), or
- (b) deliver to the owner or person in charge of a premises, in excess of 38 kg of a flammable gas or 200 litres of a flammable liquid of danger group (i), (ii), (iii) or (iv), as the case may be, unless the owner or person in charge of a premises is in possession of a valid flammable substance certificate as contemplated in subsection 37(6).”.

Amendment of section 39 of the By-law

11. Section 39 of the By-law is hereby amended by the substitution of subsection 39(8) with the following subsection:

“39(8) A permanent or temporary tank must have a bund wall that shall be so designed as to contain 110% of the contents of the tank within the bund or, in the case where more than one tank is within a bund area, the bund wall shall be in accordance with the requirements of SANS 0089 part 1.”.

Substitution of section 39 of the By-law

12. The following section is hereby substituted for section 43 of the By-law:

“Liquefied petroleum gas installation in mobile units and small non-permanent buildings

43. A liquefied petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 10087: Part 1.”

Amendment of section 44 of the By-law

13. The following section is hereby substituted for section 44 of the By-law:

“The fuelling of forklift trucks and other liquid petroleum gas operated vehicles

44. The fuelling of forklift trucks and other liquid petroleum gas operated vehicles shall be in accordance with S.A.B.S. 087: Part 8.”

Insertion of sections 44A and 44B in the By-law

14. The following sections are hereby inserted after section 44 of the By-law:

“The application of liquid petroleum and compressed natural gases as engine fuels

44A. The use of liquid petroleum gas and compressed natural gas as a fuel for internal combustion engines and for the operation of equipment built for or converted to the use of liquid petroleum gas shall comply fully with SANS 10087 part 6.

Mobile filling stations for refillable liquid petroleum gas (LPG) containers

44B(1) The use of a mobile filling station to refill liquefied petroleum gas containers is prohibited.

44B(2) No person shall have a refillable liquefied petroleum gas container filled at a mobile filling station.

Substitution of section 45 of the By-law

15. The following sections is hereby substituted for section 45 of the By-law:

The storage and filling of refillable liquefied petroleum gas containers

45. Storage and filling sites used for refillable liquefied petroleum gas containers of capacity not exceeding 9 kg must be in accordance with SANS 10087: Part 8.

Amendment of section 49 of the By-law

16. Section 49 of the By-law is hereby amended by—

- (a) the substitution of subsection (6) of the following subsection:

(6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, the controlling authority may allow a flammable store door to be constructed of non-combustible material, provided that it is outward opening and that all relevant safety distances are complied with.

- (b) the substitution of subsection (6) of the following subsection:

(10) A flammable store storing in excess of 5 000 ℓ of flammable liquid must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling fitted with a non-return valve and mild steel pipework leading to the inside thereof. Where deemed necessary the controlling authority may require more than one foam inlet.

- (c) the insertion of the following subsections after subsection (10) of the following subsections

“(10A) The foam inlet and pipework must ensure adequate distribution of the foam.

(10B) A foam inlet must be identified by means of a sign displaying the words “Foam Inlet” in 50 millimetre block letters.”;

- (d) The substitution of subsection (12) with the following subsection:

“(12) The flammable store must be identified by the words, “Flammable Store—Bewaarplek vir Vlambare Vloeistowwe—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo”, and the permissible quantity allowed within the flammable store, indicated in 50 millimetre block letters on both the inside and outside of all doors communicating directly with the store.”.

Insertion of section 52A in the By-law

17. The By-law is hereby amended by the insertion of the following section after section 52 of the By-law:

“Major Hazard installations

52A(1). Notwithstanding anything contained in the Occupational Health and Safety Act (Act 85 of 1993) and the Major Hazard Installation Regulations, (R692 of 2001), the controlling authority may require a risk assessment to be carried out on a premises or portion of a premises where an installation or a quantity of a substance is present which in the opinion of the controlling authority poses a risk that could affect the health and safety of employees and the public.

(2) A risk assessment must be performed by an Approved Inspection Authority and comply with the requirements of Regulation 5 of the Major Hazard Installation Regulations.”.

Amendment of section 53 of the By-law

18. The By-law is hereby amended by the substitution of subsection 53(1) with the following:

“(1). The operator of a vehicle designed for the transportation of flammable materials in excess of the exempt quantities as contained in Annexure A of SABS 0232-1 may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.”.

Insertion of Chapter 11 in the By-law

19. The By-law is hereby amended by the insertion of the following Chapter 11 after section 57:

“CHAPTER 11 FIREWORKS

Firework Certificates and Permits

58(1) Notwithstanding the provisions in the Explosives Act or Regulations, this Chapter regulates fireworks in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

(2) No owner or person in charge of premises may sell or store fireworks unless such owner or person has obtained a fireworks certificate from the controlling authority.

(3) Notwithstanding the provisions of subsection (1), the sale and storage of fireworks are prohibited on or in any building used for residential or part-residential purposes, vehicle, beach, land, terrain, road, vessel, train or aircraft.

(4) No person may operate a public fireworks display without receiving prior permission and having obtained a permit from the controlling authority.

(5) No person may use theatrical pyrotechnics or other fireworks during a live performance, film or television recording without receiving prior permission and having obtained a permit from the controlling authority.

(6) A permit for the operation of a public fireworks display must be applied for at least 14 days before the date of the letting off of the fireworks and will be subject to compliance with any conditions a controlling authority may impose.

(7) A fireworks certificate or permit is valid only in respect of:—

- (a) the premises or public fireworks display for which it was issued;
- (b) the owner, person in charge or person whose name appears on the certificate or permit;
- (c) the state of the premises at the time of issue, and
- (d) the quantities and types of fireworks or theatrical pyrotechnics stated on the certificate or permit.

(8) A fireworks certificate is issued to the owner or person in charge of premises and is valid until any condition of approval changes or the certificate is withdrawn or suspended.

(9) A fireworks permit is issued to a specific person and is valid for a set time period or until the conditions of approval change or the permit is withdrawn or suspended.

(10) A fireworks wholesaler or other supplier may not supply fireworks to any person not in possession of a valid certificate or permit issued by the controlling authority, as the case may be.

(11) The fireworks certificate or permit must be available on the premises for inspection at all times and does not exempt the applicant from compliance with the By-law relating to the Management and Administration of the City of Cape Town’s Immovable Property or any other applicable legislation.

(12) A controlling authority may set aside municipal land for the purpose of the letting off of fireworks by the public, subject to such conditions as may be determined by the controlling authority and indicated by a notice at the site.”.

Amendment of Schedule 4 of the By-law

20. Schedule 4 of the By-law is hereby amended by—

- (a) the insertion after SABS 087: Part 4, of the following:

SANS 087: Part 6 — The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations
Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines.

STAD KAAPSTAD

WYSIGINGSVERORDENING OP GEMEENSAPSBRANDVEILIGHEID

Om die Verordening op Gemeenskapsbrandveiligheid te wysig soos gepubliseer in die Buitengewone Provinsiale Koerant 5832 van 28 Februarie 2002.

Die volgende besluit is deur die Raad van die Stad Kaapstad geneem:—

Wysiging van artikel 1 van die Verordening op Gemeenskapsbrandveiligheid

1. Artikel 1 van die Verordening op Gemeenskapsbrandveiligheid 2002, hierna verwys as die “Verordening”, word hiermee gewysig deur:
 - (a) die vervanging van die omskrywing van “keermuur” deur die volgende omskrywing:

“ ‘keermuur’ beteken ’n keermuur wat ’n bogronde bergingstenk omring en wat van ondeurdringbare materiaal gemaak is;”;
 - (b) die invoeging ná die omskrywing van “ontsnaproeteplan” van die volgende omskrywing:

“ ‘brandstrook’ beteken ’n natuurlike of gemaakte strook grond waar die plantegroei verwyder of verander is om die verspreiding en intensiteit van enige brand te stuit of te verminder wat op ’n perseel mag voorkom of wat ’n perseel mag binnekom, en wat uit een of meer van die volgende kan bestaan:

 - (a) gras of plantegroei wat hoogstens 50 mm hoog is;
 - (b) ’n grasperk of aangeplante tuin, of
 - (c) ’n pad of oprit;”
 - (c) die invoeging ná die omskrywing van “brandmuur” van die volgende omskrywing:

“ ‘vuurwerk’ dra die betekenis wat daaraan toegeken is ingevolge artikel 1 van die Wet op Plofstowwe, Wet 15 van 2003;”;
 - (d) die vervanging van die omskrywing van “SABS-kodes” deur die volgende omskrywing:

“ ‘SABS-kodes’ beteken die Suid-Afrikaanse Buro vir Standaard se Praktyk- en Spesifikasiekodes wat ingevolge die Wet op Standaard uitgereik is en SANS-kodes moet insluit;”;
 - (e) die invoeging ná die omskrywing van “SABS-kodes” van die volgende omskrywing:

“ ‘SANS-kodes’ beteken die Suid-Afrikaanse Buro vir Standaard se SANS Praktyk- en Spesifikasiekodes wat ingevolge die Wet op Standaard uitgereik is en SABS-kodes moet insluit;”;
 - (f) die invoeging ná die omskrywing van “tenk” van die volgende omskrywing:

“ ‘tent’ beteken ’n draagbare of tydelike struktuur van seil, materiaal of ander soortgelyke materiaal wat uit ’n dakgedeelte bestaan, mure kan hê, deur pale ondersteun word en styfgetrek word deur toue wat aan penne vasgemaak word wat in die grond ingekap is;”;
 - (g) die invoeging ná die omskrywing van “hierdie Verordening” van die volgende omskrywing:

“ ‘dreigende gevaar’ beteken die bestaan van ’n onwelkome of onwenslike situasie wat dreigende skade, risiko, gevaar of besering veroorsaak of die moontlikheid inhou om dit te veroorsaak sou ’n noodgeval of brand voorkom;”.
 - (h) die invoeging ná die omskrywing van “ keermuur “ van die volgende omskrywing:

“ ‘mobiele vulstasie’ ’n perseel wat tydelik of permanent vir die vul van hervulbare vloeipetroleumgashouers uit ’n mobiele eenheid gebruik word;

Wysiging van artikel 6 van die Verordening

2. Artikel 6(1) van die Verordening word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Wanneer ’n owerheid in beheer vind dat daar nie aan die voorwaardes van hierdie Verordening voldoen word nie, met uitsondering van die situasie in artikel 4(2), mag ’n skriftelike kennisgewing uitgereik word en moet dit die volgende insluit:

 - (a) bevestiging van die bevindings;
 - (b) bepaling van hierdie Verordening wat oortree word;
 - (c) die remediërende optrede wat vereis word, en
 - (d) die bepaling van ’n spertyd vir voldoening.”

Wysiging van artikel 16 van die Verordening

3. Artikel 16 van die Verordening word hiermee gewysig deur—

- (a) die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Voor die oprigting en gebruik van 'n tent as 'n okkupasie soos beoog in die Nasionale Bouregulasies (A20), moet die eienaar of persoon in beheer van die perseel—

- (a) 'n aansoek ingevolge die Nasionale Bouregulasies (A2) en (A23) by die munisipaliteit indien vir goedkeuring om die tent op te rig oprig en te gebruik en
- (b) 'n aansoek ingevolge artikel 21 van hierdie Verordening by die owerheid in beheer indien vir 'n tydelike bevolkingsertifikaat.”;

- (b) die vervanging van subartikel 16(2)(a) deur die volgende subartikel:

“(a) Die veiligheidsafstand tussen 'n tent en enige gebou of grens word bepaal ooreenkomstig TT2 van die SABS 0400. Die owerheid in beheer mag vereis dat hierdie afstand vergroot word indien die situasie dit vereis.”;

- (c) die invoeging ná subartikel 16(2)(a) van die volgende subartikel:

“(aA) Die tent moet minstens 4,5 meter van enige brandbare materiaal of gevaarlike goedere opgerig word.”

Wysiging van artikel 17 van die Verordening

4. Artikel 17 van die Verordening word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die eienaar of persoon in beheer, na gelang van omstandighede, moet brandblussers op die perseel verskaf en installeer word soos vereis deur die owerheid in beheer en ooreenkomstig die Nasionale Bouregulasies (T1) en (T2).”.

Wysiging van artikel 18 van die Verordening

5. Artikel 18 van die Verordening word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Die eienaar of persoon in beheer moet verseker dat 'n brandbeskermingstelsel op 'n gereelde grondslag getoets word en in stand gehou word en dat 'n gedetailleerde rekord van sodanige toetse en instandhouding gehou word.”

Wysiging van artikel 21 van die Verordening

6. Artikel 21 van die Verordening word hiermee gewysig deur—

- (a) die vervanging van subartikel (1) deur die volgende subartikel:

“(1) Voor die gebruik van die perseel vir vermaak of openbare byeenkomste waar die bevolking insluitend die personeel 50 mense oorskry, moet die eienaar of persoon in beheer van sodanige perseel 'n aansoek om 'n bevolkingsertifikaat by die beherende owerheid indien, soos in Bylae 2 van hierdie Verordening voorgeskryf.”;

- (b) die invoeging ná subartikel (1) van die volgende subartikel:

“(1A) Die eienaar of persoon in beheer van die perseel waarvoor 'n bevolkingsertifikaat benodig word sal nie sodanige perseel benut indien 'n bevolkingsertifikaat nie deur die beherende owerheid uitgereik is nie.”.

Wysiging van artikel 31 van die Verordening

7. Artikel 31 van die Verordening word hiermee gewysig deur—

- (a) die invoeging van die volgende subartikel ná subartikel 31(3):

“(3A) Die eienaar of persoon in beheer van die perseel mag nie enige persoon toelaat of vergunning verleen om 'n sigaar, sigaret, pyp, tabak of enige ander middel aan te steek of andersins ander materiaal aan die brand steek in enige plek waar dit uitdruklik verbied word nie.”;

- (b) die invoeging van die volgende subartikel ná subartikel 31(5):

“(6) Waar enige persoon 'n brandende vuurhoutjie of soortgelyke item, 'n brandende sigaret of soortgelyke item, of ander brandende of smeulende materiaal of items, of enige materiaal of item wat self kan ontbrand of ontsteek, of enige materiaal of item wat die selfontbranding of selfontsteking van enige materiaal op 'n pad of enige ander plek kan veroorsaak, uit 'n voertuig gooi, neersit of laat val, sal daar, by afwesigheid van bewyse tot die teendeel, aangeneem word dat sodanige aksie deur die eienaar van sodanige voertuig uitgevoer is.

Wysiging van die titel van hoofstuk 7 van die Verordening

8. Hoofstuk 7 van die Verordening word hiermee soos volg gewysig:

- (a) die titel van hoofstuk 7 word soos volg vervang:

“BRANDGEVARE EN BRANDSTROKE”;

- (b) die volgende artikel is ingevoeg ná artikel 35:

“Brandstoke

35A(1) Ondanks enigiets wat in die Nasionale Wet op Veld- en Bosbrande vervat is, sal die eienaar of persoon in beheer van 'n perseel waarop daar plantegroei groei waar nodig ('n) voldoende brandstrook (-stoke) voorberei en in stand hou om te verseker dat die risiko van 'n plantegroei brand wat op die perseel ontstaan of van een perseel na die volgende versprei, tot die minimum beperk word.

(2) Waar 'n eienaar of persoon in beheer in gebreke bly om 'n brandstrook voor te berei of in stand te hou of waar die brandstrook volgens die mening van die beherende owerheid onvoldoende vir die heersende omstandighede is, kan die beherende owerheid ingevolge artikel 4(2) of 6(1) van hierdie Verordening optree.

(3) Waar 'n brandstrook voorberei is, moet die plantmateriaal in die brandstrook uit die gebied van die brandstrook verwyder word, en die wegdoening daarvan moet geskied op 'n wyse wat vir die beherende owerheid aanvaarbaar is.

(4) Subartikel (1) is nie van toepassing op gevalle waar 'n vrystelling ingevolge die Nasionale Wet op Veld- en Bosbrande verleen is nie.”.

Wysiging van artikel 37 van die Verordening

9. Artikel 37 van die Verordening word hiermee gewysig deur die vervanging van paragraaf (i) van subartikel (6) van die volgende paragraaf:

“(i) 'n ontvlambare gas meer as 38 kilogram, of”.

Wysiging van artikel 38 van die Verordening

10. Artikel 38 van die Verordening word hiermee gewysig deur—

- (a) die vervanging van subartikel (4) deur die volgende subartikel:

“(4) 'n Sertifikaat vir ontvlambare middels moet hernu word, wanneer die hoeveelheid of klas van die ontvlambare middel verander moet word of wanneer artikel 37(5) van toepassing is.”;

- (b) die vervanging van subartikel (7) van die volgende subartikel:

“(7) 'n Verskaffer mag nie—

- (a) meer as 38 kg se ontvlambare gas of 200 liter van 'n ontvlambare vloeistof in gevaargroep (i), (ii), (iii) of (iv), wat die geval ook al mag wees, aan enige persoon voorsien sonder bewys dat die persoon aan wie dit voorsien word in besit is van 'n geldige sertifikaat vir ontvlambare middels soos in artikel 37(6) beoog word nie; of
- (b) meer as 38 kg ontvlambare gas of meer as 200 liter ontvlambare vloeistof in gevaargroepe (i), (ii), (iii) of (iv), wat die geval ook al mag wees, aan enige perseel voorsien nie, tensy die eienaar of persoon in beheer van 'n perseel in besit is van 'n geldige sertifikaat vir ontvlambare middels soos in artikel 37(6) beoog.”.

Wysiging van artikel 39 van die Verordening

11. Artikel 39 van die Verordening word hiermee gewysig deur die vervanging van subartikel (8) deur die volgende subartikel:

“39(8) 'n Permanente of tydelike tenk moet 'n keermuur hê wat só ontwerp is dat dit 110% van die inhoud van die tenk binne die keermuur kan hou, of in die geval waar meer as een tenk in die keergebied is, moet die keermuur in ooreenstemming met die vereistes van SANS 10089: Deel 1 wees.”.

Vervanging van artikel 43 van die Verordening

12. Die volgende artikel vervang hiermee artikel 43 van die Verordening:

“Vloeibaargemaakte petroleumgasinstallasie in mobiele eenhede en klein nie-permanente geboue

43. 'n Vloeibaargemaakte petroleumgasinstallasie in mobiele eenhede en klein, nie-permanente geboue sal in ooreenstemming met SANS 10087: Deel 1 wees.”.

Vervanging van artikel 44 van die Verordening

13. Die volgende artikel word hiermee vervang deur artikel 44 van die Verordening:

“Die voorsiening van brandstof aan vrkhyseretrokke en ander vloeibaargemaakte petroleumgasaangedrewe voertuie

44. Die voorsiening van brandstof aan vrkhyseretrokke en ander vloeibaargemaakte petroleumgasaangedrewe voertuie moet in ooreenstemming met SANS 10087: Deel 8 wees.”

Invoeging van subartikels 44A en 44B in die Verordening

14. Die volgende artikels word hiermee ná artikel 44 van die Verordening ingevoeg:

“Die gebruik van vloeibaargemaakte petroleum en saamgeperste natuurlike gasse as enjinbrandstof.

44A. Die gebruik van vloeibaargemaakte petroleum en saamgeperste natuurlike gasse as 'n brandstof vir binnebrandenjins en vir die werking van toerusting wat gebou is vir of omgebou is om vloeibaargemaakte petroleumgas te kan gebruik sal ten volle aan SANS 10087: Deel 6 voldoen.

Mobiele vulstasies vir hervulbare vloeibaargemaakte petroleumgas (VPG)-houers

44B.(1) Die gebruik van 'n mobiele vulstasie vir die hervul van vloeibaargemaakte petroleumgashouers word verbied.

44B.(2) Geen persoon mag 'n hervulbare vloeibaargemaakte petroleumgashouer by 'n mobiele vulstasie laat volmaak nie.

Vervanging van artikel 45 van die Verordening

15. Die volgende artikel vervang hiermee artikel 45 van die Verordening:

“Die berging en vul van hervulbare vloeibaargemaakte petroleumgashouers

45. Bergings- en vulterreine wat gebruik word vir die hervul van vloeibaargemaakte petroleumgashouers met 'n inhoud van hoogstens 9 kg moet in ooreenstemming met SANS 10087: Deel 8 wees.”.

Wysiging van artikel 49 van die Verordening

16. Artikel 49 van die Verordening word hiermee gewysig deur—

(a) die vervanging van subartikel (6) deur die volgende subartikel:

“(6) Ondanks die Nasionale Bouregulasies (T1) saamgelees met SABS 0400, mag die beherende owerheid toelaat dat 'n ontvlambare pakhuisdeur van nie-ontvlambare materiaal gemaak word mits dit na buite oopmaak en dat daar aan al die tersaaklike veiligheidsafstande voldoen word en

(b) die vervanging vir subartikel (10) van die volgende subartikel:

“(10) 'n Ontvlambare bewaarplek wat meer as 5000 l ontvlambare vloeistof berg moet voorsien word van 'n skuimtoevoerpyp wat uit 'n 65 millimeter oombliklike inpaskoppeling bestaan wat met 'n terugslagvoerklep toegerus is en sagte staal pypwerk wat na die binnekant daarvan lei. Waar nodig geag kan die beherende owerheid meer as een skuimtoevoerpyp vereis.”;

(c) die invoeging van die volgende subartikels ná subartikel (10) van die volgende subartikels:

“(10A) Die skuimtoevoerpyp en pypwerk moet voldoende verspreiding van die skuim verseker.

(10B) 'n Skuimtoevoerpyp moet geïdentifiseer word met 'n teken wat die woorde “Skuimtoevoerpyp” in blokletters van 50 millimeter vertoon.”;

(d) Die vervanging van subartikel (12) deur die volgende subartikel:

“(12) Die ontvlambare bewaarplek moet geïdentifiseer word deur die woorde “Flammable Store—Bewaarplek vir Ontvlambare Vloeistowwe—Isitoro Indawo Yokucina Izixhobo Ezithatha Lula Umlilo”, en die toelaatbare hoeveelheid wat in die ontvlambare bewaarplek toegelaat word moet in hoofletters van 50 millimeter-blokletters aangedui word aan die binnekant sowel as die buitekant van alle deure wat regstreks met die bewaarplek verbind is.”.

Invoeging van artikel 52A in die Verordening

17. Die Verordening word hiermee gewysig deur die invoeging van die volgende artikel ná artikel 52 van die Verordening:

“Grootrisiko-installasies

52A(1). Ondanks enigiets wat in die Wet op Beroepsgesondheid en Veiligheid en die Grootrisiko-installasieregulasies vervat is, kan die beherende owerheid vereis dat 'n risiko-assessering op die perseel of 'n gedeelte van die perseel gedoen word waar 'n installasie of 'n hoeveelheid van 'n middel teenwoordig is wat volgens die mening van die beherende owerheid 'n risiko inhou wat die gesondheid en veiligheid van werknemers en die publiek kan beïnvloed.

(2) 'n Risiko-assessering moet deur 'n goedgekeurde inspeksie-owerheid gedoen word en voldoen aan die vereistes van Regulasie 5 van die Grootrisiko-installasieregulasies.”.

Wysiging van artikel 53 van die Verordening

18. Die Verordening word hiermee gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

“(1). Die operateur van 'n voertuig wat ontwerp is vir die vervoer van ontvlambare materiaal wat meer is as die hoeveelhede wat vrygestel is soos aangedui in Bylae A van SABS 0232-1, mag nie met sodanige voertuig binne die jurisdiksie van die beherende owerheid werk nie tensy hy 'n sertifikaat vir gevaarlike goedere verkry het wat deur 'n brandweerdienst ingevolge die Wet op Nasionale Padverkeer uitgereik is.”.

Invoeging van hoofstuk 11 in die Verordening

19. Die Verordening word hiermee gewysig deur die invoeging van die volgende hoofstuk 11 ná artikel 57:

“HOOFSTUK 11

VUURWERKE

Vuurwerksertifikate en -permitte

58(1) Desnieteenstaande die bepalings van die Wet op Plofstowwe of die Plofstofregulasies, reguleer hierdie hoofstuk vuurwerke in die plaaslike regeringsfeer om brandgevaar of ander dreigende gevare te verhoed.

- (2) Geen eienaar of persoon in beheer van 'n perseel mag vuurwerke verkoop of bewaar tensy sodanige eienaar of persoon 'n vuurwerksertifikaat van die beherende owerheid verkry het nie.
- (3) Desnieteenstaande die bepalings van subartikel (1), word die verkoop en bewaring van vuurwerke verbied op of binne enige gebou wat vir residensiële of gedeeltelik residensiële doeleindes gebruik word, voertuig, strand, grond, terrein, pad, vaartuig, trein of vliegtuig verbied.
- (4) Geen persoon mag 'n openbare vuurwerkvertoning gee sonder om vooraf toestemming te verkry en sonder dat 'n permit van die beherende owerheid verkry is nie.
- (5) Geen persoon mag teatervuurwerk-kuns of ander vuurwerke tydens 'n lewendige vertoning, film- of televisieopname gebruik sonder om vooraf toestemming te verkry en sonder om 'n permit van die beherende owerheid te verkry nie.
- (6) Die aansoek om 'n permit vir die bedryf van 'n openbare vuurwerkvertoning moet ten minste 14 dae voor die afvuur van die vuurwerke geskied en is onderworpe aan voldoening aan enige voorwaardes wat die beherende owerheid mag voorskryf.
- (7) 'n Vuurwerksertifikaat of—permit is net geldig ten opsigte van:
- die perseel of openbare vuurwerkvertoning waarvoor dit uitgereik is;
 - die eienaar, persoon in beheer of persoon wie se naam op die sertifikaat of permit verskyn;
 - die toestand van die perseel ten tye van uitreiking, en
 - die hoeveelhede en soorte vuurwerke of teatervuurwerk-kuns wat op die sertifikaat of permit aangedui word.
- (8) 'n Vuurwerksertifikaat word uitgereik aan die eienaar of persoon in beheer van die perseel en is geldig tot die voorwaardes vir goedkeuring verander of tot die sertifikaat onttrek of opgeskort word.
- (9) 'n Vuurwerkpermit word aan 'n spesifieke persoon uitgereik en is vir 'n vasgestelde tyd geldig of totdat die voorwaardes vir goedkeuring verander of die permit onttrek of opgeskort word.
- (10) 'n Vuurwerk-groothandelaar of ander verskaffer mag nie vuurwerke verskaf aan enige persoon wat nie in besit is van 'n geldige sertifikaat of permit wat deur die beherende gesag uitgereik is nie, of wat die geval ook al mag wees nie.
- (11) Die vuurwerksertifikaat- of permit moet te alle tye op die perseel beskikbaar wees vir inspeksie en stel nie die aansoeker vry van voldoening aan die Verordening ten opsigte van die Bestuur en Administrasie van die Stad Kaapstad se Vaste Eiendom of enige ander toepaslike wetgewing nie.
- (12) 'n Beherende owerheid mag munisipale grond opsy sit met die doel om aan die publiek 'n plek te verskaf waar hulle vuurwerke kan afvuur, onderworpe aan sodanige voorwaardes wat deur die beherende owerheid bepaal mag word en wat op 'n kennisgewing by die terrein aangedui word.''

Wysiging van Bylae 4 van die Verordening

20. Bylae 4 van die Verordening word hiermee gewysig deur—

- die invoeging ná SABS 087: Deel 4, van die volgende:

SANS 10087: Deel 6 Die hantering, bewaring en verspreiding van vloeibaargemaakte petroleumgas in huishoudelike, kommersiële en nywerheidsinstallasies deel 6: Die aanwending van vloeibaargemaakte petroleum- en saamgeperste natuurlike gasse as enjinbrandstof vir binnebrandenjins.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA OLUNGISIWEYO ONGOKHUSELEKO LOLUNTU KWIMILILO

Ukulungisa uMthetho kaMasipala oPhathelele kuKhuseleko loLuntu kwiMililo owabhengezwa kwiPhephandaba loMbuso lePhondo Nomb. 5832 ngomhla wama-28 Februwari 2002.

ULWAZI OLUNIKA INKCAZA JIKELELE:

ISixeko saseKapa sagqiba ngolu hlobo lulandelayo:—

Ukulungiswa kwecandelo loku-1 loMthetho kaMasipala eliPhathelele kuKhuseleko loLuntu kwiMililo

- Icandelo loku-1 lomthetho kamasipala eliphathelele kuKhuseleko loLuntu kwiMililo, umthetho ka-2002 ukususela ngoku elichazwa 'njengoMthetho kaMasipala' kungoku nje lilungisiwe—
 - ngokutshintsha inkcazelo ethi “udonga olubiyileyo” kule nkcazelo ilandelayo:

“ ‘udonga olubiyileyo’ kubhekiselelwe kudonga olunqanda kuwa olujikelezileyo nolungaphezu kwetanki elisisiquathi emhlabeni, elakhiwe ngezinto ezingangeneki/ezingatyhutyheki;”;

- (b) ukufakelwa emva kwenkcazelo ethi "indlela yokuphuma" kule nkcazelo ilandelayo:

"'ukunqandwa komlilo' kubhekiselelwe kwisiqwenga somhlaba sendalo okanye esenziwe ngabom nalapho kususwe izityalo okanye apho izityalo ziguqulweyo ukuze ziqulathe okanye zinciphise ukwanda nobukhulu bawo nawuphi na umlilo onokuqhambuka kulo ndawo okanye onokungena kulo masango, yaye zinokubandakanya enye okanye uninzi lwezi zinto zilandelayo:

- (a) ingca okanye izityalo ezingekho ngaphezu kwama-50mm ngomphakamo;
- (b) ibala elinengca echetywayo okanye igadi elinyiweyo, okanye
- (c) indlela okanye indlela yemoto esuka esitalatweni ukuya endlwini;"

- (c) ukufakelwa emva kwenkcazelo ethi "udonga olunqanda umlilo" kule nkcazelo ilandelayo:

"'izitakantlantsi' inentsingiselo eyabelwe yona kwicandelo loku-1 loMthetho ophathelele kwiZiqhushumbisi, uMthetho we-15 ka-2003;"

- (d) ukutshintshwa kwenkcazelo ethi "SABS Codes" ngale nkcazelo ilandelayo:

"'SABS Codes' kubhekiselelwe kwiMigaqo yokuSebenza neNgcaciso ye-South African Bureau of Standards SABS eyapapashwa ngokwemigaqo yoMthetho weMigangatho, yaye uza kuquka iMigaqo ye-SANS;"

- (e) ukufakelwa emva kwenkcazelo ethi-"SABS Codes" kwale nkcazelo ilandelayo:

"'SANS Codes' kubhekiselelwe kwiMigaqo yokuSebenza neNgcaciso ye-South African Bureau of Standards SANS eyapapashwa ngokwemigaqo yoMthetho olawula iMigangatho, yaye iza kubandakanya le Migaqo ye-SABS;"

- (f) ukufakelwa kwenkcazelo ethi "itanki" kule nkcazelo ilandelayo:

"'itente' kubhekiselelwe kwisakheko esiphathekayo okanye esenziwe okwethutyana esenziwe ngeseyile, ngelaphu okanye ngenye into efana nezi, esibandakanya isigubungelo, esinokuba neendonga, ezixhaswe ziipali zatsalwa ngentsontela ezibotshelelwe ngezikhonkwane ezibethelelwe emhlabeni;"

- (g) ukufakelwa emva kwenkcazelo ethi "lo Mthetho kaMasipala" kwale nkcazelo ilandelayo:

"'imeko enobungozi' kubhekiselelwe kubukho kwemeko engamkelekanga okanye engathandekiyo ebangela okanye enamandla okubangela ingozi ekufuphi, umngcipheko, intshabalalo okanye ukonzakala xa kunokubakho imeko yonxunguphalo okanye kuqhambuke umlilo;"

- (h) ukufakelwa kwenkcazelo ethi "UMthetho olawula iZinto eziyiNgozi" kule nkcazelo ilandelayo

"Isikhululo sokutha/sokugcwalisa amafutha esinokususwa" isiza esisetyenziswa okwethutyana okanye umphele ngeenjongo zokugcwalisa iziqukathi ezinokuthiwa ngegesi/amafutha ezithuthi afunyanwa kwisikhululo sokutha esinokususwa;

Ukulungiswa kwecandelo le-6 loMthetho kaMasipala

2. Icandelo 6(1) loMthetho kaMasipala kungoku nje liyalungiswa ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelwane:

"(1) Xa ugunyaziwe olawulayo efananisa ukuba akukho kuthotyelwa kwemiqathango yalo Mthetho kaMasipala, ngaphandle kwemeko ekwicandelo le-4(2), kunokufuneka ukuba kukhutshwe isaziso esibhaliweyo yaye eso saziso kufuneka siquke oku kulandelayo:

- (a) isiqinisekiso seziphumo zophando;
- (b) imiqathango yalo Mthetho kaMasipala eyaphuliweyo;
- (c) intshukumo yokulungisa le meko eyimfuneko, kunye
- (d) kumiselwe kwangaphambili ixesha emakuthotyelwe ngalo lo mqathango."

Ukulungiswa kwecandelo le-16 lo Mthetho kaMasipala

3. Icandelo le-16 loMthetho kaMasipala kungoku nje lilungiswa ngolu hlobo—

- (a) ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelayo:

"(1) Phambi kokumiswa nokusetyenziswa kwetente njengendawo yokuhlala njengoko kuchaziwe kwiMiqathango yeZakhiwo kwiSizwe (A20), umnini okanye umntu olawula lo ndawo kufuneka—

- (a) angenise isicelo ngokwemigaqo yeMiqathango yeZakhiwo kwiSizwe (A2) no-(A23) kwaMasipala ukuze kwamkelwe ukumiswa kunye nokusetyenziswa kwalo tente; yaye
- (b) angenise isicelo ngokwemigaqo yecandelo lama-21 lalo Mthetho kaMasipala kuGunyaziwe olawulayo ukuze afumane isiqinisekiso senani labantu abahlalayo sethutyana;"

- (b) ukutshintshwa kwecandelwana le-16(2)(a) ngeli candelwana lilandelayo:

"(a) Umgama wokhuseleko phakathi kwentente naso nasiphi na isakhiwo okanye umda kuyimfuneko ukuba simiselwe ngokulandela umgaqo ongunombolo TT2 we-SABS 0400.

Ugunyaziwe olawulayo unakho ukufuna ukuba lo mgama wandiswe xa imeko inyanzelisa oko.";

- (c) ukufakelwa emva kwecandelwana le-16(2)(a) kweli candelwana lilandelayo:

“(aA)Itente kufuneka yokhiwe ubuncinane kumgama weemitha eziyi-4,5 ukusuka kwizinto ezinokutsha lula okanye impahla eyingozi.”.

Ukulungiswa kwecandelo le-17 loMthetho kaMasipala

4. Icandelo le-17 loMthetho kaMasipala kungoku nje liyalungiswa ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelayo:

“(1) Umnini okanye umntu olawulayo kulo ndawo, ngokwemeko leyo ekuyiyo, kufuneka abonelele yaye afakele izixhobo zokuCima uMlilo yaye ezi zixhobo kulo ndawo njengoko oku kunokuba yimfuneko emiswe ngugunyaziwe olawulayo nangokuthobela iMiqathango yeZakhiwo kwiSizwe (T1) no-(T2).”.

Ukulungiswa kwecandelo le-18 loMthetho kaMasipala

5. Icandelo le-18 loMthetho kaMasipala kungoku nje liyalungiswa ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelayo:

“(1) Umnini okanye umntu olawulayo kulo ndawo kuyimfuneko ukuba aqinisekise ukuba isixhobo esikhusela umlilo sivavanywe yaye silondolozwe rhoqo kunye nokuba ulwazi olunenkukacha zokwenziwa kolo vavanyo nomsebenzi wolondolozo lweso sixhobo.”.

Ukulungiswa kwecandelo lama-21 loMthetho kaMasipala

6. Icandelo lama-21 loMthetho kaMasipala kungoku nje lilungiswa ngolu hlobo—

- (a) ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelayo:

“(1) Phambi kokusetyenziswa kwala masango ngeenjongo zokuzonwabisa okanye indibano yoluntu nalapho inani labantu kuqukwa nabasebenzi lingaphezu kwabantu abangama-50, umnini okanye umntu olawulayo kule ndawo kufuneka ukuba angenise isicelo sesiqinisekiso senani labantu kugunyaziwe olawulayo, njengoko kumiselweyo kwiShedyuli ye-2 yalo Mthetho kaMasipala.”;

- (b) ukufakelwa emva kwecandelwana loku-(1) kweli candelwana lilandelayo:

“(1A) Umnini okanye umntu olawulayo kulo ndawo nalapho kufuneka isiqinisekiso senani labantu akuvumelekanga ukuba ayisebenzise le ndawo ukuba akasikhutshelwanga isiqinisekiso senani labantu nguGunyaziwe oLawulayo.”.

Ukulungiswa kwecandelo lama-31 lalo Mthetho kaMasipala

7. Icandelo lama-31 loMthetho kaMasipala kungoku nje lilungiswa ngolu hlobo—

- (a) ngokufakelwa kweli candelwana lilandelayo emva kwecandelwana lama-31(3):

“(3A) Umnini okanye umntu olawulayo kulo ndawo akanakho ukuvumela nabani na ukuba alayite okanye atshaye isiga, umdiza, inqawa, icuba okanye nantoni na etshiswayo okanye alumeke okanye atsThe owner or person in charge of premises may not allow or permit any person to hise umlilo okanye nantoni na etshayo nakuyiphi na indawo apho oku kuthintelweyo ngokucacileyo.”;

- (b) ukufakelwa kweli candelwana lilandelayo emva kwecandelwana lama-31(5):

“(6) Kwimeko apho umntu othile ephosa, elahla phantsi okanye ewiswa uluthi lomlilo ovuthayo, umdiza ovuthayo, okanye nantoni na evuthayo enokubangela ukuvutha okukhawulezileyo okanye ukuzivuthisa endleleni okanye nakuyiphi na enye indawo, kweziwa ngumntu osesithuthini, kuya kuthatyathwa ngokungathi, ngenxa yokungabikho kobungqina obuchasene noku, ukuba eso senzo senziwa ngumntu wesithuthi eso.”.

Ukulungiswa kwesihloko kwiSahluko se-7 salo Mthetho kaMasipala

8. Isahluko se-7 salo Mthetho kaMasipala kungoku nje silungiswa ngolu hlobo:

- (a) isihloko kwiSahluko se-7 siyatshintshwa kufakwe esi silandelayo:

“IINGOZI ZOMLILO NEZIQWENGA ZOMHLABA EZINGENANTO EZILUNGISELELWE UKUNQANDA UMLILO”;

- (b) Eli candelo lilandelayo lifakelwa emva kwecandelo lama-35:

“Iziqwenga zomhlaba ezingenanto ezilungiselelwe ukunqanda umlilo

35A(1) Nangona kukho inkcaso kuyo nantoni equlethwe kuMthetho olawula iMililo yaMadelo naMahlathi kwiSizwe, umnini okanye umntu olawulayo kulo ndawo inezityalo ezikhula kuyo xa kuyimfuneko kuyimfuneko ukuba enze amalungiselelo okwenziwa yaye alondolozwe amabala angenanto alungiselelwe ukunqanda umlilo ukuqinisekisa ukuba ingozi yokuqhambuka komlilo kwizityalo okanye ukwanda komlilo ukusuka kwenye indawo ukuya kwenye kuyancitshiswa.

(2) Kwimeko apho umnini okanye umntu olawulayo kulo ndawo engaphumeleli ukwenza amalungiselelo okwenziwa okanye ukulondolozwa ibala elingenanto elilungiselelwe ukunqanda umlilo okanye apho ngokulowo logunyaziwe olawulayo, ibala elo lingenanto lilungiselelwe ukunqanda umlilo lingonelanga kwiimeko eziqhelekileyo, ugunyaziwe olawulayo unakho ukuthabatha amanyathelo ngokwemigaqo yecandelo le-4(2) okanye le-6(1) lalo Mthetho kaMasipala.

(3) Kwimeko apho enziweyo amalungiselelo ebala elingenanto lokunqanda umlilo, izityalo ezikufuphi nalo ndawo ingenanto ilungiselelwe ukunqanda umlilo kufuneka zisuswe kulo ndawo ikufuphi nebala elingenanto elilungiselelwe ukunqanda umlilo yaye kuyimfuneko ukuba zilahlwe ngendlela eyamkelekileyo kugunyaziwe olawulayo.

(4) Icandelwana loku-(1) alisetyenziswa kwiimeko apho kunikezelwe ulwamkelo olulodwa ngokwemigaqo yoMthetho olawula iMililo yaMadelo neyaMahlathi kwiSizwe.”.

Ukulungiswa kwecandelo lama-37 loMthetho kaMasipala

9. Icandelo lama-37 loMthetho kaMasipala kungoku nje lilungiswa ngokutshintshwa komhlathi (i) okwicandelwana le-(6) kufakewe lo mhlathi ulandelayo:

“(i) igesi enokuvutha eziikhilogramu ezingaphezu kwe-38, okanye”.

Ukulungiswa kwecandelo lama-38 loMthetho kaMasipala

10. Icandelo lama-38 lalo Mthetho kaMasipala kungoku nje lilungiswa ngolu hlobo—

- (a) ngokutshintshwa kwecandelwana le-(4) kweli candelwana lilandelayo:

“(4) Kuyimfuneko ukuba kuhlaziye isiqinisekiso sokugcina izinto ezinokuvutha kwindawo yakho naxa umthamo okanye umgangatho walo nto ivuthayo ufuna ukutshintshwa okanye kuyimfuneko ukuba kusetyenziswe icandelo lama-37(5).”;

- (b) ukutshintshwa kwecandelwana le-(7) kufakelwe eli candelwana lilandelayo:

“(7) Umboneleli ngenkonzo akanakho—

- (a) ukunikezela ngegesi enokuvutha engaphezu kwama-38kg okanye kweclitha ezingama-200 ento engamanzi enokuvutha ekwiqela lezinto ezinobungozi (i), (ii), (iii) okanye (iv), ngokwalo meko, kuya nabani na ngaphandle kwesiqinisekiso sokuba lo mntu unikwa lo nto inokuvutha unesiqinisekiso esisemthethweni sokugcina izinto ezinokuvutha njengoko kuchaziwe kwicandelo lama-37(6); okanye

- (b) ukuthuthela kuyo nayiphi na indawo, igesi enokuvutha engaphezu kwama-38kg okanye iilitha ezingaphezu kwama-200 zento engamanzi enokuvutha ekwiqela lezinto ezinobungozi (i), (ii), (iii) okanye (iv), ngokwemeko leyo, ngaphandle kokuba umnini okanye lo mntu ulawulayo kulo ndawo unesiqinisekiso esisemthethweni sokugcina izinto ezinokuvutha kwindawo yakhe njengoko kuchaziwe kwicandelwana lama-37(6).”.

Ukulungiswa kwecandelo lama-39 lalo Mthetho kaMasipala

11. Icandelo lama-39 loMthetho kaMasipala kungoku nje lilungiswa ngokutshintshwa kwecandelwana le-(8) kufakelwe eli candelwana lilandelayo:

“39(8) Itanki esetyenziswa umphelo okanye okwethutyana kuyimfuneko ukuba yokhelwe udonga olubiyelweyo noluza kuyilwa ngendlela elungiselelwe ukuqulatha izinto ezingumthamo we-110% kulo tanki ingaphakathi kudonga olubiyelweyo okanye, kwimeko apho kukho iitanki ezininzi kulo ndawo ibiyelweyo, udonga olubiyelweyo kuyimfuneko ukuba lwenziwe ngokulandela iimfuno ze-SANS 10089 isigaba soku-1.”.

Ukutshintshwa kwecandelo lama-43 lalo Mthetho kaMasipala

12. Eli candelo lilandelayo kungoku nje liyatshintshwa kufakelwe icandelo lama- 43 loMthetho kaMasipala:

“Indawo yokugcina igesi yepetroliyam eyenziwe yangamanzi kwiindawo ezinokuthuthwa nakwizakhiwo ezincinane ezakhiwe okwethutyana

43. Indawo yokugcina igesi yepetroliyam eyenziwe yangamanzi kwiindawo ezinokuthuthwa nakwizakhiwo ezincinane zethutyana kuyimfuneko ukuba kwenziwe kuthotyelwa imigaqo ye- SANS 10087: Isigaba soku-1.”.

Ukutshintshwa kwecandelo lama-44 loMthetho kaMasipala

13. Esi candelo lilandelayo kungoku nje liyatshintshwa kufakelwa icandelo lama- 44 lalo Mthetho kaMasipala:

“Ukugalelwa kwamafutha kwiiloli eziphakamisa imithwalo nezinye izithuthi ezisebenzisa igesi yepetroliyam ye-LP eyenziwe yangamanzi

44. Ukugalelwa kwamafutha kwiiloli eziphakamisa imithwalo nezinye izithuthi ezisebenzisa igesi yepetroliyam ye-LP eyenziwe yangamanzi kuyimfuneko ukuba kwenziwe kuthotyelwa imigaqo ye-SANS 10087: Isigaba se- 8.”.

Ukufakelwa kwecandelo lama-44A nelama-44B kulo Mthetho kaMasipala

14. La macandelo alandelayo kungoku nje afakelwa emva kwecandelo lama-44 loMthetho kaMasipala:

“Ukusetyenziswa kwegesi yepetroliyam ezeniwe zamanzi nezixinzelelweyo ezendalo njengamafutha eenjini

44A. Ukusetyenziswa kwegesi yepetroliyam emanzi negesi yendalo exinzelelweyo njengamafutha okutshisa ngaphakathi iinjini nokusetyenziswa kwezixhobo ezokhelwe okanye ezitshintshelwe ukuze zisebenzise igesi yepetroliyam engamanzi kuyimfuneko ukuba kwenziwe kuthotyelwa ngokupheleleyo imigaqo ye-SANS 10087 isigaba se-6.

Izikhululo ekugalelwa kuzo amafutha ezihambayo eneziquzatho ezigalela igesi yepetroliyam engamanzi ze-(LPG)

44B(1) Akuvumelekanga ukusetyenziswa kwezikhululo ekugalelwa kuzo amafutha ukuzalisa iziquzatho zegesi yepetroliyam engamanzi.

44B(2) Akukho mntu unelungelo lokuzalisa isiquzatho esinokuzaliswa segesi yepetroliyam engamanzi kwisikhululo ekugalelwa kuzo amafutha ezithuthi.

Ukutshintshwa kwecandelo lama-45 loMthetho kaMasipala

15. Eli candelo lilandelayo kungoku nje liyatshintshwa kufakelwe icandelo lama- 45 loMthetho kaMasipala:

“Ukugcinwa nokugalelwa kweziquzatho zegesi yepetroliyam engamanzi ezinokuzaliswa

45. Iindawo ekugcinwa kuzo nekugalelwa kuzo iziquqathu zegesi yepetroliyamu engamanzi kwiziquqathu ezinomthamo ongadlulanga kwi-9kg kufuneka kwenziwe kuthotyelwa imigaqo ye-SANS 10087: Isigaba se-8.”.

Ukulungiswa kwecandelo lama-49 loMthetho kaMasipala

16. Icandelo lama-49 loMthetho kaMasipala kungoku nje lilungiswa ngolu hlobo—

(a) ngokutshintshwa kwecandelwana le-(6) kufakelw eli candelwana lilandelayo:

“(6) Nangona kukho inkcaso kwiMiqathango elawula iZakhiwo kwiSizwe (T1) efundwa ngaxeshanye nemigaqo ye-SABS 0400, ugunyaziwe olawulayo unakho ukuvumela ukuba kokhiwe ucango olukhusela isitora kwimililo lokhiwe ngezinto ezingenakuvutha lula ngumililo, ukuba olo cango luvulelwea ngaphandle kunye nokuba kuthotyelwa yonke imigaqo yomgama wokhuseleko.”;

(b) ukutshintshwa kwecandelwana le-(10) kweli candelwana lilandelayo:

“(10) Isitora sezinto ezinokuvutha esigcina izinto ezingamanzi ezinokuvutha ezinomthamo ongaphezu kwama-5000l wezinto ezinokuvutha ezingamanzi kuyimfuneko ukuba sifakelwe isiziba esinogwebu esiquka ama-65 eemilimitha esebenza ngephanyazo efakelwe isivingco esingabuyeli sisakukhutshwa nombhobho westili esithambileyo esiya ngaphakathi kwesi sitora. Xa kubonwa kuyimfuneko ngugunyaziwe olawulayo, unakho ukunyanzelisa ukuba kufakelwe isiziba ezininzi ezinogwebu kwesi sitora.”;

(c) ukufakelwa kwala macandelwana alandelayo emva kwecandelwana le-(10) kula macandelwana alandelayo:

“(10A) Isiziba esinogwebu nombhobho kuyimfuneko ukuba ziqinisekise ukwabiwa ngokulinganayo kogwebu.

(10B) Isiziba esinogwebu masiphawulwe kusetyenziswa uphawu olubonakalisa amagama athi: “Isiziba sogwebu” ngoonobumba abohlukeneyo ngobukhulu bama-50 emilimitha.”;

(d) Ukutshintshwa kwecandelwana le-(12) kweli candelwana lilandelayo:

“(12) Isitora ekugcinwa kuso izinto ezinokuvutha lula kuyimfuneko ukuba siphawulwe ngamagama athi, “Flammable Store—Bewaarplek vir Vlambare Vloeistowwe—Isitora esiGcina izixhobo Ezinokuvutha lula”, kunye nomthamo wezixhobo ezivunyelweyo ukuba zifakwe kwisitora ekugcinwa kuso izixhobo ezinokuvutha lula, sibonakaliswe ngoonobumba abohlukeneyo ngobukhulu bama-50 emilimitha ngaphakathi nangaphandle kuzo zonke iingcango ezingena ngqo kweso sitora ekugcinwa kuzo izixhobo ezinovutha lula.”.

Ukufakelwa kwecandelo lama-52A kulo Mthetho kaMasipala

17. Lo Mthetho kaMasipala kungoku nje ulungiswa ngokufakelwa kweli candelo lilandelayo emva kwecandelo lama-52 loMthetho kaMasipala:

“Ukufakelwa kwezixhobo ezinoBungozi ngokuMandla

52A(1). Nangona nantoni na equlethwe kuMthetho ophathelele kwiMpilo noKhuseleko eMisebenzini neMiqathango elawula ukuFakelwa kweZixhobo ezinoBungozi ngokuMandla, ugunyaziwe olawulayo unakho ukunyanzelisa ukuba kwenziwe uhlolo lobungozi kumasango okanye kwinxalenye yendawo ekufakelwe kuyo uninzi lwezixhobo ezinobungozi nezithi ngokoluvo logunyaziwe olawulayo zibeke engozini enokonakalisa impilo nokhuseleko lwabasebenzi noluntu.

(2) Uhlolo lobungozi kuyimfuneko ukuba lwenziwe licandelo loLawulo loHlobo eliGunyazisiweyo yaye olo hlobo kuyimfuneko ukuba luthobele iimfuno zoMqathango we-5 weMiqathango elawula ukuFakelwa kweZixhobo ezinoBungozi ngokuMandla.”.

Ukulungiswa kwecandelo lama-53 loMthetho kaMasipala

18. Lo Mthetho kaMasipala kungoku nje uyalungiswa ngokutshintshwa kwecandelwana loku-(1) kweli candelwana lilandelayo:

“(1). Umqhubi wesithuthi esilungiselelwe ukuthutha izixhobo ezinokuvutha lula ezinomthamo ongaphezu kobuninzi obamkelweyo njengoko kuchaziwe kwiSongezelelo A se-SABS 0232-1 akuvumelekanga ukuba aqhube eso sithuthi kummandla ophantsi kolawulo logunyaziwe olawulayo, ngaphandle kokuba ufumene isiqinisekiso sokuthutha iimpahla ezinobungozi esikhutshwa licandelo leenkonziso zomkhosi womlilo ngokwemigaqo yoMthetho olawula uThutho eziNdeleleni kwiSizwe.”.

Ukufakelwa kwesahluko se-11 kuMthetho kaMasipala

19. Lo Mthetho kaMasipala kungoku nje uyalungiswa ngokufakelwa kwesi Sahluko se-11 silandelayo emva kwecandelo lama-57:

“ISAHLUKO SE-11

IZITAKANTLANTSI

Iziqinisekiso neMpepha-mvume zokugcina izitakantlantsi

58(1) Nangona kukho inkcaso kwizibonelelo zeMiqathango okanye uMthetho oLawulo iZiqhushumbisi, esi Sahluko simisela ulawulo lwezitakantlantsi kwicandelo lorhulumente wengingqi ngenjongo yokuthintela nokunciphisa iingozi zomlilo nezinye iingozi ezibangelwa zizinto ezinobungozi.

(2) Akukho mnini okanye mntu ulawula kundawo ethile ekuvumelekile ukuba athengise okanye agcine izitakantlantsi ngaphandle kokuba lo mnini okanye lo mntu ulawulayo kulo ndawo ufumene isiqinisekiso sokugcina izitakantlantsi kugunyaziwe olawulayo.

(3) Nangona kukho inkcaso kwizibonelelo zecandelwana loku-(1), intengiso nokugcinwa kwezitakantlantsi akuvumelekanga kuso nasiphi na isakhiwo esisetyenziselwa iinjongo zokuhlala okanye njenginxalenye yendawo yokuhlala, indawo ehlala izithuthi, kumanxweme, kumabala, kumhlaba othile, kwiindlela, kwiinqanawa, kooliwe okanye kwiinqwelo-ntaka.

(4) Akukho mntu kuvumeleke ukuba enze umboniso wezitakantlantsi kwindawo yoluntu esesidlalaleni ngaphandle kokuqala afumane imvume nofumene iphephamvume kugunyaziwe olawulayo.

(5) Akukho mntu uvumeleke ukuba enze umdlalo owenziwa ngomlilo eqongeni okanye nawuphi na umdlalo ngomlilo ngexesha kuzenziwa umboniso, umboniso-bhanyabhanya okanye ngexesha kushicilelwa imifanekiso yoomabonakude ngaphandle kokuqala afumane imvume okanye iphepha-mvume kugunyaziwe olawulayo.

(6) Iphepha-mvume lokwenza umboniso ongezitakantlantsi esidlangalaleni kuyimfuneko ukuba kwenziwe isicelo sokulifumana kwisithuba seentsuku ezili-14 phambi komhla wokuthengisa izitakantlantsi yaye ukwamkelwa kwesicelo eso kuya kuxhomekeka ekuthotyelweni kwayo nayiphi na imiqathangi enokumiselwa ngugunyaziwe olawulayo.

(7) Isiqinisekiso sokugcina izitakantlantsi okanye iphepha-mvume lokugcina izitakantlantsi livumeleke ngokusemthethweni kuphela xa liphathelele:

- (a) kumasango okanye kumboniso wezitakantlantsi esidlangalaleni elakhutshelwa sona iphepha-mvume elo;
 - (b) umnini, umntu olawulayo kulo ndawo nekuligama lakhe eliza kuvela kwisiqinisekiso okanye kwiphepha-mvume;
 - (c) imeko yalo ndawo ngexesha lokunikezelwa kwephepha-mvume, kunye
 - (d) nenani nohlobo lwezitakantlantsi okanye izixhobo zemidlalo yomlilo owenziwa eqongeni kwisiqinisekiso okanye kwiphepha-mvume.
- (8) Isiqinisekiso sokugcina izitakantlantsi sinikezelwa kuphela umnini propati okanye umntu olawulayo kulo ndawo yaye eso siqinisekiso sisemthethweni de kutshintshwe nawuphi na kwimiqathango yokwamkelwa okanye isiqinisekiso eso sirhoxiswe okanye sichithwe.

(9) Iphepha-mvume lokugcina izitakantlantsi likhutshelwa kuphela abantu abathile yaye lamkeleke ngokusemthethweni ixesha elithile elimiselweyo okanye de kutshintshwe imiqathango yokwamkelwa kwisiqinisekiso eso okanye xa iphepha-mvume lirhoxisiwe okanye lichithiwe.

(10) Umthengisi wezitakantlantsi okanye nawuphi na omnye umboneleli ngezitakantlantsi akuvumelekanga ukuba athengisele izitakantlantsi nakubani na ongenaso isiqinisekiso sokugcina izitakantlantsi esisemthethweni okanye iphepha-mvume elikhutshwa ngugunyaziwe olawulayo, ngokwemeko leyo.

(11) Isiqinisekiso sokugcina izitakantlantsi okanye iphepha-mvume lokugcina izitakantlantsi kuyimfuneko ukuba libekho/lifumaneke kule ndawo ngawo onke amaxesha ukuze lihlolwe yaye oku akuvumeli umfaki-sicelo wezitakantlantsi ukuba angathobeli uMthetho kaMasipala ophathelele kuLawulo lweePropati zeSixeko saseKapa ezingenakuSuswa okanye nawuphi na omnye umthetho osetyenziswayo ngokufanelekileyo.

(12) Ugunyaziwe olawulayo uvumelekile ukuba abekele bucala umhlaba kamasipala ngeenjongo zokuthengisa izitakantlantsi eluntwini, kodwa oko kuya kuxhomekeka kwimiqathango eya kumiselwa ngugunyaziwe olawulayo yaye oku kuya kubonakaliswa ngesaziso kweso siza.”

Ukulungiswa kweShedyuli ye-4 yoMthetho kaMasipala

20. Ishedyuli ye-4 yoMthetho kaMasipala kungoku nje iyalungiswa ngolu hlobo—

- (a) ngokufakelwa emva komgaqo we-SABS 087: Isigaba se-4, kolu lwazi lulandelayo:

SANS 10087: Isigaba 6 Ukuphathwa, ukugcinwa, nokwabiwa kwegesi yepetroliyam eyenziwe yangamanzi kwiindawo zemisebenzi yamakhaya, kwiindawo zoshishino nakwimizi-mveliso Isigaba se-6: Ukusetyenziswa kwegesi yepetroliyam eyenziwe yangamanzi negesi yendalo exinzelelweyo njengamafutha okufudumeza iinjini xa kufudunyezwa iinjini ezingaphakathi.