

Fire Regulations



Updated: June 2008

REGULATIONS RELATING TO FIRES AND THE MUNICIPAL FIRE BRIGADE

Notice is hereby given in terms of Section 94(1)(r)(vi) of the Local Authorities Act, Act No. 23 of 1992 as amended, that the Municipal Council of Swakopmund has, in substitution of Notice No. 123 as contained in the Official Gazette of 16 July 1962, further amends the Regulations Relating to Fires and the Municipal Fire Brigade.

Definitions

In this by-law, unless inconsistent with the context -

“approved” means approved by the chief fire brigade;

“chief fire brigade” means the person appointed by the council in terms of section the health and safety regulations, no156 of 1997 read with section 101 of the labour act (act 6 of 1992) and includes any member of the service representing the chief fire brigade for the purposes of this by-law as well as any official representing the chief fire brigade who is in control of any section, station, substation, fire-fighting operation or other emergency operation, event or inspection, as the case may be;

“council” means the municipal council of Swakopmund in whose area of jurisdiction this by-law applies;

“emergency” means an event or occurrence 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, irrespective of the title under which he/she occupies or controls such land, premises or building or portion thereof;

“owner” in relation to land or premises means the registered owner of such land or premises and includes any person receiving the rent or profits of such land or premises from any tenant or occupier thereof, whether on his/her own account or as the agent for any person entitled thereto or having an interest therein and, in relation to a sectional title scheme includes the body corporate established in terms of the Sectional Titles Act. 1971. (Act 66 of 1971), and in respect of a vehicle bears the ordinary meaning, and in the case of a deceased or insolvent estate, includes the executor or trustee respectively;

1. Members of the fire department, whilst proceeding to a fire on any of their machines or vehicles, shall have a preferent right-of-way over all classes of traffic in any street, thoroughfare, or open space within the jurisdiction of the Council.
2. On the occasion of any fire the Fire Master of the Municipal Fire Brigade (hereinafter called “the Chief Fire Brigade”) or his deputy shall attend with such men and appliances as he may deem necessary and may, in his discretion, avail himself of the assistance and take command of any

persons who may voluntarily place their services at his disposal, and generally may take any measure that may appear expedient for the protection of life and property, or the prevention or extinction of fire; and, in particular he may, if it should be necessary for such purposes, break into or through or take possession of or pull down any premises, doing as little damage as possible, and shall have the free right of access to and liberty to draw or take water from any hydrants, tanks, cisterns, pipes or other supplies, whether on public or private property.

3. Any street, passage, or thoroughfare in or near which a fire exists may be temporarily closed, and the police or any fireman may, on their own motion or at the request or order of any officer of the fire department remove any persons who by their presence or otherwise interfere with the operations of the fire department or police.
4. The Council may recover the expense incurred by it in respect of water at any fire from the owner or owners of any building or buildings which were on fire or, in the opinion of the Chief Fire Brigade, were endangered by the fire; and such owners shall be liable in such proportion as the Council may consider fair and reasonable.
5. The owners of any building or land upon which the fire shall take place shall be liable to the Council for the services of the fire brigade and the use of the fire engine and appliances in terms of a tariff framed by the Council and approved by the Ministry in terms of section 94(1)(r)(vi) of the Local Authorities Act, Act 23 of 1992, as amended, and in the event of the buildings or lands of more than one owner being affected by such fire, the charges for service of the brigade and engines and appliances shall be distributed between such owners in such proportion as the Council may consider fair and reasonable. The Council shall be entitled to recover in any court of competent jurisdiction the amount or proportionate amount due by any such owner.
6. The Council may recover from the owner of any movable property salvaged at any fire all expenses which may have been incurred by the Council or any of their officers or servants in and about the salvaging, removal or storage of such property.
7. Any person who shall interfere with, molest or obstruct any officer or member of the fire brigade in the execution of his duty, or any member of the police or other person acting under the orders of the Chief Fire Brigade, or who shall interfere with, drive over, or in any way damage the hose or any engine or any other appliance in use by the fire department whilst engaged in preventing or extinguishing a fire or at training drill shall be guilty of an offence and liable on conviction to a fine not exceeding **N\$40.00**.
8. Any person, not being an officer or member of the fire brigade of the Council, who shall wear the recognized uniform of the department, or in any way represent himself to be an officer, fireman or member of the fire brigade, shall be guilty of an offence and liable on conviction for the first

offence to a fine not exceeding **N\$40.00**, and for the second or any subsequent offence to a fine not exceeding **N\$100.00**.

9. If any person shall store or cause to be stored any timber, forage, empty packing cases, straw, or other combustible material in such quantities or in such situation or in such manner as to cause serious danger of fire to any buildings or other property, the Council may by notice in writing require such person to remove such material or to take other reasonable precautions within a period to be fixed in the notice.

Any person who shall fail to comply with such notice shall be guilty of an offence and liable on conviction to a fine not exceeding **N\$40.00**, and in addition, to a fine not exceeding **N\$10.00** for each day which shall elapse after the expiry of the period fixed by the notice until the requirements thereof shall have been complied with.

10. Any person who shall make a bonfire or burn any rubbish, straw, shavings, or other materials in any street or thoroughfare, or in any park or open space, or near buildings, whether on private property or not, without taking adequate precautions to ensure that the fire will not spread to buildings or other property, shall be guilty of an offence and liable on conviction for the first offence to a fine not exceeding **N\$10.00** and for the second or any subsequent offence to a fine not exceeding **N\$40.00**.
11. Any person who shall discharge any fireworks within the jurisdiction of the Council, negligently or dangerously or in a manner likely to cause damage to buildings or other property, shall be guilty of an offence and liable on conviction to a fine not exceeding **N\$40.00**.
12. The occupier of any house in which a chimney fire shall take place shall be guilty of an offence and liable on conviction for the first offence to a fine not exceeding **N\$10.00** and for the second or any subsequent offence to a fine not exceeding **N\$40.00**.
13. The Chief Fire Brigade or any other person appointed by the Council for the purpose may, at all reasonable times enter upon and inspect any premises or buildings within the jurisdiction of the Council for the purpose of inspecting any appliances for the prevention of fire and of ascertaining whether due precautions are taken for the prevention of fire.
14. The Council may cause to be affixed to any building, wall, fence, or other erection, or to any tree within the jurisdiction of the Council any telephone, fire-alarm, telegraph or other instrument for the transmission of calls of fire to any fire station, and any board or metal plate indicating by means of writing or other directions thereon the position of the nearest hydrant available in case of fire and may at any time cause such appliances or such board or metal plate to be removed. Any unauthorized person who shall remove, deface or damage any such appliance, board or metal plate, or any notice of any kind thereon, shall be guilty of an offence and liable on conviction to a fine not exceeding **N\$20.00**, and in addition thereto shall pay any expense incurred by Council in consequence of such conduct as aforesaid.

15. Any person who shall willfully give a false alarm of fire to the Fire Brigade, either by word of mouth or by means of fire-alarm, telegraph or telephone, shall be guilty of an offence and liable on conviction for the first offence to a fine not exceeding **N\$40.00** and for the second or any subsequent offence to a fine not exceeding **N\$100.00**.
16. Any person who shall contravene any of these regulations for the breach of which no penalty is specifically provided, shall be liable on conviction to a fine to exceeding **N\$20.00**.

FEES AND SERVICES RENDERED

17. The following fees shall be paid to the Council in respect of the following services by the owner or occupier of the premises on which such services are rendered: -

(a) Fire Fighting:

- (i) For the first 2 hours or portion thereof – N\$260.00.
- (ii) For each subsequent hour or portion thereof – N\$110.00
- (iii) For the services of the Chief Fire Brigade – N\$75.00 in respect of every fire.
- (iv) For the services of registered firemen, including the Chief Fire Brigade – N\$70.00 per hour or portion thereof in respect of each and every such fireman.
- (v) For water used – N\$6.00 - per m³, plus such other expenses in regard to the supply of water as may be incurred. (Bulk tariffs plus distribution and losses).
- (vi) The value of any actual damage to the property of the Council or its agent or the firemen.
- (vii) Such other actual expenses as may be incurred by the Council.

(b) When Fire Brigade is called out but renders no actual service:

- (i) For the Fire Engine – N\$140.00,
- (ii) For each fireman, including the Chief Fire Brigade:
during office hours – N\$70.00
outside office hours – N\$75.00

(c) Inspection and Protection Services:

- (i) For weekly inspections of Cinemas – N\$40.00 per inspection.
- (ii) For protection services at public functions – N\$70.00 for the first two hours or portion thereof, and thereafter – N\$75.00 per hour or portion thereof for each fireman