

LEKWA LOCAL MUNICIPALITY



DRAFT LIQUIFIED PETROLEUM BY-LAW

The Council of Lekwa Local Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following Bylaw:

LIQUIFIED PETROLEUM BY-LAW

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1. THE PURPOSE OF THIS BY-LAW

(1) The purpose of the Public Participation By-law is to provide for mechanisms for the maintenance of Liquefied Petroleum within the jurisdiction of Govan Mbeki Municipality.

2. DEFINITIONS

For the purpose of this by-law, unless the context indicates otherwise:

“approved”	means approved by the engineer;
“bulk depot”	means any premises used or intended to be used for the storage of liquefied petroleum gas, whence liquefied petroleum gas is to be broken down from bulk into portable containers or road tank wagons;
“carcase”	means any distribution system used for the handling of liquefied petroleum gas, together with any fittings pertaining thereto;
“consumer premises”	means any premises on which liquefied petroleum gas is consumed for approved domestic consumption; provided that the number of containers in which such gas is kept for this purpose shall not exceed six, subject to a total nett mass of 300kg; and provided further that a maximum of three containers may be linked together;
“container” or “cylinder”	means any vessel or bottle used for the storage of liquefied petroleum gas under pressure;
“decanting equipment”	means any equipment used for the purpose of decanting liquefied petroleum gas;
“keep”	in addition to its ordinary meaning also means “ to have in possession”;
“liquefied petroleum gas”	means any product which is comprised of or is a mixture of hydro-carbons and shall include propane, butane, butylene, ethane, ethylene, isopentane, normal pentane and methane;
"Municipality"	means the Lekwa Local Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none">a) acting in such a positionb) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“motor vehicle”	means any vehicle self-propelled, and includes a trailer;
“permit”	means a permit issued in terms of this by-law;
“person” or “occupier”	includes any individual, partnership, association or body, whether incorporate or not;
“road tank wagon”	also include a vehicle used for conveying liquefied petroleum gas in bulk for distribution and especially designed and constructed for this purpose;
“S.A.B.S. Specification” or “S.A.B.S. Code”	means the existing specification or code, as the case may be, as laid down by the South African Bureau of Standards, and any amendments thereto, and
“store”	means any building or structure or part thereof which is used or intended to be used for the storage of liquefied petroleum gas in portable containers but shall exclude consumer premises.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

3. PERMIT TO KEEP LIQUIFIED GAS

- (1) No person shall store or keep liquefied petroleum gas on any premises, except consumer premises, unless such person has obtained a permit from the Municipality to do so; provided that this provision shall not apply to a person to whom a certificate of registration has been granted in terms of previous legislation in terms of which he/she is authorised to store or keep inflammable substances on such premises.

4. APPLICATION FOR PERMIT

- (1) Any person desiring to obtain a permit in terms of section 2 (1) (above) shall make application to the Municipality on the prescribed form and supply such information as the Municipality may require.
- (2) The prescribed fees as determined from time to time by Municipality are payable with the application.

5. PLAN FOR LOCATION TO ACCOMPANY APPLICATION FOR PERMIT

- (1) Every application for a permit shall be accompanied by a plan in triplicate, showing the location where the liquefied petroleum gas is to be kept, in relation to adjacent buildings, drains, basements, wells, manholes, door openings, windows, public thoroughfares, existing liquefied petroleum gas storage and other hazardous storage. Every plan shall be on a scale of 1:2 000 in respect of the site plan and 1:100 in respect of the building plan.

6. QUALITY STATED ON PERMIT NOT TO BE EXCEEDED

- (1) No quantity of liquefied petroleum gas shall be kept on any premises in respect of which a permit has been issued in excess of any quantity stated in such permit.

7. FIRE EXTINGUISHERS

- (1) There shall be fixed in a permanent position adjacent to any place where liquefied petroleum gas is kept, such number of approved fire extinguishers as may from time to time be required by the Council.
- (2) Such fire extinguishers shall be tested by an approved person at least once annually.
- (3) Immediately after a fire extinguisher has been used, it shall be recharged.

8. GENERAL

- (1) Liquefied petroleum gas shall only be kept in containers manufactured in accordance with the S.A.B.S. Specification 219.
- (2) No lights other than electric lights or approved lightning installations manufactured in accordance with S.A.B.S. Specification 549 shall be used where liquefied petroleum gas is kept.
- (3) No cylinder shall be used to store liquefied petroleum gas after the expiry of a period of five years reckoned from the date endorsed thereon by the manufacturer thereof, unless such cylinder be hydraulically tested by an approved person who certifies that such cylinder is fit for the storage of liquefied petroleum gas, and likewise no cylinder shall be used to store liquefied petroleum gas after the expiry of a period of five years reckoned from the date of the last test by an approved person referred to above, unless such cylinder again be tested by an approved person, who certifies that it is fit for such use.
- (4) No person shall smoke, light a match or bring a naked flame within 15 cm of any place wherein liquefied petroleum gas is kept, or within 15m of the fuel tank of a motor vehicle into which liquefied petroleum gas is being conveyed.
- (5) All containers or cylinders shall be labelled or marked with the words *Liquefied petroleum gas*.
- (6) No person shall keep any liquefied petroleum gas under any staircase or in any such position as is likely to create a fire hazard.
- (7) Any pipes connected to any container shall be coloured to an approved code.
- (8) No container or decanting equipment shall be installed in or under any portion of a public thoroughfare or public place.
- (9) No alterations, additions or repairs shall be made to any premises in respect of which a permit has been issued or carcase, unless the Council's permission thereto has first been obtained.

9. STORAGE VESSEL AT BULK DEPOTS

- (1) The construction, installation and initial testing of storage vessels at bulk depots shall be carried out in accordance with the S.A.B.S. Code of Practice 087, Part III, Section (3), and 089, Part I, Section 12.1 to 12.6 inclusive.
- (2) Filling ratios and volumes of storage in industrial vessels at bulk depots shall be in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 4.
- (3) Storage vessels at bulk depots shall be located in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 5.

- (4) The installation of storage vessels at bulk depots shall be in accordance with S.A.B.S. Code of Practice 087, Part III, Section 6.
- (5) The construction and location of vaporisers at bulk depots shall be in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 7.
- (6) Container filling sheds, containers and filling of containers at bulk depots shall comply with the requirements of the S.A.B.S. Code of Practice 089, Part I, Section 12.7 and 12.8.
- (7) Precautions for hoses, static electricity and lightning shall be taken in accordance with the S.A.B.S. Code of Practice 089, Part I, Section 12.9 and 12.10.

10. STORES

Every store shall be constructed of the following materials and shall comply with the following requirements: -

- (1) All foundations shall be of approved concrete.
- (2) All external and internal walls shall be built of approved concrete, reinforced concrete, brick or stone of an approved thickness, regard being had to the situation and dimensions of the store.
- (3) All floors shall be of approved brick, concrete, cement, mortar, granolithic cobblestones, granite sets or other incombustible materials.
- (4) Adequate ventilation shall be provided to the open air at ceiling and floor levels by air bricks measuring 230mm by 150mm, the internal and external surfaces of which shall be covered by a closely-woven copper or bronze wire gauze with at least 28 meshes for every 25mm of its length. All gauze shall be held in position by metal strips, metal frames or cement.
- (5) The roofs shall be of approved incombustible materials.
- (6) The glass of all windows shall be of heat-resistant, wire-woven glass, reinforced with netting mesh.
- (7) Doors and windows shall be constructed of approved fire-resistant materials and all doors shall be so constructed that they can only open outwards and all windows shall be fixed in a closed position.
- (8) No lights other than approved electric lights or installations shall be used.
- (9) The store shall not communicate with any other building and shall only be entered directly from the open air, and no store shall abut any building unless the nearest point of any such store is at least 6 m away from any opening in such building.
- (10) All doors of any store shall be kept locked when not in use.
- (11) Only liquefied petroleum gas may be stored or kept in any store.

11. DECANTING

No person shall decant liquefied petroleum gas unless the following requirements are complied with:-

- (1) All decanting equipment shall be located at ground level in an area which is free from any combustible materials.
- (2) Any site where liquefied petroleum gas is decanted shall not be enclosed so as to impede the free movement of air at ground level but decanting equipment may be located under a small canopy or weather shelter which is fire-resistant and of such design that vented or escaped gas shall not collect under such canopy or weather shelter.
- (3) All decanting equipment shall be located at least –
 - (a) 15 m from any flame or source of ignition;
 - (b) 6 m from any opening to a basement;
 - (c) 5 m from any window which is capable of being opened;
 - (d) 3 m from any entrance to a public street, public place, open drain, manhole, well, air brick, ventilation system or any window which is not capable of being opened, and
 - (e) 6 m from any door which is the only door providing means of entrance or exit to or from any enclosed room or space, or otherwise at least 3 m from any other door.
- (4) No decanting equipment shall be located in any building or on any site which is accessible to the general public.
- (5) No decanting cylinder shall be mounted inverted.
- (6) Where a decanting cylinder exceeds a capacity of 20 kg the cylinder's valve protecting the cap must be firmly screwed on until such time as the cylinder is safely in the decanting position.
- (7) All sites where liquefied petroleum gas is decanted shall be supplied with at least one approved fire extinguisher.
- (8) Decanting of liquefied petroleum gas shall only be carried out under the direct supervision of an adequately trained person.
- (9) Liquefied petroleum gas shall not be decanted continuously for a period of more than two hours, unless a 30 minute break in decanting is observed to allow the accumulation of vented gas to dissipate.
- (10)
 - (a) The instructions of the manufacturer of cylinders of less than 20 kg capacity shall be carried out regarding the decanting thereof, and such instructions shall be displayed next to any decanting equipment which is decanting such a cylinder.
 - (b) The filling of such cylinders shall be carried out in accordance with the S.A.B.S. Code of Practice 091/1951.
 - (c) A label shall be affixed to such cylinder by the person filling it, at the time it is filled, warning the user thereof not to place the cylinder near any source of heat or flame.

12. CONVEYANCING IN ROAD TANK WAGONS

- (1) All road tank wagons shall be constructed in accordance with the S.A.B.S. Code of Practice 089, Part IV, Section 5 to 9 inclusive, and all liquefied petroleum gas therein shall be conveyed in accordance with the said Code of Practice.

- (2) Before any person may use a road tank wagon to convey liquefied petroleum gas he/she shall –
 - (a) be in possession of a certificate of roadworthiness of fitness in respect of such motor vehicle;
 - (b) be in possession of a certificate by the Municipality stating that such motor vehicle complies with the provisions of this by-law, and
 - (c) ensure that all requirements of the Road Traffic Act, 1989, whenever applicable to the said motor vehicle, have been complied with.

13. CONVEYING OF LIQUEFIED PETROLEUM GAS IN PORTABLE CONTAINERS

All motor vehicles other than road tank wagons which are used to convey liquefied petroleum gas shall comply with the following requirements: -

- (a) Be provided with sides on the carrying space of the motor vehicle of at least 1 m height.
- (b) Be provided with an approved fire extinguisher.
- (c) Not carry more than 75% of the tare of such motor vehicle.
- (d) Have no containers conveyed which are not adequately secured.
- (e) Be provided with warning notices as laid down by the S.A.B.S Code of Practice 087, Part IV, Section 5.3.

14. FIRE PRECAUTIONS

- (1) All storage vessels at bulk depots shall be equipped with a water spray system fitted with approved no-clogging spray nozzles, which when in operation, must be capable of enveloping the entire storage vessel in water spray.

15. WARNING NOTICES

- (1) There shall be conspicuously exhibited on all premises in respect of which a permit has been issued, a notice in red letters of not less than 100mm high and in 25mm stroke lettering on a white background, with the words "*No smoking – No naked lights*" in both official languages and Such notice shall not be more than 3m above the ground and shall be maintained in a clear and legible condition.

16. CARCASES

- (1) All carcasses shall be constructed and maintained in such a condition as to be reasonably safe from damage and to prevent any leakage of liquid or vapour there from.
- (2) All carcasses shall be manufactured, maintained and tested in accordance with the S.A.B.S. Code of Practice 087, Part I, Section 3,4,5,6 and 7.
- (3) No carcass shall be installed within 1 m of any opening, door, window, air brick or vent or within 2 m of any manhole, basement or storm water drain.

17. SEIZURE AND REMOVAL OF LIQUEFIED GAS

- (1) Where any duly authorised officer of the Municipality has reasonable cause to believe that any liquefied petroleum gas found by him/her is being kept or stored in contravention of

this by-law or any other law he/she may seize and retain the same and may require the occupier of the place in which it is seized to retain the liquefied petroleum gas either in that place or in any other place as will, in his/her opinion, least endanger the public safety and there retain it until arrangements to the satisfaction of the Municipality have been made for the disposal of storage of the liquefied petroleum gas.

18. FORGES, BLOWLAMPS AND WELDING OR OTHER SPARK PRODUCING APPARATUS

- (1) No forges, blowlamps or welding or other spark-producing apparatus shall be used in any place where liquefied petroleum gas is kept, or within such distance thereof as may be considered unsafe by the Municipality.

19. POWER TO INSPECT AND TAKE SAMPLES

- (1) Any duly authorised officer of the Municipality may at all reasonable hours and on producing, if demanded, either a copy of his/her authority certified by the Municipal Manager or some other sufficient evidence of his/her authority, enter and inspect –
- (a) any premises where liquefied petroleum gas is kept or is reasonably suspected of being kept, and
 - (b) any place (which for the purpose of this by-law includes any vehicle) in which any liquefied petroleum gas is or has been or is intended to be or is reasonably suspected to be stored or kept for the purpose of conveyance.
- (2) During such inspection such officer may make enquiries as to the observance of this by-law and may further require the occupier or person in charge for the time being –
- (a) to show him/her all liquefied petroleum gas containers, which for a time being are stored, kept or had on the premises or place and the storage tanks, installations, cases or vessels in which the same or any of them are kept or are likely to be kept, and
 - (b) to permit him/her, on tendering a receipt therefore, to take one cylinder of a lot for the purpose of sample, which the officer has reasonable cause to believe to contain liquefied petroleum gas, the keeping of which may be regulated by this by-law.
- (3) When a duly authorised officer of the Municipality has obtained any cylinders for the purpose of sample and intends same to be tested, he/she shall declare his/her intention to the occupier of the premises or other person present on his/her behalf and shall, if required, mark and seal the cylinder to the satisfaction of the occupier and retain same for the purpose of ascertaining if the liquefied petroleum gas or substance falls within any of the definitions prescribed in section 1.
- (4) Any person who resists or hinders such officer when such officer is entering or attempting to enter or is inspection or attempting to inspect such premises, or who refuses or fails without lawful excuse to comply with any lawful requirements of such officer in terms of this by-law or who refuses or fails without lawful excuse to give such officer such assistance as he/she may require for the purpose of this bylaw or who obstructs or interferes with such officer in the carrying out of his/her powers and duties under this by-law or who aids, incites or encourages any person so to resist, hinder, obstruct or interfere with such officer, shall be guilty of an offence and liable to the penalties prescribed in section 20.

20. ACCIDENTS TO BE REPORTED

- (1) In the event of an accident occurring, such accident being in any way due to or involving any liquefied petroleum gas and resulting in fire, explosion, personal injury or abnormal

spillage or loss of any liquefied petroleum gas the occupier or owner of the premises or vehicle shall immediately report the occurrence to the Municipality.

21. PENALTIES

- (1) Any person who contravenes or fails to comply with any of the provisions of this by-law or who contravenes or fails to comply with the conditions subject to which any permit has been granted, or fails to comply with any awful instruction even in terms of this by-law shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R 5000.00 (five thousand rand) and or prison imprisonment of not exceeding six (6) months.

22. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provision of this By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

23. REPEAL OF BYLAW

- (1) The By-laws relating to the Liquefied Petroleum for the Lekwa Local Municipality, are hereby repealed and replaced by this Bylaw, which are to become effective on promulgation hereof.

24. SHORT TITLE

- (1) This Bylaw shall be called the Liquefied Petroleum By-Law 2015.