DR AB XUMA LOCAL MUNICIPALITY

FIRE AND RESCUE POLICY

2026/27

Table of Contents

1. INTRODUCTION 3
2. SCOPE 3
3. DEFINITIONS AND INTERPRETATION 3
4. LEGISLATION 7
5. AIMS AND OBJECTIVES 8
6. EXTERNAL ROLE PLAYERS 8
6.1 ESTABLISHMENT AND MAINTENANCE OF SERVICE 9
6.2 OBJECTS OF THE SERVICE 9
6.3 REPORTING A FIRE HAZARD AND OTHER THREATENING DANGER 10
6.4 DELEGATION 10
6.5 POWERS OF MEMBERS OF SERVICE 10
6.6 CERTIFICATES TO IDENTIFY MEMBERS OF SERVICE 11
6.7 WEARING OF UNIFORM AND INSIGNIA 11
6.8 DRIVING SERVICE VEHICLES 11
6.9 DUTIES AND ORDERS DURING EMERGENCY SITUATIONS 12
7. ESTABLISHMENT OF LOCAL MUNICIPALITY FIRE PROTECTION ASSOCIATION 13
8. ADOPTION OF POLICY BY DR AB XUMA MUNICIPAL COUNCIL 14
9. POLICY ADOPTION 14
10. POLICY REVIEW 14

1. INTRODUCTION

Fire services (also known as a fire and emergency, rescue services or simply fire department) within the South African context, is a public or private organization(designated services) that provides predominantly proactive and reactive firefighting and prevention, rescue, emergency medical response and related humanitarian services to a certain geographic of functional jurisdiction which may typically be a local, district or metropolitan municipality or any other jurisdiction designated accordingly. A fire service usually contains one or more fire stations within its boundaries, and may be staffed by career fire-fighters, volunteer fire-fighters, or a combination thereof referred to as a combination department. To carry out these functions the service must be well organized.

2. SCOPE

The Municipality Functionality outlines a system of determining the requirements for the operational and fire safety functions of Fire and emergency services rendered to communities in the DR AB Xuma Municipality as contemplated in the Municipal Systems Act and the Fire Brigade Act. The Municipality is categorized as *CATEGORY B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralized areas of cities and large towns (areas where the risk to life and property due to fire occurrence and spread is likely to be moderate).*

3. DEFINITIONS AND INTERPRETATION

In this policy, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and
unless the context otherwise indicates—
"agricultural holding" means a portion of land used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;
"approved" means as approved by the municipality;
"building" means—
(a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction

thereof, erected or used for or in connection with: —

(i) the accommodation or convenience of human beings or animals;

(ii) the manufacture, processing, storage or sale of any goods;

(iii) the rendering of any service;

(iv) the destruction or treatment of combustible refuse or combustible waste;

(v) the cultivation or growing of any plant or crop;

(b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

(c) any fuel pump or any tank used in connection therewith;

(d) any part of a building, including a building as defined in paragraph (a), (b) or

(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a

water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the

building;

"chief fire officer" means the chief fire officer appointed by the municipality in terms of section 5 of the Fire Brigade

"competent person" means a person who is qualified by virtue of his or her experience and training;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996;

"dangerous goods" means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

"designated area" means a place designated as such in terms of section 59;

"dwelling house" means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

"dump" means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

"emergency" means any incident or eventuality which seriously endangers or may endanger any person or property;

"emergency evacuation plan" means an emergency evacuation plan contemplated in section 37;

"emergency route" means that part of any escape route which—

(a) protects the occupiers of any building from fire; and

(b) leads to an escape door;

"extinguishing stream" means the amount of water that the service needs in order to extinguish a fire;

"firebreak" means a natural or constructed strip of land where vegetation has been removed or modified to contain or reduce the spread and intensity of any fire that may occur in or enter a premise, and may consist 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;"

"fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

"fire-fighting equipment "means any portable or mobile fire extinguisher, hose reel or fire hydrant;

"fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

"municipal manager" means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

"municipality" means the Municipality of Bergrivier, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this policy by virtue of a power vested in the municipality and delegated or sub delegated to such political structure, political office bearer, councillor, agent or employee;

"member" means a member of the service and includes the chief fire officer;

"occupier" means any person who occupies or has control over any premises;

"owner" in relation to premises, means the registered owner of the premises and includes—

(a) any person who receives rental or profit from the premises, whether on own account or as agent;

(b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No.

95 of 1986); and

(c) an executor or curator of any deceased or insolvent estate;

"person in charge" means: —

(a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the

management, maintenance or utilisation of the premises;

(b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the

management, maintenance or utilisation of the building;

(c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the

management or utilisation of the installation; provided that such a person is not the person mentioned in (a); and

(d) in the event of the chief fire officer being unable to determine the identity of a person mentioned in (a), (b) and (c),

any person who is in the opinion of the chief fire officer deemed to be in charge of such premises, building or

installation;

"premises" means any land, building, terrain, road, construction or structure or part thereof and includes any train, boat,

aircraft or other vehicle;

"public gathering" includes any gathering by members of the public—

(a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or

(b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

(c) to attend any meeting or participate in activity whether political or not whether inside or outside a building where it is

deemed necessary to have an emergency evacuation plan.

"public place" means any square, park, recreation ground, beach, sports ground, sanitary lane, building or open space which

has—

(a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;

(b) been used by the public without interruption for a period of at least thirty years; or

(c) at any time been declared or rendered such by the municipality or other competent authority;

"registered premises" means any premises in respect of which a certificate of registration has been issued;

"service" means the Fire Brigade Service established and maintained by the municipality as contemplated in section 4;

"State" means: —

(a) any department of state or administration in the national, provincial or local sphere of government, or

(b) any other functionary or institution—

"this policy" includes the Schedules published in terms of this policy;

4. LEGISLATION

The following legislation has been utilized or referred to for this policy:

(1) Constitution of South Africa Act (Act 108/1996): The Constitution assigns local government executive authority for the provision of matters listed in Schedule 4b with Fire Services being amongst these matters and has the right to administer Fire Services.

(2) Fire Brigade Services Act (Act. 99/1987): The Fire Brigade Services Act legislate the provision of fire services by providing for the establishing, co-ordination and standardization of Fire Brigade services across in municipal spheres and private sector.

(3) Municipal Structures Act (Act117/1998): This Act elucidate the functions and responsibilities of the District Fire Services in The Local Government Municipal Structure Act 117 (Act 117 of 1998) Section 84(1) (j) give clear directions for the District Fire Services.

(4) Occupational Health and Safety Act, (Act 85/1993 as amended): This Act provides for the safety of employees in the work place.

(5) Health Professional Council of South Africa Act, (Act.56/1974): According to this Act all fire fighters must be registered with the Health Professional Council before administer first aid or any medical assistance.

(6) National Building Regulations Act (Act 103/1977 as amended): This Act is used by a fiduciary Fire Prevention Officer for scrutinizing building plans.

(7) Municipal Systems Act. (Act 32/2000): Municipal Systems Act, (Act 32of 2000) enhance cooperation, mutual assistance and sharing of resources.

(8) South Africa National Standards (SANS 10400): This SANS code in conjunction with the building regulations act is used to scrutinize building plans.

(9) South Africa National Standards (SANS 10090): This code determines, regulate and outline the requirements for the operational and fire safety functions of emergency services rendered to communities.

(10) National Road Safety Traffic Act (Act 93/96): This Acts provides and give guidance in the manner Dangers goods should be transported and the competency of the drivers

5. AIMS AND OBJECTIVES

The aims and the objectives of the policy: -

(1) The DR AB XUMA Municipality actively seeks to create and maintain a working environment safe from the risks of fire, in compliance with the legislation of specific relevance to fire safety.

(2) The DR AB XUMA Municipality must ensure, so far as is reasonably practicable, the health, safety and welfare with regard to fire, of all its employees, visitors and any others persons in DR AB XUMA Municipality buildings.

(3) It also acknowledges its responsibility to protect DR AB XUMA Municipality buildings and assets from the threat of arson and the accidental outbreak of fire and the risk of serious disruption to the DR AB XUMA Municipality.

6. EXTERNAL ROLE PLAYERS

(1) South African Police Services

(2) Provincial Traffic Services

(3) Local Traffic

(4) Department of Health

(5) Emergency Services

(6) Department of Rural Development and Agrarian Reform

(7) Department of Agriculture, Forest and Fisheries

(8) NGO's

(9) CBO's (Community Base Organisations)

(10) Eskom Fire/Rescue Services

(11) Business Forum

6.1 Establishment and maintenance of service

A service for the area of jurisdiction of the municipality is established as contemplated in section 3(1) of the Act, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution.

(2) The municipality must maintain the service, which includes—

(a) appointing a chief fire officer and the necessary members of the service;

(b) ensuring that such officer and members are properly trained; and

(c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the service is effective and able to fulfil its objects.

6.2 Objects of the service

(1) The objects of the service are—

(a) to prevent the outbreak or spread of a fire;

(b) to fight and extinguish any fire that endangers any person or property;

(c) to protect any person or property against any fire or other danger as contemplated in this policy;

(d) to rescue any person or property from any fire or other danger as contemplated in this policy; or

(e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).

(2) The service may provide any service related to its objects to any other person.

(3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the services, equipment or members involved in providing that service are required to deal with an emergency situation, fire hazard or other threatening danger.

6.3 Reporting a fire hazard and other threatening danger

(1) An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger as contemplated in this policy, must immediately notify the service.

(2) An owner or the person in charge of premises must provide all details pertaining to the incident as contemplated in subsection (1), to the service as requested.

(3) Any person who contravenes subsections (1) and (2) commits an offence.

6.4 Delegation

(1) The chief fire officer may delegate any power granted to him in terms of this policy as contemplated in section 19 of the Act or in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.

(2) A municipal manager may delegate any power granted to him in terms of this policy in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.

6.5 Powers of members of service

(1) A member of service of the municipality may, whenever he regards it necessary or expedient in order to perform his functions, perform any act, and may also –

(a) close any street;

(b) enter or break and enter any premises;

(c) damage, destroy or pull down any property

(d) forcibly remove or cause to be removed from the scene any person who is in danger or who obstructs that member in the performance of his duties; and

(e) take material or any object from any person: Provided that the owner of the material or object so taken be compensated therefor by the controlling authority concerned to an amount agreed upon by the controlling authority and the owner

(2) A member of a service of a controlling authority, including a chief fire officer, may, whenever he regards it necessary in order to perform his functions, order any inhabitant of the republic who is not younger than 16 years and not older than 60 years to assist him in the performance of his functions on any particular occasion.

6.6 Certificates to identify members of service

(1) The chief fire officer must provide each member with an identification document identifying that person as a member.

(2) A member, while performing any function or exercising any power as contemplated in this by-law must—

(a) keep the identification document provided in terms of subsection (1), on his person; and

(b) produce it for inspection on request by any person.

6.7 Wearing of uniform and insignia

(1) The chief fire officer and every member of the service must wear the uniform, rank markings and insignia of the service as prescribed.

(2) Uniform, rank markings and insignia as contemplated in subsection (1) must be issued to the chief fire officer and members of the service in accordance with the conditions of employment of the municipality or as agreed collectively.

6.8 Driving service vehicles

(1) A member may, with the written authority of the Chief Fire Officer and as directed in the exercise of his or her duties, drive a service vehicle if he or she is in possession of a valid driving licence for the code of vehicle in question.

(2) A member, who is duly authorised to do so, as contemplated in subsection (1), must drive a service vehicle in accordance with the provisions of the National Road Traffic Act, 1996, and any regulations made under the Act.

(3) Any member who fails to comply with the provisions of this section is guilty of an offence.

6.9 Duties and orders during emergency situations

(1) The Chief Fire Officer or a member in charge of an emergency situation, including one attended in terms of an agreement, must, in respect of every such emergency situation, ensure that—

(a) adequate manpower and the appropriate apparatus and equipment are made available, deployed and are used without delay;

(b) the emergency situation is immediately assessed upon arrival and additional resources or assistance that he/she may deem necessary, are called for without delay.

(c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.

(2) Any person or body, including any State department as contemplated in section 17 of the Act, the South African Police Service and the Department of Justice, who wishes to inspect any information referred to in subsection (1)(c) must send a motivated request in writing to the Chief Fire Officer along with the prescribed fees.

(3) Any press or media release concerning the Service, emergency situations or any matter in relation thereto must be in accordance with the policy guidelines determined by the municipality.

7. Establishment of Local Municipality Fire Protection Association

The Association is established in terms of National Veld Forest Act 101 of 1998. The intention of these associations is to decentralise governance of fire issues relating to prediction, prevention, managing and fighting to the lowest practical level for the landowner. The idea is that landowners organise themselves into logical geographical units and with backing of legislation, take charge of their own affairs. These associations have to apply for registration in order to obtain legal status. They deal with all aspects of veld fire prevention and firefighting. The Act regulates the establishment, registration, duties and functioning of Fire Protection Associations.

8. ADOPTION OF POLICY BY DR AB XUMA MUNICIPAL COUNCIL

This policy is adopted and approved by the full Council of DR AB XUMA Local Municipality for implementation.

9. POLICY ADOPTION

The accounting officer must be the accountable custodian of the Fire and Rescue policy and must ensure that this policy is submitted to the council for consideration and adoption.

10. POLICY REVIEW

This policy must be reviewed at least annually to ensure that it is adaptable to operational changes and it is aligned with the legislative environment. When deemed necessary on ad hoc basis, the Accounting Officer must submit proposals of amendments of the policy to the Council for consideration and adoption.

SIGNATURES

MR K.L MULAUDZI — **DATE** 29/05/2026

MUNICIPAL MANAGER

ADOPTED BY THE COUNCIL OF DR AB XUMA LOCAL MUNICIPALITY

CLLR S ZANGQA — **DATE** 29/05/2026

HONOURABLE MAYOR

RESOLUTION NUMBER: 11/29/05/2026