

SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

BY-LAW RELATING TO AIR QUALITY MANAGEMENT

The Municipal Council of Senqu Local Municipality in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-Law on Air Quality Management.

SCHEDULE

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CHAPTER 1

PURPOSE, DEFINITIONS AND APPLICABILITY OF BY-LAW

1 Objectives

(1) The objectives of this By-law are to:

- (a) give effect to the right contained in section 24 of the Constitution by regulating air pollution within the area of the Municipality's jurisdiction;
- (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate activities that have the potential to adversely impact the environment, public health and well-being; and
- (c) ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimised.

(2) Any person exercising a power under this By-law must exercise such power in order to give effect to the objectives as set out in subsection (1) above.

2 Definitions

In this By-law any word or expression to which a meaning has been assigned in the By-law and the relevant SANS Standards, shall have the meaning so assigned to it and, unless the context otherwise indicates:

"air pollution" means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

"Air Quality Act" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

"air quality officer" means an officer appointed in terms of section 14 of the Air Quality Act;

"ambient sound level" means the reading of an integrating sound level meter measured at the measuring point at the end of total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a noise nuisance is absent;

"change" means any modification which is made to an existing structure, plant, road, land use, procedure, action which may have an effect on the noise increases originating from an activity related to or connected with the use of such structure, the operation of such plant, the use of such road or railway, such land use, such procedure or such action;

"combustible liquid" means a liquid which has a close-cap flash point of 38 degrees Celsius or above;

"compliance officer" means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;
- (d) appointment as a law enforcement officer or traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or
- (e) appointment by the Municipality as a compliance officer or an inspector;

"compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition engine, diesel or similar fuel;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"control measure" means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension or airborne transport of fugitive dust, pesticide or sandblasting activities;

"Council" means the Senqu municipal council, a municipal council referred to in section 157(1) of the Constitution;

"dark smoke" means smoke:

- (a) in relation to emissions from a turbo-charged compressed ignition powered engine, means a density of 66 Hartridge smoke units or more; or
- (b) which has a light absorption co-efficient of more than 2.125 m^{-1} or more, or in relation to emissions from a turbo-charged compressed ignition powered engines, means a light absorption co-efficient of more than 2.51 m^{-1} ;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

"erect" means alter, convert, extend or re-erect;

"exempted vehicle" means a vehicle listed in Annexure-A to SANS 10281;

“fee” means any fee, charge or deposit determined for purposes of this By-law, by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017;

"flammable gas" means a gas which at 20 degrees Celsius and a standard pressure of 101,3 kilopascals -

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

"flammable liquid" means a liquid or combustible liquid which has a closed cup flash point of 60 degrees Celsius or below or an open cup flash point of 65.6 degrees Celsius;

"flammable substance" means any flammable liquid, combustible liquid or flammable gas;

“form” means a form approved by the Municipality for the purposes of this By-law;

"measuring point" relating to:

- (a) a piece of land from which an alleged disturbing noise emanates, or may emanate, means a point outside the property projection plane where noise shall be measured, or calculated in accordance with the provisions of SANS 10103 and/or SANS 10328;
- (b) a building with more than one occupant, means a point in or outside the building where noise shall be measured, or calculated in accordance with the provisions of SANS 10103 and/or SANS 10328; and
- (c) a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended;

“Municipality” means the Senqu Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such employee or agent;

"National Framework" means the National Framework for Air Quality Management in the Republic of South Africa, as established in terms of section 7(1) of the Air Quality Act;

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

"noise nuisance" means any sound in terms of section 17 of this By-law, which impairs or may impair the convenience or peace of any reasonable person;

"non-exempted vehicle" means a vehicle not listed in Annexure-A to SANS 10281;

"nuisance" means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or wellbeing of any person or living organism;
- (b) the use or enjoyment by an owner or occupier of his or her property or environment; and

(c) the ordinary comfort, convenience and peace.

"open burning" means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere;

"pave" means to apply and maintain concrete or any other similar material to a road surface or any other surface;

"pest" means an injurious, noxious or troublesome living organism;

"pesticide" means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

"property projection plane" means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space or with reference to a dimension of space;

"premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotives, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council;

"public road" means public road as defined in the National Road Traffic Act, 93 of 1996;

"recreational vehicle" means:

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes but not for gain, including but not limited to a micro-light aircraft and a hot air balloon;
- (d) a vessel used for sport on water or recreational purposes but not for gain, including but not limited to a jet ski and a ski-boat; or
- (e) any other conveyance vessel or model which is used for sport or recreational purposes, but not for gain;

"repair notice" means a notice as referred to in section 8(11) of this By-law, regarding the re-testing of vehicle;

"rubber product" means anything composed of rubber including anything containing or coated with rubber;

"SANS 10103" means the latest edition of Standards South Africa publication No. 10103 titled: "The measurement and ratings of environmental noise with respect to annoyance and to speech communication", as amended from time to time or its corresponding replacement;

"SANS 10181" means the latest edition of Standards South Africa publication No. 10181 titled: "The measurement of noise emitted by road vehicles when stationary", as amended from time to time or its corresponding replacement;

"SANS 10281" means the latest edition of Standards South Africa publication No. 10281 titled: "Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles", as amended from time to time or its corresponding replacement;

"SANS 10328" means the latest edition of Standards South Africa publication No. 10328 titled: "Methods for environmental noise impact assessments", as amended from time to time or its corresponding replacement;

"small boiler" means a small combustion installation, with a design capacity of less than 50MW heat input, capable of burning solid, liquid and gas fuels used primarily for steam raising or electricity generation;

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

"use" in relation to all-terrain vehicles includes driving, operating or being conveyed by, that vehicle;

"vehicle" means a vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

"zone" means land set apart by the municipal zoning scheme for a particular zoning irrespective of whether it comprises one or more land units or part of a land unit.

3 Applicability of By-law

(1) This By-law must be read with any applicable provisions of the Air Quality Act and the National Framework.

(2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the Municipality, regulates air pollution, the provisions of this By-law shall prevail to the extent of the inconsistency.

4 Air pollution duty of care

(1) Every person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:

- (a) to prevent any potential of air pollution from occurring; and
- (b) where it cannot be prevented, to mitigate any air pollution that may occur.

(2) The Council may direct any person in writing who fails to take the measures required under subsection (1):

- (a) to commence taking specific reasonable measures before a given date;
- (b) to diligently continue with those measures; and
- (c) to complete them before a specified reasonable date.

(3) Prior to making such a decision as contemplated in subsection (2), the Council must give the affected person adequate opportunity to make representation as to why a directive should not be issued.

(4) The Council must give due consideration to all representations submitted before taking a decision as contemplated in subsection (2).

(5) The Council must issue the directive under subsection (2) should a person fail to submit representations within the specified period in terms of subsection (3).

(6) The Council may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief should a person fail to comply, or inadequately comply, with a directive under subsection (2).

(7) The Council may recover costs for reasonable remedial measures to be undertaken under subsection (6), before such measures are taken and all costs incurred as a result of it acting under subsection (6) from any person who is or was responsible for, or who contributed to, the air pollution, provided such person failed to take the measures required of him or her under subsection (2).

(8) No person may:

- (a) unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or
- (b) refuse to comply with a directive issued under this section.

(9) Any person who fails to comply with subsection (8) commits an offence.

CHAPTER 2

LOCAL EMISSION STANDARDS, MOTOR VEHICLE EMISSIONS, SMALL BOILERS AND CONTROLLED ACTIVITIES

Part 1: Local Emission Standards

5 Identification of substances and development of local emission standards

(1) The Council has identified the substances in ambient air, as set out in Schedule 1 to this By-law, and for each substance developed local emission standards.

(2) The Council may apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:

- (a) the possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;
- (b) widespread and high concentrations of the substance in the atmosphere;
- (c) potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
- (d) persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
- (e) the impact of the substance taking the following factors into consideration:
 - (i) size of the exposed population, living resources or ecosystems;
 - (ii) the existence of particularly sensitive receptors in the zone concerned.
- (f) Substances that are regulated by international conventions.

(3) The Council may, when developing the local emissions standards:

- (a) identify the critical factors for public health impacts;

- (b) identify sensitive sub-populations;
- (c) review available databases for public health status;
- (d) review available databases for ambient air quality information; and
- (e) review and assess international guidelines and standards.

(4) The Council may take the following factors into consideration in setting local emission standards:

- (a) Health, safety and environmental protection objectives;
- (b) analytical methodology;
- (c) technical feasibility;
- (d) monitoring capability; and
- (e) socio-economic consequences.

6 Consequences of identification

(1) Any person emitting those substances or mixtures of substances must comply with the emission standards established in terms of section 5.

(2) Any person who fails to comply with the emission standards established in terms of section 5 commits an offence.

7 Public Participation Process

For the purposes of the publication of the local emission standards, the Council must follow the public participation process as set out in section 13 of the Municipal Systems Act, 2000, as amended.

Part 2: Motor Vehicle Emissions, Small Boilers and Controlled Activities

8 Emissions from Compressed Ignition Powered Vehicles

Prohibition of emission of dark smoke

- (1) No person may drive a vehicle on a public road if it emits dark smoke.
- (2) A person commits an offence if he or she contravenes subsection (1).

Stopping of Vehicles for Inspection and Testing

- (3) For the purposes of enforcing the provisions of section 8, a compliance officer may -
 - (a) by means of a signal instruct the driver of a vehicle to stop that vehicle; and
 - (b) instruct that driver to give all assistance required for the purpose of the inspection and testing of that vehicle.
- (4) The compliance officer must, prior to any testing being undertaken in terms of subsection (7) inform the driver of the vehicle that:
 - (a) the vehicle has been stopped to test it in terms of this By-law for the emission of dark smoke;
 - (b) the vehicle is being detained for the purpose of such testing;
 - (c) if the results of such testing indicate that dark smoke is emitted from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this By-

law.

(5) Any person who fails to comply with a direction given under subsection (3)(a) commits an offence.

(6) When a vehicle has stopped in compliance with a direction given under subsection (3)(a), the compliance officer may test the vehicle at the roadside, in which case testing must be carried out at or as near as practicable to the place where the direction to stop the vehicle is given; and as soon as practicable, and in any case within 1 hour, after the vehicle is stopped in accordance with the direction.

Testing procedure

(7) An compliance officer must use the following testing procedure in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of subsection (1):

- (a) when instructed to do so by the compliance officer, the driver of the vehicle must apply a handbrake, start the vehicle, place it in neutral gear and engage the clutch;
- (b) for a period required by an compliance officer smoothly depress the accelerator pedal of the vehicle, until the engine reaches a revolution level of 3000 revolutions per minute or in the absence of a revolution counter to the extent directed by an compliance officer;
- (c) while the accelerator pedal is depressed, the compliance officer must measure the smoke emitted from the vehicle's emission system in order to determine whether or not dark smoke is emitted.

(8) After having conducted a test, an compliance officer must furnish the driver of the vehicle concerned with the test results which indicate that either the vehicle is not emitting dark smoke or is emitting dark smoke in contravention of subsection (1) and if the driver is not the owner of the vehicle concerned, then it is presumed that the driver is the owner of the vehicle unless he or she produces evidence to the contrary.

(9) An compliance officer must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven in contravention of subsection (1), if the test results indicate that the vehicle concerned is not emitting dark smoke.

(10) An compliance officer must issue the driver of the vehicle with a repair notice in accordance with subsection (11), if the test results indicate that the vehicle concerned is emitting dark smoke.

Repair notice

(11) A repair notice must direct the owner of the vehicle to repair the vehicle within 6 months from the date of issue, and to take the vehicle to a place identified in the notice for re-testing before the expiry of the 6 months.

(12) The repair notice must contain, amongst others, the following information:

- (a) the make, model and registration number of the vehicle;
- (b) the name, address and identity number of the driver of the vehicle; and
- (c) if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.

(13) A person commits an offence under this section if the person fails:

- (a) to comply with the repair notice referred to in subsection (11);
- (b) to take the vehicle for re-testing as referred to in subsection (11).

(14) It shall not be a defence in proceedings under subsection (13) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

(15) The compliance officer must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended, where the owner of the vehicle fails to take the vehicle for re-testing as referred to in subsection (11).

9 Small Boilers

(1) No person may install, alter, extend or replace any small boiler on any premises without the prior written authorisation of the Council, which may only be given after consideration of the relevant plans, specifications and any applicable emission standards developed for controlled emitters that have been determined in terms of section 24 of the Air Quality Act.

(2) Application for an authorisation to operate a small boiler shall be made on a form approved by the Municipality.

(3) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of subsection (1):

- (a) the owner or occupier of the premises commits an offence;
- (b) the Council may, on written notice to the owner or occupier of the premises, order the removal of the small boiler from the premises at the expense of the owner or occupier and within the period stated in the notice.

(4) In considering an application submitted in terms of subsection (1), the air quality officer may require the applicant to furnish such information as the air quality officer may require.

(5) After considering the application submitted in terms of subsection (1), the Council must either:

- (a) grant an application and issue an authorisation, subject to any conditions that may be imposed; or
- (b) refuse an application with reasons.

(6) The authorisation issued in terms of subsection (1) must specify:

- (a) the product name and model of the small boiler;
- (b) the premises in respect of which it is issued;
- (c) the person to whom it is issued;
- (d) the period for which the authorisation is issued;
- (e) the name of the Municipality;
- (f) the periods at which the authorisation may be reviewed;
- (g) the fuel type and quality;
- (h) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere;
- (i) any other operating requirements relating to atmospheric discharges, including non-point source emission measurement and reporting requirements; and
- (j) any other matters which are necessary for the protection or enforcement of air quality.

(7) The Council must review the authorisation issued in terms of this section at intervals specified in the authorisation, or when circumstances demand that a review is necessary.

(8) This section is subject to section 26 and the commencement date of this section is the date of publication of the declaration of small boilers as controlled emitters in terms of section 23 of the Air Quality Act.

10 Dust Emissions

(1) Any person conducting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent or minimise emissions into the atmosphere.

(2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:

- (a) pave;
- (b) use dust palliatives or suppressants;
- (c) uniformly apply and maintain any surface gravel;
- (d) erect physical barriers and signs to prohibit access to the disturbed areas;
- (e) use ground covers;
- (f) re-vegetation which is similar to adjacent undisturbed native conditions; or
- (g) any alternative control measure approved in writing by the air quality officer.

(3) The control measures must be consistent with the provisions of any applicable legislation.

(4) The provisions of this section are not applicable to:

- (a) landscaping activities by a person at his place of residence;
- (b) emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;
- (c) unpaved roads having vehicular traffic of less than 500 vehicles per day;
- (d) non-commercial and non-institutional private driveways;
- (e) horse trails, hiking paths, bicycle paths or other similar paths; and
- (f) any other path that has been designated as an exclusive use area for purposes other than travel by motor vehicle.

(5) Any person who contravenes subsection (1) commits an offence.

11 Emissions caused by open burning

(1) A person who carries out or permits open burning of any material on any land or premises is committing an offence, unless:

- (a) the prior written authorisation of the Council has been obtained, which authorisation may be granted by the Council with conditions, and
- (b) that person has notified in writing the owners and occupiers of all adjacent properties and electricity power lines traversing such properties of:
 - (i) all known details of the proposed open burning;

- (ii) the right of owners and occupiers of adjacent properties and electricity power lines traversing such properties to lodge written objections to the proposed open burning with the Municipality within 14 days of being notified; and
- (iii) the fee that has been paid to the Municipality.

(2) The Council may not authorise open burning -

- (a) unless it is satisfied that the requirements set out in subsection (1)(b) above have been adequately addressed or fulfilled; or
- (b) where a warning under section 10(1)(b) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region.

(3) The Council must, upon the granting of an authorisation contemplated in this section, notify the District Municipality of that authorisation and the notification must contain the type of material to be burnt, the premises where and date on which it will be burned.

(4) The provisions of this section shall not apply to:

- (a) recreational outdoor activities on private premises or residential areas; and
- (b) controlled fires in dwellings for the purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

12 Emissions caused by burning of industrial waste, domestic waste and garden waste in waste bins or skips on any land or premises

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any land or premises, for the purpose of disposing of that waste, is committing an offence unless the industrial, domestic or garden waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

13 Emissions caused by tyre burning and burning of rubber products and cables in open spaces

(1) No person may carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for any purpose, for the purposes of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, of the rubber products or cables as waste.

(2) Any person who contravenes subsection (1) commits an offence.

14 Pesticide spraying emissions

(1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(2) A person who carries out the spraying of pesticides, either by tractor or aerial, within the municipal jurisdiction, must comply with the following control measures:

- (a) obtain a prior written authorisation from the Council, which authorisation may be granted valid for a period of 12 months from the date of issue;
- (b) notification in writing of all the owners and occupiers of adjacent properties (including surrounding communities) of the treatment area of:
 - (i) the details of the proposed treatment area;

- (ii) the reason for the pesticide use;
- (iii) the active ingredient;
- (iv) the dates or months of the pesticide use;
- (v) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
- (vi) the right of owners and occupiers of adjacent properties (including surrounding communities) to lodge written objections to the proposed spraying of pesticides with the Council within 14 days of being notified; and
- (vii) the fee has been paid to the Municipality.

(3) The Council must notify in writing, within 30 days, the applicant and all registered affected parties about a decision on an application.

(4) The authorisation issued in terms of subsection (1) must specify-

- (a) the person to whom it is issued;
- (b) the areas on which the pesticide may be applied;
- (c) the dates or months of the pesticide spraying;
- (d) the period for which the authorisation is issued;
- (e) measures which are necessary for the protection of the environment.

(5) Any person who contravenes subsection (2) commits an offence.

(6) A person may apply to the Council for an exemption if the spraying of the pesticide is for:

- (a) the management of pests that transmit human diseases or adversely impact agriculture or forestry;
- (b) the management of pests that threaten the integrity of sensitive ecosystems; or
- (c) the need for the use of the pesticide is urgent.

(7) The provisions of this section are not applicable to:

- (a) residential areas;
- (b) buildings or inside buildings and the domestic use of pesticides; or
- (c) any other defined area or defined activity to which the Council has declared this section not to apply.

15 Spray Painting Emissions

(1) No person shall, within the Municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside an approved spray painting room or booth.

(2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any substance unless:

- (a) that person is in possession of a spraying authorisation contemplated in subsection (1);
- (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.

- (3) A person that contravenes subsections (1) and (2) commits an offence.
- (4) Any person who wishes to obtain a spraying authorisation must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.
- (5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorisation contemplated in subsection (1) based on the information submitted.
- (6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements in Schedule 2 to this By-law.
- (7) The designated fire officer may cancel the spraying authorisation if there is reason to believe that the holder of the spraying authorisation contravenes or fails to comply with any provision of this By-law.
- (8) Subject to subsection (9), before the designated fire officer cancels the spraying authorisation as contemplated in subsection (7), that officer must:
 - (a) give the holder of the spraying authorisation written notice of the intention to cancel the spraying authorisation and the reasons for such cancellation;
 - (b) give the holder a period of at least 30 days to make written representations regarding the matter to the Municipality.
- (9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorisation may endanger any person, that officer may cancel the spraying authorisation without prior notice to the holder as contemplated in subsection (7).

16 Sand Blasting Emissions

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
- (2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:
 - (a) dust extraction control measure; or
 - (b) any alternative dust control measure approved in writing by the air quality officer.
- (3) A person that contravenes subsections (1) and (2) commits an offence.

17 Noise Pollution Management

Prohibition of disturbing noise

- (1) A person shall not cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle, recreational vehicle, apparatus or any combination thereof.

Prohibition of noise nuisance

- (2) Where it shall cause a noise nuisance, a person shall not:
 - (a) operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
 - (b) allow an animal owned or controlled by him or her to make noise;

- (c) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential zone or premises;
- (d) erect, demolish or alter a building or structure, or allow it to be erected, demolished or altered if it affects a residential zone or premises unless permission is granted by the Municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise, if building operations are to be carried out outside of these hours then an exemption is required;
- (e) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be used or discharged, except with the prior consent in writing of the Municipality and subject to such conditions as the Municipality may deem necessary, save as such person may otherwise be authorised in law to use or discharge;
- (f) on a piece of land or in water or in airspace above water or in airspace above a piece of land used for recreational purposes:
 - (i) operate a recreational vehicle; or
 - (ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or such airspace;
- (g) except in emergency situations, emit a sound, or cause or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) drive a vehicle on a public road;
- (i) use any power tool or power equipment used for construction purposes, drilling or demolition work, or allows it to be used, in or near a residential area, unless permission was granted by the Municipality to conduct normal construction or repair work to public and private property.

Land Use

- (3) A person shall not -
 - (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) or the outdoor continuous equivalent nighttime rating level ($L_{R,n}$) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
 - (b) construct or erect any building or make changes to existing facilities on a premises which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
 - (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been

- proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the Municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) and/or the outdoor equivalent continuous night-time rating level ($L_{R,n}$), will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or
- (d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, as amended, which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.
- (4) The Municipality may:
- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the Municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the Municipality. The report should prove that either the outdoor equivalent continuous day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) and the outdoor equivalent continuous night-time rating level ($L_{R,n}$) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, shall be conducted in accordance with SANS 10103 or other applicable documentation; or
 - (b) if excavation, earthmoving, pumping, drilling, construction, or demolition, or any similar activity, power generation or music causes or may cause a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the Municipality may deem necessary have been complied with.

Motor Vehicles

- (5) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds:
- (a) in the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
 - (b) in the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.

(6) The Municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the Municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of this By-law, instruct the owner or driver of the vehicle:

- (a) to stop the vehicle or cause it to be stopped; and
- (b) to have any appropriate inspection or test, as the Municipality may deem necessary, conducted on the vehicle on the roadside where it was stopped or on a place, date and time determined by the Municipality in writing.

(7) The compliance officer must, prior to any testing being undertaken in terms of subsection (6)(b) inform the driver of the vehicle that:

- (a) the vehicle has been stopped to test it in terms of this By-law for noise nuisance;
- (b) the vehicle is being detained for the purpose of such testing;
- (c) if the results of such testing indicates noise nuisance from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this By-law; and
- (d) A person who fails to comply with a direction given under subsection (6)(a) commits an offence.

(8) An inspection done in terms of subsection (6)(b) shall be carried out:

- (a) at or as near as practicable to the place where the direction to stop the vehicle is given; and
- (b) within 1 hour of the vehicle being stopped in accordance with the direction of the compliance officer.

(9) If, after conducting a sound level test, the compliance officer is satisfied that the vehicle:

- (a) is not exceeding the permitted sound levels prescribed in subsection (5), then the compliance officer must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven or used in contravention of subsection (5); or
- (b) is exceeding the permitted sound levels prescribed in subsection (5), the compliance officer must issue the driver of the vehicle with a repair notice in accordance with subsection (10).

(10) A repair notice must:

- (a) direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period; and
- (b) contain, amongst others, the following information:
 - (i) the make, model and registration number of the vehicle;
 - (ii) the name, address and identity number of the driver of the vehicle; and
 - (iii) if the driver is not the owner, the name and address of the vehicle owner.

(11) A person commits an offence under this section if the person fails:

- (a) to comply with the repair notice referred to in subsection (10)(a);
- (b) to take the vehicle for re-testing as referred to in subsection (10)(a).

(12) It shall not be a defence in proceedings under subsection (11) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

(13) The compliance officer must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended, where the owner of the vehicle fails:

- (a) to comply with a repair notice issued in terms of subsection (9)(b); or
- (b) to take the vehicle for re-testing as required by subsection (10)(a).

Music, open-air music festivals, shows, inclusive of air shows and similar gatherings

- (14) (a) No person may stage any open-air entertainment festival, such as, but not limited to a show, an air show, music concert, festival, sports event or similar gathering without a prior written consent of the Municipality.
- (b) If any music causes or may cause a noise nuisance, the Municipality may instruct in writing that such music be discontinued until such conditions as the Municipality may deem necessary have been complied with.
- (c) Subject to the provisions of paragraph (b) and applicable provisions of the any other law, the Municipality may attach any instrument and/or equipment used to generate music if no permission has been obtained as required by paragraph (a).
- (d) An instrument and/or equipment attached under paragraph (c) shall be kept in safe custody by the Municipality.
- (e) The Municipality may lift the attachment contemplated in paragraph (c) if the owner or person in control of the instrument and/or equipment has applied for permission in terms of paragraph (a).
- (f) This subsection is not applicable to:
- (i) churches;
 - (ii) schools;
 - (iii) other education facilities; or
 - (iv) any other defined area or activity to which the Council has declared this subsection not to apply.

General prohibitions

- (15) Any person who:
- (a) fails to comply with the provisions of this section;
 - (b) fails to comply with a written condition, instruction or notice issued by the Municipality in terms of this section;
 - (c) tampers with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the Municipality;
 - (d) in respect of a duly compliance officer of the Municipality:
 - (i) fails or refuses to grant admission to such official to enter and to inspect the premises;

- (ii) fails or refuse to give information which may lawfully be required of him or her to such official;
- (iii) hinders or obstruct such official in the execution of his or her duties; or
- (iv) gives false or misleading information to such official knowing that it is false or misleading,

is guilty of an offence.

General powers of the Municipality

(16) An compliance officer may:

- (a) for the purposes of applying this section, at any reasonable time enter premises upon reasonable notice to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient and to take any steps it may deem necessary;
- (b) if a noise emanating from a premises, vehicle, recreational vehicle or private area is a noise nuisance or disturbing noise, instruct in writing:
 - (i) the person causing such noise or who is responsible for the infringement;
 - (ii) the owner, tenant or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate; or
 - (iii) all such persons,
 to discontinue or cause to be discontinued such noise or to take steps to or apply appropriate remedies to lower the level of such noise to a level conforming to the requirements of this By-law within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road by vehicles that are not used as recreational vehicles;
- (c) if the noise is caused by an animal, and the owner or person in charge of that animal fails to comply with an instruction referred to in subsection (16)(b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within the Municipality's jurisdiction for the enforcement of the provisions of this bylaw: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

18 Emissions that cause nuisance

Prohibition

(1) Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists must take measures to contain emissions that cause a nuisance.

(2) Any occupier or owner of premises that fails to comply with subsection (1) commits an offence.

Abatement notice

(3) An compliance officer may serve an abatement notice on any person, whom he or she reasonably believes is likely to commit or has committed an offence under subsection (2), calling upon that person:

- (a) to abate the nuisance within a period specified in the notice;
- (b) to take all necessary steps to prevent a recurrence of the nuisance; or
- (c) to comply with any other conditions contained in the notice.

(4) For the purposes of subsection (3), an compliance officer may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

(5) An abatement notice under subsection (3) may be served:

- (a) upon the owner or any person, by:
 - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
 - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
- (b) upon the occupier of the premises, by:
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

(6) Any person who fails to comply with an abatement notice served on that person in terms of subsection (5) commits an offence.

(7) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (6) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

Steps to abate nuisance

(8) The Municipality may, at any time, at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 3

LAW ENFORCEMENT

19 Appointment of compliance officer

(1) The Municipality may appoint or designate a person or employee to serve as a compliance officer for purposes of compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

20 Powers and functions of a compliance officer

(1) A compliance officer may perform all the powers and functions granted to him or her under sections 8, 17(7), (8), (9), (13) and (16) and 18(3).

(2) A compliance officer may, subject to subsection (3) and (4), at any reasonable time, and without prior notice, enter any land property, building or premises for purposes of ensuring compliance with this By-law.

(3) An inspection of a private dwelling may only be carried out by a compliance officer at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, or with a warrant issued in terms of the Criminal Procedure Act, 1977.

(4) The compliance officer is not required to give any notice to enter land or a building, other than a private dwelling, and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if:

- (i) he or she believes on reasonable grounds that a warrant would be issued to him or her on application; and
- (ii) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.

(5) A compliance officer shall show proof of his or her written appointment or identification card contemplated in section 19(3) when required to do so by any person affected by the exercising of a power or show proof that he or she is a law enforcement officer.

(6) A compliance officer may not investigate a matter in which he or she has a direct or indirect personal interest.

(7) In ascertaining compliance with this By-law, a compliance officer may:

- (a) be accompanied by an interpreter, a police officer or any other person who may be able to assist with the inspection;
- (b) question any person who is or was on that property, who in the opinion of the compliance officer, may be able to furnish information on a matter to which this By-law relates;
- (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute:
 - (i) an offence in terms of this By-law; or
 - (ii) a breach of an approval or a term or condition of such approval

- (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of investigating any matter in connection with this By-law;
- (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
- (f) require a person to produce or to deliver to a place specified by him or her, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
- (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample;
- (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this By-law, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;
- (j) direct any person to appear before him or her at such time and place as may be determined by him or her and question such person either alone or in the presence of any other person on any matter to which this By-law relates; and
- (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purposes of his or her investigation.

(8) When a compliance officer removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she shall issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(9) Where a compliance officer enters any land in terms of subsection (1), a person who controls or manages the land shall at all times provide such facilities as are reasonably required by the compliance officer to enable him or her to perform his or her functions effectively and safely under this By-law.

(10) A compliance officer who enters and searches any property or private dwelling under this section, shall conduct such search with strict regard for decency and order and with regard for each person's right to dignity, freedom, security and privacy.

21 Offences and penalties

- (1) A person shall be guilty of an offence if such person
 - (a) fails to comply with a decision taken or condition imposed by the Municipality in terms of this By-law.

- (a) wilfully and with intent provides false or misleading information in connection with an application contemplated in this By-law;
- (b) unlawfully prevents an compliance officer entry to his or her premises or causes or permits any other person to prevent entry;
- (c) obstructs or hinders a compliance officer in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the compliance officer;
- (d) refuses or fails to provide to a compliance officer such information as is required to allow a compliance officer to perform a function in terms of this By-law;
- (e) furnishes false or misleading information to an official of the Municipality when called upon to furnish information;
- (f) impersonates a compliance officer;
- (g) contravenes or fails to comply with any provision of this By-law;
- (h) supplies particulars, information or answers in an application or on knowing it to be false, incorrect or misleading; or
- (i) undertakes or proceeds with the installation or display of a sign in conflict with the provisions of this By-law.

(2) Any person convicted of an offence in terms of this By-law, shall be liable upon conviction to a fine or imprisonment or to both such fine and imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment, or to both such fine and imprisonment, in respect of each day on which he or she so continues with that conduct.

22 Prosecution of corporate body and partnership

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of this By-law if such offence was committed by:

- (a) a corporate body established in terms of any law; or
- (b) a partnership; and

such person failed to take reasonable steps to prevent the offence.

CHAPTER 4

GENERAL MATTERS

23 Appeals

Any person may appeal against any decision taken under this By-law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000, as amended.

24 Exemptions

- (1) Any person may, in writing, apply for exemption from the provisions of this By-law to the Council.

- (2) An application in terms of subsection (1) above must be accompanied by reasons.
- (3) The Council may grant a temporary exemption in writing from one or all of the provisions of the By-law, provided that the Council:
 - (a) is satisfied that granting the exemption will not prejudice the objectives referred to in section 2; and
 - (b) grants any exemption subject to conditions that promote the attainment of the objectives referred to in section 2.
- (4) The Council must not grant an exemption under subsection (1) until the Council has:
 - (a) taken measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers (including surrounding communities), are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided such persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.
- (5) The Council may:
 - (a) from time to time review any exemptions granted in terms of this section; and
 - (b) on good grounds withdraw any exemption.

25 State and Council Bound

This By-law is binding on the State and the Council except in so far as any criminal liability is concerned.

26 Transitional arrangements in respect of other small boilers

(1) Despite the small boilers within the Municipality not required to be authorised in terms of a by-law, persons operating small boilers, at the commencement date of section 9, must apply for an authorisation as required by section 9.

(2) A person operating small boiler must apply for an authorisation in terms of subsection (1), when required to do so by the Council, in writing, and within the period stipulated by the Council.

(3) If any person fails to comply with subsection (2), then continuing to operate the small boiler without a valid authorisation is an offence.

27 Repeal of by-laws

The By-Laws Relating to Air Pollution Control published in the *Provincial Gazette* by Notice Number 184 of 2005 is hereby repealed.

28 Short title and commencement

This By-law shall be known as the Senqu Municipality: Air Quality Management By-law, 2017 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

SCHEDULES

Schedule 1

List of Substances and its Associated Local Emission Standards (section 5(1))

Schedule 2

Spray Booth Construction (Section 15(6))

Construction

Such activities must be conducted in a spray booth or spray cabinet specifically designed for the purpose. It must be constructed of none-combustible material.

Ventilation

Spray Booth

Every spray booth shall be provided with a mechanical ventilation system which must be capable of moving the air in the occupied zone at not less than:-

0,5 m/s where the air is horizontally supplied and extracted.

0,4 m/s where the air is introduced through the roof and extracted through slots along the edge of the walls at floor level.

0,3 m/s where the air is supplied through the roof and extracted through a grill over the whole of the floor area.

Spray Cabinets

Where spray cabinets are used (i.e. where the operator stands in front and sprays through an opening into a cabinet), the following minimum air flow must be maintained through an opening:

1 m/s for opening up to 0,9m²

0,75 m/s for opening between 0,9 and 1,8m²

0,5m/s for opening exceeding 1,8m²

Lighting

A spray booth must be fitted with a non-operable inspection window of strengthen and shatterproof of glass. Every employer shall ensure that his spray booth is lighted in accordance with the illuminance values as specified below. (Only incandescent electric lights which are enclosed in outer flame and vapour- proof fittings may be installed).

Types of Activity

Illuminance (LUX)

- | | |
|---|-----|
| • Rubbing, dipping, ordinary painting | 200 |
| • Fine painting, spraying and finishing | 300 |
| • Retouching and matching | 500 |

Fume Extraction System

All extraction systems must be designed and commissioned by competent engineers to ensure that the total extraction from any room is balanced by adequate ingress of fresh air into works room.

All ducts and enclosures in connection with the extraction system through which the fumes have to pass must be constructed of non-combustible materials with the interior having a smooth surface.

The fume extraction system must be kept in full operation while spraying done and for any additional time required to clear the fumes from the room.

The blades of any fan used in the spray booth or spray cabinet shall be of non-ferrous metal. Suitable filters must be provided at the point of extraction.

The point of discharge must be positioned so as to ensure that such air does not contaminate any air which is likely to be drawn into ventilate any existing building.

Personal Protection Equipment

Manager shall ensure that workers actively involved in spraying operations are provided with approved respirators or breathing apparatus. When paints containing isocyanate are used a positive pressure air fed face mask should be worn. Chemical absorption canisters should not be relied on because of their limited effective life.

General

In addition to the above, it is also necessary to comply with the requirements as laid down by the Chief Fire Officer.