

OVERSTRAND MUNICIPALITY



FIRE HAZARDS MANAGEMENT POLICY

September 2013

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A. Definitions and Abbreviations

Administration Fee	Means a tariff as approved by Council and provided for in the tariff list of the Overstrand Municipality
Brush Cutter	A hand held mechanical tool, powered by an electrical or petrol motor, and used to cut down shrubs and small trees
Bush-cutter (Bossiekapper)	A machine drawn behind a tractor, powered by a power takeoff from the tractor, and is used to cut down shrubs and large areas of vegetation
CARA	Conservation of Agricultural Resources Act, No. 43 of 1983
Chain Saw	A hand held mechanical saw powered by an electrical or petrol motor, and used to cut down trees and logs
Combustible material	Means combustible refuse, combustible waste or any other material capable of igniting
Community Fire Safety By-law	Means the Overstrand Municipality By-Law relating to Community Fire Safety
Contract	Means a formal written agreement between the parties to provide for the execution of a specific task under specific conditions as set out in the contract document
Contractor	Means a person, natural or juristic, who undertakes to execute a contract, awarded by the Overstrand Municipality under the terms and conditions stipulated therein
Fire Brigade Services Act	Means the Fire Brigade Services Act, No. 99 of 1987
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 and which poses a threat to life or property.
Green Belt (s)	A land use designation for areas set aside as undeveloped natural areas surrounding or within urban areas.
Hazard	Means any physical situation with the potential to cause a fire hazard or the accumulation of excess waste material
Herbicide	Means a chemical substance (weed killer) that is registered in terms of Act 36 of 1947 to control or destroy specified plants in accordance with the directions for the use of such a weed killer

Invasive Vegetation	Alien	Vegetation that is declared invasive in terms of the Conservation of Agriculture Resources Act, No. 43 of 1998, that landowners are legally required to remove from their property and which are deemed to be a verified fire hazard in terms of this policy
Land		Means all privately owned land developed or undeveloped within the urban edge
Land Clearing		Means all actions required to ensure that fire hazard conditions are minimized on all land; that rubble, dead and dry vegetation and waste material is removed
Land owner		Any person (including a company, close corporation or trust) in whose name the land is registered, or if such land has been purchased but not yet registered, such a purchaser. Also a person who has the right of ownership even though the land has not been registered in such a person's name. If the person is not residing in South Africa, or if that person cannot be found, a representative will be regarded as the owner
Land user		Any person (including a company, close corporation or trust) who is the owner of the land, or who leases the land or who has any legal right to use the land or the plants or other organic matter from the land, whether that person lives on the property or not
Manual clearing		Means the removal of plant and other material by hand, with hand held tools
Mechanical Clearing		Means the removal of plant and other material with mechanical equipment such as tractor driven lawn mowers or bush-cutters (bossiekappers)
Municipal Provider	Service	Means a person, natural or juristic, who undertakes to execute a contract awarded by the Overstrand Municipality under the terms and conditions stipulated therein
Municipality		Means Overstrand Municipality, a local authority duly established in terms of the Local Government: Municipal Structures Act, no 117 of 1998 with its head office situated at Magnolia Street, Hermanus, Western Cape
Nature Reserve		An area with such a municipal zoning or which has been declared as a Protected Area in terms of the National Environmental Management: Protected Areas Act No. 57 of 2003.
Open Lands		Refers to non-built-up land with no, or with insignificant, vegetation cover
Park Lands		Land with clumps of trees and shrubs and lawned areas mainly used for recreational purposes
Procedure		Means a description of a single process, with many steps or tasks/responsibilities/regulations/requirements, involving a number of people
Resort		A place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose

Responsible Official	Means an official of the Overstrand Municipality with the delegated responsibility for fire prevention
Waste material	Means excessive rubble, rubbish, other debris or waste material accumulated on a property

B. Purpose of the Policy

- 1 This document is to provide operational management principles, procedures and processes on privately owned land for the following purposes only:
 - 1.1 Control and elimination of fire hazards;
 - 1.2 Combating and control of vegetation that is a verified fire hazard and other threatening danger.

- 2 The Policy gives effect to the following legislation:
 - 2.1 Chapter 7 Section 152(d) of the Constitution of the Republic of South Africa, Act 108 of 1996 -
Promotion of a safe and healthy environment;
 - 2.2 Sections 4 and 34 of the Overstrand Municipality Community Fire Safety By-law, P.N. 6454/2007 – Prevention of fire hazards on properties;
 - 2.3 Fire Brigade Services Act, No. 99 of 1987 as amended – Prevention of fires;
 - 2.4 Local Government: Municipal Finance Management Act, No. 56 of 2003 –
Prescribed regulations with regard to financial aspects of local government;
 - 2.5 Local Government: Municipal Systems Act, No. 32 of 2000 –
Prescribed regulations with regards to the functions of a municipality;

- 3 Objectives include:
 - 3.1 To co-ordinate and ensure the removal or reduction of fire hazards.
 - 3.2 To provide for the identification and verification of fire hazards at all privately owned properties in the Overstrand,
 - 3.3 To inform residents and owners of such fire hazards,
 - 3.4 To inform residents and owners of the best practice methods with respect to the clearing and removal of such fire hazards, and
 - 3.5 To ensure that all privately owned land conforms to the minimum standards as determined by the Policy before the end of October each year.

C. Principles of the Policy

- 1 All officials and contractors of the Overstrand Municipality, all residents, land owners and appointed agents, shall be subject to the contents of the Policy and follow this procedure and any processes described.

- 2 Land owners are obligated to maintain all property in terms of section 34 of the Community Fire Safety By-law in such a manner that the land is free of any material (organic or synthetic) which may constitute a fire hazard.

- 3 Each land owner is obligated to comply with the standards determined by the Municipality.

- 4 The methods used for reducing fire hazards are manual (with hand held tools), mechanical and the maintenance of fire breaks on property boundaries which is larger than 1ha.

4.1 Manual

- 4.1.1 Manual non-mechanical clearing is done through the use of hand tools such as loppers, slashers, bow-saws, pruning scissors.
- 4.1.2 Manual mechanical clearing is done through the use of brush cutters and handheld chainsaws.

4.2 Mechanical

Clearing is done through the use of tractor driven lawnmowers or “bossiekappers”.

4.3 Fire Breaks

Where necessary, suitably cleared boundary strips that will assist in preventing fire spread and provide access for controlling fires.

- 5 The use of tractor driven lawnmowers or “bossiekappers” is prohibited in accordance to Category A1 to A8 of the policy.
- 6 Areas such as road verges, municipal gardens, fire breaks or sport fields where continuous maintenance occurs (as is set out in Category B1 to B5) is exempted from the requirements mentioned in paragraph 5 above.

D. Responsibilities and rights of the Municipality

- 1 Officials with delegated authority for the verification of fire hazards shall have the final decision as to **when** and **how** a property shall be cleared, subject to the Municipality’s by-laws, policies and directives. If a property is found not to be a fire hazard, but is in breach of other municipal or relevant legislation, the matter will be delegated to the relevant department(s) for further action.
- 2 A notice period will be determined in respect of the removal of hazardous conditions described in the policy.
- 3 Compliance notices will be served to the land owners per registered post.
- 4 The Overstrand Municipality is empowered by Section 4 of its Community Fire Safety By-law to enter upon a property to do whatever is deemed to be necessary to remove hazards. Non compliance of the regulated standards will result in the municipality exercising its powers.
- 5 Standards for plot clearing are set. This will be reviewed annually.
- 6 The Supply Chain Management Policy process for the acquisition of plot clearing contractors must be followed.
- 7 The appointed contractor(s) will be provided with specific instructions, including plot numbers, time frames, method and sequence of clearing and disposal of waste.

8 The relevant fees for clearing the property will be billed against the defaulting owner's municipal account.

9 Right of admission

Officials of the Overstrand Municipality Fire Rescue and Disaster Management Services retain the right to enter any premises to perform remedial action and inspections in accordance with the Fire Brigade Services Act, Act 99 of 1987 as amended.

E. Obligation of land owners

Land owners are obligated to comply with the provisions of Sec. 34 of the Overstrand Municipality's Community Fire Safety By-law, P.N 6454/2006. Failure to comply will result in legal action in terms of Sec. 55 of the said By-law. Fines and imprisonment may be imposed by a court of law.

F. Recovery of costs

Should it become necessary for the Municipality to take remedial action to clear the property, the full cost thereof will be recoverable from the land owner. The costs involved include the actual cost of the remedial action and the administrative fee as determined by the Municipal Tariff structure. This cost will be levied against the owners' municipal account.

G. Guidelines for minimum standards for clearing vegetation

1 Grass may not be longer than 30 cm.

2 Invasive alien vegetation must be eradicated and treated with herbicide, as applicable, to prevent re-growth.

3 Indigenous vegetation shall be reduced as per Section J of the policy.

4 All garden refuse and excess combustible material shall be removed from the property and disposed of at the relevant municipal transfer stations.

5 It is suggested that private landowners make use of the registered contractors available on the Municipal database as they are trained and skilled in the clearing of invasive alien plants and property clearing activities.

H. Milkwood Trees and other Protected/Endangered Plant Species

Sideroxylon inerme (White Milkwood) are protected trees and may only be removed, cut or controlled in accordance to the determination of the Minister of Agriculture, Forestry and Fisheries. In urban areas Milkwoods may be trimmed by a maximum of 25% without obtaining a permit. Topping of tree crowns and of trees growing in a natural forest ecosystem is excluded from this exemption. Destruction of protected trees or natural forest or any other protected/endangered plant species without a permit obtained from the Department of Agriculture, Forestry and Fisheries and/or Cape Nature, is a criminal offence.

I. Procedures

NO.	ACTION	RESPONSIBLE DEPT
Standard procedures		
1.	1 st Compliance inspection	Chief: Fire Services or delegate
2.	Compliance notice to owner	Decentralized Administration
3.	2 nd Inspection	Chief: Fire Services or delegate
Procedures for remedial action		
1.	Appointment of contractors through the Supply Chain channels	Chief : Fire Services or delegate
2.	Instruction to private contractor	Decentralized Administration
3.	Inspection with certification of clearing done	Chief: Fire Services or delegate
4.	Invoice for payment of contractor	Decentralized Administration
5.	Payment of contractor	Finance
6.	Billing of owner	Finance

J. Categories

1 The methods or techniques used for clearing properties are defined in the following categories:

Category	Privately Owned Land Within and Bordering the Urban Edge			
	Type of Vegetation	Area	Method of Clearing	Required Municipal Standard
A1	Size – Up to 1ha Mixed invasive alien and indigenous vegetation - Acacia's Hakea spp, Gum spp- , dense grasses etc.	No Conservation Status	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm.
A2	Size – Up to 1ha Indigenous vegetation – Fynbos etc.	No Conservation Status	Manual	Trees and shrubs to be trimmed from ground up by one third of height. Reduce fynbos fire loading by a minimum of 50%. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed.
A3	Size – Up to 1ha Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp- , dense grasses etc.	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures
A4	Size – Up to 1ha Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp, dense grasses etc	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures
A5	Size - Larger than 1ha / Small Holding Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp- , dense grasses etc.	No Conservation status	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
A6	Larger than 1ha / Small Holding Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp and/or dense grasses and fynbos	No Conservation Status	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer

A7	Larger than 1 ha / Small Holding Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp-, dense grasses etc.	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
A8	Larger than 1 ha / Small Holding Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp and/or dense grasses and fynbos.	Protected Area/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30 cm. Maintain safe distance between possible/ future fire hazards and structures Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer

B	Municipal Reserves, Park Lands and Other Vacant Lands – Inside Urban Edge			
	Type of Vegetation	Area	Method of Clearing	Required Municipal Standard
B1	Green Belts	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Remove excessive build up of deadwood. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B2	Nature Reserves	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Remove excessive build up of deadwood. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B3	Park Lands	No Conservation Status, Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Scheduled grass cutting and maintenance of flower beds. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B4	Open lands (inside urban edge)	No Conservation Status, Protected Areas/ Conservancy	Mechanical or Manual Clearing -as determined by circumstances	Eradication and removal of all invasive alien vegetation. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B5	Resorts	No Conservation Status, Biosphere / Conservancy	Mechanical or Manual Clearing -as determined by circumstances	Eradication and removal of all invasive alien vegetation. Scheduled grass cutting and maintenance of flower beds. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Maintain a safe distance between fire hazards and structures as determined by the Chief Fire officer. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer.

Policy Section	Protection Services
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