

Statutory Instrument of 2014.

[CAP. 29:15

Harare (Fire) (Amendment) By-Laws, 2014

IT is hereby notified that the Minister of Local Government Public Works and National Housing has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by laws:—

Title

1. These by laws may be cited as the Harare (Fire) (Amendment) By laws, 2014.

Application

2. These by-laws shall apply to the council area of the City of Harare.
3. The Salisbury (Fire) By laws published in Rhodesia Government Notice No. 843 of 1968 (*hereinafter referred to as the principal by laws*) are amended in section 3 as follows—

- (a) “authorised Official” means any person employed or delegated by council to carry out any functions prescribed in these by-laws;
- (b) by the deletion of the words “subsection (20) of section 256 of the Municipal Act [*Chapter 25*]” and the substitution of “section 200 of the Urban Councils Act [*Chapter 29:15*]”
- (c) by the deletion of the words “73 degrees Fahrenheit” in the definition of “Flammable gas” and the substitution of “23.8 degrees Celsius”;
- (d) by the deletion of the definition of the word “fireman” and the substitution of “Fire-fighter” in the definition of “member of the fire-brigade”;
- (e) by the addition of “fire alarms” in the definition of “fire fighting equipment”

4. The principal by laws are amended by the deletion of “Salisbury Building By laws” wherever it appears and the substitution of “Model Building By laws”.

5. The principal by laws are amended by the deletion of the word “inflammable” wherever it appears and the substitution of the word “flammable”.

6. Section 5 of the principal by laws is amended by the deletion of the word “policeman” after the words “by any” and the substitution of “police officer”.

7. Section 6 of the principal by laws is amended by the deletion of the words “pay to the council the appropriate charges specified in the schedule” and the substitution of the words “pay such charges as may from time to time be prescribed by Council”.

8. Section 7 of the principal by law is amended by the insertion of new subsection (3) as follows:-

(3) All companies or persons that install and service fire alarms should be registered with the Chief Fire Officer in terms of subsection 15.

9. Section 8 of the principal by laws is amended by the insertion of the following proviso at the end of the section, “Provided that in all instances, the authority of the Chief Fire Officer shall first be sought”.

10. Section 11 (2) of the principal by laws is amended by the deletion of the word “of” and the substitution of the word “or” after the words “inflated with”.

11. Section 12 (2) of the principal by laws is amended by the deletion of the words “shall pay to the Council for such inspection the appropriate annual charge specified in the Schedule” and the substitution of the words “such charges as may from time be prescribed by Council”

12. Section 13 (1) (a) of the principal by laws is amended by the deletion of the words “the appropriate charge specified in the Schedule” and the substitution of the words “such charges as may from time be prescribed by Council”

13. Section 13(2) of the principal by laws is amended by the deletion of the words “the appropriate charges specified in the schedule” and the substitution of the words “such charges as may from time be prescribed by Council”.

14. Section 15 of the principal by laws is amended by the insertion of new subsections (3) and (4) as follows:-

(3) Any person who applies for a certificate of competence in terms of subsection (1) shall pay such application fee as prescribed by Council from time to time.

(4) Every holder of a certificate of competence shall renew his or her certificate annually upon payment of such fee as prescribed by Council from time to time.

15. The principal by laws are amended in section 17 by the insertion of a new subsection (4) as follows:-

“(4) All fire fighting equipment installed shall carry the seal of the Standards Association of Zimbabwe.”

16. The principal by laws are amended by the insertion of a new section 21 as follows:-

“ *Fuel storage, Fuel depots and Service station*

21(1) Any person with fuel storage facilities/fuel depots shall comply with the requirements of the Standard Association of Zimbabwe and shall pay an annual license fees as prescribed by Council from time to time

(2) All storage tanks in service stations and premises close to residential and places of assembly or highly populated facilities should be underground. Any person operating a service station shall pay an annual license fee for the pumps as prescribed by Council from time to time.

17. The principal by laws are amended by the insertion of a new section 22 as follows:-

“ *Impoundment of illegal fire fighting equipment*

22(1) Authorised officer shall impound all Fire Fighting Equipment kept in contravention of these by laws.

(2) The Fire Fighting equipment impounded in terms of section subsection (1) shall be taken to a secure compound designated for that purpose by Council.

(3) The Fire Fighting Equipment so impounded shall be released upon payment of the prescribed penalty and such removal and storage charges as maybe prescribed by Council from time to time.

Provided that the Chief Fire Officer shall destroy all such Fire Fighting Equipment that do not carry the seal of the Standards Association of Zimbabwe.

18. The principal by laws are amended by the insertion of a new section 23 as follows:-

Disposal of unclaimed firefighting equipment

“ 23 (1) Any firefighting equipment impounded in terms of section 22 which remain unclaimed for a period of three (3) months from date of impoundment, Council shall publish in any newspaper of wide circulation within the Council area a list of unclaimed equipment and advise the owners to claim the goods within thirty (30) days.

(2) Council shall sell by public auction any equipment that remain unclaimed thirty (30) days after the notice has been published.

Provided that the Chief Fire Officer shall destroy all such Fire Fighting Equipment that do not carry the seal of the Standards Association of Zimbabwe.

(3) Council shall deduct the charges for storage from the proceeds of the sale of unclaimed equipment and the balance (if any) shall be paid to the owner within thirty (30) days from the date on which the owner submits to Council a written request for such payment.

(4) Council shall operate a special account into which money realized from the sale of unclaimed equipment shall be deposited.

(5) Any money not claimed within thirty (30) days after the sale of unclaimed equipment shall be forfeited to Council.”

19. The principal by laws are amended by the insertion of a new section 24 as follows:-

Additional services

“24 (1) The Chief Fire Officer shall offer additional services listed in the schedule upon payment of such charges as may from time to time be prescribed by Council”.

20. The principal by laws are amended by the insertion of a new section 25 as follows:-

Offences and Penalties

“25 (1) Any person who:

- (a) contravenes or fails to comply with any provision of this by-laws;
- (b) contravenes or fails to comply with any requirement set out in a order issued and served to him in terms of this by-laws;
- (c) contravenes or fails to comply with any condition imposed in terms of this by-laws;
- (d) knowingly makes a false statement in respect of any application in terms of this by-laws;
- (e) obstructs, hinders or interferes with a Chief Fire Officer or authorised official acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these by-laws;
- (f) fails or refuses to furnish to a Chief Fire Officer or authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of these by-laws or furnishes a false or misleading document or false or misleading information;
- (g) fails or refuses to comply with any instruction given in terms of or for the purposes of these by-laws; or
- (h) pretends to be Chief Fire Officer or authorised official acting under power delegated to him or her, or
- (i) forges any certificate; or
- (j) with intent to deceive, alters or erases any part of a certificate or any entry lawfully made thereon; or
- (k) intentionally produces or uses any forged certificate which has been unlawfully altered or from which erasures have been unlawfully made; or

- (l) makes any unlawful entry on a certificate; or
- (m) who, except as may be authorized in terms of this by-laws, hires, lends, code transfers, or in any way whatsoever hands over a certificate to any other person; or
- (n) with intent to deceive, makes use for any purpose whatsoever of any certificate issued in terms of this By-laws, or for any purpose of this By-laws which is not his or her own; or

Shall be guilty of an offence and liable to a fine not exceeding level five or one(1) year imprisonment or to both such fine and imprisonment.

- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who being in a position of authority over another person permits or allows him or her to commit an offence, shall himself or herself be guilty of that offence and liable to a fine not exceeding level five or one year imprisonment or to both such fine and imprisonment.
- (3) Chief Fire Officer shall cancel a certificate if the holder is penalised of any contravention of the provisions of these by – laws.
- (4) Any certificate cancelled in terms of subsection (3) shall not be renewed until a period of 1 (one) year has lapsed from the date of cancellation.
- (5) Where the certificate is cancelled in terms of subsection (3) the holder shall return the certificate to the Chief Fire Officer within 48 (forty –eight) hours of being given notice of such cancellation.
- (6) Any person who fails to comply with the notice stated in subsection (5) above shall be guilty of an offence and liable to a fine not exceeding level 5 (five) or 1 (one) year imprisonment or to both such fine and imprisonment.
- (7) Any person who contravenes any other provision of these by-laws not specified in sub-section (1) above,

Shall be guilty of an offence and liable to a fine not exceeding level five or one year imprisonment or to both such fine and imprisonment.”

21. The principal by-laws are amended by the deletion of the whole schedule and substitution with the following.

“ *Additional Services*

- 1. Cleaning and testing of hose
- 2. Repairing hose patches supplied by customer

3. Fitting coupling to hose supplied by customer
 4. Hire of a length of hose to a Council Department
 5. Training of fire teams
 6. Discharge of a dry powder extinguisher
 7. Breathing apparatus cylinder recharging
 8. Fire prevention training in and outside Harare
 9. Fire Surveys in Harare large industrial and commercial area, in medium industrial and commercial area and outside Harare.
18. The by-laws published in Rhodesia Government Notice No. 843 of 1968, are hereby amended.