

## **PROPOSED BY-LAW RELATING TO DISASTER MANAGEMENT**

### **1. PURPOSE**

To provide for the proper regulation planning of disaster manage in advance and to provide for matter matters incidental therewith.

### **2. DEFINITIONS**

In this by-law, unless the context indicates otherwise –

**Disaster** – means a progressive or sudden, widespread or localized, natural or Human caused occurrence which

- a) Causes or threatens to cause;
  - i) Death, injury or disease
  - ii) Damage to property, infrastructure or the environment or
  - iii) Disruption of the life of a community and
- b) Is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using their own resources.

**Local Disaster** – means a disaster that, affect the area of jurisdiction of the Mangaung Metropolitan Municipality, including 100 meters from the boundary of a neighbouring municipality that, the Mangaung Metropolitan Municipality is able to deal with using its own resources.

**Disaster Management Memorandum of Understanding** – mean an agreement entered into between the Mangaung Metropolitan Municipality with its neighbouring municipalities ensuring a joint effort during a disaster/ catastrophic event that shall ensure a well-coordinated assessment and provision of disaster relief measures during such catastrophe.

**Disaster Management** – means a continuous and integrated multi-sectoral, multi-Disciplinary process of planning and implementation of measures aimed at:

- a) Preventing or reducing the risk of disasters;
- b) Mitigating the severity or consequences of disasters;
- c) Ensuring emergency preparedness;
- d) Ensuring rapid and effective response to disasters;
- e) Ensuring post-disaster recovery and rehabilitation.

**Emergency Preparedness** – means a state of readiness, which enables organs of state and other institutions involved in disaster management, the private sector, communities, and individuals to mobilize, organize and provide relief measures to deal with an impending or current disaster or the effects of a disaster.

**Municipality / City** – means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

**NGO** – means None Governmental Organizations.

**Mitigation** – in relation to a disaster, means measures aimed at reducing the impact or effects of a disaster.

**Municipal Disaster Management Center** – means a center established by the Municipality in terms of the Disaster Management Act of 2002, as amended.

**Post Disaster Recovery** – means efforts, including development, aimed creating a situation where:

- a) Normality in conditions caused by a disaster is restored.
- b) The effects of a disaster are mitigated or
- c) Circumstances are created that will reduce the risk of a similar disaster from occurring.

**Prevention** – in relation to a disaster, means measures aimed at stopping a disaster from occurring or preventing an occurrence from becoming a disaster.

**Response**– in relation to a disaster, means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster.

**Act** – means the Disaster Management Act (Act 57 of 2002)

**Statutory Function** – means a function assigned to that a person by national, provincial and/or municipal legislation.

**Vulnerability** – means the degree to which an individual, a household, community or an area may be adversely affected by a disaster.

**Competent Person** – means a person that has the relevant qualifications or is a high ranking person and familiar with procedures of the particular organization.

### **3. IMPENDING, OCCURRENCE OF DISASTERS OR CATASTROPHIC EVENTS**

- 3.1 Where a disaster has occurred within the area of jurisdiction of the City, also affecting the boundaries of a neighbouring municipality, the City shall release any available resources of the municipality, including stores, equipment, vehicles and facilities to deal with such a disaster in an effective and prompt manner. The City shall extend its services within 100 meters from the

- boundary of a neighbouring municipality of which the neighbouring municipality shall do the same.
- 3.2 The City shall release its emergency personnel as required to effectively render emergency services during a disaster/ catastrophic event.
- 3.3 During a state of a disaster the City shall implement all or any of the provisions of its disaster management plan, framework as well as these bylaws that will be applicable in the circumstances at the point in time to effectively deal with the effects of such catastrophic event.
- 3.4 Where a disaster/ catastrophic event has occurred and the City is of the opinion that the safety of its residents is at stake or compromised in any way and circumstances require the evacuation to temporal accommodation or shelter of all or part thereof of the population from the disaster stricken or threatened area for the purposes of preserving life, the municipality shall evacuate all the affected people to a place of safety.
- 3.5 Where the City is of no doubt that before, during or after the occurrence of a disaster or catastrophic event, the flow of traffic, including people to and from the disaster stricken area poses danger the municipality shall ensure the regulation of such traffic, people/persons and goods to, from or within the disaster stricken or threatened area in order to preserve life or ensure safety.
- 3.6 Once the City is of the opinion that, occupation of premises believed to be vulnerable to an impending disaster or already stricken by the disaster and such occupancy pose a high risk to occupiers, the municipality shall prohibit occupation of such premises and where necessary people will be evacuated to ensure their safety.
- 3.7 Where a disaster has already stricken or threatening to occur, the municipality may suspend or limit the sale, dispensing or transportation of alcoholic beverages to that area to prevent any uncontrollable behaviour of persons under the influence of alcohol, which may result in mortality/fatality rate increasing.

#### **4. PREPARATION, HOSTING OF PUBLIC EVENTS**

- 4.1 When a public event is organized either by the City, Provincial or National Government, private company within the area of jurisdiction of the City and as a result of the event members of the public more than 250 are expected to partake in such event, the following conditions shall apply in order to ensure the safety of the public during the proceedings of such event.
- 4.1.1 The application must be forwarded to the municipality 14 days before the event shall take place.
- 4.2.1 Once the application of the event has been lodged to the municipality, the Social Services or any relevant Department in the municipality shall convene a section 4 planning meeting at a date convenient enough to

allow proper planning of the event and such meeting shall consist of all relevant stakeholders to plan for the event and / or where an application to erect a marquee has been lodged such information shall be also provided to the disaster management section.

**The following conditions or requirements must be adhered or be met to:**

- 4.3.1 The person assigned as Event Co-ordinator must be a competent person in terms of this By-law or any relevant by-law such as the Municipality's Events By-law.
- 4.4.1 Proof must be given that the applicant provides sufficient public liability insurance to cover the costs of any claims that may arise due to any accidents/incidents that may occur at this event.
- 4.5.1 An estimate of expected number of people to attend the event must be provided in the application to allow for proper planning by all role-players. i.e. Fire & Rescue Services, Ambulance Services, S.A.P.S., Traffic Department, Health Department. e.t.c.
- 4.6.1 Refuse bins and skips for waste collection and removal.
- 4.7.1 The number of marshals at the ration of 50:1 must be provided to assist during the proceedings of the event.
- 4.8.1 Security personnel for crowd control must be made available.
- 4.9.1 Where a marquee has been erected to accommodate more that 250 people, the convener of the event shall be liable of producing an Engineer's Structural Certificate that certifies the facility safe for utilization failing which no member of the public shall be allowed inside the facility.
- 4.10.1 Where a stage more than one (1) meter has been erected either inside and/or outside the marquee, an Engineer's Compliance Certificate must be produced.
- 4.11.1 The General Manager: Disaster Management of the City or somebody acting on his behalf shall be an authorized Officer to ensure that, the contents of these by-laws are enforced diligently.
- 4.12.1 The convener of the event must make sure that, a layout plan indicating all permanent and/or temporal structures where the event is going to be held. This shall as well clearly indicate the emergency exit routes, assembly area and parking arrangements.
- 4.13.1 The time-span of the event must be provided, i.e. starting time and expected closing time of the event.

- 4.14.1 An emergency plan, including a complete lay-out map, indicating all the emergency entrances and exits, the Joint Operations Centre, the Forward Command Post & Triage area and Medical Station must be provided along with all the names and contact numbers of all emergency, security and safety roll players.
- 4.15.1 The Fire Brigade emergency telephone numbers must be available at the Joint Operations Centre. The telephone number of the Venue Co-ordinator and his delegated subordinate must be provided to the Fire Brigade Control Room.
- 4.16.1 Banks of Dry Chemical Powder type fire extinguishers are to be provided at all marquees, stage area and any stall/buildings being utilised during this event and these extinguishers must be either new or have undergone a service (calibration) within the last twelve months.
- 4.17.1 The Fire Prevention Officer will carry out a full inspection to ensure that the area is in compliance with applicable fire requirements, at which time the positioning of all fire extinguishers will be specified.
- 4.18.1 No open fires will be allowed except for food preparation in the designated food sale/preparation areas.
- 4.19.1 Gas cylinders on any designated food sale/preparation areas must be kept to a maximum of 2 x 48Kg cylinders on a manifold and the Fire Prevention Officer must be satisfied with the location and installation of the said cylinders.
- 4.20.1 All fire-fighting equipment and emergency exits must be kept unobstructed at all times.
- 4.21.1 No vehicles, with the exception of VIP's, emergency, security and organising official's vehicles will be allowed inside the premises.
- 4.22.1 The Joint Operations Centre must be provided with all the necessary office equipment (tables, chairs, etc) layout map, emergency plan, contact numbers, communications equipment, etc.
- 4.23.1 All functionaries representing their departments at the Joint Operations Center shall remain at the JOC at all times until told otherwise by the person in charge of the JOC.
- 4.24.1 The Fire Brigade will have on duty in this area, one Disaster Management Officer, one Senior Fire Brigade Officer, four Fire fighters and one medium fire tender.
- 4.25.1 All functionaries present at the JOC shall confirm the number of resources available at the JOC from their respective departments.

- 4.26.1 The Venue Co-ordinator must arrange for a final fire prevention inspection 2-hours before the gates open for the event.
- 4.27.1 An account for the stand-by service performed by the Fire Brigade will be forwarded to the applicant as per Councils tariff of charges.
- 4.28.1 A compulsory Disaster Management meeting must be held on site whereby all the emergency, safety and security personnel can liaise and co-ordinate the final arrangements for the event.
- 4.29.1 The Municipality does not accept any responsibility for any claims of damage, loss, injury or death of any person or property that may arise as a result of the permission granted for the presentation of the above event/s.

### **General conditions or requirements**

The following points should be clarified before the event in the interests of safety and security planning:

- 4.30.1 Will members of the public be allowed to bring alcoholic beverages onto the site and if not how will such a situation be dealt with in the event of a member of the public attempting to do so.
- 4.31.1 Will members of the public be allowed to enter the premises in possession of any dangerous weapons (fire-arms, knives, etc).
- 4.32.1 Will any age limit be enforced on entry or is the event open to people of all ages.
- 4.33.1 Will there be a certified stand-by electrician on site in the event of power failure.
- 4.34.1 It is recommended from Disaster Management that, preferably, the S.A.P.S. helicopter be negotiated to do air support and observations of the event, should it be necessary.
- 4.35.1 If the designated event area is full, how will the rest of the public be notified and turned away.
- 4.36.1 A competent person (Structural Engineer) shall inspect and certify the marquee and/ or stage safe and shall provide a certificate of compliance to relevant authorities before the commencement of the event.
- 4.37.1 Proper identification tags inclusive of the job designation must be provided to all personnel working at the event.
- 4.38.1 If food is provided / prepared they must comply with environmental

by-laws and a Certificate of Acceptability must be submitted.

4.39.1 Adequate provision of toilets must be made that are in line with the health by-laws.

## **5. MAJOR HAZARD INSTALLATIONS**

All industrial premises situated within the area of jurisdiction of the City must:

- 5.1 Submit to the municipality an onsite Emergency Plan.
- 5.2 Such plan shall be updated/ reviewed at least once in every three years.
- 5.3 If no change has taken place that may result to the amendment of the emergency plan during the period at which such plan is to be updated, the industries shall provide correspondence to the municipality indicating the same.
- 5.4 Once the plan has been reviewed and / or updated, it shall be submitted to General Manager: Disaster Management and / or the Manager responsible for Disaster Management, in his/her absence to the person acting on behalf of the General Manager: Disaster Management or the Manager responsible for Disaster Management.
- 5.5 The plan shall be signed by the company representative and witnessed by two people before submitting to the municipality.
- 5.6 The General Manager: Disaster Management and the Manager responsible for Disaster Management shall evaluate the plan and either approve it or refer it back if realized that, the plan has got shortcomings.
- 5.7 The on site emergency plan shall be tested in practice at least once a year whereby the emergency services of the municipality shall be informed for presence to evaluate the simulation.
- 5.8 Conduct a risk assessment on intervals not exceeding a period of five years and submit such risk assessment to the office of the General Manager: Disaster Management and/ or the Manager responsible for Disaster Management.
- 5.9 The risk assessment shall be carried out by an approved Inspection Authority which is competent to express an opinion as to the risks associated with the major hazard installation.
- 5.10 All emergency occurrences and /or incidents that occurred shall be reported to the municipality within 48 hours by means of telephone and there-after submit a written report to the General Manager: Disaster Management within seven days of the occurrence of the incident

**The Emergency Plan should at least contain the following minimum requirements but shall not be limited to:**

- 5.11.1 A brief description of the production of the company.
- 5.11.2 Clearly outline the risks associated with the production process of the company.
- 5.11.3 A layout plan for the company indicating all the crucial points in so far as risks are concerned and also indicating all the emergency assembly points.
- 5.11.4 The emergency team organization chart.
- 5.11.5 Communication channels in the organizations in case of an emergency
- 5.11.6 Inventory for emergency control center (if there is any) and /or vehicles.
- 5.11.7 Emergency Contingency Plans to deal with the different risks identified e.g. Fires, Bomb Threats, Explosions, Gas leaks, Trauma e.t.c.
- 5.11.8 Evacuation Contingency Plan incorporating people with disabilities.
- 5.11.9 Emergency Contingency Plan addressing environmental contamination.
- 5.11.10 All emergency contact numbers.
- 5.11.11 Proof of induction on emergency standards for external contractors employed in the company.
- 5.11.12 Training requirements for emergency personnel.
- 5.11.13 A material safety data sheet

## **6. OFFENCES AND PENALTIES**

- 6.1 Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and on conviction be liable to a fine not exceeding five thousand rand (R5 000.00) or imprisonment for a period not exceeding three (3) years and
- 6.2 In the case of continuous offence, to an additional fine of two thousand rand five hundred rand (R2 500.00) or additional imprisonment for each day on which the offence continues, provided that the period of such additional imprisonment shall not exceed two (2) years six (6) months.

## **7. CONFLICTING LAWS**

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law shall

prevail to the extent of the inconsistency.

**8. REPEAL**

Any by-laws relating to disaster management adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of this By-law.

**9. SHORT TITLE AND COMMENCEMENT**

This By-law is called **Mangaung, Disaster Management By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.