

UMZIMVUBU LOCAL MUNICIPALITY



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DISASTER MANAGEMENT BYLAW

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DISASTER MANAGEMENT BYLAWS**

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BACKGROUND

The area of Umzimvubu Local Municipality is a disaster prone area and it has been facing different disasters every year. Due to the geographic and climatic conditions of the area, majority of the people are exposed to one or the other kind of disaster risks at any time. Available data from the past incidents demonstrate that a significant number of human lives are lost and physical infrastructure damaged every year due to disasters. Umzimvubu villages suffers annually to floods, landslides, and epidemics. In addition, it remains highly vulnerable to disasters like earthquakes, fire, draught, windstorms, hailstorms, thunderstorms, hot and cold waves etc. Several natural and human factors are responsible for the occurrence and high impact of disasters in the area. Encroachments along the riverbanks and floodplains and

unplanned land use patterns in the watersheds of hills and mountains exacerbate the impacts of disaster and accelerate soil erosion problems. The nation's development efforts and poverty alleviation programmes are being negated by frequent disasters. Hence, increased focus on mainstreaming disaster risk reduction in development plans is needed to protect lives and property, as well as to sustain development benefits.

The factors such as (i) Very little public awareness; (ii) insufficient preparedness work; (iii) lack of coordination among related agencies; (iv) inadequate financial resources; and (v) limited use of available indigenous knowledge, skills and coping capacity have inhibited mitigation of disaster impacts in the area. The community based disaster management programmes, which have been implemented in some parts of the Umzimvubu Municipality are found to be effective and therefore needs replication in other areas. Underprivileged groups of people are found to be more prone to disasters as majority of them reside in vulnerable areas.

The Council and the Umzimvubu Local Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996, read in conjunction with Section 11-13 of the Municipal Systems Act, 2000 (Act No 32 of 2000) and the Disaster Management Act (Act 57 of 2002), made the following bylaws:

These disaster management by-laws are prepared in terms of section 55 (2) of the Disaster Management Act (Act 57 of 2002) to ensure public safety before, during and or after the occurrence of a disastrous event. Where there is a conflict between these bylaws and a provincial or national legislation/ statutory document, the provincial and national legislation shall take precedence over these bylaws.

PURPOSE OF THE BYLAW

To manage hazards and reduce the vulnerability and risk of disaster to protect and minimize the loss of life and property thereby alleviating human suffering through effective responses at all levels of disaster management.

To contribute in poverty alleviation through effective disaster management. To strengthen the coping capacity of communities to mitigate the impacts of disasters through knowledge based preparedness programmes.

APPLICATION OF THE BYLAW

Umzimvubu Municipality through Citizen and Community Services Department to provide education and training down to the grass roots level on disaster management to strengthen the coping capacity of the people.

CHAPTER 1

1. Definitions

Disaster – means a progressive or sudden, widespread or localized, natural or human caused occurrence which 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 – for the purposes of these by-laws shall mean a disaster that affect the area of jurisdiction of the Umzimvubu Local Municipality.

Disaster Management Memorandum of Understanding - for the purposes of these bylaws shall mean an agreement entered into, between Umzimvubu Local Municipality with its neighbouring local municipalities ensuring a joint effort during a disaster/disastrous event that shall ensure a well-coordinated assessment and provision of disaster relief measures during such disaster.

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 - for the purpose of these bylaws shall mean Umzimvubu Local Municipality.

NGO - shall mean Non-Governmental Organizations

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

Post Disaster Recovery - means efforts, including development, aimed at 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 - shall mean the Disaster Management Act (Act 57 of 2002)

Statutory Function - means a person performing a function assigned to that person by National, Provincial and 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.

CHAPTER 2

IMPENDING, OCCURRENCE OF DISASTERS OR DISASTROUS EVENTS

2.1 Where a disaster has occurred within the area of jurisdiction of the Umzimvubu Local Municipality, also affecting the boundaries of a neighbouring municipality, the Umzimvubu Local Municipality 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.

2.2 The Umzimvubu Local Municipality shall release its personnel as required to effectively render emergency services during a disaster/ disastrous event.

2.3 During a state of a disaster Umzimvubu Local Municipality 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 disastrous event.

2.4 Where a disaster/disastrous event has occurred and the Umzimvubu Local Municipality 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.

2.5 Where the Umzimvubu Local Municipality is of no doubt that before, during or after the occurrence of a disaster or disastrous 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.

2.6 Once the Umzimvubu Local Municipality 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.

2.7 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.

CHAPTER 3

PREPARATION, HOSTING OF PUBLIC EVENTS

When a public event is organized either by the Umzimvubu Local Municipality, Provincial, National Government, private company within the area of jurisdiction of the Umzimvubu Local Municipality 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.

3.1 The application must be forwarded to the office of the Municipal Manager 14 days before the event shall take place. The Municipal Manager shall then forward the application to the legal officer of the Municipality.

3.2 Once the application of the event has been lodged to the municipality, the legal officer 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 must be adhered to:

3.3 The person assigned as Event Co-ordinator must be a competent person.

3.4 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.

3.5 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.

3.6 Refuse bins and skips for waste collection and removal.

3.7 The number of marshals at the ration of 50: 4 must be provided to assist during the proceedings of the event.

3.8 Security personnel for crowd control must be made available.

3.9 Where a marquee has been erected to accommodate more than 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.

3.10 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.

3.11 The Disaster Officer of the Umzimvubu Local Municipality or somebody acting on his behalf shall be the authorized Officer to ensure that, the contents of these by-laws are enforced diligently.

3.12 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.

Fire & Rescue Services / Disaster Management requirements:

3.13 The time-span of the event must be provided, i.e. starting time and expected closing time of the event.

3.14 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.

3.15 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.

3.16 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.

3.17 The Fire Prevention Officer must be called and 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.

3.18 No open fires will be allowed except for food preparation in the designated food sale/preparation areas.

3.19 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.

3.20 All fire-fighting equipment and emergency exits must be kept unobstructed at all times.

3.21 No vehicles, with the exception of VIP's, emergency, security and organising official's vehicles shall be allowed inside the premises.

3.22 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.

3.23 All functionaries representing their departments at the Joint Operations Centre shall remain at the JOC at all times until told otherwise by the person in charge of the JOC.

3.24 The Fire Brigade shall be present at all times, one Disaster Management Officer, one Senior Fire Brigade Officer, four Fire fighters and one medium fire engine.

3.25 All functionaries present at the JOC shall confirm the number of resources available at the JOC from their respective departments.

3.26 The Venue Co-ordinator must arrange for a final fire prevention inspection 2-hours before the gates open for the event.

3.27 The event organiser shall make sure or arrange for ambulance/s is/are present at the event.

3.28 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.

3.29 The Umzimvubu Local 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

It is important that the following points are clarified before the event in the interest of safety and security planning:

3.30 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.

3.31 Will members of the public be allowed to enter the premises in possession of any dangerous weapons (fire-arms, knives, etc.)

3.32 Will any age limit be enforced on entry or is the event open to people of all ages.

3.33 Will there be a certified stand-by electrician on site in the event of power failure.

3.34 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. (Only if necessary)

3.35 If the designated event area is full, how will the rest of the public be notified and turned away.

3.36 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.

3.37 Proper identification tags inclusive of the job designation must be provided to all personnel working at the event.

3.38 If food is provided / prepared they must comply with environmental bylaws and a Certificate of Acceptability must be submitted.

3.39 Adequate provision of toilets must be made that are in line with the health bylaws.

CHAPTER 4

MAJOR HAZARD INSTALLATIONS

All industrial premises situated within the area of jurisdiction of the Umzimvubu Local Municipality must:

4.1 Submit to the municipality an onsite Emergency Plan.

4.2 Such plan shall be updated/ reviewed at least once in every three years

4.3 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.

4.4 Once the plan has been reviewed and / or updated, it shall be submitted to Disaster Management Officer, in his/her absence to the person acting on behalf of the Disaster management Officer

4.5 The plan shall be signed by the company representative and witnessed by two people before submitting to the municipality

4.6 The Disaster Management Officer shall evaluate the plan and either approve it or refer it back if realized that, the plan has got shortcomings

4.7 The onsite emergency plan shall be tested in practice at least once a year whereby the emergency services shall be informed for presence to evaluate the simulation

4.8 Conduct a risk assessment on intervals not exceeding a period of five years and submit such risk assessment to the office of the Disaster Management Officer

4.9 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

4.10 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 Disaster Management Officer within seven days of the occurrence of the incident

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

4.11.1 A brief description of the production of the company.

4.11.2 Clearly outline the risks associated with the production process of the company.

4.11.3 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.

4.11.4 The emergency team organization chart

4.11.5 Communication channels in the organizations in case of an emergency

4.11.6 Inventory for emergency control centre (if there is any) and /or vehicles.

4.11.7 Emergency Contingency Plans to deal with the different risks identified e.g. Fires, Bomb Threats, Explosions, Gas leaks, Trauma etc.

4.11.8 Evacuation Contingency Plan incorporating people with disabilities.

4.11.9 Emergency Contingency Plan addressing environmental contamination.

4.11.10 All emergency contact numbers

4.11.10.1 Proof of induction on emergency standards for external contractors employed in the company

4.11.11 Training requirements for emergency personnel

4.11.12 A material safety data sheet

The response time after a disaster incident/s has/have been reported is 24 hrs.

CHAPTER 5

LOCAL DISASTER MANAGEMENT COMMITTEE

1. Mayor, Umzimvubu Local Municipality	Chairperson
2. Three Ward Chairpersons nominated by the Municipality	Member
3. Ward Chairperson of the disaster affected ward/s	Member
4. Two Ward members from among the Ward members nominated by the Municipality	Member
5. Representatives of the municipality	Member
6. Three persons nominated by the municipality from among nongovernmental organizations, community organizations, social institutions and distinguished social workers	Member Member
7. Two locally available disaster management experts nominated by Municipality	Member
8. Manager (office of the Municipal Manager)	Member Secretary

CHAPTER 6

OFFENCES AND PENALTIES

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 or imprisonment for a period of twelve months and in the case of continuous offence, to an additional fine of R10 000.00 or additional imprisonment for each day on which the offence continues, provided that the period of such additional imprisonment shall not exceed 90 days.