

**Chapter 29:15**  
Urban Councils Act Harare (Fire) By-laws, 1968

***R.G.N.843 of 1968.***

*Amended by R.G.N.'s 261/71 , 388/71, 886/72, and by S.I's. 667/70, 886/72,  
1148/72, 1092/75, 1012/78, 338/80, 199/1985.*

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[FIRST SCHEDULE: Repealed](#)

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IT is hereby notified that the Minister of Local Government and Housing has, in terms of section 279 of the \*Municipal Act [*Chapter 125*],

\*now [section 229 of the Urban Councils Act \[\*Chapter 29:15\*\]](#) - Editor

approved the following by-laws made by the City Council of Harare: —

### PART I

#### *Title*

1.

These by-laws may be cited as the Harare (Fire) By-laws, 1968.

#### *Application*

2.

These by-laws shall apply to—

- (a) the City of Harare as described in section 3(2) of the Municipal (Salisbury)(Alteration of Boundaries and Related Matters) Notice, 1971, published in \*Rhodesia Government Notice No. 261 of 1971;

\*as amended by RGN 281/71, 388/71, and SI 199/1985 - Editor

and

- (b) such other areas as are included within the boundaries of the City of Harare in terms of section 9 of the \* Act after the date of commencement of such notice.

para (b) substituted by SI 886/1972 .  
The \*Act referred to was the 1973 Act. Editor

#### *Interpretation of terms*

3.

In these by-laws —

“**authorized person**” means a person who has been issued with a certificate of competence in terms of [section fifteen](#);

“**building**” includes any structure, whether of a permanent or temporary nature, constructed or used—

- (a) for the housing or accommodation of human beings or animals; or
- (b) for the storage, manufacture or sale of goods or materials;

**“certificate of competence”** means a certificate issued in terms of [section fifteen](#);

**“Chief Fire Officer”** means the person holding office under the Council as Chief Fire Officer, and includes any person authorized by the Chief Fire Officer to perform any of the functions or exercise any of the powers assigned to the Chief Fire Officer by these by-laws;

**“Council”** means the City Council of Harare;

**“fire-appliance”** includes any motor-pump, service vehicle, turn-table ladder or utility van maintained by the fire-brigade;

**“fire-brigade”** means the fire-brigade established and maintained by the Council in terms of [\\*section 200 of the Urban Councils Act \[Chapter 29:15\]](#);

was section 256(20) of the Municipal Act Chapter 125 - Editor.

**“fire-extinguisher”** means a type of fire-fighting equipment which is designed to generate an internal pressure, within a container, of sufficient force to eject the liquid, powder, chemical or gas contained in such container when such appliance is actuated or a seal or valve within such appliance is broken or released;

**“fire-fighting equipment”** means any fire-extinguisher, hose-reel, water-pipe, fire-hydrant; pump, pump-connexion, water-tank, sprinkler system or drencher system which is installed in any building in terms of the Harare Building By-laws for fire-fighting or protection purposes;

**“fire-hydrant”** means any water-connexion- connected directly or indirectly to the Council's water-mains; and situated in, near or upon any land or building, or under a street or thoroughfare; and designed to discharge water through a hose for the purpose of extinguishing or controlling a fire;

**“fireworks”** include any article, package or object containing explosive or pyrotechnic matter primarily used for entertainment purposes;

**“flammable gas”** means any gas having a flash-point of **less than 73°F** at normal temperature and pressure;

**“member of the fire-brigade”** means a person employed by the Council as an officer or as a fireman in the fire-brigade;

**“motor-pump”** means a vehicle fitted with a mechanically operated water-pump which is designed to expel water under pressure for the purpose of extinguishing or controlling any fire;

**“occupier”**, in relation to any building or land, means the person—

- (a) in actual occupation of such building or land; or
- (b) having the charge or management of such building or land;

**“owner”**, in relation to any building or land, means the person in whose name the title of such building or land is registered, and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such building or land;

**“recharge”** means the reconditioning of a fire-extinguisher by replenishing it with sufficient liquid, powder, chemical or gas to render such fire-extinguisher capable of efficient use;

**“Harare Building By-laws”** means the Salisbury Building By-laws, 1933, published in Rhodesia Government Notice No. 704 of 1933, and shall include those sections of the by-laws and regulations set out in the first column of the Second Schedule and those sections of the Salisbury (Fire-extinguishing Equipment in Buildings) By-laws, 1973, published in Rhodesia Government Notice No. 1139 of 1973, which relate to the installation of fire-fighting equipment or fire-extinguishers.

definition substituted by SI 1148/72. 2nd Schedule now repealed- Editor.

**“service vehicle”** means a vehicle used by the fire-brigade for the conveyance of equipment and personnel to and from any fire or any other activity involving the attendance of the fire-brigade;

**“turn-table ladder”** means a vehicle fitted with an extension ladder which is mounted on a platform designed to revolve through 360°;

**“utility van”** means a vehicle equipped with specialized equipment for use by the fire-brigade—

- (a) for rescue purposes; or

- (b) for the illumination of property; or
- (c) for the protection and recovery of merchandise and effects at risk.

*Procedure upon outbreak of fire*

**4.**

(1) If the Chief Fire Officer or any other member of the fire-brigade has been notified of or has reason to believe that there has occurred an outbreak of fire, the Chief Fire Officer—

- (a) shall forthwith and with the utmost speed, with such men and fire-appliances as he may think necessary, proceed to the place where the fire is reported to him to have broken out or where he has reason to believe that a fire has broken out, as the case may be; and
- (b) may avail himself of any offer of voluntary assistance in the fighting of a fire; and
- (c) shall be entitled to assume entire command of and control over the building or land in or upon which a fire has broken out; and
- (d) may take any measures which appear to him necessary or expedient for the purpose of preserving life or property, or for preventing, controlling or extinguishing any fire, and, in particular, he or any other member of the fire-brigade authorized by him may for such purposes—
  - (i) break into or demolish any building;
  - (ii) have access to, and the right to draw water from, any hydrant, tank, cistern, pipe or other water-supply, whether on public or private property;

and

- (e) may modify or interfere with or put a stop to any operation being conducted in respect of a fire by any persons who are not members of the fire-brigade, including the owner or occupier of the building or land which is on fire and their servants or agents.

(2) The Chief Fire Officer shall exercise the powers conferred upon him by [paragraph \(d\) of subsection \(1\)](#) in such a manner as to cause as little damage as is possible, having regard to the purpose to be achieved.

(3) Any person, other than a member of the fire-brigade, who voluntarily offers his assistance in preventing, controlling or extinguishing a fire, and whose assistance is accepted under the provisions of [paragraph \(b\) of subsection \(1\)](#), shall—

- (a) be deemed to be a member of the fire-brigade; and
- b) obey all orders and directions given to him by or on behalf of the Chief Fire Officer;

for such period as he assists in the fighting of a fire.

*Temporary closure of streets*

5.

It shall be lawful for—

- (a) the Chief Fire Officer, by appropriate signs, barriers or other suitable means, to close temporarily any road, street, thoroughfare or public place, in or near which an outbreak of fire has occurred or is in progress;
- (b) the Chief Fire Officer or any other member of the fire-brigade, except a person referred to in [section four \(3\)](#), to remove any person who refuses to leave any road, street, thoroughfare or public place which has been temporarily closed in terms of paragraph (a), after such person has been requested to do so by any member of the fire-brigade or by any policeman.

*Charges for service and water*

6.

The owner of any building, land, vehicle or goods and the occupier of any building or land, which were on fire or affected by fire, shall, for, the services of the fire-brigade and the use of fire-appliances; and for the purpose of preventing, controlling or extinguishing any fire on or upon such building, land, vehicle or goods, pay to the Council the charge fixed by the Council in terms of [\\*section 219 of the Urban Councils Act \[Chapter 29:15\]](#):

\* was section 172 of the Urban Councils Act 1973 - Editor]:

Provided that where the building or land of more than 1 owner or occupier was on fire, or affected by fire, the owners or occupiers shall, between them, pay to the Council the appropriate charge fixed above in such proportions as may be determined by the Chief Fire Officer.

### *Fire Alarms*

#### **7.**

(1) The Council may cause to be affixed to any land, building, wall, fence or tree—

- (a) any telephone, fire-alarm, instrument or apparatus for the transmission to the fire-brigade of any message, call or signal relating to an outbreak of fire;
- (b) any board, metal plate or device indicating the position of a fire-hydrant or fire-appliance.

(2) No person shall wilfully or knowingly—

- (a) deface, damage, tamper or interfere with any telephone, fire-alarm, instrument, apparatus, board, metal plate or device affixed in terms of [subsection \(1\)](#);
- (b) deface, damage, tamper or interfere with any fire-hydrant or fire-appliance or fire-fighting equipment used or intended to be used for preventing, controlling or extinguishing any fire or for preserving life or property in the event of an outbreak of fire;
- (c) give or cause to be given to the fire-brigade or any member thereof any false alarm of fire or any notice of or any information relating to an outbreak of fire which is, to the knowledge of that person, false or inaccurate.

### *Making of fires*

#### **8.**

No person shall—

- (a) make a fire; or
- (b) light any receptacle containing inflammable or combustible material; or
- (c) burn any grass, wood, straw, combustible material;

in such a manner as to endanger the safety of any person, animal, vehicle, goods, building or land.

### *Fireworks*

**9.**

No person shall—

- (a) discharge any fireworks or cause or permit any fireworks to be discharged in such a manner as to endanger the safety of any person, animal, vehicle, goods, building or land; or
- (b) keep or display any fireworks or cause any fireworks to be kept or displayed—
  - (i) in a shop window or pavement display cabinet; or
  - (ii) in an open or exposed position in or on any vehicle, building or land; or
  - (iii) in a place readily accessible to the public.

*Combustible material*

**10.**

Repealed by SI 338 of 1980

*Gas-filled balloons*

**11.**

- (1) No person shall, without the prior permission of the Chief Fire Officer—
  - (a) use, display or cause or permit to be used or displayed any balloon or similar article containing flammable gas, within any building or upon any land to which the public has access; or
  - (b) sell or donate to any person any balloon or similar flammable filled with or containing flammable gas.
- (2) The provisions of [paragraph \(a\) of subsection \(1\)](#) shall not apply to any balloon or similar article filled or inflated with or containing flammable gas, which is used or intended to be used for the purposes of scientific research.

*Inspection of buildings*

**12.**

- (1) The Chief Fire Officer may—
  - (a) at all reasonable times enter upon and inspect any building or land for the purpose of ascertaining—



- (i) whether adequate precautions are being taken for the prevention of fire; and
- (ii) whether effective means of egress in case of fire are provided in or around a building or land:

Provided that the Chief Fire Officer shall not enter a dwelling-house in terms of this subsection otherwise than during the day-time and with the consent of the occupier of the dwelling-house unless in the opinion of the Chief Fire Officer he deems it necessary to enter the dwelling-house otherwise than during the day-time and with the occupier's consent ,

and;

- (b) require the owner or occupier of any building in which any fire-fighting equipment is installed in terms of the Harare Building By-laws—
  - (i) to replace or repair **within 7 days** any fire-fighting equipment which the Chief Fire Officer finds to be defective, unsafe or ineffective by virtue of its construction, design or deterioration; and
  - (ii) to recharge **within 7 days** any fire-extinguisher which the Chief Fire Officer finds to be empty.

(2)

Repealed by SI 1012 of 1978

(3) If an owner or occupier referred to in [paragraph \(b\) of subsection \(1\)](#) fails to comply with any requirements specified by the Chief Fire Officer in terms of that paragraph, the Chief Fire Officer may take such steps as he considers necessary to secure compliance therewith and the cost of his so doing shall be charged to and recoverable from such owner or occupier.

*Attendance at places of public entertainment*

**13.**

(1) The Chief Fire Officer—

- (a) may at the request of the owner or occupier of any theatre, music-hall, cinema, dance-hall, public hall, concert-room or other place of public amusement, assembly or entertainment, and upon payment of the appropriate \*charge specified in the *First Schedule*,

\* now the charge fixed by the Council in terms of [section 219 of the Urban Councils Act \[Chapter 29:15\]](#), as the First Schedule has been repealed- Editor

attend at and patrol such theatre, hall, cinema, room or other place of public amusement, assembly or entertainment, during any function or performance; and

- (b) shall attend at and patrol any theatre, music-hall, cinema, dance-hall, public hall, concert-room or other place of public amusement, assembly or entertainment, during any function or performance, if he has reasonable grounds for believing that combustible or inflammable materials likely to endanger the safety of persons attending such function or performance are intended to be used as scenery or otherwise at, in or during such function or performance.

(2) If the Chief Fire Officer attends at and patrols any theatre, hall, cinema, room or place in terms of [paragraph \(b\) of subsection \(1\)](#), the occupier thereof shall pay to the Council, for such attendance and patrol, the \*charge fixed by the Council in terms of [section 219 of the Urban Councils Act \[Chapter 29:15\]](#).

amended by 1092/75 to read "the charge fixed by the Council in terms of 172 of the Urban Councils Act 1973" - updated as above by the Editor

#### *Installation of fire-extinguishers*

#### **14.**

No person other than an authorized person shall—

- (a) install in a building any fire-extinguisher which is required to be installed in a building in terms of the Harare Building By-laws; or
- (b) dismantle, repair, service, recharge or disconnect any fire-extinguisher referred to in paragraph (a):

Provided that the provision of paragraph (b) shall not apply to any person who dismantles or disconnects a fire-extinguisher for use in a fire.

#### *Certificate of competence*

#### **15.**

(1) The Chief Fire Officer may, on application being made to him, issue in writing, a certificate of competence to any person who, in his opinion, has—

- (a) a general knowledge of construction and design of the several types of fire-extinguishers; and

- (b) satisfactory knowledge of the use to which the several types of fire-extinguishers can most effectively be put.

(2) Every certificate of competency issued in terms of [subsection \(1\)](#) shall be numbered by the Chief Fire Officer.

*Monthly returns*

**16.**

Every person who repairs or services fire-fighting equipment shall render **before the 10th of every month** to the Chief Fire Officer a return giving particulars of any fire-fighting equipment which he has repaired or serviced during the preceding month.

*Examination and inspection of fire-fighting equipment*

**17.**

(1) The owner and occupier of any building or land in or upon which—

- (a) any fire-extinguisher is installed in terms of the Harare Building By-laws shall cause such extinguisher—

- (i) to be examined not less than once in every year; and

- (ii) to be pressure-tested not less than once in every 3 years;

by an authorized person; and

- (b) any fire-fighting equipment is installed in terms of the Harare Building By-laws shall cause such equipment to be examined and tested by an authorized person not less than once in every year; and

- (c) any fire-alarm is installed shall cause such fire-alarm to be tested not less than once in every year.

(2) The authorized person who examines a fire-extinguisher in terms of [paragraph \(a\) of subsection \(1\)](#) —

- (a) shall affix to any fire-extinguisher which he has examined a label indicating—

- (i) his name and the number of his certificate of competence; and

- (ii) the date of such examination; and

- (iii) the condition of such fire-extinguisher; and

- (b) if he finds during such examination that any fire-extinguisher is in any way defective, unsafe or ineffective by reason of construction, design or deterioration, shall forthwith inform—
  - (i) the Chief Fire Officer; and
  - (ii) the owner or occupier of the building in which such fire-extinguisher is installed;

and such owner or occupier shall, **within 7 days**, repair or replace such fire-extinguisher.

(3) If a fire-extinguisher referred to in [paragraph \(b\) of subsection \(2\)](#) is not repaired or replaced in accordance with that paragraph, the Chief Fire Officer may cause such fire-extinguisher to be repaired or replaced, and the cost thereof shall be charged to and recoverable from the owner or occupier of the building in which such fire-extinguisher is installed.

#### *Removal of fire-equipment and extinguishers*

### **18.**

No person shall—

- (a) remove any fire-extinguisher installed in any building in terms of the Harare Building By-laws from such building for the purpose of servicing or repair without temporarily replacing such fire-extinguisher with a fire-extinguisher which is in good order and repair; or
- (b) remove any of the fire-fighting equipment installed in any building in terms of the Harare Building By-laws from such building

without informing the Chief Fire Officer thereof, in writing.

#### *Testing of bells*

### **19.**

(1) No person shall ring for testing purposes any bell or warning device attached to any fire-fighting equipment, fire-alarm or to a fire-detection installation without first obtaining the permission of the Chief Fire Officer.

(2) In granting permission in terms of [subsection \(1\)](#), the Chief Fire Officer shall specify the time and date on which the bell or warning device referred to in that subsection shall be tested.

#### *Interference and obstruction*

**20.**

No person shall—

- (a) interfere with, molest or obstruct the Chief Fire Officer or any other member of the fire-brigade in the execution of his duty; or
- (b) interfere with, damage or tamper with any fire-appliance or fire-fighting equipment; or
- (c) interfere with or obstruct the use of any fire-escape or fire-exit, or any stairway, passageway or doorway, which—
  - (i) leads to any fire-escape or fire-exit; or
  - (ii) is likely to be used as a means of egress from any building in the event of fire.

*Repeals*

**21.**

The Harare Fire Brigade Bye-laws, 1943, published in RGN 358 of 1943, as amended by RGN Nos. 66 of 1950, 85 and 436 of 1957, 118 of 1958, 492 of 1961 and 281 of 1962, are repealed.

**FIRST SCHEDULE**

Repealed by RGN 1012 of 1978 as the Specified Charges are now fixed by the Council in terms of [section 219 of the Urban Councils Act \[Chapter 29:15\]](#) - Editor

**SECOND SCHEDULE**

*([Sections 3 and 9](#))*

Inserted by RGN 886 of 1972, listing the by-laws or regulations which were amended by the repeal of specified sections governing the previous Suburbs in the City of Harare - a copy of which is available upon request - Editor.