

OVERSTRAND MUNICIPALITY



POLICY FOR THE CLEARING AND MAINTENANCE OF VEGETATION CREATING FIRE HAZARDS

JUNE 2016

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Chapter 1 Definitions and Abbreviations

Administration Fee	Means a tariff as approved by Council and provided for in the tariff list of the Overstrand Municipality
Appeal Process	Provisions of section 62 of the Local Government: Municipal Systems Act, No. 32 of 2000 which <i>inter alia</i> provides that a person, whose rights are affected by a decision taken by a staff member in terms of a power or duty delegated, may appeal against that decision by giving <u>written notice of the appeal and reasons</u> to the Municipal Manager <u>within 21 days</u> of the date of the notification of the decision. Said notice must be accompanied with proof that the appellant has, in terms of Council resolution, paid an <u>appeal deposit</u> to the Municipality, which deposit is refundable if the appeal is upheld.
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 Alien Vegetation	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, state, provincial and municipal owned land developed or undeveloped
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, closed 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 Service Provider	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

Chapter 2 Purpose of the Policy

- 1 This document is established to lay down operational management principles, procedures and processes on public and 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 South Africa, Act 108 of 1996 - Promotion of a safe and healthy environment;
- 2.2 Articles 4, 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 and amendments up to Act 14 of 2000 – 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 and/or reduction of fire hazards.
- 3.2 To provide for the identification and verification of fire hazards on all properties in the Overstrand,
- 3.3 To notify residents and owners of such fire hazards that are a potential threat to the environment,
- 3.4 To inform residents and owners of the requirements and recommended methods with respect to the clearing and removal of such fire hazards, and
- 3.5 To ensure that all vacant properties, small holdings, farm land and public commons conform to the minimum standards as determined by the Policy before the end of October each year.

Chapter 3

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 All land owners are obligated to maintain their properties in terms of Articles 34 & 54 of the Community Fire Safety By-law in such a manner that the land is maintained to the satisfaction of the Chief Fire Officer in that it does not constitute a fire hazard to the environment and community.
- 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 Clearing:

- 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:

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

4.3 Fire Breaks:

Where necessary, suitably cleared boundary strips that are free of combustible material that must be created that will assist in preventing fire spread and provide access for controlling fires as determined by the Chief Fire Officer.

- 5 The use of tractor driven lawnmowers or “bossiekappers” is at the discretion of the land owner as referenced in Category A1 to A8 of the policy.
- 6 Areas such as road verges, municipal gardens, public commons and parklands, fire breaks or sport fields where continuous maintenance occurs(as is set out in Category B1 to B5) is subject to the discretion of the relative controlling authority.

Chapter 4 Responsibilities and rights of the Municipality

- 1 Officials with delegated authority for the verification of fire hazards shall have the final decision in the clearing of property, in accordance with the Municipality’s By-laws, policies and directives as to **when** and **how** a property shall be cleared. If a property is found not to be a fire hazard, but is in breach of other municipal legislation, the matter will be delegated to the relevant department(s) for further action.
- 2 A notice period of **28 working days** for owners resident in South Africa and **40 days** for owners who are international residents 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 and by email as a courtesy where such information is provided in the municipal data base.
- 4 A delegated official of the Municipality is empowered in terms Section 4 of its Community Fire Safety By-law to enter upon a property to do whatever is deemed to be necessary to remove the hazard if it is found that the property is in non-compliance with the regulated standards. Non-compliance of the regulated standards will result in the municipality exercising its powers.
- 5 Standards for plot clearing are set. Standards will be revised annually in conjunction with public participation and council work shopping.
- 6 The process for the acquisition of plot clearing contractors must be followed in accordance with the Municipality’s Supply Chain Management Policy.
- 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 contractor will be paid after the invoice has been verified and cleared sites have been inspected to verify that the work has been done according to standards.
- 9 The relevant fees will be billed against the defaulting property owner’s Municipal account.

10 Right of admission:

Delegated officials of the Overstrand Municipality Fire Rescue and Disaster Management Services retain the right to enter any premises to perform compliance inspections and remedial action in accordance with the Fire Brigade Services Act, Act 99 of 1987 as amended by Act 14 of 2000 and the Overstrand Community Fire Safety By-law to prevent fire hazards.

Chapter 5

Obligation of land owners

1. Land owners are obligated to comply with the provisions of Sec. 34 of the Overstrand municipality's Community Fire Safety By-law, P.N 6454/2007.
2. Clearing of property must be in compliance of the norms and standards as prescribed in Chapter 10 - Schedule of Categories
3. Failure to comply will result in remedial action or legal action in terms of Sec. 55 of the said By-law in the form of a summons to court taken against the owner. Fines and imprisonment may be imposed by a court of law.

Chapter 6

Recovery of costs

Should it become necessary for the Municipality to take remedial action 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.

Chapter 7

Guidelines for minimum standards for clearing vegetation

- 1 Grass (all species) may not be longer than 500mm.
- 2 Invasive alien vegetation shall be eradicated (cut down) and may be treated with herbicide at the discretion of land owners, as applicable, to prevent re-growth.
- 3 Contractors appointed by the municipality for clearing of private erven are not permitted to use any herbicides.
- 4 Indigenous vegetation shall be reduced as per schedule 1 or 2 of the policy.
- 5 All garden refuse, cuttings and excess combustible material (irrespective of the clearing process) shall be removed from the property and disposed of at the relevant municipal refuse transfer stations.
- 6 Garden refuse may be chipped and spread over the cleared area as mulching in order to prevent soil erosion and to replenish soil nourishment.

- 6 It is suggested that private landowners make use of the registered contractors available on the Municipal database or contractor list supplied on request from the relevant administrators as being considered competent indigenous and invasive alien plants plot clearing activities.

Chapter 8

Milkwood Trees and other Protected/Endangered Plant Species

Sideroxyloninerme (White Milkwood) are protected trees and may only be removed, cut or controlled in accordance to the determination of the Minister of the Department 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 or the Department of Environmental Affairs or Cape Nature, is a criminal offence.

Chapter 9

Prescribed Procedures of the Plot Clearing Management Process

NO.	ACTION	RESPONSIBLE DEPT
Standard procedures		
1.	1 st Compliance inspection	Chief: Fire Services or delegate
2.	Administration and Issue of Compliance Notices	Office of the Respective Area Manager
3.	2 nd Inspection	Chief: Fire Services or delegate
4.	Issue summons on owner to appear in court in case of non-compliance	Additional Court /Law Enforcement
Procedures for remedial action		
1.	Appointment of contractors through the Supply Chain channels	Chief : Fire Services
2.	Instruction to private contractor	Chief : Fire Services
3.	Inspection with certification of clearing done	Chief : Fire Services
4.	Invoice for payment of contractor	Finance
5.	Payment of contractor	Finance
6.	Billing of owner	Finance

Chapter 10
Schedule of Categories

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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 only	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Trees and shrubs taller than 1.5 metres must be cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward. Grasses shall not exceed a height of 500mm.
A2	Size – Up to 1ha Indigenous vegetation – Fynbos etc.	No Conservation Status	Manual only	TREES AND SHRUBS Reduce fynbos fire loading by a minimum of 50% or 5kg per square metre whichever is applicable. Trees and shrubs taller than 1.5 metres must be cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward. 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 only	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Retention of desired trees and shrubs taller than 1.5 metres is subject to being cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward together with growth being reduced to a minimum of 50% of the entire area. Grass shall not exceed a height of 500mm. 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 only	Eradication or cutting down of 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 30cm 500mm. Maintain safe distance between possible/ future fire hazards and structures
A5	Size - Larger than 1ha / Small Holding Majority of invasive alien vegetation Acacia's Hakeaspp, Gum spp- , dense grasses etc.	No Conservation status	Manual or Mechanical at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. 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 or Mechanical at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. Retention of desired trees and shrubs taller than 1.5 metres is subject to being cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward together with growth being reduced to a minimum of 50% of the entire area. 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 only	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. 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 only	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. 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.
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Policy Section	Protection Services
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