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**GOVERNMENT GAZETTE**

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| VOL. IX]        | MBABANE, Friday, OCTOBER, 21 <sup>st</sup> 2022 | MUNICIPAL COUNCIL OF MBABANE<br>OFFICE OF C.E.O |     | (No. 145) |
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LEGAL NOTICE NO. 378 OF 2022

THE URBAN GOVERNMENT ACT, 1969  
(Act No. 8 of 1969)

THE MUNICIPAL COUNCIL OF MBABANE DISASTER MANAGEMENT  
BY-LAWS, 2022  
(Under Section 77)

In exercise of the powers conferred by section 77 of the Urban Government Act, 1969, the Minister for Housing and Urban Development makes the following By-laws -

ARRANGEMENT OF BY-LAWS

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**PART I  
PRELIMINARY PROVISIONS**

**1. *Citation and commencement***

1. (1) These By-laws may be cited as The Municipal Council of Mbabane Disaster Management Bylaws, 2022.

(2) These Bylaws shall come into force on the date of publication in the gazette.

***Interpretation***

2. In these By-laws unless the context otherwise requires -  
“competent person” means a person who has the relevant qualifications or is a high-ranking official who is familiar with procedures of an organization;

“Council” means the Municipal Council of Mbabane;

“disaster” means a progressive or sudden, widespread or localized, natural or human made occurrence of a magnitude that exceeds the ability, scope of work and capability of those affected to cope with its effects using their own resources;

“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 a disaster;
- (b) mitigating the severity or consequences of a disaster;
- (c) ensuring emergency preparedness for a disaster;
- (d) ensuring rapid and effective response to a disaster; and
- (e) ensuring post-disaster recovery and rehabilitation.

“joint operations centre” means a pre-designated location set up separately from the incident, where emergency management leadership gathers to support the incident responders.

“emergency” means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of persons or to limit damage to property;

“emergency management” means co-ordinating response to an emergency or disaster;

“emergency plan” means a written set of instructions that outline what workers and other persons in an organization or establishment should do in an emergency;

“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;

“forward command post” means a designated area for incident coordination and command;

“Minister” means the Minister responsible Housing and Urban Development;

“municipality” means the Municipal Council of Mbabane;

“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” means a set of activities implemented once a disaster has struck, aimed firstly at satisfying the immediate needs of the affected population and subsequently at the rehabilitation and reconstruction of affected infrastructure, facilities and economic activity; and

“triage area” means a secure area where incident victims are triaged and treated prior to transportation for medical attention;

***Application***

3. (1) These By-laws apply to the area within the jurisdiction of the Mbabane Municipality.

(2) These By-laws shall only be applicable to the extent that they do not conflict with any existing or relevant legislation and where there is a conflict between these by-laws and any law, that law shall take precedence.

(3) These By-laws shall be applied together with the law applicable to disaster management.

**PART II  
GENERAL PROVISIONS**

***Purpose***

4. The purpose of these By-laws is to –

- (a) ensure public safety before, during and after the occurrence of a catastrophic event in the Municipality; and
- (b) carry out the statutory powers and obligations of the Council provided for under the Urban Government Act, 1969 or its successor.

***Duties of Council***

5. The Council shall -

- (a) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Municipality;
- (b) approve Municipal Emergency plans and programs; and
- (c) review the status of the Municipal Emergency Plan and related plans and programs at least once a year.

***Powers of Council***

6. The Council may -

- (a) borrow, levy, appropriate and expend, without the consent of the electorate all sums required for managing the emergency situation and;

- (b) enter into agreements with and make payments or grants to persons or organizations for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.

*Power to declare or extend a of local emergency*

7. (1) The Chief Executive Officer of the Municipality shall declare or extend a local emergency at the direction of Council.

(2) When declaring a local emergency, the Chief Executive Officer shall -

- (a) ensure that the declaration identifies the nature of the emergency and the area of Municipality in which emergency exists;
- (b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the affected area;
- (c) immediately forward a copy of the declaration to the Minister;
- (d) cause the Municipal Emergency Plan or any related plan or programs to be put into operation;
- (e) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
- (f) authorize or require any qualified person to render aid of a type that person is qualified to provide;
- (g) control or prohibit travel to or from any area of Municipality;
- (h) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of the Municipality;
- (i) cause the evacuation of persons and the removal of livestock and personal property from any area of the Municipality that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons, livestock or personal property; and
- (j) authorize the entry into any building or on any land, in the course of implementing an emergency plan or program,

***Immunity of Council***

8. (1) The Council or any person acting under the direction of the Council shall be protected against any legal proceedings in respect of anything done in good faith and without gross negligence in pursuance of these By-laws.

(2) The Council shall not be liable for any claim for damage or loss of property or injury or loss of life that may arise at or during a public event.

***Termination of state of local emergency***

9. (1) Where in the opinion of Council a local emergency no longer exists in relation to which a declaration was made, that declaration shall be revoked.

(2) A declaration of local emergency shall be considered revoked and cease to be of any force or effect where -

- (a) a period of seven (7) days has lapsed since it was declared, unless it is extended by resolution of Council; and
- (b) the Minister revokes that local emergency.

(3) Where a declaration of a local emergency has been revoked, the Council shall cause the details of the revocation to be published immediately by such means of communication considered most likely to notify the population of the affected area.

***Measures to be taken during occurrence of a disaster or catastrophic event***

10. (1) Where a disaster has occurred within the area of jurisdiction of the Municipality, affecting the boundaries of a neighbouring Municipality, the Municipality shall -

- (a) release available resources of the Municipality, including stores, equipment, vehicles and facilities to deal with impending or occurrence of disaster in an effective and prompt manner;
- (b) extend its services within one hundred (100) metres from the boundary of a neighbouring local authority or community or allow a neighbouring Municipality to extend its services within one hundred (100) metres from the boundary;
- (c) deploy its emergency personnel as required to effectively render emergency services; and

- (d) implement its disaster management plan, framework and these By-laws to effectively deal with the effects of the disaster or catastrophic event.

(2) Where a disaster or catastrophic event has occurred and the Municipality is of the opinion that the safety of its residents is at stake or compromised in any way and circumstances require the evacuation of the whole or part of the population from the disaster stricken or threatened area to temporal accommodation or shelter for the purposes of preserving life, the Municipality shall evacuate the affected persons to a place of safety.

(3) Where the Municipality has reason to believe that that before, during or after the occurrence of a disaster or catastrophic event, the flow of traffic, including persons to and from the disaster stricken area poses a danger, the Municipality in conjunction with other national agencies shall ensure the regulation of such traffic, persons and goods to and from or within the disaster stricken or threatened area in order to preserve life or ensure safety.

(4) Where the Municipality is of the opinion that, occupation of premises believed to be vulnerable to an impending disaster or already stricken by the disaster and that such occupancy poses a high risk to occupiers, the Municipality shall prohibit occupation of such premises and where necessary and to the extent possible persons shall be evacuated to ensure their safety.

(5) Where a disaster has already occurred or is threatened, the Municipality may suspend or limit the sale, dispensing or transportation of alcoholic beverages to that area to prevent any uncontrollable behaviour of persons due to consumption of alcohol, which might result in increased fatality rate.

***Preparation and hosting of public events***

11. (1) A person who intends to host a public event to be attended by more than two hundred and fifty (250) people within the area of jurisdiction of the Municipality may make an application to the Community Services Department of the Municipality fourteen (14) days prior to the date of the event.

(2) Where the application made in terms of sub by-law (1) includes a request to erect a marquee at the venue of the event, that application shall be forwarded to the disaster management section of the Municipality for consideration of the request to erect a marquee.

(3) Upon receipt of an application made in terms of sub by-law (1) the Community Services Department shall convene a meeting of all stakeholders to allow for proper planning of the event.

(4) Where an application to host a public event has been granted, an account for the stand-by service to be performed by the Fire and Emergency Service shall be forwarded to the applicant in accordance with the Council's tariff of charges.



*Requirements for hosting public events*

12. (1) A person who wishes to host a public event shall prior to hosting the public event -
- (a) assign a competent person as event co-ordinator;
  - (b) provide proof of public liability insurance to cover the costs of any claims that may arise due to any accidents or incidents that may occur during the event;
  - (c) provide an estimate of the expected number of people to attend the event in the application to allow for proper planning by all stakeholders, who include but shall not be limited to the National Fire, Rescue and Emergency Services, Ambulance Services, Royal Eswatini Police Service, Traffic Department and the Health Department; and
  - (d) submit a layout plan clearly indicating all permanent or temporary structures where the event is to be held and the emergency exit routes, assembly area and parking arrangements.
- (2) A person who has been granted permission to host a public event shall during the public event -
- (a) provide refuse bins and skips for waste collection and removal;
  - (b) ensure that the number of marshals at the ratio of 1:50 is present to assist during the proceedings of the event;
  - (c) ensure that security personnel for crowd control is available;
  - (d) where food is to be prepared or provided, ensure compliance with environmental By-laws regulating the preparation of food and submit a certificate of acceptability to the Community Services Department; and
  - (e) provide toilets in line with the Public Health By-laws.
- (3) Where -
- (a) a marquee has been erected to accommodate more than two hundred and fifty (250) people; or
  - (b) a stage more than one (1) metre has been erected inside or outside the marquee,

the person hosting the event shall cause the marquee and the stage to be inspected by a Structural Engineer who shall produce an Engineer's Structural Certificate certifying that the facility is safe for accommodating more than two hundred and fifty (250) people or that the stage is structurally appropriate a day before the event.

(4) The Applicant shall submit the Engineer's Structural Certificate to the Community Services Department of the Municipality.

(5) A person who fails to comply with the provisions of sub by-law (3) and (4) shall not be allowed to proceed with that public event.

(6) The Disaster Management Coordinator of the Municipal Council of Mbabane or a person acting on behalf Coordinator shall be the authorized Officer to ensure that, the provisions of these Bylaws are enforced accordingly.

***Information and measures required for Fire and rescue services and disaster management***

13. (1) The Community Services Department of the Municipality shall ensure that for purposes of fire, rescue and emergency services and disaster management the following information is furnished and measures relating to the public event are in place -

- (a) the time-span of the event including starting time and expected closing time of the event; and
- (b) an emergency plan, including a complete lay-out map, indicating --
  - (i) all the emergency entrances and exits;
  - (ii) the Joint Operations Centre;
  - (iii) the Forward Command Post; and
  - (iv) the Triage Area and Medical Station together with names and contact numbers of all emergency, security and safety role players.
- (c) The emergency telephone numbers of the Fire, Rescue and Emergency Services and the telephone number of the venue coordinator and delegated subordinate of the venue coordinator, which shall be provided to the Fire, Rescue and Emergency Services Control Room and which shall be made available at the Joint Operations Centre.

(2) The Community Services Department of the Municipality, for purposes of Fire, Rescue and Emergency Services and Disaster Management shall provide -

- (a) for the banks of new Dry Chemical Powder fire extinguishers, which are or have undergone a service or calibration within the last six (6) months, in all marquees, stage area and any stall or building being utilised during the event;
- (b) that no open fires are allowed except for food preparation in the designated food sale or preparation areas;
- (c) gas cylinders on any designated food sale or preparation areas are kept to a maximum of 2x48kg cylinders on a manifold and that the location and installation of the cylinders is appropriate;
- (d) all fire-fighting equipment and emergency exits are kept unobstructed at all times;
- (e) that at least one Fire Officer is on duty during the event;
- (f) that no vehicles, except those of VIP, emergency, security and organising official vehicles are allowed inside the event premises;
- (g) the Joint Operations Centre is provided with all the necessary office equipment including tables, chairs, and layout map, emergency plan, contact numbers, communications equipment and any other relevant information;
- (h) all officials representing their departments at the Joint Operations Centre shall –
  - (i) confirm the number of resources available from their respective departments;
  - (ii) be provided with identification tags specifying the job designation; and
  - (iii) remain at the centre at all times until advised otherwise by the person in charge of the Joint Operation Centre.

(3) The venue coordinator shall arrange for a full and final fire prevention inspection two (2) hours before the gates open for the event 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) The Community Services Department of the Municipality shall convene a compulsory Disaster Management meeting at the site where a public event is to be held for emergency, safety and security personnel to deliberate on and coordinate the final arrangements of the event.

***Emergency plan requirements for industrial premises***

14. (1) Owners or proprietors who carry on business in industrial premises situated within the area of jurisdiction of the Municipality shall submit an onsite emergency plan signed by the two (2) representatives of that company or organization and witnessed by two (2) witnesses prior to submission to the Municipality.

(2) The emergency plan shall be updated and reviewed at least once every three (3) years and be submitted to the Disaster Management Coordinator and Chief Fire Officer, who shall evaluate the emergency plan and either approve or refer it back where there are shortcomings that need to be addressed.

(3) On-site emergency plans shall be tested in practice at least once in two (2) years in the presence of the emergency services of the Municipality which shall evaluate the on-site emergency simulation.

(4) Owners or proprietors who carry on business in industrial premises situated within the area of jurisdiction of the Municipality shall conduct a risk assessment on intervals not exceeding a period of five (5) years and submit such risk assessment to the office of the Disaster Management Coordinator or Chief Fire Officer.

(5) A risk assessment conducted or carried out under this by-law shall be done by an approved Inspection Authority which is competent to express an opinion as to the risks associated with major hazard installations.

(6) Emergency occurrences and incidents shall be reported to the Municipality within forty eight (48) hours by means of telephone or email and a written report shall be submitted to the Disaster Management Coordinator and Chief Fire Officer within seven (7) days of that occurrence or incident.

***Emergency Plan requirements***

15. (1) An Emergency Plan shall clearly outline the risks associated with the production process of the applicant and contain –

- (a) a brief description of the production of the company;
- (b) 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;
- (c) the emergency team organization chart;

- (d) communication channels in the organizations in case of an emergency;
- (e) inventory for the emergency control centre if any;
- (f) an emergency contingency plan addressing environmental contamination and identified risks including but not limited to fire, bomb threats, explosions, gas leaks or trauma;
- (g) an evacuation contingency plan which takes into account needs of persons with disabilities;
- (h) all emergency contact numbers;
- (i) proof of induction on emergency standards for external contractors employed by applicant;
- (j) training requirements for emergency personnel; and
- (k) a material safety data sheet.

(2) Notwithstanding the generality of the forgoing an emergency plan shall provide for the following emergency procedures –

- (a) an effective response to an emergency;
- (b) evacuation procedures for notifying emergency service organisations at the earliest opportunity;
- (c) medical treatment and assistance;
- (d) effective communication between the person authorised to coordinate the emergency response and the public;
- (e) frequent testing of the emergency procedures; and
- (f) provision of information, training and instruction to relevant personnel in relation to implementing the emergency procedures.

***General Offence and penalties***

16. A person who contravenes the provisions of these By-laws commits an offence and shall on conviction be liable to a fine not exceeding ten thousand (E10 0000) Emalangeni or imprisonment for a period of twelve (12) months and in the case of continuous offence, to an additional fine of five thousand (E5 000) or additional period of imprisonment for each day on which the offence continues, provided that the period of such additional imprisonment shall not exceed ninety (90) days.

***Transitional provisions***

17. (1) An application granted, process, matter or thing initiated prior to coming into force of these By-laws shall, on the day these By-laws come into force, be continued as if it had been granted or initiated under these By-laws.

(2) A person appointed prior to coming into force of these By-laws shall, on the day these By-laws come into force continue to perform such duties under these By-laws as if that person had been appointed under the provisions of these By-laws.

**GIDEON MHLONGO**  
***CHIEF EXECUTIVE OFFICER***