

LOCAL AUTHORITY NOTICE 137

1/2/2/48

**STEVE TSHWETE
LOCAL MUNICIPALITY**



**PROHIBITION AND CONTROL OVER THE
DISCHARGE OF FIREWORKS BY-LAWS**

STEVE TSHWETE LOCAL MUNICIPALITY**PROHIBITION AND CONTROL OVER THE DISCHARGE OF
FIREWORKS BY-LAW****1. DEFINITIONS**

In this by-law, unless the context provides otherwise:

- i. **"Act"** means the Explosives Act, 2003 (Act No. 15 of 2003) read together with the Fire Brigade Services Act, 1987 (Act No. 99 of 1987).
- ii. **"Fireworks"** means any pyrotechnic substance which –
 - a. is manufactured for the purposes of amusement or entertainment; and
 - b. is divided into such classes as may be prescribed.

"class 7 – Fireworks" The term "fireworks" shall comprise firework composition and manufactured fireworks. The fireworks shall consist of two divisions:

Division 1 shall comprise firework composition, which term shall mean any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosive, and also any star and any coloured fire composition that is not included in Division 2.

Division 2 shall comprise manufactured fireworks, which terms shall mean an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines, rockets, serpents, shells, rocket distress signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding 500 grams enclosed in a substantially constructed, hermetically closed metal case.

Note – Manufactured fireworks that are not liable to explode violently and which do not contain their own means of ignition

shall be classed as "Shop Good", such as fireworks showers, flashlight powders, fountain, golden rain, gerbs, lawn lights, pin wheels, devil-among-tailors, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed 80 millimetres and the diameter 15 millimetres, and mine, Jack-in-the-boxes and Feu de Joie, not exceeding 500 grams gross mass and rockets not exceeding 120 grams.

- iii. **"Fireworks display"** means fireworks discharged by any person or body for either a religious, cultural or traditional celebration purposes for own pleasure or the pleasure of others.
- iv. **"Licensed dealer"** means a dealer who is in terms of section 13 of the Act licensed to deal in fireworks.
- v. **"Municipal area"** means the area under the jurisdiction of the Steve Tshwete Local Municipality.
- vi. **"Chief Fire Officer"** means the person appointed by the Council in terms of Section 5 of the Fire Brigade Services Act and includes any member of the service appointed in terms of Section 6 of the Fire Brigade Services Act, who represents the Chief Fire Officer in the execution of the provisions of the Fire Brigade Services Act.
- vii. **"Suitable person"** means a person –
 - a. who is 18 years or older;
 - b. is a South African citizen, the holder of a permanent South African residence permit or the holder of a valid work permit;
 - c. is of stable mental condition and is not inclined to violence;
 - d. is not dependent on any substance which has an intoxicating or narcotic effect;
 - e. has not been convicted of any offence under the Act or the Explosives Act, 1956 (Act No. 26 of 1956), and sentenced to imprisonment without the option of a fine.
- viii. **"Inspector"** unless otherwise qualified, means a chief inspector of explosives or an inspector of explosives, or any person deputed to act as an inspector under section two;

- ix "premises" means any land, road, harbour, river, building, structure, ship, boat, or other vessel, or any part thereof, or any tent, railway truck, cart, van, or other vehicle;

2. PROHIBITION OF KEEPING, STORAGE AND POSSESSION OF FIREWORKS

- 2.1 No person shall keep, possess or store any fireworks within the Municipal area, save for:
- i. A licensed dealer; or
 - ii. A person who bona fide transports fireworks to an area where this by-law does not apply; or
 - iii. A person who obtains permission as envisaged in Section 14 of the Explosives Act; or
 - iv. The religious, cultural or traditional groups who obtain permission as envisaged in Section 15 of the Explosives Act.
- 2.2 Every premises in the dealing of fireworks must be registered by the Chief Fire Services in the prescribed form on an annual basis.
- 2.3 A registration fee as prescribed by the Local Authority will be payable on application for the registration in dealing with fireworks.
- 2.4 Premises for the dealing in fireworks must be registered annually before the last day of November each year and the prescribed fees payable on application.
- 2.5 Premises that were licensed in the sale of fireworks before the promulgation of these by-laws are not required to pay a registration fee but shall pay the annual licence fee as prescribed in this by-law as from November 2007.
- 2.6 A dealer in the sale of fireworks shall keep a register of all sales including the name, age, address of the purchaser and value of the fireworks.

3. PROHITION OF USE AND DISCHARGE OF FIREWORKS

- i. No person shall discharge or cause to be discharged any fireworks within the Municipal area.

- ii. Notwithstanding the provision in Subsection (i), the Town Secretary may give permission for the discharge of fireworks and he/she may, in addition to the conditions imposed in Section 7, impose any further condition he/she may deem necessary.
- iii. Prior approval from the Town Secretary for the dealing in fireworks or a fireworks display must be obtained by the applicant before submitting the application to the Chief Inspector of explosives for final approval.

4. PERMISSION FOR DISCHARGE OF FIREWORKS

- i. A person or bodies who wish to discharge fireworks for religious, cultural or traditional purposes shall acquire prior permission from the Town Secretary.
- ii. Permission is subject to strict compliance with the conditions imposed in Section 7 and such other conditions as the Town Secretary may determine.

5. APPLICATION FOR PERMISSION

Application for permission to discharge fireworks for religious, cultural or traditional purposes shall be made to the Town Secretary in writing thirty (30) days prior to the envisaged date and shall set forth:

- i. The name of the person or organisation sponsoring the display together with the name(s) of the suitable person(s) actually in charge of the firing of the display;
- ii. The occasion to be celebrated;
- iii. The date and time of day at which the display is to be held;
- iv. The exact location planned for the display;
- v. The number and kinds of fireworks to be discharged and the value of the display;
- vi. The manner and place of storage of such fireworks prior to the display;
- vii. A site plan of the ground on which the display is to be held;

- viii. The point at which the fireworks are to be discharged, which shall be at least 100 metres from the nearest building, road or railway, and at least 20 metres from the nearest or other overhead obstruction;
- ix. The direction in which aerial fireworks, if any, are to be fired;
- x. The area to be kept clear of persons which shall extend at least 50 metres in radius from the point at which the fireworks are to be discharged,
- xi. The area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 metres to the rear of the firing point;
- xii. The location of all buildings, roads and railways within 100 metres of the firing site and all trees or telephone lines or other overhead obstruction at or adjacent to the firing site; and
- xiii. A description setting for the age and qualification of the person who is to do the actual discharge of the fireworks.

6. GRANTING OF PERMISSION

- i. After receipt of an application as envisaged in Section 5, the Town Secretary shall, in his/her sole discretion approve or disapprove of the application, before submission to the Chief Inspector of explosives.
- ii. In the event of the Town Secretary disapproving of the application, he/she shall furnish written reasons for such disapproval and grant the applicant at least two (2) days to better his/her application.

7. CONDITIONS

- i. The Council shall delegate a person(s) to render assistance at the display. Costs incurred as a result of the assistance shall be borne by the organisers. Costs shall be as determined from time to time.
- ii. The display may not start before and may not continue after the prior agreed time.
- iii. Safety distances in accordance with the size of the display and the area where it shall occur, shall be strictly adhered to.

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- iv. The Town Secretary may, with due observance of the information in the application envisaged in Section 5, impose any additional conditions or indicate another venue from where the fireworks should be discharged.
- v. The Town Secretary may summons the applicant to give forward prior written notice to persons who shall be affected by the display or to place an advertisement in the newspaper(s) of the Town Secretary's choice or to give both such written notice and place an advertisement.
- vi. The Town Secretary shall affix on the site plan the situation and position of emergency vehicles, access and lead away routes which emergency vehicles shall use, the situation of fire hydrant ends, water ends and other fire fighting equipments that should be kept free of obstruction.
- vii. The area where the display occurs shall be kept free of all flammable and combustible material.
- viii. At the display of fireworks, it shall be an offence:
 - a. For any person to wilfully enter on or remain in the area reserved for receiving falling residue from aerial fireworks; or
 - b. For any unauthorised person to wilfully proceed beyond the area demarcated by the organisers of the display for spectators.

8. STORAGE AND SALE OF FIREWORKS BY LICENCED DEALERS

- i) A dedicated fire extinguisher of the Dry Chemical Powder type shall be provided in close vicinity of the storage and display area.
- ii) A dedicated fire hose reel within the shop covering the storage and display area must be provided.
- iii) Fireworks may only be traded from within licensed premises.
- iv) Fireworks may only be stored or displayed in a dedicated area solely for that purpose and properly demarcated.

9. PENALTIES

Any person who contravenes a provision of Section 2, 3 or 7 shall be guilty of an offence and on conviction be liable to a fine not exceeding R5 000.00 or imprisonment for a period not exceeding 6 months or to such imprisonment without the option of a fine and, in the case of a continuing offence, to an additional fine not exceeding R500.00 or additional imprisonment for a period not exceeding one month or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
