

LOCAL AUTHORITY NOTICE 291

NELSPRUIT CITY COUNCIL

STANDARD BY-LAW

REGARDING PROHIBITATION AND CONTROL OVER THE DISCHARGE OF FIREWORKS

The Chief Executive / Town Clerk publishes hereby in terms of Section 101 of the Local Government Ordinance, 1939 as amended, the by-laws as set forth hereafter, which have been approved by the Council in terms of Section 96 of the said Ordinance.

DEFINITION

1. In these by-laws, unless the context proves otherwise: -
 - (i) **“Act”** means the Explosives Act, 1956 (Act No. 26 of 1956), in accordance with the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) as amended;
 - (ii) **“fireworks”** means firework composition and manufactured fireworks as defined in Division 1 and 2 in regulation 1.10 and miscellaneous materials as defined in regulation 1.11 issued in terms of the Act, as set out hereunder, as well as all new firework and firework related inventions, developments and products obtained by any person in any way whatsoever or that enters the market in a legal or illegal way after commencement of the aforementioned regulations:

Division 1:

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

Division 2:

Comprise manufacture fireworks, which terms shall mean an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case of 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 close metal case; and also

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 firework showers, flashlight powders, fountains, golden rain, garbs, lawn lights, pin wheels, devil-among-tailors, Roman candles, sparklers, toy caps, volcanoes, mines, Jack-in – the –boxes and Feu de Joie, not exceeding 500 grams gross mass and rockets not exceeding 120 grams; and also

miscellaneous materials not included in any of the other classes, which have been declared explosives, e.g. matches, Bengal matches, chlorates, and ammonium nitrate. The dimension and length of crackers not to exceed the specifications of the explosives Act, 1956 (Act No. 26 of 1956);

- (iii) **“firework display”** means fireworks discharged by any person or body for either religious or festive celebration purposes for own pleasure or the pleasure of others;
- (iv) **“licensed dealer”** means a dealer who is in terms of section 7 of the Act licensed to deal in fireworks
- (v) **“municipal area”** means the area under jurisdiction of the relevant local authority;
- (vi) **“Chief Fire Officer”** 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 Act, who represents the Chief Fire Officer in the execution of the provisions of the Act and who has been appointed as an inspector in terms of section 2(5) of the Explosives Act.

PROHIBITION OF KEEPING, STORAGE AND POSSESSION OF FIREWORKS

- 2. No person shall keep, possess or store any fireworks within the municipal area, contradicted to the Explosives Act, 1956 (Act No. 26 of 1956), save for: -
 - (i) a licensed dealer; or
 - (ii) a person who bona fide transports fire works to an area where these by-laws do not apply; or
 - (iii) persons or bodies who obtained permission as envisaged in section 4; or
 - (iv) religious group members after permission as envisaged in section 14 has been granted and the applicant supplied the Chief Fire Officer with a list containing the names of the heads of family which will participate in the religious celebration.

PROHIBITION OF USE AND DISCHARGE OF FIREWORKS

- 3. (i) No person shall discharge or cause to be discharged any fireworks within the Municipal area.
- (ii) Notwithstanding the provision in subsection (1) the Chief Fire Officer may give permission for the discharge of fireworks and he or she may, besides the conditions imposed in section 7, impose further conditions he or she deems necessary.

PERMISSION FOR DISCHARGE OF FIREWORKS

Subject to the Explosives Act, 1956 (Act No. 26 of 1956):

- 4. (i) Persons or bodies who wish to discharge fireworks for religious, festive or public displays celebration purposes, shall acquire prior permission from the Chief Fire Officer.
- (ii) Permission is subject to strict compliance with the conditions imposed in section 7 and such other conditions as the Chief Fire Officer may determine.

APPLICATION FOR PERMISSION

- 5. Application for permission to discharge fireworks for religious, or festive celebration purposes or public displays shall be made to the Chief Fire Officer in writing 30 days prior to the envisaged date and shall set forth: -

- (a) the name of the person or organisation sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;
- (b) the occasion to be celebrated;
- (c) the date and time of day at which the display is to be held;
- (d) the exact location planned for the display;
- (e) a description setting forth the age and qualifications of the persons who shall be in charge of the actual discharging of the fireworks;
- (f) the numbers and kinds of fireworks to be discharged and the value of the display;
- (g) the manner and place of storage of such fireworks prior to the display; and
- (h) a site plan of the grounds on which the display is to be held showing: -
 - (i) 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.
 - (ii) the direction in which aerial fireworks, if any, are to be fired;
 - (iii) the area to be kept clear of persons which shall extend at least 50 metres from the front and to the sides of the point at which the fireworks are to be discharged;
 - (iv) 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; and
 - (v) the location of all buildings and roads within 200 metres of the firing site and all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.

GRANTING OF PERMISSION

- 6. (i) After receipt of an application as envisaged in section 4 and 5, the Chief Fire Officer shall, in his or her sole discretion approve or disapprove of the application.
- (ii) In the event of the Chief Fire Officer disapproving of the application, he or she shall furnish written reasons for such disapproval and grant the applicant at least two days to better his or her application.
- (iii) In the event of the Chief Fire Officer approving the application, he or she shall if applicable, supply civil aviation with a copy of the application for permission and the conditions imposed.

CONDITIONS

- 7. (i) The Chief Fire Officer shall 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.
- (iv) The Chief Fire Officer may, with due observance of the information in the application envisaged in section 5 impose any additional conditions or indicate another venue, subject to the approval of the inspector of explosives from where the fireworks should be discharged.
- (v) The Chief Fire Officer may summon the applicant to give forward prior written notice to persons who may be affected by the display or to place an advertisement in the newspaper or newspapers of the Chief Fire Officer's choice or to give both such written notice and place an advertisement.
- (vi) The Chief Fire Officer 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 equipment 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 a display of fireworks it shall be an offence: -
 - for any person wilfully to enter on or remain in the area reserved for receiving falling residue from aerial fireworks; and
 - for any unauthorised person wilfully to proceed beyond the area demarcated by the organisers of the

PENALTIES

8. Any person who contravenes a provision of these by-laws shall be guilty of an offence and on conviction be liable to a fine or imprisonment as determined by the explosive Act, 1956 (Act No. 26 of 1956), as amended.