

tolo elingana nanoma iziphi izindleko inkantolo ethola ukuthi uMlhandlu ungcono kuzona ngokuphulwa kwalamthatho, uma kuzinkomishini umthetho kuyaqhubeka kumele kunqunywe ukuba kukhokhwe inhlawulo yama R50 njalo ngelanga, kodwa leyonhlawulo ecaleni elilodwa esikhathini esingangenyanga eyodwa akumele ibe ngaphezu kwenkulungwane yamarandi (R1000).

9. **UKUCHITHWA KWEMITHETHODOLOBHA/KWEMITHETHONQUBO**

Lapha kuchithwa iMithethodolobha yokulawulwa nokuqhunyiswa kweziklwbhisi yePennington TLC yaphambilini eyayamukelwe ngaphansi kweSaziso sikaMasipala esinguNombolo 97 sika 1999, sashicilelwa ngomhlaka 23 Disemba 1999.

H6—kuZibandlela 21, 2006.

Municipal Notice 81, 2006

The Council of the Umdoni Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in terms of section 13(a) of the Municipal Systems Act, 32 of 2000, has made the bylaws as set out hereunder, which bylaws shall come into operation on the date of publication thereof.

D.D. NAIDOO
MUNICIPAL MANAGER

UMDONI MUNICIPALITY BYLAWS FOR THE CONTROL AND DISCHARGE OF FIREWORKS

Definitions

In these bylaws, unless the context otherwise indicates: —

“**Area**” means the area of jurisdiction of the Umdoni Council;

“**Beachlands**” means that portion of land measuring 45,72m above the High Water Mark of the Indian Ocean as owned by or leased by the Council and under its control;

“**Council**” or “**Municipality**” means the Umdoni Municipality;

“**Designated Fire Officer**” or Fireworks Inspector means official/s appointed by the Council, whether on a full-time, part-time or contractual basis, or his duly authorised representative, to deal with the requirements of these bylaws;

“**Explosive**” means: —

- (a) a substance, or a mixture of substances, in a solid or liquid state, which is capable of producing an explosion;
- (b) a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as a result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;
- (c) any article or device containing one or more substances contemplated in paragraph (a);
- (d) any plastic explosives;
- (e) any other substances or article which the Minister of Safety and Security may from time to time by notice in the Gazette declare to be an explosive.

“**Fireworks**” means fireworks containing a pyrotechnic substances in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, gas or smoke or a combination of these and does not produce an explosion when lit or fired;

“**Explosive fireworks**” means fireworks containing a pyrotechnic substance in a solid or liquid state, or mixture of such substances, designed to produce an effect by heat, light, gas or smoke or a combination of these, which is accompanied by an explosion (sudden expansion of gasses resulting in an audible effect) or bang when lit or fired or after having been ejected from any launch tube or similar device;

“**Law Enforcement Officer**” means a duly authorised officer appointed by the Council, a Traffic Officer, a Peace Officer or a member of the South African Police Services;

“**Municipal Manager**” means the person duly appointed by the Council or the person temporarily acting as such or is duly authorised representative;

1. **LICENCE TO DEAL IN FIREWORKS**

A person wishing to deal in fireworks, will make an application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the licence the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

1.1. **Requirements for the Handling and Storage of Fireworks**

- 1.1.1 Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- 1.1.2 The doors to the exit shall be kept unlocked and unbolted during trading hours and a clear passage shall exist between the counters holding the fireworks and all the exits, and no obstacles shall be placed in these passages.
- 1.1.3 A dealer must have at all times on his premises a 9kg dry chemical powder fire extinguisher which must be serviced annually and kept in a readily accessible position or as determined by a designated fire officer.
- 1.1.4 A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks, contained in their inner or outer packaging, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated from goods of an inflammable or combustible nature.
- 1.1.5 Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations.
- 1.1.6 A dealer shall not interfere with the inner packaging of the fireworks, or allow or permit it to be interfered with.
- 1.1.7 Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- 1.1.8 Notices with 100mm red lettering on a white background must be provided as follows:
 - (a) to the outside of the premises in the prominent position adjacent to every entrance, notices reading, “Dealer in Fireworks”;
 - (b) in prominent positions inside the premises “No smoking” signs in appropriate official languages.
- 1.1.9 Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorised persons having access to the fireworks and shall abstain from any act whatsoever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall be kept at least 5 metres away from the fireworks.

1.1.10 No person shall smoke in, or take a naked light or fire into, premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so.

1.1.11 Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

1.2 Trade

1.2.1 A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall retain for a period of at least 2 years for production on demand by an inspector.

1.2.2 A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.

1.2.3 A dealer shall supply fireworks to the public only in the sealed inner packaging as received from the manufacturers or wholesale dealer, provided that the packages are still in good condition.

1.2.4 A dealer shall not sell or allow or permit to be sold any fireworks to a child under the age of 16 years.

1.2.5 A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and bylaws and of the conditions attaching to his licence to deal.

1.2.6 A dealer shall keep a register in which full particulars of each transaction and the aforementioned licence number shall be recorded. This register shall be kept up to date and be available for inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry.

1.2.7 A dealer's premises may be inspected at any time by a fireworks inspector or fire officer.

1.2.8 Any person on such premises, who fails to comply with a request made by the licensee or his employee in the interest of safety, shall be guilty of an offence.

2. FIREWORKS FOR SALE TO THE PUBLIC

2.1 The following fireworks are illegal and may not be sold to the public;

- (a) Firecrackers
- (b) Match crackers or match strike crackers
- (c) Firecrackers commonly known as "Bombs", eg. Indian King, King India, Classic Foils etc.
- (d) All explosive fireworks

The sale of fireworks must be recorded.

2.2 All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packeted in accordance with the Explosives Regulations and any person deemed to be in possession of "unauthorised explosives" shall be guilty of an offence.

2.3 Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid licence issued in terms of the regulations, and the number of such licence shall be quoted on the invoice.

3. USE OF FIREWORKS

(includes explosive fireworks)

3.1 The discharge of fireworks within the municipal area is unlawful with the exception of —

- (a) the two (2) days of the Deepavali Festival; and
- (b) any other day for public display of fireworks provided that Council's written permission is first obtained at least 21 days prior to the event.

3.2 It shall be unlawful for any person to use or ignite any fireworks: —

- (a) within 500 metres of any explosives magazine, explosives factory, petroleum depot or gasometer; or
- (b) in any building or on any public thoroughfare or public place including beachlands and sea-shore without the prior consent of the Council
- (c) do anything which may endanger the life of any person or animal.

3.3 No person, other than a technician, shall operate a public display of fireworks on any premises without the written permission of the Municipal Manager acting on the recommendation of the local designated fire officer;

3.4 Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this bylaw.

3.5 Application for permission to operate a public display of fireworks shall be made in writing and shall be 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 date and time of day at which the display is to be held;
- (c) the exact location planned for the display;
- (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
- (e) the numbers of kinds of fireworks to be discharged;
- (f) the manner and place of storage of such fireworks prior to the display;
- (g) a diagram 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 telephone, telegraph or powerline, tree 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 of all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.
- (h) Competition of an indemnity form absolving Council from any civil claims;
- (i) Acknowledgement that authority is at Council's discretion and that the requirements of legislation will be complied with.

3.6 At a public display of fireworks it shall be an offence:—

- (a) for any person wilfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
- (b) for any unauthorised person wilfully to proceed beyond the area demarcated by the organisers of the display for spectators; and
- (c) to disobey the instruction of a uniformed law enforcement officer.

4. PYROTECHNIC DISPLAYS

4.1 In the event of a pyrotechnic display emergency flares must accompany the displayers.

4.2 All pyrotechnic displays applied for to, and approved by, the Council shall be advertised in the local press on two occasions (consecutive weeks) immediately prior to the pyrotechnic display. These advertisements shall advertise the date, time and venue at which the pyrotechnic display is to be held, and the cost of such advertisement shall be for the account of the applicant.

5. TRANSPORT OF FIREWORKS

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No 3648 dated 8 September 1972.

6. USE OF OTHER EXPLOSIVES

Any explosives for the use of which provisions is not made in the preceding regulations of these Bylaws, shall be used only in such manner and under such conditions as may be prescribed in writing by an inspector.

7. DISTRIBUTION POINT

The number of distribution points for the sale of fireworks shall be restricted.

8. OFFENCES AND PENALTIES

Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding five hundred rands (R500) or such greater amount as may be determined from time to time in terms of section (7)(1) of the Local Authorities Ordinance, 1974 (Ord. No. 25 of 1974) in the case of a first conviction, or in the case of second or subsequent conviction for the same offence, a fine not exceeding one thousand rand (R1000) or such greater amount as may be determined in terms of section 266 (7)(ii) of the Local Authorities Ordinance, 1974 (Ordinance No 25 of 1974) from time to time or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months, and any further amount as imposed by the court equal to any costs and expenses found by the court to have been incurred by the Council as result of any such breach, provided that in the case of continuing offence a fine not exceeding fifty rands (R50) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed one thousand rands (R1000).

9. REPEAL OF BYLAWS/REGULATIONS

The Bylaws for the Control and Discharge of Fireworks of the former Pennington TLC as adopted under Municipal Notice No 97 of 1999, published on 23 December 1999, is hereby repealed.

H6—December 21, 2006.

Municipal Notice , 2006

The Council of the Umdoni Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in terms of section 13(a) of the Municipal Systems Act, 32 of 2000, has made the bylaws as set out hereunder, which bylaws shall come into operation on the date of publication hereof.

D. D. NAIDOO
MUNICIPAL MANAGER

UMDONI MUNICIPALITY

BYLAWS FOR THE CONTROL AND DISCHARGE OF FIREWORKS

Definitions

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"**Explosive**" means:-

(a) a substance, or a mixture of substances, in a solid or liquid state, which is capable of producing an explosion;

(b) a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as a result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;

(c) any article or device containing one or more substances contemplated in paragraph (a);

(d) any plastic explosive;

(e) any other substance or article which the Minister of Safety and Security may from time to time by notice in the Gazette declare to be an explosive."

"Fireworks" means fireworks containing a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, gas or smoke or a combination of these and does not produce an explosion when lit or fired;

"Explosive fireworks" means fireworks containing a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, gas or smoke or a combination of these, which is accompanied by an explosion (sudden expansion of gasses resulting in an audible effect) or bang when lit or fired or after having been ejected from any launch tube or similar device;

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1. LICENCE TO DEAL IN FIREWORKS

A person wishing to deal in fireworks, will make an application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the licence the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

1.1 Requirements for the Handling and Storage of Fireworks

- 1.1.1 Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- 1.1.2 The doors to the exit shall be kept unlocked and unbolted during trading hours and a clear passage shall exist between the counters holding the fireworks and all the exits, and no obstacles shall be placed in these passages.
- 1.1.3 A dealer must have at all times on his premises a 9kg dry chemical powder fire extinguisher which must be serviced annually and kept in a readily accessible position or as determined by a designated fire officer.
- 1.1.4 A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks, contained in their inner or outer packaging, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated from goods of an inflammable or combustible nature.

- 1.1.5 Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations.
- 1.1.6 A dealer shall not interfere with the inner packaging of the fireworks, or allow or permit it to be interfered with.
- 1.1.7 Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- 1.1.8 Notices with 100mm red lettering on a white background must be provided as follows:
- (a) to the outside of the premises in the prominent position adjacent to every entrance, notices reading, " Dealer in Fireworks";
 - (b) in prominent positions inside the premises "No smoking" signs in appropriate official languages.
- 1.1.9 Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorised persons having access to the fireworks and shall abstain from any act whatsoever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall be kept at least 5 metres away from the fireworks.
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1.2 **Trade**

- 1.2.1 A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller o supplier a properly executed, signed and dated invoice which he shall retain for a period of at least 2 years for production on demand by an inspector.
- 1.2.2 A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.
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- 1.2.5 A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and bylaws and of the conditions attaching to his licence to deal.
- 1.2.6 A dealer shall keep a register in which full particulars of each transaction and the aforementioned licence number shall be recorded. This register shall be kept up to date and be available for inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry.
- 1.2.7 A dealer's premises may be inspected at any time by a fireworks inspector or fire officer.
- 1.2.8 Any person on such premises, who fails to comply with a request made by the licensee or his employees in the interest of safety, shall be guilty of an offence.

2. FIREWORKS FOR SALE TO THE PUBLIC

- 2.1 The following fireworks are illegal and may not be sold to the public;
- (a) Firecrackers
 - (b) Match crackers or match strike crackers
 - (c) Firecrackers commonly known as "Bombs", eg. Indian King, King India, Classic Foils etc.
 - (d) All explosive fireworks

The sale of fireworks must be recorded.

- 2.2 All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packeted in accordance with the Explosives Regulations and any person deemed to be in possession of "unauthorised explosives" shall be guilty of an offence.
- 2.3 Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid licence issued in terms of the regulations, and the number of such licence shall be quoted on the invoice.

3. USE OF FIREWORKS

- 3.1 The discharge of fireworks within the municipal area is unlawful with the exception of -
- (a) the two (2) days of the Deepavali Festival; and
 - (b) any other day for public display of fireworks provided that Council's written permission is first obtained at least 21 days prior to the event.
- 3.2 It shall be unlawful for any person to use or ignite any fireworks:-

- (a) within 500 metres of any explosives magazine, explosives factory, petroleum depot or gasometer; or
- (b) in any building or on any public thoroughfare or public place including beachlands and sea-shore without the prior consent of the Council.
- (c) do anything which may endanger the life of any person or animal.

3.3 No person, other than a technician, shall operate a public display of fireworks on any premises without the written permission of the Municipal Manager acting on the recommendation of the local designated fire officer;

3.4 Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this bylaw.

3.5 Application for permission to operate a public display of fireworks shall be made in writing 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 date and time of day at which the display is to be held;
- (c) the exact location planned for the display;
- (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
- (e) the numbers of kinds of fireworks to be discharged;
- (f) the manner and place of storage of such fireworks prior to the display;
- (g) a diagram 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 telephone, telegraph or powerline, tree 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 of all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.
- (h) Completion of an indemnity form absolving Council from any civil claims;
- (i) Acknowledgement that authority is at Council's discretion and that the requirements of legislation will be complied with.

3.6 At a public display of fireworks it shall be an offence:-

- (a) for any person wilfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
- (b) for any unauthorised person wilfully to proceed beyond the area demarcated by the organisers of the display for spectators; and
- (c) to disobey the instruction of a uniformed law enforcement officer.

4 PYROTECHNIC DISPLAYS

4.2 In the event of a pyrotechnic display emergency flares must accompany the displayers.

4.3 All pyrotechnic displays applied for to, and approved by, the Council shall be advertised in the local press on two occasions (consecutive weeks) immediately prior to the pyrotechnic display. These advertisements shall advertise the date, time and venue at which the pyrotechnic display is to be held, and the cost of such advertisement shall be for the account of the applicant.

5 TRANSPORT OF FIREWORKS

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No 3648 dated 8 September 1972.

6 USE OF OTHER EXPLOSIVES

Any explosives for the use of which provision is not made in the preceding regulations of these Bylaws, shall be used only in such manner and under such conditions as may be prescribed in writing by an inspector.

7 DISTRIBUTION POINT

The number of distribution points for the sale of fireworks shall be restricted.

8 OFFENCES AND PENALTIES

Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding five hundred rands (R500) or such greater amount as may be determined from time to time in terms of section (7) (1) of the Local Authorities Ordinance, 1974 (Ord. No. 25 of 1974) in the case of a first conviction, or in the case of second or subsequent conviction for the same offence, a fine not exceeding one thousand rand (R1000) or such greater amount as may be determined in terms of section 266 (7)(ii) of the Local Authorities Ordinance, 1974 (Ordinance No 25 of 1974) from time to time or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months, and any further amount as imposed by the court equal to any costs and expenses found by the court to have been incurred by the Council as result of any such breach, provided that in the case of a continuing offence a fine not exceeding fifty rands (R50) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed one thousand rands (R1000).

9 REPEAL OF BYLAWS / REGULATIONS

The Bylaws for the Control and Discharge of Fireworks of the former Pennington TLC as adopted under Municipal Notice NO 97 of 1999, published on 23 December 1999, is hereby repealed.