

## NKETOANA LOCAL MUNICIPALITY (REITZ-PETSANA TRANSITIONAL LOCAL COUNCIL)

### REGULATION REGARDING PROHIBITION AND CONTROL OVER THE DISCHARGE OF FIREWORKS

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#### 1. **Definition**

In this regulations unless the context proves otherwise:-

- (1) “**Act**” means the Explosive Act 1956 (Act No. 26 of 1956);
- (2) “**fireworks**” means firework composition and manufactured fireworks as defined in Divisions 1 and 2 of the Regulation 1 11 promulgated 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 enters the market in a legal or illegal way after commencement of the aforementioned Regulations.

#### **Division 1**

comprise firework composition which term shall means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of manufacturing fireworks and is not included in any other class of explosives and also any star and any coloured fire composition that is not included in Division 2; and

#### **Division 2**

comprise manufactured fireworks, which term 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 for rockets mines, rockets, serpents, shells and rocket distress. 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 g enclosed in a substantially constructed, hermetically close metal case; and constructed, hermetically close metal case; and also manufacture fireworks that are not liable to explode violently and which do not contain their own means of ignition shall be classed as “Shop Goods”, such as firework showers, flashlight powders, fountains golden rain, garbs, lawn lights, pin wheels devil-among-tailors, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed 80 millimeters and the diameter 15 mm, and mines, Jack-in-the-boxes and Fue de Joie, not exceeding 500 g gross mass and rockets not exceeding 120 g; and also miscellaneous materials not included in any of the other classes, which have been declare explosives, e.g. matches, Bengal matches chlorates, ammonium

nitrate;

- (3) “**firework display**” means fireworks discharged by any person or body for either religious or festivity celebration purposes for own pleasure of other;
- (4) “**licensed dealer**” means a dealer who is in terms of Section 4 of the Act licensed to deal in fireworks;
- (5) “**municipal area**” means the area under jurisdiction of the Transitional Local Council;
- (6) “**Chief Executive Officer**” means the Chief Executive Officer of the Municipality, regardless of the names of the position occupied by such a person acting in his or her place or the person to whom the competency had been delegated as an inspector in terms of Section 2(5) of the Act.

## 2. Prohibition of keeping, storage and possession of fireworks

No person shall keep, possess or store any fireworks within the municipal area, except for:-

- (1) a licenced dealer; or
- (2) a person who *bona fide* transports fireworks to an area where this regulations not apply; or
- (3) persons or bodies who obtained permission as envisaged in Section 4; or
- (4) religious group members after permission as envisaged in Section 4 has been granted and the applicant supplied the Chief Executive Officer with a list containing the names of the heads of the family which participate in the religious celebration.

## 3. Prohibition of use and discharge of fireworks

- (1) Persons or bodies who wish to discharge fireworks for religious- or festive celebration purposes, shall acquire prior written permission from the Chief Executive Officer.
- (2) Permission is subject to strict compliance with the conditions imposed in Section 7 and any other conditions as the Chief Executive Officer may determine.

## 4. Permission for discharge of fireworks

- (1) Persons or bodies who wish to discharge fire works for religious- or festive celebration purposes, shall acquire prior written permission from the Chief Executive Officer.
- (2) Permission is subject to strict compliance with the conditions imposed in Section 7 and any other conditions as the Chief Executive Officer may determine.

## 5. Application for permission

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

- (1) the name of the person or organisation sponsoring the display together with the names of the person actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;

- (2) the occasion to celebrated;
- (3) the date and time of day when the display is to be held;
- (4) the exact location planned for the display;
- (5) a description setting forth the age and qualifications of the persons who shall in charge of the actual discharging of the fireworks;
- (6) the numbers and kinds of fireworks to be discharged and the value of the display;
- (7) the manner and place of storage of such fireworks prior to the display; and
- (8) a site plan of the grounds on which the display is to held showing:-
  - (a) the point at which the fireworks are to be discharged, which shall be at least 100 m from the nearest building, road or railway, and at least 20 m from the nearest or other overhead obstruction;
  - (b) the direction in which aerial fireworks, if any, are to be fired;
  - (c) the area to be kept clear of persons which shall extend at least 50 m from the front and to the sides of the point at which the fireworks are to be discharged;
  - (d) the area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 m to the rear of the firing point; and
  - (e) the location of all buildings and roads within +/-2 m of the firing site and all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.

## **6. Granting of permission**

- (1) After receipt of an application as envisaged in Section 5, the chief Executive Officer shall, in his or her sole discretion approve or disapprove of the application.
- (2) In the event of the Chief Executive Officer disapproving the application he or she shall furnish written reasons for such disapproval and grant the application at least two days to better his or her application.
- (3) In the event of the Chief Executive Officer approving the application, he or she shall if applicable such civil aviation with a copy of the application for permission and the conditions imposed.

## **7. Conditions**

- (1) The Chief Executive Officer can 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.
- (2) The display may not start before and may not continue after the prior agreed time.
- (3) Safety distances in accordance with the size of the display and the area where it shall occur, shall be strictly adhered to.

- (4) The Chief Executive Officer, 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.
- (5) The Chief Executive Officer may summon 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 or news papers of the Chief Executive Officer's choice or to give both such written notice and place an advertisement.
- (6) The Chief Executive Officer shall affix on the site plan the situation and position of emergency vehicles entrance and exit routes which emergency vehicles shall use, the placement of fire hydrants points water points and other fire-fighting equipment that may not be destructed.
- (7) The area where the display occurs, shall be kept free of all flammable and combustible material.