

BY-LAW

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Siyathemba municipality; and for matters connected therewith.

BE IT ENACTED by the Siyathemba municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“**developed area**” means that portion of the area of jurisdiction of the Municipality which –

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

“**firework**” means a firework composition or a manufactured firework referred to in Division 1 or 2 of regulation 1.10 of the regulations issued in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and published by Government Notice No. R1604 of 8 September 1972, as amended;

“**fireworks display**” means the discharge of a number of fireworks for religious, public or private purposes;

“**Municipality**” means the Siyathemba municipality; and

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Discharge of fireworks inside or near developed areas regulated

2. Except as part of a fireworks display and subject to this By-law, no person may, inside a developed area or within 500 metres of such area, discharge a firework.

Permission to hold fireworks display

3. (1) No person may, without the prior written permission of the Municipality, hold a fireworks display.

- (2) Any person or group of persons who wants to hold a fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.
- (3) An application referred to in subsection (2) must –
 - (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees determined by the Municipality.
- (4) After receipt of the application, the Municipal Manager may –
 - (a) inspect, or cause to be inspected –
 - (i) the premises on which the fireworks display is to be held; and
 - (ii) the facilities and equipment to be used during the fireworks display; and
 - (b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or
 - (c) in writing, refuse to grant permission and state his or her reasons for such refusal.
- (5) The Municipal Manager must –
 - (a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on –
 - (i) the safety of the inhabitants of the neighbourhood and their property;
 - (ii) animals in the vicinity;
 - (iii) the serenity of the neighbourhood; and
 - (b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

Penalty clause

- 4. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition there under shall be guilty of an offence.

- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

5. This By-law shall be called the Fireworks By-law, 2008

FIREWORKS BY-LAW