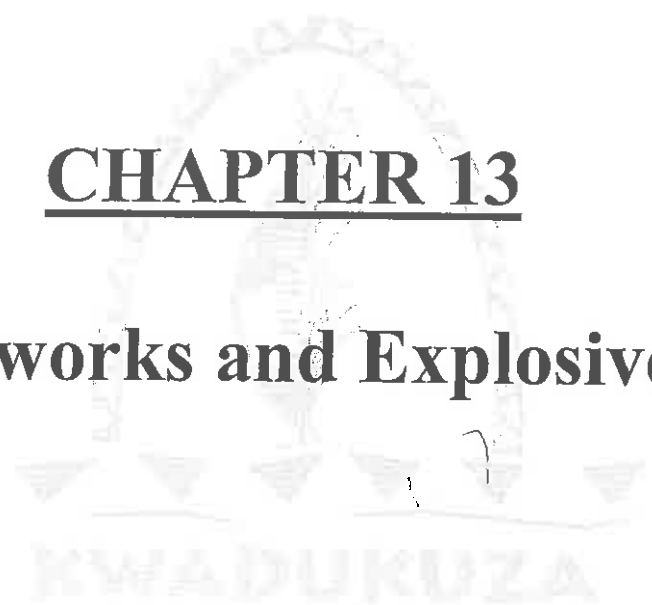




CHAPTER 13

Fireworks and Explosives





KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO THE CONTROL OF FIREWORKS AND EXPLOSIVES

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Licence to deal in fireworks

A person wishing to deal in fireworks, will make application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the applications 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 requirements be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

2. Requirements for the handling and storage of fireworks

- (a) 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.
- (b) The doors to the exits 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.
- (c) A dealer must have a 9kg dry chemical fire extinguisher which must be serviced annually on his premises in a readily accessible position or as determined by a designated fire officer.
- (d) 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 packing, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated goods of an inflammable or combustible nature.
- (e) Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations.



- (f) A dealer shall not interfere with the inner packing of the fireworks, or allow or permit it to be interfered with.
- (g) Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- (h) Notices with 100mm red letting on a white background must be provided as follows:
 - (a) to the outside of the premises in a 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.
- (i) Every dealer and every person employed on 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.
- (j) 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.
- (k) Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

3. Trade

- (a) 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 two (2) years for production on demand by an inspector.
- (b) A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.
- (c) A dealer shall supply fireworks to the public only in the sealed inner packing as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition.



- (d) A dealer shall not sell or allow or permit to be sold any fireworks to a child under the age of 16 years.
- (e) 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.
- (f) 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.
- (g) A dealer's premises may be inspected at any time by a fireworks inspector or fire officer.
- (h) 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.

4. Fireworks for sale to the public

- (a) The following fireworks are illegal and may not be sold to the public:
 - (i) no firecrackers larger than 50mm long and 12mm diameter;
 - (ii) no match crackers or match strike;
 - (iii) no firecracker commonly known as "Bombs", e.g. Indian King, King India, Classic Foils etc.
- (b) The sale of fireworks must be recorded and all invoices must bear a certificate to the effect that the crackers contain genuine gunpowder (black powder) only.

The term "gunpowder" shall include blasting powder and shall mean exclusively gunpowder ordinarily so called consisting of an intimate mixture of saltpetre (potassium nitrate), sulphur and charcoal, such saltpetre not containing as an impurity per chlorate of potash in greater quantity than one per cent".

- (c) All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packed in accordance with the Explosives Regulations and any person found in possession of fireworks not so marked and labelled shall be deemed to be in possession of "unauthorised explosives" and guilty of an offence.



- (d) 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 invoices.

5. Use or exploding of fireworks

- (a) The discharge of fireworks within the municipal area is unlawful with the exception of the following days:
5 November;
1 January; and
the seven (7) days of the Deepavali Festival,

and any other day for public display of fireworks if the Municipality permission is first obtained at least 21 days prior to the event.
- (b) It shall be unlawful for any person to use or explode any fireworks-
 - (i) within 500 metres of any explosives magazine, explosives factory, petroleum depot or gas meter; or
 - (ii) in any building or on any public thoroughfare.
- (c) No person, other than a technician, shall operate a public display of fireworks on any premises without the written permission of the Explosives Department and the local designated fire officer.
- (d) 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.
- (e) 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 organisations 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 and kinds of fireworks to be discharged and the value of the display;
 - (f) the manner and place of storage of such fireworks prior to the display; and
- 6. A diagram of the ground on which the display is to be held showing-**
- (a) the point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road or railway, and at least 20 meters from the nearest telephone, telegraph or power line, tree or other overhead obstructions;
 - (b) the direction in which aerial fireworks, if any, are to be fired;
 - (c) the area to be kept clear of person 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;
 - (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 metres to the rear of the firing point; and
 - (e) the location of all buildings and roads within 200 metres of the firing site of all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.
- 7. Applicants must complete an indemnity form absolving the Municipality from any criminal or civil claims;**
- (a) Acknowledgement that authority is at the Municipality's discretion and that the requirements of legislation will be complied with.
- 8. 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.



9. Pyrotechnic displays

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

10. Transport of fireworks

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977).

11. Use and transport of explosives

- (a) 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.

12. Offences and Penalties

- (a) Any person who by any act or omission commits a breach of any of the regulations of these bylaws, shall be guilty of an offence and liable on conviction to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.
- (b) No person shall use, warehouse or store within the municipality any gunpowder, dynamite or other explosive without the consent of the Municipality and then only on such conditions as the Municipality may impose.
- (c) No person shall manufacture any explosive material within the Municipality without the consent of the Municipality and then only on such conditions as the Municipality may impose.
- (d) No person shall convey in or through any part of the Municipality any gunpowder, dynamite or other explosives, except on the following conditions:-
- (i) The wagon, cart or other vehicle containing the explosive shall be fit for the purpose, being in good repair and have a sufficient tent or other similar covering.
- (ii) The packages, containing the explosives shall be entirely covered with blankets or other suitable and sufficient material

so that they will not come into contact with any portion of the vehicle containing them.

- (iii) Every such vehicle shall be driven at a walking pace only and there shall be fixed at the back and front thereof and red flag not less than 2 feet by 1 foot 6 inches in dimension, which flag shall remain on the vehicle until same shall be unloaded. Such vehicle shall be in the charge of a European.
- (iv) No other article or substance shall be conveyed in any vehicle in which explosives of any description may be carried and no explosives and their own means of ignitions shall be conveyed together in the same vehicle.
- (v) No explosives shall be exposed to the sun. Such explosives shall be carefully handled so as to avoid, concussion, and should such explosives be packed in casks, such casks shall one no account be rolled along the ground, but shall be carried.
- (vi) During the loading, conveying or unloading of explosives no Lucifer or other matches or tobacco, pipes or articles of iron or steel shall be placed in or upon any vehicle containing same and no boots or shoes shall be worn by persons engaged in loading or unloading such explosives.
- (vii) No fire shall be allowed at or near the place where explosives are being loaded or unloaded and smoking shall not be permitted either by bystanders or person engaged in loading or unloading such explosives.

13. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Fireworks and Explosives made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.



CHAPTER 13

Fireworks and Explosives

KWADUKUZA



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO THE CONTROL OF FIREWORKS AND EXPLOSIVES

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Licence to deal in fireworks

A person wishing to deal in fireworks, will make application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the applications 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 requirements be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

2. Requirements for the handling and storage of fireworks

- (a) 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.
- (b) The doors to the exits 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.
- (c) A dealer must have a 9kg dry chemical fire extinguisher which must be serviced annually on his premises in a readily accessible position or as determined by a designated fire officer.
- (d) 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 packing, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated goods of an inflammable or combustible nature.
- (e) Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations.



- (f) A dealer shall not interfere with the inner packing of the fireworks, or allow or permit it to be interfered with.
- (g) Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- (h) Notices with 100mm red letting on a white background must be provided as follows:
 - (a) to the outside of the premises in a 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.
- (i) Every dealer and every person employed on 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.
- (j) 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.
- (k) Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

3. Trade

- (a) 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 two (2) years for production on demand by an inspector.
- (b) A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.
- (c) A dealer shall supply fireworks to the public only in the sealed inner packing as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition.



- (d) A dealer shall not sell or allow or permit to be sold any fireworks to a child under the age of 16 years.
- (e) 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.
- (f) 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.
- (g) A dealer's premises may be inspected at any time by a fireworks inspector or fire officer.
- (h) 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.

4. Fireworks for sale to the public

- (a) The following fireworks are illegal and may not be sold to the public:
 - (i) no firecrackers larger than 50mm long and 12mm diameter;
 - (ii) no match crackers or match strike;
 - (iii) no firecracker commonly known as "Bombs", e.g. Indian King, King India, Classic Foils etc.
- (b) The sale of fireworks must be recorded and all invoices must bear a certificate to the effect that the crackers contain genuine gunpowder (black powder) only.

The term "gunpowder" shall include blasting powder and shall mean exclusively gunpowder ordinarily so called consisting of an intimate mixture of saltpetre (potassium nitrate), sulphur and charcoal, such saltpetre not containing as an impurity per chlorate of potash in greater quantity than one per cent".

- (c) All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packed in accordance with the Explosives Regulations and any person found in possession of fireworks not so marked and labelled shall be deemed to be in possession of "unauthorised explosives" and guilty of an offence.

- (d) 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 invoices.

5. Use or exploding of fireworks

- (a) The discharge of fireworks within the municipal area is unlawful with the exception of the following days:
5 November;
1 January; and
the seven (7) days of the Deepavali Festival,

and any other day for public display of fireworks if the Municipality permission is first obtained at least 21 days prior to the event.
- (b) It shall be unlawful for any person to use or explode any fireworks-
 - (i) within 500 metres of any explosives magazine, explosives factory, petroleum depot or gas meter; or
 - (ii) in any building or on any public thoroughfare.
- (c) No person, other than a technician, shall operate a public display of fireworks on any premises without the written permission of the Explosives Department and the local designated fire officer.
- (d) 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.
- (e) 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 organisations 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 and kinds of fireworks to be discharged and the value of the display;
- (f) the manner and place of storage of such fireworks prior to the display; and

6. A diagram of the ground on which the display is to be held showing-

- (a) the point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road or railway, and at least 20 meters from the nearest telephone, telegraph or power line, tree or other overhead obstructions;
- (b) the direction in which aerial fireworks, if any, are to be fired;
- (c) the area to be kept clear of person 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;
- (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 metres to the rear of the firing point; and
- (e) the location of all buildings and roads within 200 metres of the firing site of all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.

7. Applicants must complete an indemnity form absolving the Municipality from any criminal or civil claims;

- (a) Acknowledgement that authority is at the Municipality's discretion and that the requirements of legislation will be complied with.

8. 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.



9. Pyrotechnic displays

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

10. Transport of fireworks

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977).

11. Use and transport of explosives

(a) 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.

12. Offences and Penalties

(a) Any person who by any act or omission commits a breach of any of the regulations of these bylaws, shall be guilty of an offence and liable on conviction to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

(b) No person shall use, warehouse or store within the municipality any gunpowder, dynamite or other explosive without the consent of the Municipality and then only on such conditions as the Municipality may impose.

(c) No person shall manufacture any explosive material within the Municipality without the consent of the Municipality and then only on such conditions as the Municipality may impose.

(d) No person shall convey in or through any part of the Municipality any gunpowder, dynamite or other explosives, except on the following conditions:-

(i) The wagon, cart or other vehicle containing the explosive shall be fit for the purpose, being in good repair and have a sufficient tent or other similar covering.

(ii) The packages, containing the explosives shall be entirely covered with blankets or other suitable and sufficient material



- so that they will not come into contact with any portion of the vehicle containing them.
- (iii) Every such vehicle shall be driven at a walking pace only and there shall be fixed at the back and front thereof and red flag not less than 2 feet by 1 foot 6 inches in dimension, which flag shall remain on the vehicle until same shall be unloaded. Such vehicle shall be in the charge of a European.
 - (iv) No other article or substance shall be conveyed in any vehicle in which explosives of any description may be carried and no explosives and their own means of ignitions shall be conveyed together in the same vehicle.
 - (v) No explosives shall be exposed to the sun. Such explosives shall be carefully handled so as to avoid, concussion, and should such explosives be packed in casks, such casks shall one no account be rolled along the ground, but shall be carried.
 - (vi) During the loading, conveying or unloading of explosives no Lucifer or other matches or tobacco, pipes or articles of iron or steel shall be placed in or upon any vehicle containing same and no boots or shoes shall be worn by persons engaged in loading or unloading such explosives.
 - (vii) No fire shall be allowed at or near the place where explosives are being loaded or unloaded and smoking shall not be permitted either by bystanders or person engaged in loading or unloading such explosives.

13. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Fireworks and Explosives made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.