



LESEDI LOCAL MUNICIPALITY
FIREWORKS CONTROL BYLAWS

1. DEFINITIONS

- 1) “Fireworks” - that is goods that intended to be of pyrotechnic effect that are classified low hazard fireworks such as firework showers, fountains, golden rain, lawn lights, pin wheels, sparkles and volcanoes etc.
- 2) “Fire Cracker” means small fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect.
- 3) “Nuisance Fireworks” means a fireworks product that produces an effect involving a screech or noise, or is being altered or misused that has the effect of creating fear or disturbance to residents. These include fireworks such as air bombs, supersonic bang, sound shells, fountain whistle, screeches etc.
- 4) “Family Package”- means outdoor low hazard recreational fireworks.

2. OFFENCES

- 1) A person commits an offence if in a street or public place or on premises he by act or omission causes or creates a nuisance or allows a nuisance to arise or exist in circumstances which are under his control; provided that the

aforegoing shall not apply to the extent that a person acts lawfully in the exercise of a right or in the performance of a duty.

- 2) Without limiting the generality of the provisions of subsection (a) the following shall constitute nuisances thereunder:
- 3) the production of noise produced by the discharge of any gun, firework or other explosive device;

3. NATIONAL CONTROL OF EXPLOSIVES/ FIREWORKS

LEGISLATIVE FRAMEWORK

- 1) The Explosives Act. No. 26 of 1956 relates to the manufacture, storage, sale, transport, importation, exportation and the use of explosives. Chapter 9 of the Explosives Regulations - Storage and Sale of Blasting Materials and Fireworks by licensed dealers - Section 9.1 to 9.11.1 relates largely to the storage, sale and licensing of dealers in fireworks , the more pertinent sections are 9.18 (d) which reads:
 - 2) “a dealer in fireworks shall not sell or allow or permit to be sold any fireworks to a child under the apparent age of 16 years” and section 9.19 reads:
 - 3) “no person shall allow or permit any children under the age of 16 years to handle or use of fireworks except under the supervision of an adult person”
- 4) The aforesaid Act and Regulations are administered by the Chief Inspector of Explosives and the Explosives Unit of the South African Police Services.

4. ISSUES THAT REQUIRE CONTROL IN THE USE OF FIREWORKS

CLASSES OF FIREWORKS

- 1) **Display Fireworks** - Used during special functions such as Diwali celebrations, Hare Krishna festival, sporting functions and other such like activities.

- 2) Applications for permission shall be made to the Chief Inspector of Explosives. The latter seeks the Municipality's recommendations.
- 3) The Fire Unit shall report to the Municipal Manager with its recommendations who thereafter approves/denies the application.
- 4) In almost all instances where applications are approved, the activity shall be managed by a competent pyrotechnician and the community sensitized of the fireworks display.
- 5) **Consumer or Recreational Fireworks** - is a separate grade of fireworks used during cultural, religious and other special days of the year viz: - Diwali (festival of lights) New Year, Chinese New Year and other special occasions.
- 6) The above shall not be used in a manner that amounts to misuse of fireworks ensuring preservation of life and prevention of injury to animals..

5. SCOPE

- 1) An approved retail dealer in fireworks shall not sell or allow or permit to be sold any fireworks to a child under the apparent age of 16 years whether for his / her own use or not.
- 2) No person shall allow or permit any children under the age of 16 years to handle or use fireworks except under the supervision of an adult person
- 3) It shall be unlawful for any person under the age of 16 years to possess any fireworks for any reason.
- 4) Sale, distribution or storage of fireworks in or from vehicles, trailers or temporary structures on the streets is prohibited.
- 5) It shall be unlawful for any person to set off, discharge or explode any fireworks on any street, on private place other than on a lot of a private dwelling or property and only with the knowledge and consent of the occupant or owner and subject to other conditions hereunder.
- 6) It shall be unlawful for any person to point or direct a firework at any person, animal, building or motor vehicle where such firework is in the process of

exploding or detonating and where it is capable of projecting or discharging a charge or pyrotechnical effect from a distance of one meter.

- 7) All fireworks which fire a projectile shall be so set up that the projectile will go up into the air as nearly as possible in a vertical direction.
- 8) No fireworks shall be discharged during a wind storm in which the wind reaches a velocity of more than 50 km/hour.
- 9) The municipality shall give permission in writing to a person or organisation to detonate or explode fireworks for religious, cultural or ceremonial purposes with details of the conditions of usage and time.
- 10) The municipality shall approve cultural and other days and times during which fireworks may be detonated or exploded.
- 11) The municipality shall approve the period preceding any festival, cultural, religious or ceremonial day or other days when fireworks may be sold to the public.
- 12) Fireworks may be detonated or exploded from 23 h30 on December 31 of each year until 00:30 of the New Year.
- 13) No fireworks shall be detonated on any day or time except for those days and times declared as religious, cultural or ceremonial in respect of that particular person or organization for which prior written approval MAY/ had been obtained.
- 14) No fireworks shall be sold by a person or a dealer other than the prescribed days and no person shall explode or detonate fireworks on any other day without the approval of the municipality.
- 15) When fireworks are to be detonated or exploded in a communal property, the permission of the owner of such premises be obtained in the first instance.
- 16) No approved dealer shall sell fireworks other than in a family pack which contains an assortment of "family fireworks" in which "nuisance fireworks or firecrackers" when totaled shall not comprise more than 20% of the entire items in the package.

- 17) Fireworks shall be detonated or exploded as far as possible from hospitals, clinics, petrol service stations, old age and nursing homes, animal welfare organisation and institutions.
- 18) An authorised or peace officer of the Municipality may seize fireworks being held in violation of this policy and shall dispose them without compensation.

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