

The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws :

CITY OF uMHLATHUZE

FIRE & RESCUE SERVICES

PROPOSED BYLAWS

PROHIBITION AND CONTROL OVER THE POSSESSION AND DISCHARGE OF FIREWORKS

1. DEFINITIONS

In these bylaws, unless the context indicates otherwise -

“**Act**” means the Explosives Act, 1956 (Act No 26 of 1956);

“**Council**” means the uMhlathuze Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws

“**Chief Fire Officer**” means the Chief Fire Officer of the City of uMhlathuze as defined in the Fire Brigade Services Act, 99 of 1987 (Act No 99 of 1987);

“**Fireworks**” shall have the meaning assigned to it in the Explosives Act;

“**Fireworks Display**” means any fireworks discharged by any person or organization for either religious or festive purposes;

“**Inspector**” means the Inspector of Explosives or his representative as defined in the Explosives Act;

“**Licensed Dealer**” shall have the meaning assigned to it in the Explosives Act;

“**SPCA**” means the Society For The Prevention of Cruelty to Animals.

2. PROHIBITION OF KEEPING, STORAGE AND POSSESSION OF FIREWORKS

No person shall keep, possess or store any fireworks within the area of jurisdiction of the Council, except for -

- (a) a licensed dealer;
- (b) any person or organization who has obtained permission as contemplated in section 4; and

- (c) any person who will be participating at any approved fireworks display as contemplated in these bylaws.

3. PROHIBITION OF USE AND DISCHARGE OF FIREWORKS

No person shall discharge or cause to be discharged, any fireworks within the area of jurisdiction of Council, other than provided for in section 4.

4. PERMISSION FOR DISCHARGE OF FIREWORKS

- (a) Notwithstanding the provisions of section 3, the Chief Fire Officer may for religious or festive celebrations, give written permission for the controlled discharge of fireworks at an approved place, date and time subject to such conditions as the Chief Fire Officer may deem appropriate in respect of each such application.
- (b) Any person or organization who intends to discharge fireworks for any reason, shall make timeous written application to the Chief Fire Officer after obtaining written permission from the Inspector of Explosives.
- (c) Any fireworks display approved in terms of this section, shall be in compliance with these bylaws, any other applicable legislation, as well as the conditions stipulated by the Chief Fire Officer as contemplated in subsection (a).

5. APPLICATION FOR PERMISSION

Application for permission to discharge fireworks for religious or festive celebration purposes shall be made in writing on the prescribed application form, to the Chief Fire Officer at least thirty (30) days prior to the envisaged date and shall include -

- (a) the name and contact details of the person or organization controlling or hosting the fireworks display;
- (b) the reason for the display;
- (c) the date and time of the intended display;
- (d) the exact location of the intended display;
- (e) a written undertaking to comply with these bylaws and any conditions that may be set down by the Chief Fire Officer or the representative of the Chief Fire Officer;
- (f) acceptance of responsibility for damages or injuries caused as a result of the fireworks display, and
- (g) written approval from the Inspector of Explosives.

6. GRANTING OF PERMISSION

- (a) The Chief Fire Officer shall be entitled, at his sole discretion to approve or disapprove an application referred to in section 5.

- (b) In the event of the Chief Fire Officer approving any application for any fireworks display, he shall furnish a copy of his written approval and conditions, to the local offices of the Inspector of Explosives, Air Traffic Control and SPCA.
- (c) Any approval granted by the Chief Fire Officer in respect of any fireworks display, shall not relieve the applicant or any other person or organization from any other obligation under any other law.

7. STANDBY DUTY AND CANCELLATION OF FIREWORKS DISPLAY

- (a) The Chief Fire Officer or his designated representative shall oversee any approved fireworks display and the instructions of the Chief Fire Officer or his representative must be strictly complied with in respect of such fireworks display.
- (b) The Chief Fire Officer or his designated representative shall be entitled to withdraw approval or forthwith verbally cancel any fireworks display where he
 - (i) considers wind direction or other weather conditions to be unfavourable or dangerous; or
 - (ii) becomes aware of any circumstances or condition that he considers will render any such fireworks display unfavorable or dangerous.

8. ADDITIONAL CONDITIONS

In addition to the conditions referred to in section 4(a), the Chief Fire Officer may -

- (a) require that notice of an application for a fireworks display be advertised in the local newspaper by the applicant;
- (b) restrict the size and type of fireworks used in any approved fireworks display; and
- (c) stipulate fire precautions and safety measures to be taken by an applicant in respect of any approved fireworks display.

9. COSTS

- (a) The applicant shall be liable for all costs incurred in respect of any application and any approved fireworks display.
- (b) The applicant shall be liable for all costs in respect of any fire brigade standby duties rendered at any fireworks display.

10. PENALTIES

Any person who contravenes any provision of these bylaws shall be guilty of an offence and upon conviction, liable to a fine not exceeding R 20 000.00 or imprisonment for a period not exceeding twelve months or to both such imprisonment and fine.

11. REPEAL OF BYLAWS

- (1) The Bylaws relating to the Control of the Possession and Discharge of Fireworks of the City of uMhlathuze, published under Administrator's Notice, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those bylaws.
- (2) Any reference:-
 - (a) in these bylaws to a charge determined by the Council shall include a charge determined by the Council under the bylaws repealed by subsection (1), until the Council's determination of charges under these bylaws comes into operation; and
 - (b) in determination of charges made under the bylaws so repealed, to a provision in those bylaws shall be deemed to be a reference to the corresponding provision in these bylaws.
- (3) Anything done under the provisions of the bylaws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these bylaws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these bylaws is valid under the bylaws so repealed.

CITY OF uMHLATHUZE : FIRE & RESCUE SERVICES

APPLICATION TO HOLD FIREWORKS DISPLAY

This application must be completed in full and submitted to the office of the Chief Fire Officer, Private Bag X1004 Richards Bay. Telephone 035 - 7973314/5. Facsimile 035 - 9015444

Date of application : _____

Name of Organization / Applicant : _____

Represented By : _____

Telephone Number : _____

Postal Address : _____

Facsimile Number : _____

Location of fireworks display _____

Date of fireworks display : _____

Time of fireworks display : _____

Reason for fireworks display : _____

Person in Control of fireworks display : _____

Cellular contact number : _____

I, the above-named applicant or representative of the organization making application for permission to hold a fireworks display, hereby submit application in respect of a fireworks display as detailed above and I agree to comply with the Council's fireworks bylaws, the Explosives Act and any other applicable legislation, as well as the conditions stipulated by the Chief Fire Officer in respect of the fireworks display. I also undertake to pay all costs in respect of this application and any fire brigade services rendered in association with the fireworks display and accept full responsibility and liability for any damages or injuries caused as a result of the fireworks display.

Name : _____ **Signature :** _____
Designation : _____ **Date :** _____

For Office Use

F.P. Officer :		Date Inspected :	
Date Approved :		Signature :	

A.T.C. Notified		Inspector Notified :	
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Conditions of Approval : _____
