

CHAPTER 3 CONTROL OF FIREWORKS

Use of fireworks prohibited in certain circumstances

30.

(1) Unless so authorised in terms of section 33, no person may use fireworks –
(a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
(b) inside any building;
(c) on any agricultural holding;
(d) at any public place; or
(e) at any school, old age home or hospital.

(2) No person may light or ignite fireworks in any place where animals are present.

(3) Unless so authorised in terms of section 33, no person may light or ignite fireworks on any day or at any time except -

- (a) New Years Eve from 23h00 to 01h00;
- (b) New Years Day from 19h00 to 22h00;
- (c) Hindu New Year from 19h00 to 22h00;
- (d) Lag b'omer from 19h00 to 22h00;
- (e) Chinese New Year from 19h00 to 22h00;
- (f) Human Rights Day from 19h00 to 22h00;
- (g) Freedom Day from 19h00 to 22h00;
- (h) Guy Fawkes Day from 19h00 to 22h00;
- (i) Divali from 19h00 to 22h00;
- (j) Christmas Eve from 19h00 to 22h00; and
- (k) Day of Goodwill from 19h00 to 22h00.

(4) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Fireworks displays prohibited unless authorised

31. No person may present a fireworks display unless –

- (a) authorised to do so by the Council as contemplated in section 33;
- (b) authorised to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
- (c) the display is at all times under that person's supervision and control;
- (d) the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
- (e) that person has ensured that -
 - (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- (f) a pyrotechnist is at all times present and responsible for the use of fireworks at the display.

Application to present fireworks display

32. (1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:

- (a) Proof of permission for the fireworks display from the Civil Aviation Authority;

- (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
- (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
- (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.

(2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display

Authority to present fireworks display

33. (1) If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.

(2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.

Dealing in fireworks

34. (1) No person may deal in fireworks unless –

- (a) that person holds the required fireworks licence in terms of the Explosives Act; and
- (b) has the written authority of the Chief Fire Officer.

(2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -

- (a) complete an application in the form and manner determined by the Council; and
- (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.\

(3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

EMERGENCY SERVICES BY-LAWS

(PUBLISHED IN PROVINCIAL GAZETTE EXTRAORDINARY NO 179 DATED 21 MAY 2004 UNDER NOTICE NO.826)