

BY-LAW

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

BE IT ENACTED by the Emthanjeni 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 Emthanjeni 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 thereunder, 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.

Repeal of laws and savings

5. (1) The following laws are hereby repealed:

All previous by-laws with regard to this matter are hereby repealed.

- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

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