

# **RUSTENBURG LOCAL MUNICIPALITY**



## **FIREWORKS AND EXPLOSIVES BY-LAWS**

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The Rustenburg Local 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 develop the bylaws as set forth and 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.

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## PART A

### APPLICATION AND INTERPRETATION OF BY-LAWS

#### Application of By-Laws

1. (1) These by-laws apply -
  - (a) within the area of jurisdiction of the Council; and
  - (b) in addition to any applicable national or provincial law.

#### Definitions interpretation of by-laws

2. (1) In these By-laws unless the context otherwise indicates –

**"animal"** means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;

**"area"** means any residential area or any other area within the boundaries of the Municipality;

**"building"** includes -

- (a) any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with -
  - i.the accommodation or convenience of human beings and animals;
  - ii.the manufacture, processing, storage, display or sale of any goods;
  - iii.the provision of any service;
  - iv.the destruction or treatment of refuse or other waste materials; and
  - v.the cultivation of any plant or crop;
- (b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;
- (c) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- (e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm water discharge, electricity supply or other similar service in respect of the building;

**"certificate of appointment"** means an identification document issued by the Chief Fire Officer to a member;

**"certificate of fitness"** means a certificate which has been issued by the Service and authorizes a person to occupy designated premises (which are a public building);

**"certificate of registration"** means a certificate issued by the Service in which authorizes a person to occupy registered premises, or to use the premises for the storage or handling of hazardous substances;

**"Chief Fire Officer"** means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987),

and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, and "Unit Manager: Emergency and Disaster Management Services or Head: Emergency and Disaster Management Services " has a corresponding meaning;

**"code of practice"** means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993);

**"controlling authority"** means the local authority in control of the Service as defined in the Fire Brigade Services Act, 1987;

**"consumer firework"** means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks in Regulation 9.1 under the Explosive Act, 1956 (Act 26 of 1956); and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

**"designated premises"** means any premises designated by the Service for the use, ignite or explode fireworks with a view to an emergency evacuation area

**"device"** means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped hazardous substance, and includes any delivery of fireworks;

**"discharge"** means to fire, ignite, explode, activate or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning;

**"distance to be covered"** means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;

**"display firework"** means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Explosive Act, 1956 (Act 26 of 1956) and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

**"dispose"**, in relation to get rid of part fired, "dud" (*failed to ignite or explode*) or complete used fire works

**"dump"**, in relation to a grouped hazardous substance, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or

released in a manner that reasonably indicates the intention to abandon or discard the substance, and "dumping", "spilling" and "spill into" have a corresponding meaning; thus disposing of fireworks

**"emergency"** means an incident or eventuality that poses or may pose a serious threat to any person or property, and "emergency situation" has a corresponding meaning;

**"explosive(s)"** means -

- (a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;
- (b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
- (c) any other substance which the President may from time to time by proclamation in the *Government Gazette* declare to be an explosive;
- (d) a petrol bomb; and
- (e) any container, apparatus, instrument or article which -
  - i. contains any inflammable substance and can be used or adapted so that it can be used to cause an explosion or a fire; or
  - ii. was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

**"fire-fighting equipment"** means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

**"fire area"** means the area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SABS 090;

**"Firecracker"** means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

**"fire incident"** means a fire on any premises in the area;

**"fireworks"** means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956); thus, display fireworks, pyrotechnic special effects fireworks and consumer fireworks;

**"grouped hazardous substance"** means a group of hazardous substances as contemplated in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

**"hazardous substance"** means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX hazardous substance in terms of section 2(1) of the Hazardous Substances Act, 1973;

**"inspector"** means a member appointed as an inspector in terms of section 2(5) of the Explosives Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned;

**"member"** means a member of the Service as contemplated in section 6 and 6A(5) of the Fire Brigade Services Act, 1987;

**"Municipality"** means the duly constituted Rustenburg Local Municipality;

**"normative reference list"** means the list of SABS specifications or codes or SANS Codes which has a corresponding meaning of practice and legislations which are contained in these by-laws;

**"occupancy"**, in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of "public building";

**"occupier"** means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

**"owner"**, in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

**"premises"** means land, a building or other construction or structure, or any part of it, and includes –

- (a) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- (b) any building or room in which explosives are stored, kept or handled for the purpose of sale: Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

**"prohibited firework"** includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act

**"public building"** means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity;

**"public place"** means a public place as defined in section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

**"pyrotechnician"** means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the Act;

**"pyrotechnic special effect firework"** means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels; and

**"registered premises"** means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of hazardous substances, as well as a certificate or permit to occupy premises;

**"retail dealer"** means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

**"room"** means any room or other partitioning in a building;

**"SAPS"** means South African Police Services

**"sell"** includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "selling" and "sold" have a similar meaning.

**"Service"** means the Fire Service established by the controlling authority as contemplated in section 1 of the Fire Brigade Services Act, 1987; thus :-

- i. preventing the outbreak or spread of a fire;
- ii. fighting or extinguishing a fire;
- iii. the protection of life or property against a fire or other threatening danger;
- iv. the rescue of life or property from a fire or other danger;
- v. the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e).

**"storeroom"** means a room which is constructed, equipped and maintained as contemplated in these by-laws;

**"temporary structure"** means any structure that is apparently temporary in nature;

**"wholesale dealer"** means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale

## PART B

### ADMINISTRATIVE AND CONTROL PROVISIONS

#### 3. Licence to deal with fireworks

- A. No person may deal in fireworks unless –
- i. that person holds the required fireworks licence in terms of the Explosives Act; and
  - ii. has the written authority of the Chief Fire Officer.
- B. Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in Part B, section 3(A)(ii), must –
- i. complete an application in the form and manner determined by the Council; and
  - ii. submit it to the Chief Fire Officer together with the prescribed fee at least thirty (30) days before the authority is required by the applicant.
- C. 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.

#### 4. Application to present fireworks display

- A. 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:
- i. Proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives (SAPS);
  - ii. a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
  - iii. a sketch plan (layout plan) of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- B. The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least fourteen (14) days before the date of the proposed fireworks display.

#### C. Requirements :

Every application for a permit shall include:

- 1) a description of the event including,
  - a. the date and time of the proposed discharge of display fireworks,
  - b. the type and kind of display fireworks that may be discharged,
  - c. the discharge techniques to be used,
  - d. the manner and means of restraining unauthorized persons from attending too near the discharge site,

- e. the manner in which unused display fireworks are to be disposed of, and
  - f. the number of persons authorized to handle and discharge the display fireworks;
- 2) a site plan providing a description of the discharge site to be used for the discharging of the display fireworks;
  - 3) a description of the emergency procedures;
  - 4) the name and address of the applicant and the sponsoring organization, if applicable;
  - 5) proof of the consent of the owner of the property to the discharge of display fireworks in writing;
  - 6) a processing fee proof (Invoice/statement or proof of payment)
  - 7) proof of insurance for extremely large event
  - 8) indemnification of Council and
  - 9) such other information as required by the Fire Chief.

#### **D. CONDITIONS APPLYING TO PERMIT**

- 1) The Fire Chief may issue permits for displays of fireworks on the conditions set forth in Part B, Section 4(D)(2) below, and each such permit shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the person under whose supervision the display shall be held
- 2) The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:
  - i. the permit is valid only for the display at the place and on the date or dates set forth in the permit,
  - ii. the permit holder shall supervise the display of display fireworks,
  - iii. the permit holder shall discharge the display fireworks,
  - iv. every permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and
  - v. the permit holder shall comply at all times with the provisions of the Act, (Explosives Act, 1956 (Act 26 of 1956)
- 3) No permit holder shall discharge display fireworks except in accordance with the conditions of the permit.
- 4) The permit holder holding the display of display fireworks shall ensure that all unused fireworks and all debris are removed.

#### **E. PYROTECHNIC SPECIAL EFFECTS FIREWORKS**

1.
  - (a) No person or group of persons shall hold a display of pyrotechnic special effect fireworks in the Rustenburg Local Municipality without first having obtained a permit to do so issued by the Chief Fire Officer.
  - (b) No person or group of persons shall discharge any pyrotechnic special effect fireworks in the Rustenburg Local Municipality, without first having obtained a permit issued by the Chief Fire Officer authorizing the display of pyrotechnic special effect fireworks.

2. Every application for a permit pursuant to Part B, Section 4(E) (1) above shall be made to the Chief Fire Officer a minimum of thirty (30) days prior to the event where the proposed discharge of pyrotechnic special effect fireworks is to occur.
3. **Every application for a permit shall include:**
  - a) a description of the event including,
    - i. a site plan of the facility and room capacity, the stage and the pyrotechnic special effect fireworks storage area,
    - ii. a list of all the pyrotechnic special effect fireworks to be employed,
    - iii. location of all pyrotechnic special effect fireworks,
    - iv. height, range of effect, fallout and duration of the display of pyrotechnic special effect fireworks,
    - v. sequence of firing,
    - vi. location of the audience and all exits, and
    - vii. date and time of the proposed event using pyrotechnic special effect fireworks;
  - b) description of fire emergency procedures;
  - c) name and address of the applicant and the sponsoring business or organization, if applicable;
  - d) proof of certification of the applicant as a pyro technician;
  - e) proof of insurance and indemnification in accordance with Part B, Sections 4(E) (4) and 4(E)(5) below;
  - f) proof of consent of the owner of the property to the discharge of pyrotechnic special effect fireworks in writing if the applicant is not the owner of the property;
  - g) a processing fee as per Municipal tariffs
  - h) such other information as required by the Chief Fire Officer

#### 4. **INSURANCE**

The applicant shall provide and maintain Commercial General Liability insurance subject to the event site area, possible affected neighbouring area in risk, audience/spectators/gathering masses inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the Rustenburg Local Municipality as an additional insured thereunder. Such insurance shall include permission to conduct displays of pyrotechnic special effects fireworks or display fireworks. Such insurance policy shall contain an endorsement to provide the Rustenburg Local Municipality with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the Rustenburg Local Municipality prior to the issuance of a permit.

#### **F. Authority to present Fireworks display**

- 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.

## 5. 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 sixteen (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.

## 6. 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 (1) 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.

## 7. INDEMNIFICATION

The applicant(s) shall indemnify and save harmless the Rustenburg Local Municipality from any and all claims, demands, causes of action, loss costs or damages that the Rustenburg Local Municipality may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents

### PART C

#### USE, TRANSPORTATION AND STORAGE FIREWORKS

#### 8. Use or exploding of Fireworks including prohibited circumstances

8.1 The discharge of fireworks within the municipal area is unlawful with the exception of the following days:

Unless so authorised in terms of Part B, Section 4(F) (1 – 2), no person may light or ignite fireworks on any day or at any time except –

	EXCEPTIONAL PERIOD / DAY(S)	PERMISSIBLE STARTING TIME	REGULATED ENDING TIME
1.	New Year's Eve	23h00	01h00
2.	New Year's Day	19h00	22h00
3.	Hindu New Year	19h00	22h00
4.	Lag b'omer	19h00	22h00
5.	Chinese New Year	19h00	22h00
6.	Human Rights Day	19h00	22h00
7.	Freedom Day	19h00	22h00
8.	Guy Fawkes Day	19h00	22h00
9.	Divali	19h00	22h00
10.	Christmas Eve	19h00	22h00
11.	Day of Goodwill	19h00	22h00

**Table: 8.1.1 figure A :** CONSUMER FIREWORKS

Note : and any other day for public display of fireworks if the Municipality permission is first obtained at least 21 days prior to the event.

8.2 Unless so authorised in terms of Part B, Section 4(F) (1 – 2), no person may use, light or ignite 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.

8.3 No person may light or ignite fireworks in any place where animals are present.

8.4 No person may allow any minor under his or her control to use light or ignite fireworks in contravention of subsection (8.1), (8.2) and (8.3).

**8.5 Fireworks displays prohibited unless authorised**

No person may present a fireworks display unless -

- (a) authorised to do so by the Council as contemplated in terms of Part B, Section 4(F) (1 – 2;
- (b) authorised to do so by 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 (SAPS) 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 pyrotechnics is at all times present and responsible for the use of fireworks at the display.

#### 8.6 Distances permissible for use and or display of fireworks 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 direction in which aerial fireworks, if any, are to be fired; 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.

### 9. Transportation 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). Fireworks are classified in Group I hazardous substances (explosives) and must be handled, used, stored and transported in accordance with the provisions of SABS 0228, 0229, 0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.

### 10. Storage of Fireworks (*Hazardous substances*)

- a) Premises in which fireworks are handled preferably should have at least two (2) 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 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:
  - i. to the outside of the premises in a prominent position adjacent to every entrance, notices reading “Dealer in Fireworks”.
  - ii. 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.

## **PART D**

### **PENALTIES**

#### **PENALTIES FOR CONTRAVENTIONS**

##### **11. 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 have a labelling and hazard placarding chart (Marking).
- 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 on account be rolled along the ground, but shall be carried.
- vi. During the loading, conveying or unloading of explosives no lux 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.

## **PART E**

### **GENERAL**

#### **OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

##### **12. By-laws bind State**

The provisions of these by-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these bylaws

##### **13. Short title**

These by-laws are called the Rustenburg Local Municipality Fireworks By-laws and their provisions come into operation on a date fixed by proclamation in the Government Gazette.