

NOTICE 129 OF 2017

FIREWORKS BY-LAW, 2012

By-law No.6, 2012

BY-LAW**As Amended by the Fireworks Amendment Act 2017**

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the discharge of fireworks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper 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 Dawid Kruiper Municipality; and

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000.

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 there under, 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.

Short title

5. This By-law shall be called the Fireworks By-law, 2012.

DAWID KRUIPER MUNICIPALITY

FIREWORKS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Fireworks By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Fireworks By-law, 2012:

1. The Dawid Kruiper Municipality: Fireworks By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the discharge of fireworks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Fireworks By-law, 2012:

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "Municipality" of the following definition:

""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:

""Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the

accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act,2000."

Amendment of section 5 of the Dawid Kruiper Municipality: Fireworks By-law,2012

3. The following section is hereby substituted for section 5 of the principal By-Law:
"5. This By-Law is called Dawid Kruiper Municipality: Fireworks Amendment By-Law, [2012]
2017 "