

Hessequa, South Africa

Fireworks

Legislation as at 16 January 2009

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Fireworks

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Hessequa South Africa

Fireworks By-law, 2009

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Under the provisions of section 156 of the [Constitution of the Republic of South Africa](#), 1996, the Hessequa Municipality, enacts as follows—

1. Definitions

In this By-law, unless the context indicates otherwise—

"designated area" means a place designated as such in terms of [Section 3](#);

"fireworks" shall have the meaning assigned thereto in the Explosives Act [Act 26 of 1956](#), as amended, and the Regulations framed there under, and shall include any article or thing commonly recognized as a firework;

"municipality" means the Hessequa Municipality, and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#)) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

"peace officer" shall have the meaning assigned thereto in the Criminal Procedure [Act 51 of 1977](#), in respect of persons authorized by the municipality to enforce the provisions of this By-law;

"public place" means any square, park, recreation ground, beach, sports ground, sanitary lane or open space which has—

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- (b) been used by the public without interruption for a period of at least thirty years; or at any time been declared or rendered such by the municipality or other competent authority; and

"street" means any street, road, cycle path, thoroughfare or any other place, including—

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been—
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and

- (v) any land, with or without buildings or structures thereon, which is shown as a street on—
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office; unless such land is on such plan or diagram described as a private street.

2. Principles and objectives

The municipality, aware of its duty to provide a safe and healthy environment, in this by-law regulates the discharge of fireworks with the aim of safeguarding its residents and property and to minimize the effects of fireworks on animals and pets.

3. Designation of places and conditions

- (1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- (2) The municipality may, on application of the owner of lawful occupier of any Private Open Space as defined in the applicable Zoning Scheme Regulations in its area of jurisdiction, designate such Private Open Space as a place where fireworks may be discharged.
- (3) The list of places designated in terms of subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- (4) The municipality may impose conditions as to the dates on which, periods of time and hours when the discharge of fireworks may take place in any designated area and may further impose conditions as to the manner of discharge.
- (5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

4. Discharge of fireworks

- (1) No person may discharge any fireworks outside an area designated by the municipality in terms of [Section 3](#).
- (2) A person who contravenes subsections (1) commits an offence.

5. Seizure of fireworks

A peace officer may take into his or her possession any fireworks found by him in contravention of [section 4\(1\)](#) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act ([No 51 of 1977](#)) relating to seizure and disposal.

6. Offences and penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to additional imprisonment.

7. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

8. Short title and commencement

This by-law is known as the Fireworks By-law, and commences on the date of publication thereof in the *Provincial Gazette*.