

**NOTICE OF INTENT  
TO ADOPT AN ORDINANCE AMENDING CHAPTER 91(FIRE PROTECTION AND  
PREVENTION: FIREWORKS), BY ADDING A NEW SUBSECTION 91.44 TO THE  
TOWN OF SILVER CITY MUNICIPAL CODE, RELATING TO THE SALE OR USE  
OF AERIAL AND GROUND AUDIBLE DEVICES WITHIN THE TOWN LIMITS OF  
THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO.**

**The Council of the Town of Silver City, Grant County, New Mexico  
hereby gives notice of its intention to adopt proposed amendments to the Town of Silver  
City Code of Ordinances.**

**This notice is given the title as follows:**

**AN ORDINANCE AMENDING CHAPTER 91(FIRE PROTECTION AND  
PREVENTION: FIREWORKS), BY ADDING A NEW SUBSECTION 91.44 TO THE  
TOWN OF SILVER CITY MUNICIPAL CODE, RELATING TO THE SALE OR USE OF  
AERIAL AND GROUND AUDIBLE DEVICES WITHIN THE TOWN LIMITS OF  
THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO.**

**ORDINANCE NO. 1157**

**WHEREAS**, the Town Council has the power and authority to make regulations to secure the general health and public welfare of the Town pursuant to its Territorial Charter, specifically Section 5, 10, 11, and 12, and pursuant to New Mexico Statutes, 1978 §3-18-1, §3-18-11 and §3-18-17; and

**WHEREAS**, the Town Council of the Town of Silver City finds that the use of aerial fireworks presents a danger to persons and property within the Town, specifically the danger of personal injury and the danger of fire to structures; and

**WHEREAS**, the Town Council finds that the use of ground audible fireworks has a detrimental effect on the peace and tranquility of the Town, creating stress and discomfort as a result of the negative effect of loud noises on persons and animals, especially children and pets; and

**WHEREAS**, the Town Council finds that the sale of aerial and ground audible firework devices will likely encourage the use thereof, all to the detriment of the Town and its inhabitants; and

**WHEREAS**, the Town of Silver City has the authority to regulate and prohibit the sale and

use of aerial and ground audible fireworks by virtue of its Charter and under §60-2C-7 C.m N.M.S.A. 1978; and

**WHEREAS**, the Town Council finds that the amendments to the Town's Code of Ordinances as provided for herein are necessary for the health, safety and welfare of the inhabitants of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

**CHAPTER 91: FIRE PROTECTION AND PREVENTION: FIREWORKS**, is hereby amended to include a new subsection:

91-44 PROHIBITION OF THE SALE OR USE OF AERIAL AND GROUND AUDIBLE DEVICES.

No person shall sell, distribute, trade or use in any manner aerial and ground audible firework devices within the Town limits. For the purpose of this section, the following definitions shall apply:

- (1) Aerial devices shall include :
  - (a) aerial shell kit-reloadable tubes;
  - (b) aerial spinners;
  - (c) helicopters;
  - (d) mines;
  - (e) missile-type rockets;
  - (f) multiple tube devices;
  - (g) roman candles;

(h) shells; and

(i) stick-type rockets of any diameter.

(2) Ground audible devices shall include:

(a) chasers; and

(b) firecrackers of all sorts, including but not limited to lady fingers, cherry bombs, ashcans, and the like

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

(Seal)

TOWN OF SILVER CITY

\_\_\_\_\_  
James R. Marshall, Mayor

ATTEST:

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

\_\_\_\_\_  
Date