

**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, §3-18-12B and §3-18-17; 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 regulation of the sale and use of aerial and ground audible fireworks 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 REGULATION OF THE SALE AND USE OF AERIAL AND GROUND
AUDIBLE DEVICES.

A. Definitions

(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.

B. No person shall sell, distribute, trade or use in any manner aerial and ground audible firework devices within the Town limits except as provided for herein:

(1) PERMITTED SALES AND USE.

(a) July 4th: Ground audible and aerial fireworks may be sold within Town limits only during the period June 28 through July 4, between the hours of 9:00 AM and 10:00 PM. Ignition of those fireworks shall be permitted within the Town during the period June 30 through July 4, and the permitted hours shall be between the hours of 9:00 AM and 10:00 PM, except for July 4 and weekend nights, excluding Sunday, when the permitted hours shall be between 9:00 AM and 12:00 AM.

(b) New Year's: Ground audible and aerial fireworks may be sold within

Town limits during the period December 28 through December 31 between the hours of 9:00 AM and 10:00 PM. Ignition of those fireworks shall be permitted within the Town between the hours of 9:00 AM on December 31 to 1:00 AM on January 1.

(c) All other time periods: Ground audible and aerial fireworks may neither be sold nor ignited within Town limits.

(2) PROHIBITED LOCATIONS FOR IGNITION.

(a) No ground audible or aerial firework shall, at any time, be ignited in the downtown area of Silver City, specifically described for the purpose of this section to be Bullard Street, from San Vicente to College, and Broadway from Hudson to Cooper, and one block on either side of Bullard and Broadway, respectively.

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

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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 September 22, 2009.

/s/

08-26-09

Ann L. Mackie, Town Clerk

Date