

RESOLUTION NO. 2011-19

PROCLAIMING A LIMITED BAN ON THE SALE AND USE OF FIREWORKS

WHEREAS, at a regular meeting of the Town Council, consideration was given to recommendations of the Town's Fire Chief and its Fire Marshall, as well as to current drought indices published by the national weather service, and to other relevant information, all regarding the circumstances of fire dangers presented to the Town; and

WHEREAS, the Town of Silver City in Chapter 18, Article III, Section 18-51 (d) of the Town's Municipal Code has adopted the State of New Mexico Fireworks Licensing and Safety Act (NMSA 1978, §60-2C-1 et seq.); and

WHEREAS, §60-2C-8.1 authorizes the Town Council to issue a proclamation declaring extreme or severe drought conditions within the boundaries of the Town, and to further ban the sale and use of specific fireworks within said boundaries; and

WHEREAS, based upon the recommendations and consideration of relevant information, the Town Council determined that there presently exists a state of extreme and severe drought conditions within the Town;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED THAT:

1. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are hereby banned;
2. The ignition of any other firework not specifically banned in paragraph 1 shall be limited to areas that are paved or barren, and do not present a danger to any person or property;
3. The sale or use of display fireworks shall be banned, except that a public fireworks display under the immediate supervision of the Town's Fire Department shall be permitted if such display shall be deemed not to present a likelihood of fire danger to person or property.
4. This proclamation shall not abrogate or lessen those restrictions of the sale or use of fireworks under municipal law, or any published Order of the Fire Chief as such may exist during the effective dates of this proclamation.

PASSED, APPROVED, and ADOPTED by the governing body of the Town of Silver City, Grant County, New Mexico, at its regular meeting of May 24, 2011.

/s/

James R. Marshall, Mayor

(Seal)

Attest:

/s/_____
Ann L. Mackie, Town Clerk