Sec. 18-51. - Codes adopted.

(a) The town hereby adopts the "International Fire Code, 2009 edition," and any subsequent amendments thereto, including appendices B through F thereto, and its referenced inclusions and any subsequent amendments thereto or editions thereof, when so adopted, as the Town of Silver City's Fire Protection and Prevention Code, for the purpose of regulating conditions hazardous to life and property from fire or explosion. A copy of this code and its subsequent amendments and editions shall be filed in the town fire marshal's office and the same is adopted and incorporated by reference as if fully set forth in this article. A copy of the town's fire code shall be available for public inspection and copying at the town fire marshal's office. A reasonable copying fee shall be charged for each page copied.

Section 508.5.5 of the "International Fire Code, 2009 edition" (IFC 2009) and any subsequent amendments thereto, which has been adopted as the town's fire protection and prevention code, is deleted and replaced with:

Clear space around hydrants.

A four-foot clear space shall be maintained around the circumference of fire hydrants on new construction or relocations. Existing fire hydrants may be permitted to have a lesser clear space where the fire marshal has determined that such lesser space will not impede either access or usability for fire department use.

(b) The town hereby adopts the "National Fire Prevention Association (NFPA) Life Safety Code No. 101, 2008 edition" and its referenced inclusions and any subsequent amendments thereto or editions thereof, when so adopted, as the Town's Life Safety Code, for the purpose of regulating conditions hazardous to life from fire or explosion. A copy of this code and its subsequent amendments and editions shall be filed in the town fire marshal's office and the same is adopted and incorporated by reference as if fully set forth in this article. A copy of the town's fire codes shall be available for public inspection and copying at the town fire marshal's office. A reasonable copying fee shall be charged for each page copied.

(c) The town hereby adopts the "National Fire Protection Association (NFPA), 2008 edition, Standards and Recommended Practices and its referenced inclusions and any subsequent amendments thereto or editions thereof when so adopted, as the Town of Silver City's Standards and Recommended Practices. A copy of this code and its subsequent amendments and editions shall be filed in the town fire marshal's office and the same is adopted and incorporated by reference as if fully set forth in this article. A copy of the town's fire codes shall be available for public inspection and copying at the town fire marshal's office. A reasonable copying fee shall be charged for each page copied.

(d) The town hereby adopts the State of New Mexico Fireworks Licensing and Safety Act (NMSA 1978, § 60-2C-1 et seq.), and any subsequent amendments thereto, except as otherwise
provided in this chapter. A copy of this code and its subsequent amendments and editions shall be filed in town fire marshal's office and the same is adopted and incorporated by reference as if fully set forth in this article. A copy of the town's fire codes shall be available for public inspection and copying at the town fire marshal's office. A reasonable copying fee shall be charged for each page copied.

(1) Only the ignition of mortar type aerial fireworks shall be permitted within the town;

(2) Permits for public fireworks displays shall be issued by the town fire marshal upon approval of an application therefor, which application will certify that the fireworks to be displayed have been legally obtained from a distributor licensed by the appropriate governmental entities with jurisdiction over the sale and distribution of fireworks.

(3) Regulation of the sale and use of aerial and ground audible devices.

a. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aerial devices* includes:

1. Aerial shell kit-reloadable tubes;
2. Aerial spinners;
3. Helicopters;
4. Mines;
5. Missile-type rockets;
6. Multiple tube devices;
7. Roman candles;
8. Shells; and
9. Stick-type rockets of any diameter.

*Ground audible devices* includes:

1. Chasers; and
2. Firecrackers of all sorts including, but not limited to, lady fingers, cherry bombs, ash cans, 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 in this section:

1. Permitted sales and use.

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

(ii) New Year’s Day. Ground audible and aerial fireworks may be sold within the corporate town limits during the period of December 28 through December 31 between the hours of 9:00 a.m. and 10:00 p.m. Ignition of those fireworks shall be permitted within the corporate town limits between the hours of 9:00 a.m. on December 31 to 1:00 a.m. on January 1.

(iii) All other time periods. Ground audible and aerial fireworks may neither be sold nor ignited within the corporate town limits.

2. Prohibited locations for ignition. No ground audible or aerial firework shall, at any time, be ignited in the downtown area of the town, specifically described for the purpose of this section to be:

   (i) Bullard Street, from San Vicente to College;

   (ii) Broadway from Hudson to Cooper; and

   (iii) One block on either side of Bullard and Broadway, respectively.

(4) Upon the recommendation of the town’s fire chief and after consultation with the town manager, and upon consideration of evidence that a circumstance of great fire danger exists by virtue of extreme or severe drought presently existing, the town council may issue a proclamation declaring extreme fire danger due to severe drought conditions within the boundaries of the town. The proclamation shall describe the restrictions on the use and storage of incendiary devices, including the sale and use of flares and fireworks within the municipality. Such restrictions may include restrictions on the sale or use of any flare or firework deemed to be necessary for the protection of the health, welfare and safety of persons and property within the town. A violation of the restrictions contained therein shall be punishable under the general penalty provisions of the Municipal Code.

Such proclamation shall be effective for 30 days, unless shortened or extended by the town council after hearing.
