

RESOLUTION NO. 2022-09

PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND A LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS

Sponsored by Councilor Nicholas Prince

WHEREAS, the Town Council at its regular meeting on May 24, 2022 passed Resolution No. 2022-08 proclaiming that: Extreme and Severe Drought Conditions Exist Within the Town and a Limited Ban on the Sale and Use of Certain Fireworks; and

WHEREAS, pursuant to NMSA 1978, § 60-2C-8.1 (D) of the State of New Mexico “Fireworks Licensing and Safety Act,” Resolution No. 2022-08 shall be effective for thirty (30) days and thereafter expire, with the thirty-day expiration date being and including June 23, 2022; and

WHEREAS, NMSA 1978, § 60-2C-8.1 (D) of the Fireworks Licensing and Safety Act permits a municipality to adopt succeeding resolutions proclaiming that extreme or severe drought conditions continue to exist if said conditions warrant the succeeding resolutions; 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 Fireworks Licensing and Safety Act (NMSA 1978, § 60-2C-1 et seq.); and

WHEREAS, at the regular meeting of the Town Council on June 14, 2022, consideration was given to the report by the Town’s Fire Chief, who stated that extreme and severe drought conditions continue to exist throughout the Town, and who also has consulted with the United States Forest Service and state forester about fire danger to the Town; and

WHEREAS, consideration was given to current drought indices published by the national weather service, and other relevant information supplied by the United States Forest Service, indicating conditions of extreme or severe drought continue to exist within the boundaries of the Town; and

WHEREAS, based on the consideration of current drought indices published by the national weather service, and other current relevant information supplied by the United States Forest Service, the Town Council finds that there continues to exist a state of extreme and severe drought conditions within Town boundaries which is not likely to abate in the immediate future;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED BY THE TOWN COUNCIL OF THE TOWN OF SILVER CITY, NEW MEXICO THAT:

1. There continues to exist within the incorporated boundaries of the Town of Silver City extreme and severe drought conditions, creating a significant and immediate threat to the life, safety, health and welfare of residents of the Town of Silver City, and to public and private property located within the Town.

2. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are banned within all incorporated boundaries of the Town of Silver City.
3. The use of fireworks not listed in Paragraph 2 above shall be limited to areas that are paved or barren or have a readily accessible source of water for use by the homeowner or general public.
4. The use of all fireworks within all Town wildlands is hereby banned, with wildlands defined as lands owned by the Town and designated for public recreational purposes that are covered wholly or in part by timber, brush or native grass, and includes, but is not limited to, Open Spaces as defined in the Town's Municipal Code, the Land Use and Zoning Code of 2010, Appendix C, Article II, Section 2.2.
5. The sale or use of display fireworks is hereby 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 by the Fire Department not to present a likelihood of fire danger to person or property.
6. This resolution and proclamation shall take effect after the expiration of Resolution No. 2022-08 (June 23, 2022), and shall be effective for thirty (30) days beginning June 24, 2022, and the Town Council may issue succeeding proclamations if extreme or severe drought conditions warrant.

PASSED, APPROVED and ADOPTED by the governing body of the Town of Silver City, Grant County, New Mexico, at its regular meeting of June 14, 2022.

TOWN OF SILVER CITY

(Seal)

Approved:

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk