

## **SECTION 5-5**

### **FIREWORKS CONTROL**

#### **AN ORDINANCE OF THE VILLAGE OF BOSUQE FARMS CONCERNING THE SALE, USE, AND POSSESSION OF FIREWORKS WITHIN THE VILLAGE OF BOSQUE FARMS**

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF BOSQUE FARMS.**

#### **SECTION 1: SHORT TITLE.**

This ordinance may be referred to as the Fireworks Control Ordinance.

#### **SECTION 2: PURPOSE**

This ordinance is intended to preserve and to protect the general health safety and welfare of the **VILLAGE OF BOSQUE FARMS** during periods of extreme or severe drought as proclaimed by the governing body.

#### **SECTION 3: JURISDICTION**

The 1999 amendments to the Fireworks Licensing and Safety Act, NMSA 1978 Sections 60-2C-1 through 60-2C-11 authorize governing bodies of municipalities to limit and restrict the sale and use of fireworks within the municipal boundaries of the municipality in times of extreme or severe drought. This ordinance is enacted pursuant to authority granted to the governing body by NMSA 1978 Section 60-2C-8-1

#### **SECTION 4: LIBERAL CONSTRUCTION**

This ordinance, being necessary to secure the public health, safety, convenience, and welfare, shall be liberally construed to effect its purpose.

#### **SECTION 5: EFFECTIVE DATE**

This ordinance is enforceable only if the governing body issues a Proclamation declaring a condition of extreme or severe drought following the procedures established in NMSA 1978 Section 60-2C-8.1 and is only enforceable during the period of time in which the Proclamation is in force and effect. Any dissolution or suspension of a Proclamation serves to stay enforceability of this ordinance and shall not operate as a repeal or suspension of the ordinance.

This ordinance is in addition to and complementary with any ordinance concerning aerial devices and ground audible devices adopted in accordance with NMSA 1978 Section 60-2C-7, and shall not be construed as a limitation of the terms of any ordinance concerning

aerial devices and ground audible devices adopted pursuant to NMSA 1978 Section 60-2C-7.

**SECTION 7: SALE AND USE OF CERTAIN FIREWORKS PROHIBITED.**

The sale and use within the municipal boundaries of the Village of Los Lunas of missile-type rockets, helicopters, aerial spinners, and stick-type rockets is prohibited.

**SECTION 8: SALE AND USE OF CERTAIN FIREWORKS PROHIBITED.**

The sale and use within the municipal boundaries of the Village of Los Lunas of ground audible devices, including chasers and firecrackers is prohibited.

**SECTION 9: RESTRICTIONS ON USE OF CERTAIN FIREWORKS.**

The use of any other permitted fireworks not listed in Sections 7 or 8 of this ordinance or otherwise prohibited is hereby restricted to areas within the municipal boundaries that are paved or barren or that have a readily accessible source of water for use by the homeowner or general public.

**SECTION 10: USE OF FIREWORKS IN WILDLANDS PROHIBITED.**

The Governing Body, having consulted with the state forester, declares that the use of all fireworks in areas designated by the Governing Body as "wildlands" (i.e. lands covered wholly or in part by timber, brush, or native grass) is prohibited.

**SECTION 11: DISPLAY FIREWORKS**

The use of means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration, or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks within the municipal boundaries of the Village of Los Lunas is restricted to the Fourth of July Display sponsored by the Village of Los Lunas Parks and Recreation Department.

**SECTION 6: SEVERABILITY**

If any section, subsection, sentence, paragraph, clause, work, or provision of this ordinance shall, for any reason, be held to be unconstitutional by a court of competent jurisdiction, such subsection, sentence, paragraph, clause, word, or provision shall not invalidate the constitutionality of the remaining portions of this ordinance.

**ADOPTED THIS 20<sup>TH</sup> DAY OF JUNE, 2002**

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**LOUIS F. HUNING, MAYOR**

**ATTEST:** \_\_\_\_\_  
**PHILLIP JARAMILLO, VILLAGE ADMINISTRATOR**