

STATE OF NEW MEXICO
COUNTY OF GRANT

RESOLUTION NO. R-02-22

A RESOLUTION TO SUPPORT AMENDMENTS TO THE NEW MEXICO FIREWORKS LICENSING AND SAFETY ACT

WHEREAS, Grant County has experienced a drought so severe it has been recognized as the worst drought in the history of the County, and;

WHEREAS, on June 27th 2002, in response to the severe drought this governing body did adopt Emergency Ordinance No. 02-05, declaring an Emergency and banning the sale and use of all fireworks in Grant County, and;

WHEREAS, on June 2nd 2002, the County was sued by a fireworks distributor in State District Court, and;

WHEREAS, in 1994 and 1997 the New Mexico Legislature did amend the New Mexico Fireworks Licensing and Safety Act, specifically Sections 60-2C-7 C and Sections 60-2C-8 and 60-2C-8.1 NMSA (1978) removing the authority of local governments in New Mexico to prohibit the sale and use of certain types of fireworks, and;

WHEREAS, it is essential for local governments to have the ability to ban fireworks during extreme droughts to protect the health, safety and welfare of its citizens;

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of County Commissioners of Grant County that staff is hereby directed to aggressively pursue the following amendments to the New Mexico Fireworks Licensing and Safety Act:

1. Section 60-2C-7 C: “A municipality or county shall not by ordinance regulate and prohibit the sale or use of any permissible firework except aerial devices and ground audible devices.” Shall be amended to read: A municipality or county may by ordinance regulate and prohibit the sale of any firework.
2. Section 60-2C-8 K: Permissible fireworks may be sold at retail between June 20 and July 6 of each year and six days preceding and including new year’s day and three days preceding and including Chinese new year, the sixteenth of September and Cinco de Mayo of each year,

except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.”

Shall be amended to read:

Permissible fireworks may be sold at retail outlets between June 20 and July 6 of each year.

3. **Section 60-2C-8.1 F:** “The governing body’s proclamation:

- (1) Shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and
- (2) shall give the governing body the power to:
 - (a) limit the use within its jurisdiction of any fireworks not listing in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.”

Shall be amended to read:

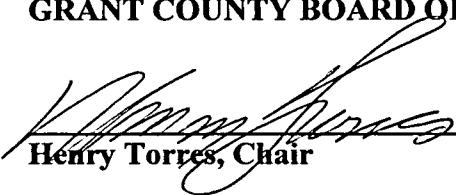
The governing body’s proclamation:

(1) shall prohibit the sale and use of any fireworks.

PASSED, ADOPTED AND APPROVED by the Grant County

Commission this 11th day of July 2002.

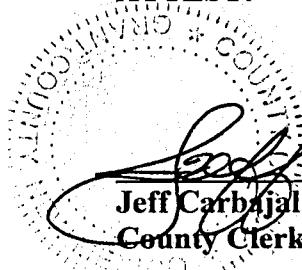
GRANT COUNTY BOARD OF COMMISSIONERS


Henry Torres, Chair


Manuel Serna, Commissioner


David Conway, Commissioner

ATTEST:



Jeff Carbiaj
Jeff Carbiaj
County Clerk

Approved as to Form:



Sherry J. Tippett
Sherry J. Tippett