

Chapter 27

FIREWORKS

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 25.

§ 27-1. Short title.

This chapter may be referred to as the "Fireworks in Times of Drought Act."

§ 27-2. Purpose.

This chapter is intended to preserve and to protect the general health, safety and welfare of the Village of Jemez Springs during periods of extreme or severe drought as proclaimed by the governing body.

§ 27-3. Statutory authority.

The Fireworks Licensing and Safety Act, NMSA 1978, §§ 60-2C-1 through 60-2C-11, authorizes 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 chapter is enacted pursuant to authority granted to the governing body by NMSA 1978, § 60-2C-8.1.

§ 27-4. Construal of provisions.

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

§ 27-5. Enforcement only after issuance of proclamation.

This chapter 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, § 60-6C-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 chapter and shall not operate as a repeal or suspension of this chapter.

§ 27-6. Effect on other fireworks provisions.

This chapter is in addition to and complimentary with any ordinance concerning aerial devices and ground audible devices adopted in accordance with NMSA 1978, § 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, § 60-2C-7.

§ 27-7. Sale and use of certain fireworks prohibited.

- A. The sale and use within the municipal boundaries of the Village of Jemez Springs of missile-type rockets, helicopters, aerial spinners and stick-type rockets is prohibited.
- B. The sale and use within the municipal boundaries of the Village of Jemez Springs of ground audible devices is prohibited.

§ 27-8. Display fireworks.

The sale or 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 130 milligrams of explosive composition; aerial shells containing more than 40 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 Jemez Springs is prohibited.