



## Legislation Details (With Text)

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**Status:** Enacted and Published  
**In control:** City Council  
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**Enactment date:** 6/13/2012  
**Enactment #:** O-2012-022  
**Title:** Prohibiting The Sale And Use Of Certain Fireworks Pursuant To Section 60-2C-7 NMSA 1978; Prohibiting The Use Of Any Fireworks In Open Space Areas, Including The Bosque; Establishing Penalties For The Sale Or Use Of Such Fireworks Within The City Of Albuquerque (Jones)  
**Sponsors:** Trudy E. Jones  
**Indexes:**  
**Code sections:**  
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Date	Ver.	Action By	Action	Result
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6/12/2012	2	Mayor	Signed by the Mayor	
6/6/2012	1	City Council	Sent to Mayor for Signature	
6/4/2012	1	City Council	Do Pass	Pass
5/21/2012	1	President	To be heard at the Council Meeting	
5/21/2012	1	City Council	Introduced	

## CITY of ALBUQUERQUE TWENTIETH COUNCIL

COUNCIL BILL NO. O-12-22 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy Jones

### ORDINANCE

Prohibiting The Sale And Use Of Certain Fireworks Pursuant To Section 60-2C-7 NMSA 1978;  
Prohibiting The Use Of Any Fireworks In Open Space Areas, Including The Bosque; Establishing  
Penalties For The Sale Or Use Of Such Fireworks Within The City Of Albuquerque (Jones)  
PROHIBITING THE SALE AND USE OF CERTAIN FIREWORKS PURSUANT TO SECTION 60-  
2C-7 NMSA 1978; PROHIBITING THE USE OF ANY FIREWORKS IN OPEN SPACE AREAS,

INCLUDING THE BOSQUE; ESTABLISHING PENALTIES FOR THE SALE OR USE OF SUCH FIREWORKS WITHIN THE CITY OF ALBUQUERQUE.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. FINDINGS. The Council finds:

A. Pursuant to Section 60-2C-7 NMSA 1978, Permissible Fireworks, a municipality may regulate or prohibit the sale and use of fireworks known as aerial devices and ground audible devices.

B. Fireworks that are considered “safe and sane” are those that do not fly or explode. Aerial devices and ground audible devices are not “safe and sane” firework devices. Once ignited, aerial devices (aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells, and stick-type rockets) take an unpredictable flight pattern, and pose a significant fire hazard to vegetation and structures. They also possess a considerable injury potential to the user and general public. Ground audible devices (chasers and fire crackers) are disturbing to the public peace and possess a considerable injury potential to the user and general public.

C. Should the City experience a fire that burns out of control in the Bosque or other open space areas, the flora and fauna in those protected areas are at great risk of sustaining devastating loss and/or destruction.

D. Should the City experience a fire that burns out of control in populated areas, it may be necessary to evacuate and relocate affected residents.

E. The 4th of July weekend presents a greatly increased fire risk because of the widespread use of fireworks.

Section 2. PROHIBITIONS. The following acts are prohibited within the City of Albuquerque:

A. The sale and/or use of aerial devices within the municipal limits of Albuquerque. Aerial devices are defined as: aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells, and stick-type rockets;

B. The sale and/or use of ground audible devices within the municipal limits of Albuquerque. Ground audible devices are defined as: chasers and fire crackers; and

C. The use of any fireworks within Open Space Areas as defined in the Albuquerque Fire Restriction Ordinance, Sections 9-19-1 et seq. ROA 1994.

Section 3. USE OF PERMISSIBLE FIREWORKS. The use of any permissible fireworks

not prohibited by this ordinance should be confined 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.

**Section 4. EXEMPTION.**

Nothing within this ordinance shall prohibit public displays of fireworks as defined in the Fire Code as adopted in Section 14-2-1 et seq. ROA 1994, so long as those displays are in strict conformance with the requirements and conditions for public displays as set forth in that code and as approved by the City of Albuquerque Fire Chief.

**Section 5. PENALTIES.** Any individual, firm, partnership or other entity found violating this ordinance shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both. Each separate violation shall constitute a separate offense and upon conviction, each day of violation shall constitute a separate offense.

**Section 6. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

**Section 7. COMPILATION.** This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

**Section 8. EFFECTIVE DATE.** This ordinance shall take effect five days after publication by title and general summary.

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