

SAN JUAN COUNTY
ORDINANCE NO. 15
FIREWORKS

AN ORDINANCE REGULATING THE SALE, POSSESSION AND USE OF FIREWORKS, EXCEPT BY SPECIAL PERMIT; DEFINING FIREWORKS; ALLOWING SEIZURE OF UNLAWFUL FIREWORKS; AND PROVIDING PENALTIES AND ENFORCEMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, NEW MEXICO:

San Juan County Ordinance No. 15 is hereby amended to read as follows:

SECTION 1. Illegal possession, sale or discharge of fireworks.

It shall be unlawful for any person, firm, partnership, corporation or association to sell, offer for sale, own, possess or discharge within the unincorporated areas of San Juan County, New Mexico any aerial device or ground audible device fireworks as defined in the New Mexico Fireworks Licensing and Safety Act, N.M.S.A. 1978, Section 60-2C-1, et seq., except as set forth herein.

SECTION 2. Permissible aerial and ground audible devices.

The following aerial device and ground audible device fireworks shall be permissible fireworks that are legal for sale and use in the unincorporated areas of San Juan County, New Mexico:

- A. Aerial Device.
 - 1. Mines
 - 2. Roman Candles
 - 3. Shells
- B. Ground Audible Device.
 - 1. Firecrackers

SECTION 3. Display fireworks.

This ordinance shall not prohibit an individual, firm, partnership, corporation, association or governmental entity from sponsoring and conducting an officially supervised and controlled fireworks display if a permit authorizing the display has been granted by the County Fire Marshal.

SECTION 4. Permits for fireworks displays.

A. An application for a fireworks display shall be made in writing at least ten (10) days prior to the date of the display to the County Fire Marshal. The application shall state the applicant's name, address, telephone number, quantity and type of

fireworks requested for the proposed display, time, place and nature of the display event, the time of termination of the event, and the name, address and telephone number of the supplier of the fireworks.

B. Every display shall be handled by a competent operator approved by the County Fire Marshal or his designee and shall be of such a character, and so located, discharged or fired as in the opinion of the County Fire Marshal or his designee shall not be hazardous to property or endanger any person. After a permit has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

C. No permit for fireworks display shall be transferable.

SECTION 5. Penalties; enforcement; exceptions.

A. Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days, or both such fine and imprisonment.

B. The County Fire Marshal or his designated agent, any police officer, or the Chief of any independent fire department is authorized to seize, remove, or cause to be removed at the expense of the owner all fireworks offered for sale or possessed in violation of this ordinance.

C. Nothing in this ordinance shall apply to or prohibit any employee of the State Game and Fish Department or the U.S. Fish and Wildlife Service from possessing or utilizing fireworks for the control of game birds or animals or prohibit any law enforcement officer from possessing or utilizing fireworks in the performance of his duties.

SECTION 6. Severability clause.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by judgment or decree of any court of competent jurisdiction the validity of the remaining portions of this ordinance shall not be effected.

APPROVED AND ADOPTED THIS 19th DAY OF NOVEMBER, 1998.

ATTEST:

Carol Bailey
County Clerk
by [Signature]
Chief Deputy

BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO
BY: *[Signature]*
Steve Neville, Chairman

SAN JUAN COUNTY, NEW MEXICO
AMENDMENT TO ORDINANCE NO. 15

AMENDING THE SAN JUAN COUNTY FIREWORKS ORDINANCE, ADOPTED ON NOVEMBER 19, 1998, TO ALLOW ALL AERIAL AND GROUND AUDIBLE DEVICES WHICH ARE PERMISSIBLE UNDER THE NEW MEXICO FIREWORKS LICENSING AND SAFETY ACT.

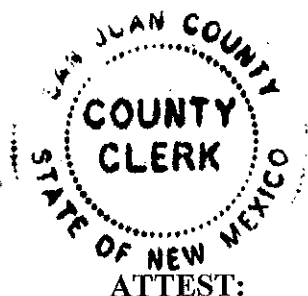
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, NEW MEXICO:

Section 2 is hereby repealed in its entirety and replaced with the following:

SECTION 2. Permissible aerial and ground audible devices.

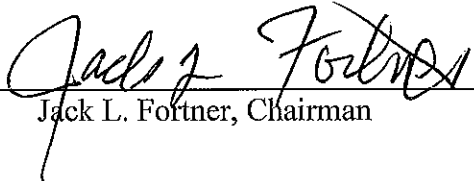
All aerial and ground audible devices which are permissible pursuant to the New Mexico Fireworks Licensing and Safety Act, NMSA 1978, Sections 60-2C-1 to -11 (1989, as amended through 1997) shall be permissible in the unincorporated areas of San Juan County.

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF DECEMBER, 2014.




Debbie Holmes, County Clerk

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

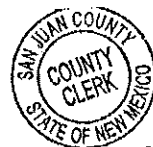
By: 
Jack L. Fortner, Chairman



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San Juan County, NM DEBBIE HOLMES



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