

**CITY OF LAS VEGAS**  
**Resolution No. 22-26**

**A RESOLUTION AUTHORIZING AN EMERGENCY PROCLAMATION DECLARING FIREWORKS RESTRICTIONS**

WHEREAS, the Governing Body of the City of Las Vegas has obtained information and forecasts from the National Weather Service concerning drought indices affecting the City of Las Vegas; and

WHEREAS, the Governing Body of the City of Las Vegas has obtained relevant information from the United States Forest Service concerning drought conditions affecting the City of Las Vegas; and

WHEREAS, on May 11, 2022, the Governing Body of the City of Las Vegas by way of proclamation declared a civil emergency and extreme drought conditions affecting the City of Las Vegas; and

WHEREAS, the extreme fire behavior and extreme drought conditions are evidenced by the Calf Canyon/Hermit Peak Fire; and

WHEREAS, the Fireworks Licensing and Safety Act at NMSA § 60-2C-8.1 authorizes the Governing Body of the City of Las Vegas to issue a proclamation declaring extreme or severe drought conditions within the boundaries of the City of Las Vegas; and

WHEREAS, the Fireworks Licensing and Safety Act at NMSA § 60-2C-8.1 and City of Las Vegas Ordinance §238-12 "Fireworks Control Ordinance" further require that such a proclamation ban or restrict the sale and use of certain fireworks within the boundaries of the City of Las Vegas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are incorporated herein by reference and the Governing Body implements, declares, resolves and authorizes as follows:

1. Severe or extreme drought conditions exist within the municipal boundaries of the City of Las Vegas.
2. Firework restrictions are imposed within the boundaries of the City of Las Vegas pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60- 2C-8.1 and Fireworks Control Ordinance §238 and shall:
  - a. Ban the sale and use of missile type rockets, helicopters, aerial spinners, stick type rockets and ground audible devices including chasers and firecrackers within the boundaries of the City of Las Vegas.

b. Ban the possession and use of aerial spinners, helicopters, mines, missile-type rockets, roman candles, shells, stick type rockets, aerial devices, and ground audible devices within the City of Las Vegas.

c. Ban the use of all fireworks within wildlands within the City of Las Vegas including but not limited to the Riverwalk and Bosque areas.

d. Ban the sales or use of display fireworks within the City of Las Vegas

e. Restrict the use of any fireworks not listed above to areas that are paved or barren and that have a readily accessible source of water for use by the homeowner or the general public.

f. Fireworks that are still permissible within the boundaries of the City of Las Vegas are: Ground and hand-held sparking devices, combination items, and novelties and trick noisemakers.

3. Pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-6, nothing in this proclamation “shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico.”

4. This proclamation incorporates by reference the definitions of terms specified under the Fireworks Licensing and Safety Act and Fireworks Control Ordinance, including but not limited to the following:

a. “‘missile-type rocket’ means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;” NMSA 1978, § 60-2C-2(U);

b. “‘helicopter’ or ‘aerial spinner’ means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;” NMSA 1978, § 60-2C-2(Q);

c. “‘stick-type rocket’ means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;” NMSA 1978, § 60-2C-2(CC);

d. “‘chaser’ means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;” NMSA 1978, § 60-2C-2(D);

e. “‘firecracker’ means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;” NMSA 1978, § 60- 2C-2(M);

f. "ground audible devices" means "chasers" and "firecrackers." NMSA 1978, § 60-2C-7(A)(3).

g. "ground and hand-held sparking devices" CLV §238-2(A)

- (1) Dipped Stick, Wire Sparkler
- (2) Crackling Device
- (3) Cylindrical Fountain
- (4) Cone Fountain
- (5) Illuminating Torch
- (6) Wheel
- (7) Ground Spinner
- (8) Flitter Sparkler

h. "combination devices" Combination items consist of fireworks and/or devices containing combinations of two or more permissible effects. CLV §238-2(D)

i. "'distributor' means a person, firm or corporation selling fireworks to wholesalers and retailers for resale;" NMSA 1978, § 60-2C-2(K);

j. "'manufacturer' means a person, firm or corporation engaged in the manufacture of fireworks;" NMSA 1978, § 60-2C-2(S);

k. "'retailer' means a person, firm or corporation purchasing fireworks for resale to consumers;" NMSA 1978, § 60-2C-2(Z);

l. "'specialty retailer' means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;" NMSA 1978, § 60-2C-2(BB);

m. "'wholesaler' means a person, firm or corporation purchasing fireworks for resale to retailers;" NMSA 1978, § 60-2C-2(GG).

5. This proclamation shall be effective for 30 days from the date shown below, and the Governing Body, in its sole discretion, may issue succeeding proclamations if extreme or severe drought conditions warrant.

ACCEPTED AND APPROVED this 18<sup>th</sup> day of May 2022.

  
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Mayor Louie A. Trujillo

ATTEST:

  
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Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only:

  
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Scott Aaron, City Attorney