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**TOWN OF EDGEWOOD  
ORDINANCE NO. 2004-06**

**AN ORDINANCE OF THE TOWN OF EDGEWOOD CONCERNING THE SALE, USE AND  
POSSESSION OF FIREWORKS WITHIN THE TOWN OF EDGEWOOD DURING  
PERIODS OF EXTREME OR SEVERE DROUGHT**

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF  
EDGEWOOD.**

**SECTION 1: SHORT TITLE.**

This Ordinance may be referred to as the Fireworks in times of Drought Act.

**SECTION 2: PURPOSE.**

This ordinance is intended to preserve and to protect the general health safety and welfare of the  
**TOWN OF EDGEWOOD** during periods of extreme or severe drought as proclaimed by the  
governing body.

**SECTION 3: JURISDICTION.**

The 1999 amendments to the Fireworks Licensing and Safety Act, NMSA 1978 §§60-2C-1 through  
60-2C-11 authorize 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 ordinance is enacted pursuant to authority granted to the governing body by NMSA 1978 §60-2C-  
8.1.

**SECTION 4: LIBERAL CONSTRUCTION.**

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

**SECTION 5: EFFECTIVE DATE.**

This ordinance 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 ordinance and shall not operate as  
a repeal or suspension of the ordinance.

This ordinance 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.

**SECTION 6: SEVERABILITY.**

If any section, subsection, sentence, paragraph, clause, word or provision of this ordinance shall, for  
any reason, be held to be unconstitutional by a court of competent jurisdiction, such section,

1 subsection, sentence, paragraph, clause, word or provision shall not invalidate the constitutionality of  
2 the remaining portions of this ordinance.

3  
4 **SECTION 7: SALE AND USE OF CERTAIN FIREWORKS PROHIBITED.**

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6 The sale and use within the municipal boundaries of the **TOWN OF EDGEWOOD** of missile-type  
7 rockets, helicopters, aerial spinners and stick-type rockets is prohibited.

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9 **SECTION 8: SALE AND USE OF CERTAIN FIREWORKS PROHIBITED.**

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11 The sale and use within the municipal boundaries of the **TOWN OF EDGEWOOD** of ground audible  
12 devices is prohibited.

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14 **SECTION 9: RESTRICTIONS ON USE OF CERTAIN FIREWORKS.**

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16 The use of any other permitted fireworks not listed in sections 7 or 8 of this ordinance is hereby  
17 restricted to areas within the municipal boundaries that are paved or barren or that have a readily  
18 accessible source of water for use by the homeowner or general public.

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20 **SECTION 10: USE OF FIREWORKS IN WILDLANDS PROHIBITED.**

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22 The Governing Body, having consulted with the state forester declares that the use of all fireworks in  
23 areas designated by the Governing Body as "wildlands" (i.e. lands covered wholly or in part by timber,  
24 brush or native grass) is prohibited.


25  
26 **SECTION 11: DISPLAY FIREWORKS.**

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28 The sale or use of means devices primarily intended for commercial displays that are designed to  
29 produce visible or audible effects by combustion, deflagration or detonation, including salutes  
30 containing more than one hundred thirty milligrams of explosive composition; aerial shells containing  
31 more than forty grams of chemical composition exclusive of lift charge; and other exhibition display  
32 items that exceed the limits for permissible fireworks within the municipal boundaries of the **TOWN**  
33 **OF EDGEWOOD** is prohibited.

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35 **ADOPTED THIS 19th DAY OF MAY , 2004.**

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37  
38 **ATTEST: )**

39  
40  
41   
42 Mayor

  
Clerk-Treasurer

