ORDINANCE 232

CITY OF ELEPHANT BUTTE, NEW MEXICO

AN ORDINANCE ESTABLISHING PROHIBITED FIREWORKS ACTS AND PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELEPHANT BUTTE:

Section 1 Illegal acts

Section 92.31 is enacted or replaced as follows:

§92.31 ILLEGAL ACTS. Within City limits, except as authorized by state law and Section 2, no person or business shall:

(A) Sell, offer for retail sale, possess for retail sale, or use aerial fireworks or ground audible devices as defined in §60-2C-2 NMSA 1978, anywhere within City limits, including densely populated neighborhoods. Prohibited devices include rockets, Roman candles, aerial shells, aerial shell kits, multiple-tube devices, aerial spinners, helicopters, mines, firecrackers, and chasers.

(B) Possess, sell, offer for retail sale, possess for retail sale, or use fireworks classified as impermissible under §60-2C-7(B) NMSA 1978.

(C) Sell or offer fireworks to anyone under 16 years of age or to an intoxicated person.

(D) Allow anyone under 16 to work or volunteer as a sales clerk or ancillary worker at a temporary fireworks retail location, or conduct a purchase or delivery without a sales clerk on duty.

(E) Discharge fireworks within 150 feet of a fireworks retail sales location.

(F) Ignite fireworks inside a motor vehicle; throw fireworks from a motor vehicle; or place or throw ignited fireworks into or at a motor vehicle or at or near a person or group.

(G) Sell fireworks without required state authorization, or violate a fireworks restriction lawfully imposed under §60-2C-8.1 NMSA 1978.

Section 2 Authorized activities

Display fireworks require a written permit from the City's governing body and compliance with §60-2C-9 NMSA 1978 and applicable safety requirements. State-law exceptions and protected activities remain applicable. This ordinance does not impose a general ban on state-permissible ground and hand-held sparkling devices, smoke devices, or novelties.

Section 3 Enforcement and penalty

The Fire Chief shall coordinate enforcement with commissioned law enforcement officers and the State Fire Marshal. This ordinance grants no police powers to uncommissioned personnel. A violation is a misdemeanor punishable upon conviction by a fine up to $500, imprisonment up to 90 days, or both, subject to controlling law. This penalty supersedes any conflicting City penalty for §92.31.

Section 4 Conflicts and effective date

Other City provisions remain effective except to the extent of conflict. Invalid provisions do not affect the remainder. This ordinance takes effect five days after publication under §3-17-5 NMSA 1978, unless controlling law requires otherwise.

PASSED, APPROVED AND ADOPTED this 18 day of November 2026.

Ordinance effective five days after adoption.

Attest:



Richard Holcomb, Mayor

Lindsey Cobleigh, City Clerk