



**SIERRA COUNTY
EMERGENCY ORDINANCE/PROCLAMATION 2025-004
RESTRICTING THE SALE AND USE OF FIREWORKS
IN THE UNINCORPORATED AREAS OF SIERRA COUNTY**

WHEREAS, the Board of County Commissioners of Sierra County, met in a regular meeting on June 10, 2025, at 10:00 A.M. in the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and

WHEREAS, NMSA 1978, Section 4-37-1 et seq. provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, NMSA 1978, Section 4-37-7 (1975) eliminates the general ordinance publication requirement for ordinances “dealing with an emergency declared by the board of county commissioners to be an immediate danger to the public health, safety and welfare of the county;” and,

WHEREAS, NMSA 1978, Section 60-2c-8.1 (1999) provides that firework restrictions may only be implemented by the County’s governing body after a public hearing; and,

WHEREAS, NMSA 1978, Section 60-2c-8.1 (G) & (H) (1999) states that “[t]he county governing body’s proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold” and that “[e]xcept as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant;” and,

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico, especially Sierra County and the surrounding jurisdictions; and,

WHEREAS, current conditions such as relative humidity, weather and fuel content and condition create an extremely high fire hazard in Sierra County; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in Sierra County; and,

WHEREAS, the Board of County Commissioners finds that restrictions should be imposed upon sale and use of fireworks within the unincorporated areas of Sierra County; and,

WHEREAS, the Board of County Commissioners finds that there exists an immediate danger to the public health, safety, and welfare of Sierra County; and,

WHEREAS, the findings of the Board are based on current drought indices published by the national weather service and other relevant information supplied by the United States forest service, the Fire Marshal and the State of New Mexico and the County Fire Chief.

NOW THEREFORE, BE IT ORDAINED & PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

Section 1. DECLARATION OF DROUGHT CONDITIONS AND FIRE HAZARD

The Board of County Commissioners hereby declares that Sierra County is suffering from extremely or serious drought conditions and high fire hazards represent a significant immediately threat to the peace, safety, health and welfare of Sierra County.

Section 2. DEFINITION OF FIREWORKS

For purposes of this Proclamation, the word "fireworks" means any device intended to produce a visible or audible effect by combustion, deflagration or detonation. The term fireworks is used in this Ordinance/Proclamation includes but is not limited to the definition of the "fireworks" provided in NMSA 1978, Section 60-2C-2K (1999).

Section 3. RESTRICTIONS ON PERMISSIBLE FIREWORKS

Pursuant to NMSA 1978, Section 60-2C-8.1 (F)(2)(a)(1999), the Board of County Commissioners does hereby allow the sale but limits the use of cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels and mines fireworks within the unincorporated areas of Sierra County 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. BAN ON CERTAIN FIREWORKS

Pursuant to NMSA 1978, Section 60-2C-8.1 (F)(1) (1999) the following types of fireworks are banned from sale and use within the unincorporated areas of Sierra County: stick-type rockets, helicopters & aerial spinners, missile-type rockets, & display fireworks.

Section 5. WILDLAND FIREWORKS BAN

Pursuant to NMSA 1978, Section 60-2C-8.1(F)(2)(b) (1999), the Board of County Commissioners hereby bans the use of all fireworks within wildlands in its jurisdiction, including lands covered wholly or in part by timber, brush or native grass.

Section 6. GENERAL BAN ON ALL OTHER FIREWORKS

Except as permitted by this Ordinance/Proclamation, the sale and use of all other fireworks of any kind or description are banned within the unincorporated areas of Sierra County.

Section 7. EFFECTIVE DATE AND DURATION

Pursuant to NMSA 1978, Section 4-37-9(C) (1997), the Board of County Commissioners hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance/Proclamation take effect immediately after passage. This Ordinance/Proclamation shall be in effect for a 30 day period after the date of adoption. The Board of County Commissioners may review the existing drought and fire conditions at each of its subsequent monthly meetings during that period. If improving conditions warrant action, the Board of County Commissioners may terminate the Ordinance/Proclamation.

Section 8. ENFORCEMENT

The Sheriff's Department of Sierra County, the Sierra County Emergency Manager or his designee, and any other legally qualified law enforcement officer or any of their agents shall have the ability to enforce this Ordinance/Proclamation.

Section 9. PENALTIES

Any individual, firm, partnership, or corporation that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1,000), imprisonment for not more than one year, or both.

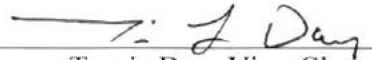
Section 10. SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section, subsection, paragraph, sentence, clause, phrase or provision in this Ordinance/Proclamation is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the Sierra County Board of County Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

APPROVED, PROCLAIMED AND ORDAINED THIS 10TH DAY OF JUNE, 2025.

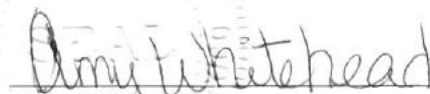
BOARD OF COUNTY COMMISSIONERS


James Paxon, Chairman


Travis Day, Vice-Chair


Hank Hopkins, Commissioner

Attest:


Amy Whitehead
Sierra County Clerk