



**SIERRA COUNTY  
EMERGENCY ORDINANCE/ PROCLAMATION 2026-003  
RESTRICTING THE SALE AND USE OF FIREWORKS  
IN THE UNINCORPORATED AREAS OF SIERRA COUNTY**

**WHEREAS**, the Board of County Commissioners of Sierra County, met at a Special Commission meeting on June 9, 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**, the Board of County Commissioners of Sierra County is authorized pursuant to the Fireworks Licensing and Safety Act, NMSA 1978, Section 60-2C-8.1, to restrict the sale and use of certain fireworks within the unincorporated areas of the County during periods of extreme or severe drought conditions; 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**, the Board has reviewed current drought indices published by the National Weather Service, existing state and local fire restrictions, information supplied by state and federal forestry and fire agencies, local fuel conditions, weather forecasts, and other relevant information concerning wildfire risk within the unincorporated areas of Sierra County; and

**WHEREAS**, the Board finds that extreme or severe drought conditions presently exist within the unincorporated areas of Sierra County and that the continued sale and use of certain fireworks creates a substantial risk of wildfire ignition, danger to life and property, and threats to public health and safety; and

**WHEREAS**, the Board further finds that restrictions upon the sale and use of certain fireworks are necessary to protect the public peace, health, safety, and welfare.

**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: missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices.

**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 aerial 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 upon adoption. This Ordinance/Proclamation shall remain in effect for a period of thirty (30) days from the date of adoption unless earlier rescinded as provided herein.

The County Manager, after consultation with the Sierra County Emergency Management Officer and upon a determination that drought conditions, fire danger, weather conditions, fuel moisture levels, or other relevant circumstances no longer warrant the restrictions imposed by this Ordinance/Proclamation, is hereby authorized to rescind this Ordinance/Proclamation prior to the expiration of the thirty-day period. Any such rescission shall be made in writing and shall become effective upon execution by the County Manager or on such later date as specified therein. The Board of County Commissioners may also review existing drought and fire conditions at any regular or special meeting and may amend, extend, terminate, or otherwise modify this Ordinance/Proclamation as permitted by law.

**Section 8. ENFORCEMENT**

The Sheriff's Office 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**

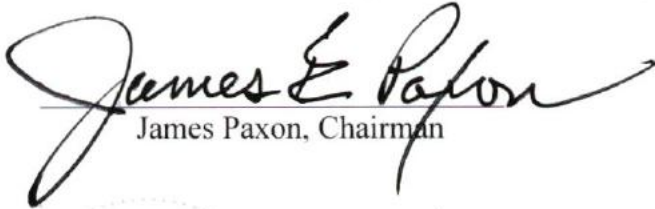
Any individual, firm, partnership, or corporation that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1,000), imprisonment for not more than one year, or both.

**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 9<sup>TH</sup> DAY OF JUNE, 2026.

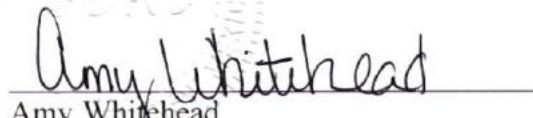
BOARD OF COUNTY COMMISSIONERS

  
James Paxon, Chairman

  
Hank Hopkins, Vice-Chair

  
Sandy Jones, Commissioner

Attest:

  
Amy Whitehead  
Sierra County Clerk