



VILLAGE OF CORRALES

ORDINANCE NO. 12- 007

AN ORDINANCE AMENDING SECTIONS
16-58 AND 16-59 OF CHAPTER 16, ARTICLE III
(FIREWORKS) OF THE CODE OF ORDINANCES OF THE VILLAGE OF
CORRALES, BEING PORTIONS OF ORDINANCE NO. 118, ADOPTED
MARCH 8, 1983, AS AMENDED BY ORDINANCE NO. 131, ADOPTED JUNE 28,
1984; ESTABLISHING THE ANNUAL DATES FOR SUMMER FIREWORKS
SALES; PROVIDING FOR TEMPORARY RESTRICTIONS ON THE SALE AND
USE OF FIREWORKS BY PROCLAMATION OR RESOLUTION; PROVIDING
FOR PENALTIES FOR VIOLATION OF FIREWORKS SALE AND USE
RESTRICTIONS.

WHEREAS, Section 60-2C-8(L), NMSA 1978, part of the Fireworks Licensing and Safety Act, provides for specific periods during which fireworks may be sold at retail, which are applicable statewide including within the Village of Corrales (the “Village”); and

WHEREAS, the Village Council, the governing body of the Village (“Governing Body”), finds that the Village’s ordinances relating the periods when fireworks may be sold at retail should be made consistent with the laws of statewide application; and

WHEREAS, the Governing Body further finds that the sale and use of fireworks may and should be further restricted by proclamation or resolution as necessary, on a temporary basis, for better protection of the Village during periods of severe or extreme drought, as permitted under the Fireworks Licensing and Safety Act; and

WHEREAS, the Governing Body wishes to ensure that the provisions of any temporary restrictions on the sale and use of fireworks, duly adopted by proclamation or resolution, are fully enforceable and that violations thereof may be punished in accordance with applicable provisions of the Fireworks Licensing and Safety Act and the Village’s Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES THAT:

1. Subsection (c) of **Section 16-59. Possession, transportation, discharge and sale restricted**, is amended to read, in its entirety, as follows:

(c) *Time period for retail sales.* Fireworks may be sold at retail on the following dates each year, unless the governing body by proclamation or resolution has prohibited the sale of fireworks on any such dates due to the existence of drought conditions or for any other reason, as provided by law:

- (1) June 20 to July 6, inclusive;
- (2) New Year’s Day and the five (5) days immediately preceding;
- (3) Chinese new year and the two (2) days immediately preceding;
- (4) May 5; and
- (5) September 16.

2. The following new Subsection (d) of **Section 16-59. Possession, transportation, discharge and sale restricted**, is hereby adopted and shall be incorporated as a part of the Village Code:

(d) *Temporary prohibitions or restrictions.* The governing body, by proclamation or resolution, may from time to time prohibit or restrict the sale, possession or use of fireworks due to the actual presence or anticipated and predicted presence of severe or extreme drought conditions. The governing body, by proclamation or resolution, may from time to time prohibit or restrict the sale, possession or use of fireworks upon a finding that such prohibition or restriction is necessary to protect the health, safety, property and general welfare of the Village. Any such temporary prohibitions or restrictions shall be fully enforceable as an order adopted under this article, and the violation of any such temporary prohibitions or restrictions shall be deemed a violation of this article, punishable in accordance with Section 16-58.

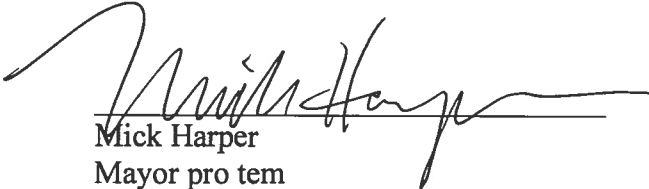
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

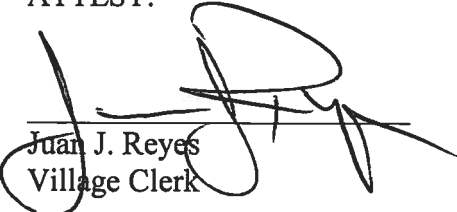
EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 19th day of June, 2012.

APPROVED:


Mick Harper
Mayor pro tem

ATTEST:


Juan J. Reyes
Village Clerk