

60-2C-1. Short title.

Chapter 60, Article 2C NMSA 1978 may be cited as the "**Fireworks** Licensing and Safety Act".

History: Laws 1989, ch. 346, § 1; 1997, ch. 17, § 1.

60-2C-7. Permissible fireworks.

A. Permissible **fireworks** are:

(1) ground and hand-held sparkling devices:

- (a) cone fountains;
- (b) crackling devices;
- (c) cylindrical fountains;
- (d) flitter sparklers;
- (e) ground spinners;
- (f) illuminating torches; and
- (g) wheels;

(2) aerial devices:

- (a) aerial shell kit-reloadable tubes;
- (b) aerial spinners;
- (c) helicopters;
- (d) mines;
- (e) missile-type rockets;
- (f) multiple tube devices;
- (g) roman candles;
- (h) shells; and
- (i) stick-type rockets, except as provided in Subsection B of this section; and

These items are not
permissible as per
Bernalillo County
Amendments to the 2015
IFC 5610.1

(3) ground audible devices:

- (a) chasers; and
- (b) firecrackers.

C. A municipality or county shall not by ordinance regulate and prohibit the sale or use of any permissible firework except aerial devices and ground audible devices.

History: Laws 1989, ch. 346, § 7; 1991, ch. 133, § 5; 1997, ch. 17, § 5; 2007, ch. 268, § 3.

60-2C-2. Definitions.

HH. "**wildlands**" means **lands owned by the governing body of a county or municipality** that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grass.

60-2C-8. Retail sales or storage of fireworks; regulated activities.

I. Fireworks shall not be sold or used on state forest land, **wildlands or a bosque**.

J. A person shall not ignite fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall a person place or throw ignited fireworks into or at a motor vehicle or at or near a person or group of people.

60-2C-10. Penalty; criminal.

A. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act is guilty of a misdemeanor and upon conviction shall be

punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both.

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10.25.6.11 CONFISCATION OF FIREWORKS:

- A.** A fireworks safety inspector may confiscate fireworks for either of the following reasons:
- (1)** the fireworks are not permissible fireworks enumerated in Section 60-2C-7 NMSA 1978; or
 - (2)** the person selling the fireworks does not have an appropriate license or permit.
- B.** Whenever a fireworks safety inspector confiscates fireworks, he shall issue a written receipt for the fireworks including an inventory of all items confiscated and shall provide an opportunity for the violator to sign the receipt. The fireworks safety inspector shall store all confiscated fireworks as evidence until final disposition of any enforcement case.

[10.25.6.11 NMAC - N, 11-15-07]