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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2024-12

INTRODUCED BY:

Councilor Signe Lindell

A BILL

AMENDING SFCC 1987, SECTION 12-3, PERTAINING TO THE PUBLIC DISPLAY OF FIREWORKS; RECOGNIZING THE FIRE DEPARTMENT WILL APPLY THE INTERNATIONAL FIRE CODE TO THE PUBLIC DISPLAY OF FIREWORKS; MAKING OTHER TERMS CONSISTENT WITH THE INTERNATIONAL FIRE CODE; AND PROVIDING FOR GOVERNING BODY APPROVAL OF PUBLIC FIREWORKS DISPLAY PERMITS WITHOUT LEGISLATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 12-3.1 through 12-3.2 of SFCC 1987 (being SFCC § 7-4-1) is included for reference without amendments:

12-3 - FIREWORKS.

12-3.1 - Definitions.

A. As used in this section:

Dangerous fireworks means any firecracker, roman candle, skyrocket, torpedo, bomb, blank cartridge, cone-shape fountain, bottle rocket and flyer or any other type or form of explosive; any item that is self-propelling or the effect of which extends above fifteen feet (15') in height from the

1 ground; or any article which produces a report by combustion, explosion or detonation.

2 *Safe and sane fireworks* means all fireworks that have no report, that are not self-propelling
3 and the effect of which does not extend above fifteen feet (15') in height from the ground, including
4 the following:

5 (1) Snakes, total pyrotechnic composition not to exceed twenty (20) grams each
6 in weight;

7 (2) Smoke devices and spray balls, total pyrotechnic composition not to exceed
8 twenty-five (25) grams each in weight;

9 (3) Wheels, total pyrotechnic composition not to exceed sixty (60) grams in
10 weight per driver unit, but any number of drivers may be on any one wheel.
11 The inside bore of driver tubes shall not be over one-half inch (1/2");

12 (4) Illuminating torches and colored fire in any form, total pyrotechnic
13 composition of illuminating torches not to exceed one hundred (100) grams
14 each in weight;

15 (5) Sparklers and dipped sticks, total pyrotechnic composition not to exceed one
16 hundred (100) grams in weight. Pyrotechnic composition containing any
17 chlorate or perchlorate shall not exceed five (5) grams;

18 (6) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-
19 five (75) grams each in weight. The inside tube diameter shall not exceed
20 three-fourths inch (¾");

21 (7) Railway fuses, fuses, truck flares, hardship distress signals, smoke candles,
22 smoke signals and smoke pots; and

23 (8) All other fireworks similar to the above, provided they are tested and approved
24 by the chief of the fire department.

25 B. The terms "safe and sane fireworks" and "dangerous fireworks" do not include auto flares,

1 toy pistols, toy guns or devices in which paper caps containing twenty-five hundredth
2 (25/100) grains or less of explosive compounds are used, the sale and use of which shall be
3 permitted at all times.

4 **State Law reference**— Authorizing city to regulate and prohibit the use of fireworks, § 3-1811
5 NMSA 1978.

6 **12-3.2 - Manufacture, sale and discharge of fireworks.**

7 Except as hereinafter provided it shall be unlawful to manufacture, sell, offer to sell, own,
8 possess or discharge any fireworks within the city.

9 **Section 2. Section 12-3.3 of SFCC 1987 (being SFCC 1981, § 7-4-3) is amended**
10 **to read:**

11 **12-3.3 - Public display.**

12 A. The fire department shall apply the terms of the most recently adopted version of the IFC,
13 as specified in 12-1.2, and may adopt additional reasonable rules and regulations for the
14 granting of permits for supervised and controlled public displays of fireworks by the city,
15 a civic organization, amusement park or other organization or group of individuals
16 approved by the fire department. Such permits shall be granted on application to the fire
17 department and upon recommendation for approval by the fire chief or chief's designee
18 and governing body [.] approval.~~[.] by the governing body, and the filing of a bond by the~~
19 ~~applicant as herein provided.]~~ Permit approval does not require legislation.

20 B. Every such display shall be handled by a certified, competent operator duly approved by
21 the fire department and shall be of such composition, character, and so located, discharged
22 or fired, as, in the opinion of the department, not to be hazardous to property or endanger
23 life.

24 ~~[B]~~C. Application for permits shall be made in writing at least thirty (30) days in advance of the
25 date of the display. After the permit has been granted, the sale, possession, use and

1 distribution of fireworks for such display shall be lawful for that purpose only. No such
2 permit granted shall be transferable.

3 [~~C. Applicants for permits shall furnish a bond of not less than one thousand dollars (\$1,000)~~
4 ~~conditioned on compliance with this section and the rules and regulations of the fire~~
5 ~~department. The bond shall be approved by the city attorney. The city shall not be required~~
6 ~~to file a bond.]~~

7 D. Before any permit for fireworks display shall be issued, the applicant shall furnish proof
8 of financial responsibility to satisfy any claims for damages to property or personal
9 injuries arising out of any act or omission on the part of the applicant or any agent or
10 employee in such amount, character and form as the city attorney determines necessary
11 for the protection of the public.

12 E. The certified operator shall dispose of any fireworks that remain unfired after an approved
13 display is concluded, as soon as possible after the display, in a manner safe for the particular
14 type of fireworks and approved by the fire department.

15 **Section 4. Section 12-3.4 (being SFCC 1981, § 7-4-4) is amended to read:**

16 **12-3.4 - Other permitted activities.**

17 A. Any person may sell, offer to sell, or store for sale safe and sane fireworks by obtaining a
18 permit as provided in subsection 12-3.5 of this Chapter.

19 B. Wholesalers and jobbers may sell dangerous fireworks; provided, that they are shipped out-
20 of-state in accordance with the interstate commerce commission and department of
21 transportation regulations covering the transportation of explosives and other dangerous
22 articles by motor, rail and water. Wholesalers and jobbers shall store their supplies of
23 fireworks in accordance with [~~Section 12.6 of the Fire Prevention Code adopted by Section~~
24 ~~122 of this Chapter]~~ the terms of the most recently adopted version of the IFC, as specified
25 in 12-1.2. Wholesalers and jobbers selling dangerous fireworks shall obtain a permit from

1 the fire department and pay an annual fee of five hundred dollars (\$500) to the city
2 treasurer.

3 C. This section does not prohibit the use of fireworks by railroads or other transportation
4 agencies for signal purposes or illumination, the sale or use of blank cartridges for a show
5 or theater, for signal purposes in athletics or sports or for use by military organizations.

6 **Section 5. Section 12-3.5 through 12-3.8 (being SFCC 1981, § 7-4-4) are included for**
7 **reference without amendments:**

8 **12-3.5 - Permit for sale or possession of fireworks.**

9 A. Any person intending to sell, offer to sell or store for sale any safe and sane fireworks shall
10 first obtain a permit by:

11 (1) Filing a written application on a form approved by the fire department which shall
12 include the name and address of the wholesaler or jobber selling the fireworks and
13 by paying a fee to the city treasurer in the following amounts:

14 (a) Wholesalers, one hundred dollars (\$100.00); and

15 (b) Retailers, fifty dollars (\$50.00);

16 (2) Demonstrating to the satisfaction of the fire department that the items to be handled
17 under the permit comply with the terms and intent of this section; and

18 (3) Certifying that no person under the age of sixteen (16) years shall be permitted by
19 the applicant to sell or offer to sell any fireworks.

20 B. Any permit granted under this subsection to any person, wholesaler or jobber shall be for
21 a period of one (1) year.

22 C. Any permit granted under this subsection to any person other than a wholesaler or jobber
23 shall authorize the possession of safe and sane fireworks for the period of June 10 through
24 July 15 of each year and the sale and display of such fireworks for the period of June 20
25 through July 5 of each year.

1 D. Any permit granted hereunder shall be valid only for the calendar in which issued and
2 only for the premises or location for which issued. No permit shall be transferable,
3 assignable or automatically renewable.

4 **12-3.6 - Sale, possession or use restricted to certain persons.**

5 A. It is unlawful to sell, offer to sell or give any fireworks to any person under sixteen (16)
6 years unless they are accompanied by a parent or guardian.

7 B. Persons over the age of sixteen (16) years may purchase, use and possess safe and sane
8 fireworks.

9 **12-3.7 - Restrictions.**

10 A. No fireworks approved for sale shall be stored, possessed or used within fifty feet (50') of
11 gasoline or other flammable liquids unless such liquids are sealed in metal containers of
12 not more than one (1) gallon capacity.

13 B. No fireworks shall be sold except from within a permanent structure at a recognized
14 business location. The construction or use of fireworks stands outside of a permanent
15 structure is prohibited.

16 **12-3.8 - Seizure of fireworks.**

17 The fire department shall seize, take, remove or cause to be removed at the expense of the
18 owner all stocks of dangerous fireworks offered or exposed for sale, stored or held in violation of
19 this section.

20 **Section 5. Section 12-3.9 (being SFCC 1981, § 7-4-4) is amended to read:**

21 **12-3.9 Restrictions on the sale and use of fireworks.**

22 A. The sale and use of the following fireworks are prohibited during extreme or severe drought
23 conditions, based on current drought indices published by the national weather service:

24 (1) Aerial devices, such as

25 a) Ariel 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.

(2) Ground audible devices, such as

- a) Chasers; and
- b) Firecrackers.

B. The use of all fireworks is prohibited within any lands covered wholly or in part by timber, brush, or native grass.

C. The above restrictions do not apply to public displays of fireworks in strict conformance with the requirements and conditions set forth in subsection 12-3.3 SFCC 1987 and as approved by the city of Santa Fe fire chief or the fire chief's designee.

D. The governing body may implement additional restrictions during severe or greater drought conditions pursuant to Section 60-2C-8.1 NMSA 1978.

E. Penalties.

(1) Any individual, firm, partnership, or other entity found in violation of this section shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars (\$500.00), or both.

(2) Each and every occasion on which this section is violated shall be considered a separate offense.

1 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2024.

2 APPROVED AS TO FORM:

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4 _____

5 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2024/Bills/Changing Fireworks Display Requirements*