

RESOLUTION NO. 2026-23

FIRE WORK BAN IN THE TOWN OF ESTANCIA

**DECLARING DANGEROUS FIRE CONDITIONS WITHIN THE TOWN LIMITS;
TEMPORARILY BANNING AND RESTRICTING CERTAIN FIREWORKS AND FIREWORK-
RELATED ACTIVITIES TO THE EXTENT AUTHORIZED BY NEW MEXICO LAW; AND
ESTABLISHING AN EFFECTIVE PERIOD.**

WHEREAS, the Governing Body of the Town of Estancia has the responsibility to protect the health, safety, welfare, property, and public peace of the residents, businesses, visitors, and public facilities within the incorporated limits of the Town; and

WHEREAS, the Town of Estancia is currently experiencing dangerous fire conditions due to drought, dry vegetation, high temperatures, low humidity, wind, and other conditions that increase the risk of grass fires, structure fires, wildland fires, and damage to persons and property; and

WHEREAS, the Governing Body finds that the use of fireworks during these dangerous fire conditions creates an increased risk of ignition, fire spread, property damage, injury, and strain on local fire and emergency response resources; and

WHEREAS, NMSA 1978, Section 3-17-1 authorizes municipalities to adopt resolutions and ordinances for the purpose of exercising municipal powers and protecting public safety, health, welfare, order, and property; and

WHEREAS, NMSA 1978, Section 3-18-11 authorizes municipalities to adopt regulations for the prevention of fire, to regulate and prevent combustible or explosive hazards, and to regulate and prevent the use of illuminating flames and the building of bonfires; and

WHEREAS, NMSA 1978, Section 60-2C-7 recognizes that municipalities may regulate and prohibit the sale or use of aerial devices and ground-audible devices as those terms are used in the New Mexico Fireworks Licensing and Safety Act; and

WHEREAS, the Governing Body recognizes that NMSA 1978, Section 60-2C-8.1 contains certain timing requirements for drought-based fireworks proclamations, and this Resolution is intended to operate as a temporary fire-prevention and public-safety measure to the fullest extent otherwise authorized by New Mexico law and any applicable Town ordinance; and

WHEREAS, the Governing Body further finds that the Town may restrict the ignition, discharge, or use of fireworks on Town-owned property, Town parks, Town facilities, streets,

alleys, sidewalks, rights-of-way, easements, and other municipally controlled property;
and

WHEREAS, the Governing Body desires to adopt a temporary firework ban and firework restriction within the Town of Estancia in order to reduce immediate fire danger and protect life, health, safety, property, and emergency response resources.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF ESTANCIA, NEW MEXICO, THAT:

1. The Governing Body hereby finds and declares that dangerous fire conditions exist within the incorporated limits of the Town of Estancia and that immediate temporary restrictions on certain fireworks and firework-related activities are necessary to protect the public health, safety, welfare, and property of the Town and its residents.
2. During the effective period of this Resolution, and to the extent authorized by New Mexico law and any applicable Town ordinance, the following are prohibited within the incorporated limits of the Town of Estancia:
3. The use, possession with intent to discharge, ignition, or discharge of aerial devices, including but not limited to aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple-tube devices, roman candles, shells, and stick-type rockets;
4. The ignition, discharge, or use of any fireworks in or near wildlands, vacant lots, open fields, dry grass, weeds, brush, combustible vegetation, or other areas where fire spread may occur;
5. The ignition, discharge, or use of any fireworks within a distance determined unsafe
- by law enforcement, fire personnel, code enforcement, or other authorized Town personnel due to dry fuels, structures, vehicles, propane tanks, fuel storage, public infrastructure, or other fire hazards

Any firework not otherwise prohibited by New Mexico law, Town ordinance, or this Resolution is strongly discouraged during the effective period of this Resolution.

If any otherwise permissible firework is used, it shall only be used:

- A. On a paved or barren surface;
- B. Away from dry grass, weeds, brush, structures, vehicles, fuel sources, or other combustible materials;
- C. With a readily accessible water source, charged water hose, or fire extinguisher immediately available;
- D. Under adult supervision; and

E. In a manner that does not create a fire hazard, nuisance, threat to public safety, or unreasonable risk to persons or property.

This Resolution shall not prohibit a public firework display that has been specifically approved in writing by the Town of Estancia, the Fire Chief, Fire Marshal, Town Marshal, or other authorized official, provided that adequate fire protection, site control, emergency access, water supply, and safety measures are in place.

NO CONFLICT WITH STATE LAW.

This Resolution shall be interpreted and enforced in a manner consistent with the New Mexico Fireworks Licensing and Safety Act and all other applicable state laws. Nothing in this Resolution shall be interpreted to prohibit conduct that the Town is not authorized to prohibit under New Mexico law.

EFFECTIVE PERIOD.

This Resolution shall take effect immediately upon passage and approval and shall remain in effect until July 29, 2026, unless earlier modified, extended, or rescinded by the Governing Body of the Town of Estancia.

PUBLIC NOTICE.

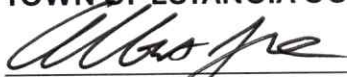
The Town Clerk or Deputy Clerk is directed to post notice of this Resolution at Town Hall, on the Town's website and social media pages if available, and to provide notice to local law enforcement, fire agencies, dispatch, Torrance County.

SEVERABILITY.

If any section, sentence, clause, phrase, or portion of this Resolution is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Town of Estancia, New Mexico, this 30th day of June, 2026.

TOWN OF ESTANCIA GOVERNING BODY


Albert Lovato, Mayor Pro-Tem

ATTEST: 
Roy Hubbard, Deputy Clerk

