

**ORDINANCE NO. 2019-21**

**AN ORDINANCE ADOPTING AMENDMENTS  
TO THE CARLSBAD CODE OF ORDINANCES,  
CHAPTER 20 – FIRE PREVENTION AND  
PROTECTION ORDINANCE, PURSUANT TO  
CODE OF ORDINANCES SECTION 1-9 AND  
SECTION 3-17-1 AND 3-18-1 NMSA 1978.**

WHEREAS, in Section 3, Article 17 NMSA 1978, the State of New Mexico enables municipalities to adopt ordinances and resolutions not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants. Section 3, Article 18 NMSA 1978 states that a municipality may protect generally the property of its municipality and its inhabitants; and

WHEREAS, the City of Carlsbad has adopted Ordinance No. 1016, known as Article III “Fireworks Licensing and Safety Ordinance”, and incorporated into the Code of Ordinances under Chapter 20, Fire Prevention and Protection Ordinance, to govern the sale and possession of permissible fireworks within the Carlsbad city limits; and

WHEREAS, Chapter 1, Section 9 of the Carlsbad Code of Ordinances, provides a process for amending the text of this Fire Prevention and Protection Ordinance; and

WHEREAS, the Planning Department, along with City Administration, the Carlsbad Fire Department, and the City’s Legal Department, had compiled suggested changes and prepared a revised version of the Fireworks Licensing and Safety Ordinance within Chapter 20, the Fire Prevention and Protection Ordinance, containing proposed amendments to the text of this Ordinance; and

WHEREAS, on April 23, 2019, the Carlsbad City Council considered the proposed amendments during a public hearing; and

WHEREAS, the Council voted to approve and adopt the proposed amendments to Section 20 of the Carlsbad Code of Ordinances, the Fire Prevention and Protection Ordinance; and

WHEREAS, legal notification of the adoption of this ordinance has been provided in accordance with Sec. 3-17-3 NMSA 1978;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that Code of Ordinances Chapter 20, Fire Prevention and Protection, is hereby amended as stated above.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 23rd day of April, 2019.

*/s/Dale Janway*

---

DALE JANWAY, MAYOR

ATTEST:

*/s/Nadine Mireles*

---

CITY CLERK