

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. DISCHARGE OF FIREARMS**Sec. 24-19. Illegal discharging of firearms in Bosque area.**

(a) *Discharge illegal.* It shall be illegal to discharge a firearm within the county in the following bounded geographical area: the area known as the Sandoval County Bosque area which runs along the Rio Grande River, bounded on the north by the Santa Ana Reservation, and bounded on the south by the Sandia Reservation, all as more particularly shown on the map attached to the ordinance from which this article is derived and available in the county administrative offices.

(b) *Exception for peace officers.* The provisions set forth in subsection (a) of this section shall not be construed to forbid peace officers from carrying, wearing or discharging such weapons as shall be necessary in the proper discharge of their duties.

(c) *Exception for wildlife conservation officers.* The provisions set forth in subsection (a) of this section shall not be construed to forbid wildlife conservation officers from carrying, wearing or discharging such weapons as shall be necessary in the proper discharge of their duties.

(Ord. No. 99-3-18.8, § 1, 3-18-1999)

Sec. 24-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means any handgun, rifle, shotgun or any weapon which will or is designated to or may readily be converted to expel a projectile by the action of an explosion, including the frame, receiver, muffler or silencer of any such weapons.

(Ord. No. 99-3-18.8, § 3, 3-18-1999)

Sec. 24-21. Prohibited discharge in certain urban areas.

(a) The county commission herewith ordains that:

- (1) The negligent use of firearms is prohibited in this area of the county, which has greatly increased in population: the area of the county extending north from the Sandoval County/Bernalillo County line to Highway 550, extending west to the Rio Puerco and extending east to the municipal limits of the Town of Bernalillo and the City of Rio Rancho (excluding municipalities and tribal lands).

(2) The negligent use of firearms consists of:

- a. Discharging a firearm or gun within these geographical limits without legal justification;
- b. Carrying or having within one's reach or immediate grasp, a firearm while under the influence of an intoxicating liquor or other drug; or
- c. Endangering the safety of another or his property by handling or using a firearm or other deadly weapon in a negligent manner.

(b) The provisions of subsection (a) of this section shall not be construed to forbid peace officers from carrying, wearing or discharging such weapons as shall be necessary in the proper discharge of their duties.

(c) This section shall not be construed to prohibit target firing on ranges that are permitted by the county and meet all applicable federal and state requirements. However, the discharge of such firearm must be completely contained within the limits of the firing range.

(d) Nothing herein shall be construed to contradict or abrogate the rights granted to the citizens of the state in article II, section 6 of the New Mexico Constitution nor shall any provision of this article be construed to abrogate the rights granted by NMSA 1978, § 77-1-2 that permits the owner of livestock to kill any dog or other predators upon the livestock owner's property that are attacking their livestock.

(e) Violation of this section shall be a misdemeanor. However, nothing herein shall be construed to limit the discretion of a peace officer to charge an individual violating this section with any additional and appropriate charges.

(Ord. No. 03-06-05.14A, 6-5-2003)

Secs. 24-22—24-45. Reserved.

ARTICLE III. SMOKING

Sec. 24-46. Title.

This article may be cited as the "Sandoval County Smoking Ordinance."
(Ord. No. 96-05-02.8, § I, 5-2-1996)

Sec. 24-47. Declaration of policy and intent; public health and well-being.

The county commission finds and declares that smoking of tobacco in public places is a danger to the health of others and that smoking should be limited. The county commission further declares its intention to protect the public health from such hazards in the county courthouse.

(Ord. No 96-05-02.8, § II, 5-2-1996)

Sec. 24-48. Authority.

The authority for this article is contained in NMSA 1978, §§ 4-37-1 and 24-16-1 to 24-16-11.

(Ord. No. 96-05-02.8, § III, 5-2-1996)

Sec. 24-49. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Place of employment means any enclosed area in the county courthouse, including, but not limited to, work areas, employee lounges, conference rooms and eating areas.

Public meeting means any meeting required by law to be an open meeting.

Public place means any enclosed indoor area in the county courthouse.

Smoke or smoking means the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

Smoking-permitted area means that portion of a public place in which smoking is permitted.

(Ord. No. 96-05-02.8, § IV, 5-2-1996)

Sec. 24-50. Penalties.

Violation of this article will be a petty misdemeanor, resulting in a \$25.00 fine. Prosecution under this article may be initiated either by citation or complaint.

(Ord. No. 96-05-02.8, § VIII, 5-2-1996)

Sec. 24-51. Prohibited smoking.

It is unlawful for any person to smoke in a public place or at a public meeting except in smoking permitted areas.

(Ord. No. 96-05-02.8, § V, 5-2-1996)

Sec. 24-52. Permitted smoking areas.

The following areas are designated as permitted-smoking areas:

- (1) The smoking lounge within the county courthouse. One fully-enclosed room, equipped with a ventilation fan, within the confines of the county courthouse will be designed as a smoking area.
- (2) Smoking and nonsmoking areas for employees and detainees of the county detention facility will be regulated by the director of detention.

(3) The judicial building is a nonsmoking facility unless a smoking area is designated by the district judges. The county will provide appropriate signs.

(4) Smoking or nonsmoking will be designated by the proprietor of any space leased by the county.

(Ord. No. 96-05-02.8, § VI, 5-2-1996)

Sec. 24-53. Required signs.

To advise persons that county buildings are nonsmoking facilities, except for designated smoking lounges, signs will be posted as follows:

(1) A sign using the words "Smoking Not Permitted" or the international smoking symbol, or both, will be conspicuously posted either on all public entrances or in a position where it is clearly visible upon entry into the building.

(2) A sign will be displayed on the smoking lounge door, or other designated area, which conspicuously indicates:

"Smoking Lounge. Smoking is expressly prohibited in all other areas of this building. Violations are a misdemeanor and cause for citation."

(Ord. No. 96-05-02.8, § VII, 5-2-1996)