

SANDOVAL COUNTY ORDINANCE NO. 03-06-05.14A

BANNING THE DISCHARGE OF FIREARMS IN CERTAIN

URBANIZED AREAS OF SANDOVAL COUNTY

WHEREAS, the Sandoval County Commission may legally regulate the use of weapons within its jurisdiction except as limited by the New Mexico Constitution; and

WHEREAS, the area of Sandoval 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) has greatly increased in population; and

WHEREAS, the public health, safety and welfare are significantly harmed and are at risk from the negligent use and discharge of firearms.

THEREFORE, based upon the foregoing, the Sandoval County Commission herewith ordains that the negligent use of firearms is prohibited in this area of the County.

1. The negligent use of firearms consists of discharging a firearm or gun within these geographical limits without legal justification; or
2. Carrying or having within one's reach or immediate grasp, a firearm while under the influence of an intoxicating liquor or other drug; or
3. Endangering the safety of another or his property by handling or using a firearm or other deadly weapon in a negligent manner.
4. The provisions set forth above 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.
5. This provision shall not be construed to prohibit target firing on ranges that are permitted by Sandoval 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.
6. Nothing herein shall be construed to contradict or abrogate the rights granted to the citizens of New Mexico in Article II, Section 6 of the New Mexico Constitution nor shall any provision of this Ordinance be construed to abrogate the rights granted by NMSA §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.
7. Violation of this Ordinance shall be a misdemeanor and may carry a sentence of confinement of less than one (1) year or payment of a fine of not more than \$1,000.00, or both in the discretion of the judge. However, nothing herein shall be construed to limit the discretion of a peace officer to charge an individual violating this Ordinance with any additional and appropriate charges.

8. If any section, subsection, sentence, clause, word or phrase is held to be unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, word or phrase shall not invalidate the constitutionality of the remaining portions of this Ordinance.
9. Because of the grave risk to the public health and safety, this Ordinance is deemed to be an emergency and shall become effective immediately upon its passage by the Board of County Commissioners of Sandoval County, New Mexico