

County fireworks ordinance could be amended

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(Photo: Josh Bachman/Sun-News)

LAS CRUCES — The Doña Ana County Board of Commissioners (<https://donaanacounty.org/commissioners>) will consider amendments to the county's fireworks ordinance (<http://ecode360.com/9976988>) even though at least two of the five commissioners accepted campaign contributions from a fireworks vendor who stands to benefit from any changes.

The commission voted 4-1 Tuesday to approve the publication of proposed amendments (https://donaanacounty.org/sites/default/files/agendas/BOCC_2017-03-14_packet.pdf) to the ordinance which could allow for the sale of aerial fireworks by specialty retailers to people who live outside Doña Ana County. The commission will consider the amendments, and possibly more, at its April 11 meeting, at the Doña Ana

County Government Center.

During Tuesday's commission meeting, Commissioners John Vasquez and Isabella Solis said they received \$2,500 in campaign donations from Bowlin Travel Centers Inc. (<http://www.bowlintc.com/>), a specialty retailer who is allowed to sell fireworks year-round because the business caters to tourists. Commissioner Ramon Gonzalez, a former mayor of Anthony, was credited for helping another specialty retailer, Diablo Fireworks (<http://diablofireworks.com/>), establish its business in Anthony.

But Vasquez and Solis said they could be objective in considering any changes to the ordinance. Gonzalez and Commissioner Ben Rawson agreed, despite concerns raised by Commissioner Billy Garrett, who was the lone commissioner to vote against publication of the proposed amendments.

"We need to be transparent, we need to be accountable," Vasquez said. "I'm all for transparency and accountability. (But) I'm trying to create a fair business environment."

Solis said, "I received contributions from Bowlin of \$2,500. I could have used my own money to finance my campaign. I don't think it would create any problems."

But Garrett wasn't convinced.

"I just think \$2,500 is a huge amount," Garrett said. "It could create a public perception of pay for play."

Rawson didn't see it that way.

"I don't think (Bowlin) did it to buy favoritism," said Rawson, of the contributions to Vasquez and Solis. "I don't see that as a conflict."

Public comments at Tuesday's commission meeting were split. Some said they had concerns the amendments could compromise public safety and diminish enforcement of the ordinance. But others countered that amending the ordinance would create jobs and be a stimulus for economic development in the county.

Since 2008, Doña Ana County has had a "Safe and Sane" fireworks ordinance in effect that prohibits aerial fireworks, including spinners, helicopters, mines, missile-type rockets, multiple tube devices, Roman candles, shells, stick-type rockets, and ground-audible devices such as chasers and firecrackers.

But other ground-audible fireworks, including fountains, sparklers, smokeballs, snake-type fireworks, ground-spinning fireworks, pinwheels, most novelty fireworks, toy-trick noisemakers, and some crackling items are allowed to be sold and discharged.

Kip Johnson, vice president of operations for Bowlin, said the company's campaign contributions to Vasquez and Solis were "steeped in the notion of business support."

"We see this as a very small move in support of the business environment," Johnson said.

Johnson added Bowlin has lost \$300,000 a year from the inability to sell aerial fireworks to tourists and non-county residents. Amending the county's fireworks ordinance could restore a sizable amount of lost revenues.

"That would restore about 95 percent of those sales," Johnson said. "Most of those sales would come from tourists driving up and down the

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Jimmy Nevarez, owner of Planet Fireworks, in Las Cruces, and Diablo Fireworks in Anthony, said he, too, contributed to the commissioners' campaigns.

"We need a better business-friendly commission," Nevarez said.

Nevarez also suggested the commission consider another amendment to limit the number of permanent vendors who could sell aerial fireworks to tourists and non-county residents. But County Attorney Nelson Goodin warned the commission doing so could create legal problems.

Eric Crespin, acting Doña Ana County fire marshal, said while the potential economic benefits to the county are understandable, he couldn't endorse amending the ordinance.

"If I remain silent that could be perceived that I support it," Crespin said. "I must advise you (the commission) of the problems that could come from this."

Vasquez said aerial fireworks are allowed in Mesilla, Hatch and Anthony.

Las Cruces' Safe and Sane fireworks ordinance will remain in effect, and aerial fireworks will continue to be prohibited. Mayor Ken Miyagishima said, "I don't see any reason to change. County residents, as well as city residents, still won't be able to purchase aerals. If people from outside the county try to come into Las Cruces and light those fireworks we'll stop them, and we'll give them a citation."

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