



CITY OF RIO COMMUNITIES

FROM THE OFFICE OF THE MAYOR

PROCLAMATION Regarding Fireworks Ban and Restricted Use During Severe Drought

WHEREAS, Ninety-nine percent (99%) of the state of New Mexico is now in drought conditions, with 10% in moderate drought, 43% in severe drought, 37% in extreme drought and 9% in exceptional drought; and

WHEREAS, Valencia County is in the middle of the severe drought area; and

WHEREAS, drought, combined with high wind conditions has caused the fire season to begin in April of 2018, with wildfire blazes around Tijeras, Capitan and Grants, and with bosque fires in the Albuquerque area; and

WHEREAS, Bernalillo County Commissioners have already banned open fires, campfires and smoking in unincorporated areas of Bernalillo County; and

WHEREAS, The United States Forest Service has declared Stage 1 fire restrictions within the Mountainair Ranger District of Cibola National Forest; and

WHEREAS, the National Weather Service forecasts temperatures in central New Mexico to continue to range from above to well above average temperatures; and

WHEREAS, the National Oceanic and Atmospheric Administration (NOAA) National Weather Service has forecast drought conditions in this area to persist through July 19; and

WHEREAS, continued heavy fuel loading, low humidity, heat and wind increase the danger of wild land, brush, and grass fires, which pose an extremely high fire risk in and around the City of Rio Communities; and

WHEREAS, these fires would threaten homes and structures, putting the health and safety of our residents at risk; and

WHEREAS, pursuant to the New Mexico Fireworks Licensing and Safety Act, Section 60-2C-1 et. seq. NMSA 1978, as amended, the City of Rio Communities is authorized to ban or restrict the use

and sale of certain fireworks when extreme or severe drought conditions exist as determined by the National Weather Service indices and other relevant information supplied by the United States Forest Service; and

WHEREAS, New Mexico Statutes Annotated (NMSA) 60-2C-8.1B (1999) states that the governing body of a municipality, based on current drought indices published by the national weather service, shall “issue a proclamation declaring extreme or severe fire conditions within the boundaries of the incorporated municipality”, and the proclamation (NMSA 60-2C-8.1B.1) “shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices within the affected drought area”; and (NMSA 60-2C-8.1B.2) “shall give the governing body the power to: (NMSA 60-2C-8.1B2a) limit the use within its jurisdiction of any fireworks not listed in paragraph (1) to areas that are paved or barren or that have a readily accessible source of water for use”, and (NMSA) 60-2C-8.1B 1B2c) to “ban or restrict the sale or use of display fireworks”, and (NMSA 60-8.1C) The proclamation “shall be issued no less than 20 days prior to a holiday for which fireworks may be sold,”.

NOW THEREFORE, BE IT HEREBY ORDAINED that the City of Rio Communities declares a severe drought condition exists in our municipality and high fire risk hazards represent a significant and immediate threat to the safety, health and welfare to the residents of Rio Communities; and,

THEREFORE, in accordance with State Statute and City Ordinance 2013-13, the sale and use of permissible aerial and ground audible fireworks are banned within the city limits for 30 days from the date of proclamation enactment. Banned fireworks are aerial spinners; helicopters; mines; missile-type rockets; roman candles; shells; stick-type rockets and ground audible chasers and firecrackers; and,

THEREFORE, in accordance with State Statute and City Ordinance 2013-13, the use of permissible fireworks is restricted within the city limits for 30 days from the date of proclamation enactment. Restricted fireworks are cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, and wheels, which may only be used in areas that are paved, barren or have an accessible source of water for use by the homeowner or the general public; and,

THEREFORE, any **City** approved display of fireworks requires a written permit from the City, and the display fireworks shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of Treasury, pursuant to NMSA 60-2C-9,1978.

Duly Proclaimed this 12th Day of June 2018.

Mark Gwinn, Mayor