

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 6-5-14.10

1. REQUESTED MOTION

ACTION REQUESTED:

Adopt Proclamation/Resolution No. 6-5-14.10 Banning and Restricting the Use or Sale of Certain Fireworks in the Unincorporated Areas of Sandoval County

WHY ACTION IS NECESSARY (Summary):

Sandoval County is in extreme fire danger and needs to take action to restrict certain fireworks to prevent fires.

2. REQUESTOR

COMMISSIONER SPONSORED: YES NO

DISTRICT: DISTRICT 1 DISTRICT 4
 DISTRICT 2 DISTRICT 5
 DISTRICT 3

DIRECTOR / ELECTED: James Maxon, Fire Chief

DIVISION: Fire/EMS

ELECTED OFFICE:

ATTACHMENTS: YES NO

3. MEETING DATE

June 5, 2014

4. AGENDA (To be completed by County Manager)

- PROCLAMATION
- PRESENTATION
- CONSENT
- REGULAR
- APPEAL

5. RECOMMENDATIONS

Recommend adoption of Proclamation/Resolution banning and restricting the use of certain fireworks in Sandoval County.

6. FISCAL IMPACT

None

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form ND	Finance Budget	County Manager PPR	Other
JHM 5/21/14	_____	_____	ND 5/28/14	_____	PPR 5/30/14	_____

8. COMMISSION ACTION

Approved Denied Deferred Other



SANDOVAL COUNTY
BOARD OF COMMISSIONERS
PROCLAMATION/RESOLUTION NO. 6-5-14.10

**BANNING AND RESTRICTING THE USE OR SALE OF CERTAIN
FIREWORKS IN UNINCORPORATED AREAS OF THE COUNTY**

WHEREAS, the fire danger is the most severe it has been in many years in the unincorporated areas of Sandoval County and surrounding jurisdictions; and

WHEREAS, data obtained through the National Weather Service, the U.S. Forest Service and the New Mexico State Forester, indicate severe drought conditions exist; and

WHEREAS, the risk to life, property and the environment clearly exists within the unincorporated areas of Sandoval County, due to the severe drought conditions; and

WHEREAS, the possibility of extreme fire situations will severely burden local, state and federal resources; and

WHEREAS, the 4th of July weekend is approaching and fireworks are traditionally used to celebrate; and

WHEREAS, fireworks are another source of ignition in the severely dry, drought conditions currently existing in Sandoval County; and

WHEREAS, NMSA Section 60-2C-8.1(E)(F)(G) and (H) authorizes local governing bodies of counties to ban the use of fireworks in severe or extreme drought conditions; and

WHEREAS, fireworks are defined in the Fireworks Licensing and Safety Act NMSA 60-2C-2 as amended, as a device intended to produce a visible or audible effect by combustion, deflagration or detonation, and

CONTINUATION PAGE 2, PROCLAMATION/RESOLUTION NO. 6-5-14.10 BANNING AND RESTRICTING THE USE OR SALE OF CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF THE COUNTY.

WHEREAS, the Board of County Commissioners of Sandoval County have held a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of Sandoval County affected by extreme or severe drought restrictions.

NOW THEREFORE, IT IS HEREBY PROCLAIMED by the Board of County Commissioners of Sandoval County that a severe drought condition exists which affects the safety and welfare of Sandoval County citizens and their property, and therefore:

1. Bans the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the unincorporated areas of Sandoval County.
2. Limits the use of ground and hand-held sparkling and smoke device type fireworks, as identified and defined in NMSA Section 60-2C-7(A)(1), within the unincorporated areas of Sandoval County to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or general public.
3. Bans the use of all fireworks in all of the wildlands in the unincorporated area of Sandoval County.
4. Bans the sale or use of display fireworks in the unincorporated area of Sandoval County.

The limitations and bans contained hereinabove shall be in effect for the next thirty (30) days. This Proclamation/Resolution shall go into effect on June 9, 2014.

CONTINUATION PAGE 3, PROCLAMATION/RESOLUTION NO. 6-5-14.10 BANNING AND RESTRICTING THE USE OR SALE OF CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF THE COUNTY.

APPROVED AND ADOPTED this 5th day of June 2014.

**BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY**

Darryl F. Madalena, Chair

Orlando J. Lucero, Vice Chair

Nora Scherzinger, Member

Don Chapman, Member

Glenn Walters, Member

APPROVED AS TO FORM:

ATTEST:

Patrick F. Trujillo, County Attorney

Eileen Garbagni, County Clerk