

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 6-15-15.3

1. REQUESTED MOTION

ACTION REQUESTED:

Adopt Proclamation/Resolution No. 6-15-15.3 Banning and Restricting the Use or Sale of Certain Fireworks in Unincorporated Areas of the County

WHY ACTION IS NECESSARY (Summary):

The fire danger is significant in the unincorporated areas of Sandoval County. The possibility of extreme fire situations will severely burden local, state and federal resources. Governor Martinez is urging counties to take action and impose restrictions on the use of fireworks and ban certain types of fireworks due to extreme drought conditions.

2. REQUESTOR

COMMISSIONER SPONSORED: YES NO

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

DIRECTOR / ELECTED: Fire Chief James Maxon

DIVISION: Fire/EMS

ELECTED OFFICE:

ATTACHMENTS: YES NO

3. MEETING DATE

June 15, 2015

4. AGENDA (To be completed by County Manager)

- PROCLAMATION
- PRESENTATION
- CONSENT
- REGULAR
- APPEAL

5. RECOMMENDATIONS

Recommend Board of County Commission approval.

6. FISCAL IMPACT

N/A

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form PFT	Finance Budget	County Manager PPR	Other
JHM 6/11/15	_____	_____	6/11/15	_____	6/11/15	_____

8. COMMISSION ACTION

Approved Denied Deferred Other



SANDOVAL COUNTY

PROCLAMATION/RESOLUTION NO. 6-15-15.3

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

WHEREAS, the fire danger is significant 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 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 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 dry 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; 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

WHEREAS, New Mexico Governor, Susana Martinez, issued a letter to local governments on June 5, 2015, encouraging them to impose fireworks restrictions where appropriate; and

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 drought conditions exist 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 15, 2015.

APPROVED AND ADOPTED this 15th day of June 2015.

**BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY**

Darryl F. Madalena, Chairman

James Dominguez, Vice Chairman

Nora Scherzinger, Member

Don Chapman, Member

Glenn Walters, Member

ATTEST:

Eileen Garbagni, County Clerk

APPROVED AS TO FORM:

Patrick F. Trujillo, County Attorney



State of New Mexico

Susana Martinez
Governor

June 5, 2015

Dear Local Leader,

Although we have been experiencing a reduced risk of wildfire for this time of year, the possibility of high winds, dry conditions, and warm temperatures could lead to increased wildfire danger in some areas of our state.

Therefore, I am urging municipalities and counties to hold meetings throughout the next week to discuss whether or not a local ban on the use of fireworks is needed in your area during the Independence Day holiday.

The Fireworks Licensing and Safety Act provides local jurisdictions with the ability to impose restrictions on the use of fireworks, and ban certain types of fireworks during times of extreme and severe drought. NMSA 1978, §60-2C-1 *et seq.* In order to do so, the law specifies that the local authority must hold a public hearing and issue a proclamation to ban the use of fireworks 20 days prior to a holiday for which fireworks may be sold. NMSA 1978, §60-2C-8.1. With Independence Day less than 30 days away, the time is now for this important discussion.

Having witnessed hundreds of homes and countless thousands of acres destroyed by wildfires in New Mexico, I urge you to please hold this emergency meeting no later than Friday, June 13th, and take appropriate action, given the drought conditions and fire danger that may be present in and around your community. As state leaders, we must do everything within our power to keep New Mexicans, and their families and homes, safe.

Thank you for your service on behalf of New Mexico. Your timely attention to this matter is sincerely appreciated. I know we can work together to reduce human caused

Fireworks Licensing and Safety Act
June 5, 2015
Page 2

fires during times of increased fire danger, while celebrating the holiday festivities responsibly.

Sincerely,

A handwritten signature in black ink that reads "Susana Martinez". The signature is written in a cursive style with a large, stylized initial "S".

Susana Martinez
Governor