



## VILLAGE OF CORRALES RESOLUTION NO. 12-024

**A RESOLUTION RECOGNIZING THE EXISTENCE OF MODERATE TO EXTREME DROUGHT CONDITIONS IN THE VILLAGE OF CORRALES; PROHIBITING THE SALE OR USE OF CERTAIN FIREWORKS WITHIN THE VILLAGE DURING THE CONTINUATION OF DROUGHT CONDITIONS; PROHIBITING THE POSSESSION OR USE OF FIREWORKS IN THE CORRALES BOSQUE PRESERVE AND ON LANDS OWNED BY THE VILLAGE; AND AUTHORIZING OFFICERS OF THE VILLAGE TO ENFORCE THE PROHIBITION ON SALE OR USE OF FIREWORKS BU APPROPRIATE ACTION.**

WHEREAS, the statutes of the State of New Mexico, and specifically Sections 60-2C-8.1(A) through (D), NMSA 1978, provide that a municipality may impose restrictions upon the sale and use of fireworks if the municipality determines that extreme or severe drought conditions exist, and may extend such restrictions for so long as the said conditions exist; and

WHEREAS, the Village Council, the Governing Body of the Village of Corrales (the "Governing Body" of the "Village") by its Proclamation No. 12-03, adopted on May 22, 2012, has determined that moderate to extreme drought conditions exist within the Village and are likely to continue; and

WHEREAS, the use of fireworks of all kinds presents a serious possibility for the ignition of fires which, under present drought conditions, may spread rapidly and become a serious threat to the health, safety and security of the inhabitants of the Village; and

WHEREAS, the Governing Body finds that it is incumbent upon the Village to impose restrictions upon the sale and use of fireworks in the Village, to the maximum extent permitted by law, in order to reduce the risk of fires which pose an imminent threat to the health and safety of the residents of Corrales and a threat of severe damage to structures, crops, animals, and natural vegetation in the Village; and

WHEREAS, the Governing Body by Proclamation No. 12-03 has prohibited the sale and use of aerial devices and ground audible devices in the Village, and has further authorized the imposition of additional restrictions on the sale, possession and use of fireworks as provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES THAT:**

1. The sale or use of aerial devices and ground audible devices, including but not limited to aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-

type rockets, multiple tube devices, roman candles, shells, stick-type rockets, chasers and firecrackers, as those terms are defined in Section 60-2C-2, NMSA 1978, is hereby **PROHIBITED** on all lands, public or private, within the Village.

2. The use of ground and hand-held sparkling devices, including cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches and wheels, as those terms are defined in Section 60-2C-2, NMSA 1978, is permitted only if:

(a) the use is within a space having an area of at least four hundred (400) square feet, which space is paved or entirely barren of vegetation, and the ground or hand-held sparkling device is used or placed at least five (5) feet from the perimeter of the paved or barren area; and

(b) there is an operable garden hose or similar device within reach of the area where the fireworks are used, capable of providing water at a rate of at least four (4) gallons per minute for a continuous period of at least ten (10) minutes.

3. The use of display fireworks, as defined in Section 60-2D-2, NMSA 1978, is prohibited.

4. The possession of fireworks of all kinds, including ground and hand-held sparkling devices, whether or not legally acquired and whether or not intended for immediate use, is prohibited within the Corrales Bosque Preserve and on all lands owned by the Village, except only for the transport of legally acquired fireworks within enclosed vehicles on public roads of the Village.

5. Violation of any provision of this Resolution shall be deemed a violation of Chapter 16, Article III of the Code of Ordinances of the Village, and shall be punishable in accordance with Sections 16-58 and 1-6 of that Code. The officers of the Village, including but not limited to police officers and fire officials, shall have authority to enforce the terms of this Resolution and to take any and all actions necessary to ensure compliance with it, including, without limitation, the confiscation and destruction of any fireworks found in the possession of any individual or entity in violation of this Resolution, or being used by any individual or entity in violation of this Resolution, and the charging of any such individual or entity for imposition of criminal penalties, if appropriate, in accordance with the Code of Ordinances of the Village.

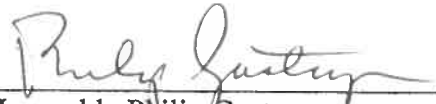
6. This Resolution and the terms hereof shall be effective immediately upon the adoption of this Resolution by the Governing Body and its posting on the Village web site, and shall remain in effect until September 30, 2012, unless terminated by affirmative action of the Governing Body determining that the conditions giving rise to the need for restrictions on the sale and use of fireworks, as set forth in Proclamation No. 12-03, are no longer in effect.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Resolution be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the

remaining provisions of this Resolution. The Governing Body of the Village of Corrales hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

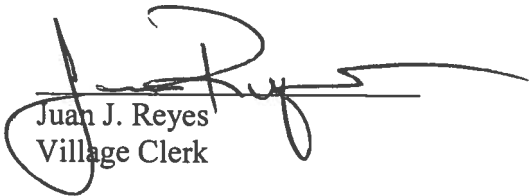
**PASSED, APPROVED, AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, upon discussion and consideration at public hearing, this 22nd day of May, 2012.

APPROVED:



The Honorable Philip Gasteyer  
Mayor, Village of Corrales

ATTEST:



Juan J. Reyes  
Village Clerk



## VILLAGE OF CORRALES PROCLAMATION NO. 12-03

**A PROCLAMATION FINDING THAT MODERATE TO EXTREME DROUGHT CONDITIONS EXIST AND ARE EXPECTED TO CONTINUE IN THE VILLAGE OF CORRALES; PROHIBITING THE SALE AND USE OF CERTAIN FIREWORKS WITHIN THE VILLAGE; AUTHORIZING THE GOVERNING BODY TO PROHIBIT THE POSSESSION OR USE OF FIREWORKS WITHIN THE CORRALES BOSQUE PRESERVE; AUTHORIZING THE GOVERNING BODY BY RESOLUTION TO PROHIBIT THE SALE OR USE OF CERTAIN ADDITIONAL TYPES OF FIREWORKS; PROVIDING FOR REAFFIRMATION OR EXTENSION OF THIS PROCLAMATION AS NECESSARY TO PROTECT THE HEALTH, SAFETY, PROPERTY AND WELFARE OF THE RESIDENTS OF THE VILLAGE.**

WHEREAS, pursuant to Section 60-2C-8.1, NMSA 1978, a part of the Fireworks Licensing and Safety Act, the governing body of a municipality may hold a hearing to determine whether fireworks restrictions should be imposed within the boundaries of the municipality if the municipality is affected by extreme or severe drought conditions; and

WHEREAS, the Village Council, the governing body ("Governing Body") of the Village of Corrales (the "Village") finds that the National Oceanic and Atmospheric Administration/National Climate Data Center ("NOAA/NCDC") Palmer Z Index, Short Term Conditions, predicts moderate drought for the area in which the Village is located; and

WHEREAS, the Governing Body further finds that the NOAA/NCDC Palmer Long-Term Drought Indices (Meteorological and Hydrological) Conditions, both predict extreme drought for the area in which the Village is located; and

WHEREAS, the Governing Body further finds that the NOAA three-month temperature outlook for June to August 2012 predicts temperatures significantly above normal for the area in which the Village is located; and

WHEREAS, the Governing Body further finds that the National Weather Service U.S. Drought Monitor shows that the area in which the Village is located is presently in a state of moderate drought; and

WHEREAS, the Governing Body further finds that the National Weather Service U.S. Drought Outlook for the period from May 17, 2012 to August 31, 2012 predicts that present drought conditions are likely to be ongoing; and

WHEREAS, New Mexico Executive Order 2012-006, issued by Governor Susana Martinez on May 11, 2012, declared that New Mexico continues to suffer through a prolonged drought and

extraordinary measures may be necessary to protect public health, ensure public safety and well-being, and provide for the economic stability of the State of New Mexico; and

WHEREAS, the Governing Body finds that so long as the foregoing drought conditions persist or are reasonably likely to persist or intensify, it is imperative in order to protect the lives, safety, property, and general welfare of the residents of and visitors to the Village that all reasonable precautions be taken to avoid the ignition or spread of fire within the Village and in other nearby areas; and

WHEREAS, the discharge or use of fireworks and, in particular, the discharge or use of fireworks that are not under the absolute and complete control of the persons using them and retained within an area where there are no combustible materials of any sort whatsoever, is likely to cause the ignition of a fire that could cause death, injury, or serious property damage within the Village.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Village Council, the Governing Body of the Village of Corrales, that:

1. The sale and use of aerial devices and ground audible devices is prohibited within the Village. The term "aerial devices" shall have the meaning assigned to it in Section 60-2C-7(A), NMSA 1978, and includes but is not limited to aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells, and stick-type rockets, as those terms are defined in Section 60-2C-2, NMSA 1978. The term "ground audible devices" shall have the meaning assigned to it in Section 60-2C-7(A), NMSA 1978, and includes but is not limited to chasers and firecrackers, as those terms are defined in Section 60-2C-2, NMSA 1978.

2. The Governing Body, by resolution duly adopted, may:

- (a) limit the use of fireworks not listed in the foregoing Paragraph 1 to areas that are paved or barren and that have a readily available source of water for use by the homeowner or the general public;
- (b) prohibit the use of fireworks within the Corrales Bosque Preserve; and
- (c) prohibit the sale or use of display fireworks, as defined in Section 60-2D-2, NMSA 1978.

3. The Governing Body, by resolution duly adopted, or the Mayor by executive order, may impose and cause the enforcement of such further restrictions on the sale, use and possession of fireworks, in any or all areas of the Village, as may be necessary and appropriate to protect the health, safety, property and welfare of the Village and its residents and visitors.


4. This Proclamation shall be effective immediately upon its adoption and posting on the Village's web site, and shall remain in full force and effect for a period of thirty (30) days thereafter. This Proclamation may be readopted, reaffirmed or extended from time to time by

action of the Governing Body as conditions warrant; provided, however, that if upon adoption, reaffirmation or extension hereof at any regular meeting of the Governing Body a period of time greater than thirty (30) days will elapse before the next regularly scheduled meeting of the Governing Body, this Proclamation as adopted, reaffirmed or extended shall remain in full force and effect until the next regular meeting of the Governing Body.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Proclamation be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Proclamation. The Governing Body of the Village of Corrales hereby declares that it would have passed this Proclamation and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, upon discussion and consideration at public hearing, this 22nd day of May, 2012.

APPROVED:

  
The Honorable Philip Gasteyer  
Mayor

ATTEST:

  
Juan J. Reyes  
Village Clerk