



VILLAGE OF CORRALES

RESOLUTION NO. 13-022

A RESOLUTION RECOGNIZING THE EXISTENCE OF SEVERE, EXTREME AND EXCEPTIONAL 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 BY 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. 13-01, adopted on May 14, 2013, has determined that **SEVERE, EXTREME AND EXCEPTIONAL 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. 13-01 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, 2013, 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. 13-01, 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.

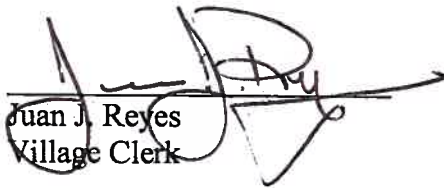
PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, upon discussion and consideration at public hearing, this 14th day of May, 2013.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan J. Reyes
Village Clerk