



VILLAGE OF CORRALES

PROCLAMATION NO. 13-01

**A PROCLAMATION FINDING THAT SEVERE, EXTREME AND EXCEPTIONAL 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 most recent National Oceanic and Atmospheric Administration/National Climate Data Center ("NOAA/NCDC") Palmer Z Index, Short Term Conditions, shows **SEVERE DROUGHT** conditions for the area in which the Village is located; and

WHEREAS, the Governing Body further finds that the most recent NOAA/NCDC Palmer Long-Term Drought Indices (Meteorological and Hydrological) Conditions, both show **EXTREME DROUGHT** conditions 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 2013 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, April 30, 2013, shows that the area in which the Village is located is presently in a state of **EXCEPTIONAL DROUGHT** conditions (that is, drought conditions more serious than "EXTREME"); and

WHEREAS, the Governing Body further finds that the National Weather Service U.S. Drought Outlook for the period from June 2013 to August 2013 predicts that present **DROUGHT CONDITIONS** are likely to **PERSIST** or **INTENSIFY**; 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.

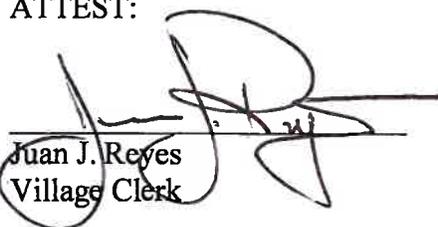
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Proclamation be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Proclamation. 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 14th day of May, 2013.

APPROVED:


The Honorable Philip Gasteyer
Mayor

ATTEST:


Juan J. Reyes
Village Clerk