



CITY OF RIO COMMUNITIES

FROM THE OFFICE OF THE MAYOR

PROCLAMATION Regarding Fireworks Ban and Restricted Use During Severe Drought

- WHEREAS,** La Nina and the failed summer monsoon has resulted in the most significant drought since 2013, with one hundred percent (100%) of the state of New Mexico in severe drought, and Valencia County in 34% extreme drought and 64% in severe drought; and
- WHEREAS,** Drought combined with high wind conditions have caused the fire season to begin in March 2021; and
- WHEREAS,** The National Weather Service (NWS) forecasts temperatures in New Mexico to continue to range from above-to-well-above average temperatures; and drought conditions in New Mexico to persist through July 31; and
- WHEREAS,** Continued heavy fuel loading, low humidity, high heat, and winds increase the danger of wildland, brush, and grass fires, posing an extremely high fire risk in and around the City of Rio Communities; and
- WHEREAS,** These fires would threaten homes and structures, putting the health and safety of our residents at risk; and
- WHEREAS,** Pursuant to the New Mexico Fireworks Licensing and Safety Act, Section 60-2C-1 et. seq. NMSA 1978, as amended, the City of Rio Communities is authorized to ban or restrict the use and sale of certain fireworks when extreme or severe drought conditions exist as determined by the NWS indices and other relevant information supplied by the United States Forest Service; and
- WHEREAS,** New Mexico Statutes Annotated (NMSA) 60-2C-8.1B (1999) states that the governing body of a municipality, based on current drought indices published by the national weather service, shall "issue a proclamation declaring extreme or severe fire conditions within the boundaries of the incorporated municipality"; and the proclamation (NMSA 2C-60-8.1B1) "shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices within the affected drought area"; and

WHEREAS. (NMSA 60-2C-8.1B2) “shall give the governing body the power to (NMSA 60-2C-8.1B2a) “limit the use within its jurisdiction of any fireworks not listed in (NMSA 2C-60-8.1B1) to areas that are paved or barren or that have a readily accessible source of water for use” and (NMSA 60-2C-8.1B2c) to ban or restrict the sale or use of display fireworks”; and

WHEREAS, (NMSA 60-8.1C) The proclamation “shall be issued no less than 20 days prior to a holiday for which fireworks may be sold”;

NOW THEREFORE, BE IT HEREBY ORDAINED that the City of Rio Communities declares an exceptional drought condition exists in our municipality and high fire risk hazards represent a significant and immediate threat to the safety, health, and welfare to the residents of Rio Communities; and,

THEREFORE, in accordance with State Statute, the sale and use of specified permissible aerial and ground audible fireworks are banned within the city limits for 30 days from the date of proclamation enactment. Banned fireworks are aerial spinners; helicopters; mines; missile-type rockets; roman candles; shells; stick-type rockets and ground audible chasers and firecrackers; and,

THEREFORE, in accordance with State Statute and City Ordinance 2021 – 79 Chapter 11 Article 1 Fireworks Control, the use of permissible specified fireworks is restricted within the city limits for 30 days from the date of proclamation enactment. Restricted fireworks are cone fountains, crackling devices, cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, and wheels, which may only be used in areas that are paved, barren or have an accessible source of water for use by the homeowner or the general public; and,

THEREFORE, any City approved display of fireworks requires a written permit from the City, and the display fireworks shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of Treasury, pursuant to NMSA 60-2C-9,1978.

DULY PROCLAIMED this 14th day of June, 2021.

Margaret “Peggy” Gutjahr,
Mayor Pro tem