



Village of Corrales, New Mexico

Resolution No. 11-032

A RESOLUTION DECLARING AN EMERGENCY, RECOGNIZING THE EXISTENCE OF EXTREME DROUGHT CONDITIONS IN THE VILLAGE OF CORRALES, PROHIBITING THE SALE OR USE OF FIREWORKS WITHIN THE VILLAGE DURING THE CONTINUATION OF DROUGHT CONDITIONS, AUTHORIZING OFFICERS OF THE VILLAGE TO ENFORCE THE PROHIBITION ON SALE OR USE OF FIREWORKS, AND PROVIDING FOR ADMINISTRATIVE REVIEW WHEN CLIMATIC CONDITIONS IMPROVE.

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") has the authority and the duty to provide for the safety, security and general welfare of the Village's inhabitants and their property through the institution and enforcement of necessary protective measures pursuant to the general police powers of the Village; and

WHEREAS, the Governing Body finds that the U.S. Drought Monitor published by the National Drought Mitigation Center shows that **extreme** drought conditions presently exist in the Village and surrounding areas; and

WHEREAS, the Governing Body further finds that the Long Term Palmer Drought Severity Index published by the National Oceanic and Atmospheric Administration ("NOAA") shows that **severe** to **extreme** drought conditions presently exist in the Village of Corrales and surrounding areas; and

WHEREAS, due to massive forest and range fires burning in eastern and southern Arizona and in western, southern and northern New Mexico, the firefighting resources of the State of New Mexico, its political subdivisions, and federal governmental agencies in New Mexico have been severely taxed, and reserve forces for fire suppression are in limited supply; and

WHEREAS, there has been only negligible precipitation in the Village since the beginning of January, 2011; and

WHEREAS, the National Oceanic and Atmospheric Administration's (NOAA's) Objective Short-Term Drought Indicator Blend Percentiles indicate the probability of

extreme to exceptional drought conditions over the short term (a few days to several months) in the area of the Village, and NOAA's Objective Long-Term Drought Indicator Blend Percentiles indicate the probability of abnormally dry to moderate drought conditions over the long term (several months to a few years) in the area of the Village; and

WHEREAS, on the basis of the foregoing information and other information available to the Governing Body, the Governing Body finds that the fire danger throughout the Village, including but not limited to the Corrales Bosque Preserve and the agricultural lands of the Village, is presently **severe to extreme**, and that those conditions are not likely to change significantly over the short term; 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, 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.

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

1. The Governing Body declares the existence of an **EMERGENCY** in the Village due to the extreme drought conditions presently prevailing in the Village and surrounding areas, the evidence that such conditions are not likely to improve in the short term, and the Governing Body's determination that such conditions present a significant danger of potential wildfire posing a severe threat to the lives and property of the inhabitants of the Village.

2. To reduce the threat of wildfires that may be ignited by fireworks, no matter how such fireworks are used, the Governing Body finds that under the present emergency conditions it is incumbent upon the Governing Body to prohibit the sale or use of fireworks, of all kinds, within the Village until such time as the present drought conditions improve to the extent that the use of such fireworks no longer poses a serious threat to the lives and property of the inhabitants of the Village.

3. The sale or use of fireworks, of any kind whatsoever, is hereby **PROHIBITED** on all lands, public or private, within the Village.

4. The possession of fireworks, 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. 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.

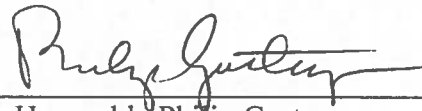
6. In recognition of the state of emergency declared herein, this Resolution and the terms hereof shall be effective **IMMEDIATELY** upon the adoption of this Resolution by the Governing Body, and shall remain in effect through October 31, 2011, unless modified or rescinded in accordance with the following Section 7 hereof.

7. In the event that there is a significant amelioration of the existing drought conditions during the term that this Resolution is in effect, due to precipitation or to other changes in meteorological or climatic conditions resulting in a significant reduction in fire danger, the Mayor on the recommendation of the Fire Chief may by administrative action provide for the temporary or permanent suspension of any of the prohibitions contained herein, to such extent and subject to such limitations as may seem reasonable and appropriate to the Mayor in his discretion, taking into account the purposes of this Resolution and the continuing goal of providing for the safety, security, and general welfare of the inhabitants of the Village and of their property to the maximum extent reasonably possible.

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 Proclamation. 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 consideration and discussion at public hearing, this 28th day of June, 2011.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan J. Reyes
Village Clerk