

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming, New Mexico, on the 10th day of June 2021, the following proceedings were had and entered of record.

RESOLUTION NO. 21-42

BANNING AND RESTRICTING THE USE OR SALE OF CERTAIN FIREWORKS IN THE UNINCORPORATED AREAS OF THE COUNTY

WHEREAS, the fire danger in New Mexico is currently severe; and

WHEREAS, the unincorporated areas of Luna County and the surrounding jurisdiction are particularly vulnerable with no less than three (3) and up to nine (9) monthly rangeland or brush fires being reported this year; and

WHEREAS, the New Mexico Energy, Minerals and Natural Resources Department, through the State Forester, banned all smoking, fireworks, campfires and open fires from all non-municipal, non-federal and non-tribal lands; and

WHEREAS, the risk of life, property and the environment clearly exist within the unincorporated areas of Luna County, (due to the severe drought conditions); and

WHEREAS, the extreme fire situations severely burden local, state and federal resources; and

WHEREAS, the 4th of July weekend is approaching, and fireworks are traditionally used to celebrate; and

WHEREAS, fireworks constitute a high-risk source of ignition in the severely dry drought conditions currently existing in Luna County; and

WHEREAS, the State of New Mexico has enacted the Fireworks Licensing and Safety Act, Sections 60-2C-1 through 11, NMSA 1978; and

WHEREAS, Section 60-2C-8.1 authorizes local governing bodies to ban the use of fireworks in severe or extreme drought conditions; and

WHEREAS, fireworks are defined in Section 60-2C-2 as a device intended to produce a visible or audible effect by combustion, deflagration or detonation, and

WHEREAS the Board of County Commissioners of Luna County is holding a public hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of Luna County affected by extreme or severe drought restrictions.

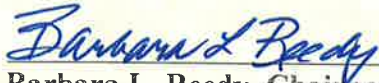
NOW, THEREFORE, be it resolved that the Board of County Commissioners of Luna County declare that extreme drought conditions exist that have created an extreme fire hazard that poses an immediate and significant threat to the peace, safety, health and welfare of Luna County citizens and their property, and therefore:

1. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the unincorporated areas of Luna County is prohibited.
2. The use of ground and hand-held sparkling and smoke device type 15 fireworks, as defined in Section 60-2C-7, is limited to areas within the unincorporated area of Luna County that are paved or barren or that have a readily accessible source of water for use by the homeowner or general public. The use of all fireworks on all property owned by Luna County is prohibited.
3. The use of display type fireworks within the unincorporated area of Luna County is prohibited.
4. Open fires, campfires, open burning of vegetation or rubbish within the unincorporated area of Luna County is prohibited except for the burning of trash within a container used for such purpose and located near a readily accessible source of water.
5. The limitations and bans contained herein shall be in effect for the next ninety (90) days.

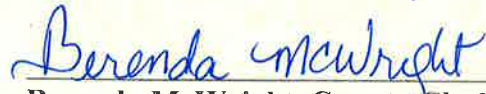
Done at Deming, New Mexico this 10th day of June 2021

Board of County Commissioners of Luna County

ATTEST:



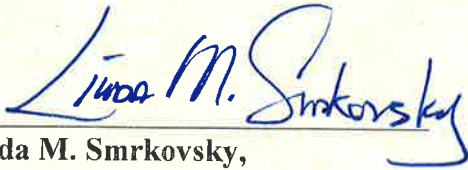
**Barbara L. Reedy, Chairperson
Commissioner, District 1**



Berenda McWright, County Clerk



**John S. Sweetser,
Commissioner, District 3**



**Linda M. Smrkovsky,
Commissioner, District 2**

