

Be it remembered that at the Regular Meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 12th day of May 2022, the following proceedings were had and entered of record.

RESOLUTION NO. 22-35

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

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

WHEREAS, the unincorporated areas of Luna County and surrounding jurisdiction are particularly vulnerable with no less than four (4) rangeland or brush fires being reported this month;

WHEREAS, in recognition of this dangerous condition, on May 5, 2022, the New Mexico State Forestry implemented Stage 1 fire restrictions in the Gila National Forest. This includes the banning of all smoking, fireworks, campfires and open fires.

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

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;

WHEREAS, fireworks and another source of ignition in the severely dry drought conditions currently existing in Luna County;

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

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

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 having held a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of Luna County affected by extreme or severe drought restrictions.

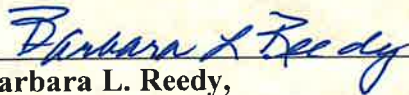
NOW, THEREFORE, be it resolved by the Board of County Commissioners, the governing body of the County of Luna, declares that an extreme drought condition exists that has created an extreme fire hazard that poses an immediate and significant threat to the peace, safety, health and welfare of Luna County 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 types 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 sale or use of display 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 limitation and bans contained herein above shall be in effect for the next thirty (30) days.


Done at Deming, New Mexico this 12th day of May, 2022


Board of County Commissioners of Luna County

ATTEST:


Barbara L. Reedy,
Commissioner, District 1


Berenda McWright, County Clerk


Linda M. Smrkovsky, Chairperson
Commissioner, District 2


John S. Sweeter,
Commissioner, District 3

