



Office of the Fire Marshal

Andrew J. Duran

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO

**In the Matter of Imposing Fireworks
Restrictions within the Unincorporated
Area of San Miguel County, due to
Extreme or Severe Drought Conditions**

Chris A. Najjar
Chairman-District 5

Janice C. Varela
Vice-Chair-District 2

Rock G. Wibarri
Commissioner-District 1

Arthur J. Padilla
Commissioner-District 3

Maria L. Martinez
Commissioner-District 4

Vidal Martinez, Ed. D.
County Manager

PROCLAMATION TO RESTRICT FIREWORKS SALE AND USE

Pursuant to and in accordance with the power and authority granted to the Board of County Commissioners of San Miguel County, New Mexico, by Section 60-2C-8-1, NMSA 1999, the Board of County Commissioners finds that:

During a public hearing, the Board of County Commissioners of San Miguel County received current drought indices published by the National Weather Service, and information and data submitted by the County Fire Marshal, establish that all unincorporated areas of San Miguel County are currently affected by extreme or severe drought conditions.

As a result of the aforementioned drought conditions, and with due regard to the health, safety, and general welfare of the residents of the County of San Miguel, that restrictions be imposed on the sale and use of fireworks as hereafter provided.

BE IT HEREBY PROCLAIMED, by the Board of County Commissioners of San Miguel County on this 9th day of May, 2018 as authorized by Article 2C, section 60-2C-8.1, 1999 that within the unincorporated areas of San Miguel County:

1. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices are banned and prohibited, and;
2. The use of all fireworks not listed in the immediately preceding paragraph, is limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or general public, and;
3. The sale and use of display fireworks shall be banned and prohibited.

As provided in section 60-2C-8.1(H), NMSA 1999, this proclamation shall be effective for thirty (30) days following this enactment and filing in the office of the San Miguel County Clerk, and if extreme or severe drought conditions warrant, the Proclamation may be extended: provided, however, that this Proclamation may be modified or rescinded within the thirty (30) day period after an emergency hearing to determine if weather conditions have improved.

Pursuant to Section 60-2C-10 Penalty; criminal (1989)

- A. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1000) or imprisonment of not more than one year, or both.

Pursuant to Section 60-2C-11 Penalty; civil (1989)

- A. If a person is found guilty of violating the provisions of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978], that person's license or permit may be revoked or suspended by the state fire marshal, his deputies or designees.

County of San Miguel
State of New Mexico

SAN MIGUEL COUNTY
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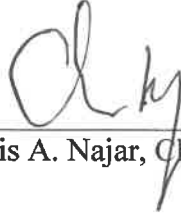
I Hereby Certify that this Instrument was filed
for record 05/16/2018 08:28:20 AM and was
duly recorded as Instrument No. 201801545 of the
Records of San Miguel County, NM

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy _____
County Clerk, San Miguel, NM



**MOVED, SECONDED AND PROCLAIMED this 9th day of May, 2018, by the
BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY,
NEW MEXICO.**



Chris A. Najar, Chairman



Janice C. Varela, Vice-Chair

Rock G. Ulibarri, Member



Arthur J. Padilla, Member



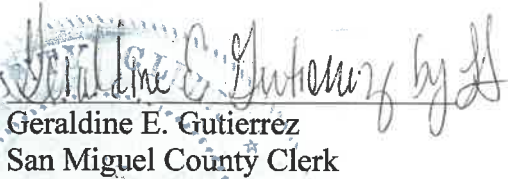
Maria L. Martinez, Member




Dr. Vidal Martinez, County Manager

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Geraldine E. Gutierrez
San Miguel County Clerk



Dave Romero
San Miguel County Attorney

Proclamation Imposing Fireworks Restrictions, 2018

