



San Miguel County

Harold M. Garcia
Chair-District 1

Janice C. Varela
Vice-Chair-District 2

Max O. Trujillo
Commissioner-District 3

Martin Sena
Commissioner-District 4

Kenneth C. Medina
Commissioner-District 5

Joy Ansley
County Manager

6-07-22-CM1 Amended

Amended Resolution:

**In the Matter of Imposing a Fireworks Ban
and Restrictions within the Unincorporated
Area of San Miguel County, N.M.,
Due to Consistent Rainfall and Reduction of Fire Risk.**

**RESOLUTION AND PROCLAMATION MODIFYING
PRIOR FIREWORKS RESOLUTION DATED JUNE 7, 2022
TO ALLOW SPECIFIC FIREWORKS AS IDENTIFIED BELOW**

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 2021, and by County Manager contract, the County Attorney finds that the emergency conditions have sufficiently been reduced to the extent that the County Manager can Find and Order that the Fireworks Ban should be modified as follows:

On June 3 and June 7, 2022, during a publicized public meeting, the Board of County Commissioners received current drought information, and information and data submitted by the County Fire Chief which established that all unincorporated areas of San Miguel County were currently affected by "Exceptional" Drought Conditions.

The June 3, 2022 meeting was commenced and continued so that the County could retain the ability to react immediately to any relevant changes in the emergency. The June 3, 2022 meeting was not adjourned nor were the issues tabled.

In coordination with the June 3, 2022 Emergency Meeting decisions, the Board of County Commissioners passed a proclamation which banned all fireworks in the County.

On or about June 18, 2022, the yearly monsoon rains began to fall and since then, it has rained every day in the county. On average, there has been at least two inches accumulation of moisture. The rain has fallen throughout the county in similar amounts. The storms have been

Administration Complex

500 West National Avenue, Suite 201 Las Vegas, New Mexico 87701 (505) 425-9333 phone (505) 425-7019 fax



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of a type which resulted in a slow constant ground soaking drizzle as compared to a hard short rain which causes the rain to run off.

In light of the substantially, changed conditions, the County may now consider limiting the prior ban on all fireworks. The justification includes but is not limited to the recent continuous moisture, the need for economic development and employment and the continued reminder of the Fourth of July holiday celebrating this country's independence in times of minor political unrest.

Further, it is of substantial public interest that our younger generation remember the patriotic purpose of this holiday and never forget the sacrifices our veterans have made, so that we can enjoy our freedoms today.

The County has carefully read the Open Meetings Act and has attempted to comply with the statutory rules and spirit of the Act. However, the inherent authority of the county and the procedural nature of the emergency proclamations allow the County to consider the daily modifications during this emergency status.

The Board of County Commissioners through its duly appointed Manager has the authority and discretion to provide its community with reasonable emergency emotional relief for two years of COVID and the devastating fires which have followed.

Therefore the emergency ban on fireworks is modified as follows:

BE IT HEREBY RESOLVED AND PROCLAIMED, by the San Miguel County Manager on behalf of the Board of County Commissioners of San Miguel County, N.M., actions that on this 28th day of June 2022, as authorized by Article 2C, section 60-2C-8.1, 1999 that within the unincorporated area of San Miguel County.

1. The sale or use of the following fireworks are prohibited and banned until the emergency is declared over by the County Commissioners: missile-type rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices.



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2. The use or lighting of any and all fireworks is banned in state or national forests and wildlands.
3. Display fireworks are banned.
4. The governing body has the power to: limit the use within its jurisdiction of any fireworks not listed in paragraph # 1. The fireworks which are not banned may be only used in areas that are substantially PAVED OR BARREN or that have a readily accessible source of water for use by the homeowner or the general public.
5. A warning will be given by the county authority before the fireworks are confiscated or the Resolution enforced.

As provided in section 60-2C-8.1 (H), this Resolution Proclamation shall be effective for thirty (30) days following this enactment and filing in the office of the San Miguel County Clerk. If the emergency conditions warrant, the Resolution Proclamation may be extended.

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

- A. Any individual, firm, partnership or corporation that violates any provisions 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 (\$ 1,000.00) or imprisonment of not more than one year, or both.

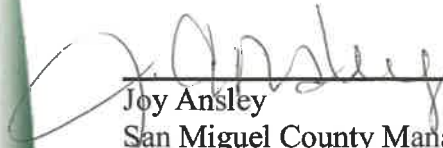
Pursuant to Section 60-2C-11 Penalty: civil (1989)

- 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.



Board of County Commissioners


RESOLVED, this 28th day of June, 2022, by the SAN MIGUEL COUNTY MANAGER AS A CONTRACTUALLY AUTHORIZED DELEGATION OF AUTHORITY FROM THE BOARD OF COUTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO.



Joy Ansley
San Miguel County Manager

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY




Geraldine E. Gutierrez
San Miguel County Clerk



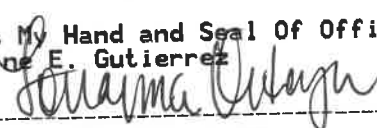
Dave Romero, Jr.
San Miguel County Attorney

County of San Miguel
State of New Mexico

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I Hereby Certify that this Instrument was filed for record 06/28/2022 04:52:07 PM and was duly recorded as Instrument No. 202202240 of the Records of San Miguel County, NM.

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy 

County Clerk, San Miguel, NM

