**RESOLUTION 2020-17**

**PROCLAIMING HAZARDOUS FIRE CONDITIONS AND SEVERE DROUGHT CONDITIONS IN THE VILLAGE OF TIJERAS THAT ENDANGER THE HEALTH, SAFETY AND WELFARE OF ITS CITIZENS; IMPOSING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN THE VILLAGE OF TIJERAS**

**WHEREAS,** the Governing Body has determined that fireworks restrictions should be imposed with the Village of Tijeras based on current drought indices published by the National Weather Service; and

**WHEREAS,** the National Weather Service has recorded significant precipitation deficits at its rain gauge location; and

**WHEREAS,** the National Weather Service has declared that severe drought conditions exist throughout Central New Mexico including the Tijeras area; and

**WHEREAS,** the Carson, Cibola and Santa Fe United States National Forests have, as of May 20, 2020 imposed “Stage II” fire restrictions and the Sandia Ranger District predicts limited precipitation for the rest of June and July; and

**WHEREAS,** the affected drought area consists of all areas within the municipal boundaries of the Village of Tijeras and includes all lands for which the Village has assumed control or management by lease, easement or legal agreement; and

**WHEREAS,** the rapidly escalating danger or range fires, grass fires, forest fires and structure fires is high in and around the Village, and the probability of ignition of materials likely to serve as fuel for fire is presently extremely high in and around the Village; and

**WHEREAS,** the 4th of July weekend presents a greatly increased fire risk because of the widespread use of fireworks; and

**WHEREAS,** pursuant to Sections 60-2C-8.1 NMSA 1978, as amended, and Sections 9-20-1 et seq. ROA 1994,the Village Council is authorized to ban the use of all fireworks with the boundaries of the municipality that are ground audible devices, including chasers and fire crackers, or aerial devices, including but not limited to aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells and stick-type rockets and is authorized to ban the use of all fireworks in Wildlands and Open Space Areas;

**WHEREAS,** Sections 60-2C-1 et seq., NMSA 1978and Section 9-20-3 ROA 1994 authorize the Village Council to limit the use of any permissible fireworks to only those areas that are paved or barren or that have readily accessible source of water for use by the homeowner or the general public.

**BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE VILLAGE OF TIJERAS:**

1. **PROHIBITIONS**. The Council therefore proclaims that an emergency situation currently exists within the Village of Tijeras, that the dry, windy conditions and high fire hazard represent a significant and immediate threat to the safety, health and welfare of the citizens of the Village of Tijeras. It is further proclaimed that severe drought conditions exist and are likely to be present throughout the months of June and July. Therefore, pursuant to this proclamation and Sections 9-20-1 ROA 1994, the following are prohibited within the Village of Tijeras.
2. The use of any fireworks within Wildlands, as defined by Section 60-2C-2, NMSA 1978, and in Open Space Areas as defined by Section 9-19-7 ROA 1994; and
3. The sale and use, within the municipal limits of Village, of ground audible devices and aerial devices.
4. **RESTRICTIONS.** The following restrictions for all fireworks not otherwise prohibited are imposed: use of permissible fireworks shall be limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.
5. **EXEMPTION.** Nothing within this resolution shall prohibit public displays of fireworks as defined in Section 14-2-1 et seq. ROA 1994 so long as those displays are in strict conformance with the requirements and conditions for public displays as set forth in that ordinance and as approved by the Village of Tijeras Fire Chief.
6. **NOTICE OF PENALTIES.** The Village of Tijera**s** Fire Chiefshall be responsiblefor enforcement of this Resolution. Any individual, firm, partnership or other entity found violating Sections 9-20-1 et. seq., ROA 1994 shall upon conviction, be subject to a fine not exceeding $500 or by imprisonment not exceeding 90 days or both. Each separate violation shall constitute a separate offense and upon conviction, each day of violation shall constitute a separate offense.
7. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Governing Body hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

1. **EFFECTIVE DATE AND TERM.** This resolution shall remain in effect until the Village Fire Chief determines that the fire danger has been alleviated or for a period of 30 days after its effective date, whichever comes first. The Governing Body is authorized to extend this resolution for additional 30-day periods if such conditions continue and such restrictions are deemed necessary to protect the public health, safety and welfare of the citizens of the Village of Tijeras.

**PASSED, ADOPTED AND APPROVED THIS 15TH DAY OF JUNE 2020**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Jake Bruton, Mayor**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Michael Wismer, Manager/Clerk**

­­­­­­