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1 District, and predicts limited precipitation and “above normal” temperature for  
2 the upcoming months of May, June and July.

3 F. The affected drought area consists of all areas within the municipal  
4 boundaries of the City of Albuquerque and includes all lands for which the  
5 City has assumed control or management by lease, easement, or legal  
6 agreement.

7 G. The rapidly escalating danger of range fires, grass fires, forest fires  
8 and structure fires is high in and around the City, and the probability of  
9 ignition of materials likely to serve as fuel for fire is presently extremely high  
10 in and around the City.

11 H. In recent months, the City of Albuquerque Fire Department has  
12 responded to wildland fires in the City.

13 I. Should the City experience a fire that burns out of control in the  
14 Bosque or other open space areas, the flora and fauna in those protected  
15 areas are at great risk of sustaining devastating loss and/or destruction.

16 J. Should the City experience a fire that burns out of control in  
17 populated areas, it may be necessary to evacuate and relocate affected  
18 residents.

19 K. The 4th of July weekend presents a greatly increased fire risk  
20 because of the widespread use of fireworks.

21 L. Pursuant to Section 60-2C-1 et seq., NMSA 1978, as amended, the  
22 governing body of a municipality is authorized to ban the use of all fireworks  
23 within the boundaries of the municipality that are ground audible devices or  
24 aerial devices, including but not limited to aerial spinners, helicopters, missile  
25 type rockets, and stick type rockets.

26 M. The governing body of a municipality is authorized to ban the use of  
27 all fireworks in wildlands pursuant to Section 60-2C-8.1, NMSA 1978.

28 N. Section 3-17-3A, NMSA 1978, authorizes the Mayor to declare the fire  
29 hazard in the City an emergency, because, if not addressed immediately, such  
30 fire hazard will likely result in injury or damage to persons or property and  
31 substantial financial loss in the City of Albuquerque.

32 Section 2. PROHIBITIONS. The Council therefore proclaims that an  
33 emergency situation currently exists within the City of Albuquerque, that the

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1 dry, windy conditions and high fire hazard represent a significant and  
2 immediate threat to the safety, health and welfare of the citizens of the City of  
3 Albuquerque. It is further proclaimed that severe drought conditions exist and  
4 are likely to be present throughout the months of June and July. Therefore,  
5 the following are prohibited within the City of Albuquerque for the duration of  
6 this ordinance:

7 A. The use of any fireworks within wildlands, as defined by Section 60-  
8 2C-2, NMSA 1978, within the City; and

9 B. The sale and use of missile-type rockets, helicopters, aerial spinners,  
10 stick-type rockets and ground audible devices within the municipal limits of  
11 Albuquerque.

12 Section 3. SEVERE DROUGHT PROHIBITIONS. The following restrictions  
13 for all fireworks not otherwise prohibited by ordinance are imposed: use of  
14 fireworks shall be limited to areas that are paved or barren or that have a  
15 readily accessible source of water for use by the homeowner or the general  
16 public.

17 Section 4. EXEMPTION.

18 Nothing within this ordinance shall prohibit public displays of fireworks as  
19 defined in Section 14-2-1 et seq. ROA 1994, so long as those displays are in  
20 strict conformance with the requirements and conditions for public displays  
21 as set forth in that ordinance and as approved by the City of Albuquerque Fire  
22 Chief.

23 Section 5. PENALTIES. Any individual, firm, partnership or other entity  
24 found violating this ordinance shall, upon conviction, be subject to a fine not  
25 exceeding \$500 or by imprisonment not exceeding 90 days or both. Each  
26 separate violation shall constitute a separate offense and upon conviction,  
27 each day of violation shall constitute a separate offense.

28 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
29 clause, word or phrase of this ordinance is for any reason held to be invalid or  
30 unenforceable by any court of competent jurisdiction, such decision shall not  
31 affect the validity of the remaining provisions of this ordinance. The Council  
32 hereby declares that it would have passed this ordinance and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any  
2 provision being declared unconstitutional or otherwise invalid.

3 Section 7. EMERGENCY, EFFECTIVE DATE AND TERM.

4 A. This ordinance deals with an emergency hereby declared by the  
5 Council and the Mayor to be an immediate danger to the public health, safety,  
6 and welfare of the City of Albuquerque. This ordinance, upon its final  
7 passage, shall be published one time by title and a general summary and shall  
8 take effect immediately after publication.

9 B. This ordinance shall remain in effect until the City Fire Chief  
10 determines that the fire danger has been alleviated or for a period of 30 days,  
11 whichever comes first. The Council is authorized to extend this ordinance for  
12 additional 30 day periods if such conditions continue and such restrictions are  
13 deemed necessary to protect the public health, safety and welfare of the  
14 citizens of Albuquerque.

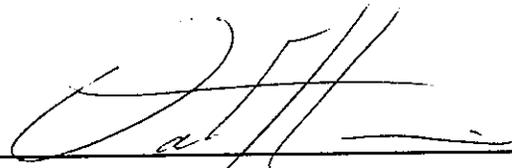
15 Section 8. COMPILATION. This ordinance shall not be incorporated in  
16 and compiled as part of the Revised Ordinances of Albuquerque, New Mexico,  
17 1994.

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1 PASSED AND ADOPTED THIS 6th DAY OF June, 2011  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Don F. Harris, President  
City Council

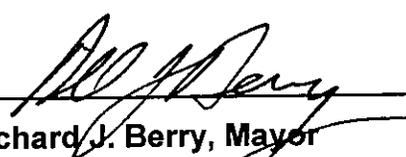
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13 APPROVED THIS 9<sup>th</sup> DAY OF June, 2011

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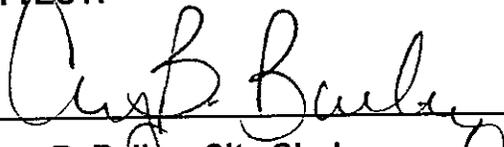
Bill No. O-11-57

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Richard J. Berry, Mayor  
City of Albuquerque

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ATTEST:

  
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Amy B. Bailey, City Clerk

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