

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

5 **WHEREAS, in recent months, the City of Albuquerque Fire Department has**
6 **responded to Wildland fires in the City; and**

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

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

17 **WHEREAS, Sections 60-2C-1 et seq., NMSA 1978 and Section 9-20-3 ROA**
18 **1994 authorize the City Council to limit the use of any permissible fireworks to**
19 **only those areas that are paved or barren or that have a readily accessible**
20 **source of water for use by the homeowner or the general public.**

21 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
22 **ALBUQUERQUE:**

23 **Section 1. PROHIBITIONS. The Council therefore proclaims that an**
24 **emergency situation currently exists within the City of Albuquerque, that the**
25 **dry, windy conditions and high fire hazard represent a significant and**
26 **immediate threat to the safety, health and welfare of the citizens of the City of**
27 **Albuquerque. It is further proclaimed that severe drought conditions exist and**
28 **are likely to be present throughout the months of June and July. Therefore,**
29 **pursuant to this proclamation and Sections 9-20-1 ROA 1994, the following are**
30 **prohibited within the City of Albuquerque:**

31 **A. The use of any fireworks within Wildlands, as defined by Section 60-**
32 **2C-2, NMSA 1978, and in Open Space Areas as defined by Section 9-19-7 ROA**
33 **1994; and**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 **B. The sale and use, within the municipal limits of Albuquerque, of**
2 **ground audible devices and aerial devices.**

3 **Section 2. RESTRICTIONS. The following restrictions for all fireworks**
4 **not otherwise prohibited are imposed: use of permissible fireworks shall be**
5 **limited to areas that are paved or barren or that have a readily accessible**
6 **source of water for use by the homeowner or the general public.**

7 **Section 3. EXEMPTION.**

8 **Nothing within this resolution shall prohibit public displays of fireworks as**
9 **defined in Section 14-2-1 et seq. ROA 1994, so long as those displays are in**
10 **strict conformance with the requirements and conditions for public displays**
11 **as set forth in that ordinance and as approved by the City of Albuquerque Fire**
12 **Chief.**

13 **Section 4. NOTICE OF PENALTIES. Any individual, firm, partnership or**
14 **other entity found violating Sections 9-20-1 et seq., ROA 1994 shall upon**
15 **conviction, be subject to a fine not exceeding \$500 or by imprisonment not**
16 **exceeding 90 days or both. Each separate violation shall constitute a separate**
17 **offense and upon conviction, each day of violation shall constitute a separate**
18 **offense.**

19 **Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**
20 **clause, word or phrase of this resolution is for any reason held to be invalid or**
21 **unenforceable by any court of competent jurisdiction, such decision shall not**
22 **affect the validity of the remaining provisions of this resolution. The Council**
23 **hereby declares that it would have passed this resolution and each section,**
24 **paragraph, sentence, clause, word or phrase thereof irrespective of any**
25 **provision being declared unconstitutional or otherwise invalid.**

26 **Section 6. EFFECTIVE DATE AND TERM.**

27 **This resolution shall remain in effect until the City Fire Chief determines**
28 **that the fire danger has been alleviated or for a period of 30 days after its**
29 **effective date, whichever comes first. The Council is authorized to extend this**
30 **resolution for additional 30 day periods if such conditions continue and such**
31 **restrictions are deemed necessary to protect the public health, safety and**
32 **welfare of the citizens of Albuquerque.**

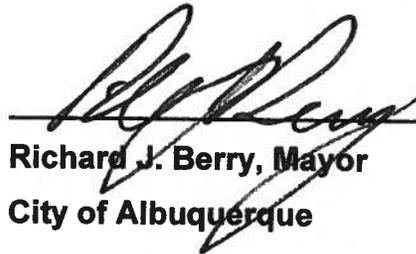
1 PASSED AND ADOPTED THIS 3rd DAY OF June 2013
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5 

6
7 Daniel P. Lewis, President
8 City Council

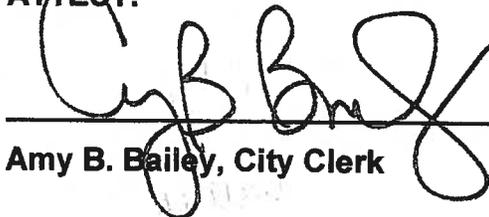
9
10
11
12 APPROVED THIS 13th DAY OF June, 2013

13
14
15
16 Bill No. R-13-185

17
18 

19
20 Richard J. Berry, Mayor
21 City of Albuquerque

22
23
24
25 ATTEST:

26 

27
28 Amy B. Bailey, City Clerk

29
30
31
32
33
[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion