

**STATE OF NEW MEXICO  
COUNTY OF EDDY  
RESOLUTION R-12-33**

**PROCLAMATION OF THE COUNTY OF EDDY DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE UNINCORPORATED PORTIONS OF THE COUNTY AND RESTRICTING THE SALE AND USE OF FIREWORKS WITHIN THOSE PORTIONS OF THE COUNTY OF EDDY.**

**WHEREAS**, the 1999 amendments to the Fireworks Licensing and Safety Act, NMSA 1978 §§60-2C-1 through 60-2C-11 authorize governing bodies of counties to limit and restrict the sale and use of fireworks within the unincorporated portions of the County under various circumstances; and

**WHEREAS**, §60-2C-8.1 E. of said Act authorizes the governing body of a county to hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the County affected by extreme or severe drought conditions, with the findings of the governing body to be based on current drought indices published by the national weather service and any other relevant information supplied by the U.S. Forest Service; and

**WHEREAS**, pursuant to §60-2C-8.1 F. of said act, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist; and

**WHEREAS**, pursuant to §60-2C-8.1 F. the governing body has the authority within such proclamation to ban the sale or use of various classes of fireworks within the unincorporated portions of the county if the governing body determines extreme or severe drought conditions exist within the unincorporated portions of the county; and

**WHEREAS**, the County of Eddy has determined and found that extreme or severe drought conditions do exist within the unincorporated portions of the County of Eddy, with such findings being based on current drought indices published by the national weather service and relevant information supplied by the U.S. Forest Service;

**NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED BY THE GOVERNING BODY OF THE COUNTY OF EDDY:**

1. The County of Eddy hereby Proclaims and Declares that a condition of extreme or severe drought exists in the unincorporated portions of the County of Eddy.
2. By reason of the foregoing extreme or severe drought conditions in the unincorporated portions of the County of Eddy, and pursuant to NMSA 1978 §§60-2C-8.1 F., the Board of County Commissioners of the County of Eddy hereby adopts the following:

**2.1 THE SALE AND USE OF CERTAIN FIREWORKS PROHIBITED.**

The sale and/or use within the unincorporated portions of the **COUNTY OF EDDY** of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are **PROHIBITED**.

**2.2 RESTRICTIONS ON USE OF CERTAIN FIREWORKS.**

The use of any other permitted fireworks not listed in the foregoing section 2.1 is hereby **RESTRICTED** to areas within the unincorporated portions of the County of Eddy that are paved or barren or that have a readily accessible source of water for use by the homeowner or general public.

2.3 **USE OF FIREWORKS IN WILDLANDS PROHIBITED.** The Board of Eddy County Commissioners, having consulted with the state forester declares that the use of all fireworks in areas designated by the Eddy County Commissioners as "wildlands" (i.e. lands covered wholly or in part by timber, brush or native grass) is **PROHIBITED.**

2.4 **DISPLAY FIREWORKS.** The sale or use of means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks within the unincorporated portions of the **COUNTY OF EDDY** is not being restricted by this Proclamation, provided all requirements of the Fireworks Licensing and Safety Act, NMSA 1978 §§60-2C-1 through 60-2C-11 governing same are fully and strictly followed.

3. This Proclamation shall be effective for thirty days (30) from the date hereof, however, the Board of County Commissioners of Eddy County may issue succeeding proclamations if extreme or severe drought conditions warrant.
4. This Proclamation may be modified or rescinded within its thirty-day (30) period by the Board of County Commissioners of Eddy County upon conducting an emergency hearing to determine if weather conditions have improved.
5. If any section, subsection, sentence, paragraph, clause, word or provision of this Proclamation shall, for any reason, be held to be unconstitutional by a court of competent jurisdiction, such section, subsection, sentence, paragraph clause, word or provision shall not invalidate the constitutionality of the remaining portions of this proclamation.
6. Any individual, firm, partnership or corporation that violates any provision hereof, shall be subject to the criminal penalty as set out in §60-2C-10 and/or civil penalty as set out in §60-2C-11, NMSA 1978 Comp. as amended.

PASSED AND ADOPTED this 15<sup>th</sup> day of May, 2012.

EDDY COUNTY BOARD OF COMMISSIONERS



Roxanne R. Lara, Chairperson

ATTEST:



Darlene Rosprim, Eddy County Clerk