

**STATE OF NEW MEXICO  
MUNICIPALITY OF ESTANCIA**

**RESOLUTION 2012-16**

**LIMITING THE USE OF FIREWORKS WITHIN THE TOWN OF ESTANCIA**

**WHEREAS**, the Board of Trustees of the Town of Estancia (the “Board of Trustees”) finds that based on current drought indices published by the national weather service and other relevant drought indices, severe to extreme drought conditions currently exist in the State of New Mexico and the Town of Estancia, leading to an extremely high danger of brush fires, grass fires, forest fires, and structure fires; and

**WHEREAS**, the possibility of extreme fire situations are expected to severely tax the firefighting resources of local, state and federal governments; and

**WHEREAS**, Sections 60-2C-8.1(A) through (D), NMSA 1978, provide that a municipality may impose restrictions upon the sale and use of fireworks if the municipality determines that extreme or severe drought conditions exist, and may extend such restrictions for so long as the said conditions exist; and

**WHEREAS**, the Board of Trustees of the Town of Estancia has the authority and the duty to provide for the safety, security and general welfare of the Town’s inhabitants and their property through the institution and enforcement of necessary protective measures pursuant to the general police powers of the Town; and

**WHEREAS**, the Board of Trustees find that it is incumbent upon the Town to impose restrictions upon the sale and use of fireworks in the Town, in order to reduce the risk of fires which pose an imminent threat to the health and safety of the residents of Estancia and a threat of severe damage to structures, crops, animals, and natural vegetation in the Town.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTANCIA, THAT:**

1. The Board of Trustees, pursuant to NMSA 1978, §60-2C-8.1 of the Fireworks Licensing and Safety Act, does hereby resolve that fireworks restrictions should be imposed within the boundaries of the Town of Estancia due to severe to extreme drought conditions and “high fire risk” conditions.
2. The sale and use of fireworks that are missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are prohibited within the Town limits. Furthermore, fireworks of a type not prohibited herein shall be limited to use in paved or barren areas or areas that have a readily accessible source of water for use by the homeowner or the general public.

3. This Resolution shall take effect immediately upon its adoption by the Board of Trustees and shall remain in effect for a period of thirty (30) days, unless modified or rescinded by the Board of Trustees upon conducting an emergency hearing to determine if weather conditions have improved.
4. The officers of the Town, including but not limited to police officers and fire officials, shall have authority to enforce the terms of this Resolution and to take any and all actions necessary to ensure compliance with it, including, without limitation the seizure and destruction of any fireworks found in the possession of any individual or entity in violation of this Resolution.
5. Any violation of this Resolution shall be deemed a misdemeanor and punishable by a fine of not more than one thousand dollars (\$1,000.00) and/or up to one year in jail.

**RESOLVED**, in Session, this \_\_\_18th \_ day of \_\_\_\_\_June\_\_\_\_\_ 2012, at the Regular Meeting of the Town Board of Trustees, by the following vote:

**TOWN OF ESTANCIA**

\_\_\_\_\_  
Trustee Josie Richards

\_\_\_\_\_  
Trustee Michelle Dunlap

\_\_\_\_\_  
Trustee Sylvia Chavez

\_\_\_\_\_  
Theodore Barela, Mayor

ATTEST: APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Carter, Town Clerk