

**PROCLAMATION
PROHIBITING AND LIMITING SALE AND USE OF FIREWORKS
MAY 2022**

WHEREAS, current fire conditions across New Mexico are extremely dangerous and strong winds, dry fuels and low humidity around the state has resulted in over 160,000 acres across New Mexico burning in recent weeks; and

WHEREAS, the National Integrated Drought Information System indicates that 98.37 percent of Colfax County is currently in conditions of extreme drought and fire danger is extreme; and

WHEREAS, New Mexico Governor Michelle Lujan Grisham signed an executive order on April 25, 2022 urging New Mexico municipalities and counties to ban the retail sale of fireworks in their communities, and stated that it is essential that we mitigate potential wildfires by removing as much risk as possible, no momentary display is worth causing a wildfire that could threaten the lives and property of your neighbors; and

WHEREAS, the Raton Fire Chief has consulted with personnel of the State Forestry Division and has issued an opinion that sale and use of fireworks within the jurisdiction of the City of Raton be prohibited or limited to the extent of the provisions of New Mexico Statutes; Section 60-2C-8.1; Extreme or severe drought conditions; restricted sale and use.

NOW, THEREFORE, BE IT PROCLAIMED that the Raton City Commission declares that extreme drought conditions exist within the boundaries of the incorporated municipality and that the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices shall be banned within the Raton municipal area. The Raton City Commission further declares the following:

- 1) The use of any fireworks not listed above or otherwise prohibited, restricted or limited by the Raton, New Mexico Code of Ordinances within its jurisdiction of the City of Raton 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;
- 2) The use of all fireworks within wildlands in the jurisdiction of the City of Raton shall be banned; and
- 3) The sale or use of Display Fireworks within the jurisdiction of the City of Raton shall be banned.
- 4) Prohibitions stated herein shall be effective for 30 days following the effective date of adoption of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal and caused the Seal of the City of Raton to be affixed this 10th day of May 2022.


CITY OF RATON

James Neil Segotta, Jr., Mayor

ATTEST:

Michael Anne Antonucci, City Clerk

MEMO Raton Fire & Emergency Services

To: Scott Berry, City Manager
From: Anthony Burk, Chief of Department 
Subject: Severe drought and fireworks ban
Date: May 4, 2022

Sir,

Due to the abnormally warm temperatures, low humidity's, and severe drought conditions the city and surrounding county is experiencing, I am requesting that the City Commission act in declaring extreme or severe drought conditions pursuant to Section 60-2C-8.1 NMSA 1978, a part of the Fireworks Licensing and Safety Act.

Attached is the signed Executive Order 2022-022 from Governor Grisham.

Attached is the State of New Mexico Energy, Minerals and Natural Resources Department, Forestry Division Office's restrictions.

Attached is the signed Resolution 2022-21 from Colfax County.

2017 New Mexico Statutes

Chapter 60 - Business Licenses

Article 2C - Fireworks Licensing and Safety

Section 60-2C-8.1 - Extreme or severe drought conditions; restricted sale and use.

Universal Citation: [NM Stat § 60-2C-8.1 \(2017\)](#)

60-2C-8.1. Extreme or severe drought conditions; restricted sale and use.

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection 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;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may 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. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, 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. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection 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;

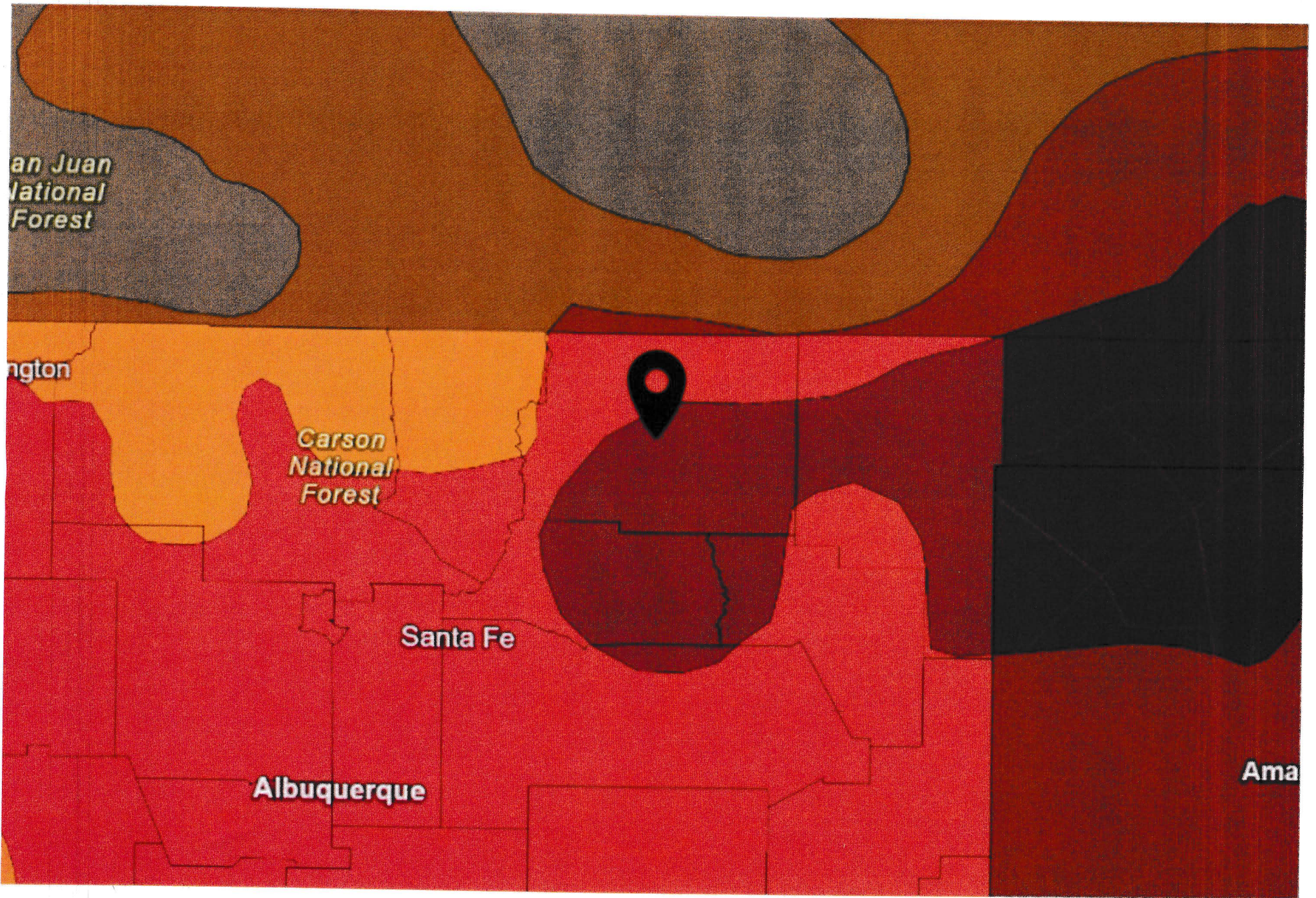
(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

History: Laws 1997, ch. 17, 9; 1999, ch. 58, 3.



U.S. Drought Monitor for Colfax County

