

PROCLAMATION DECLARING  
EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN TORRANCE COUNTY

WHEREAS, the Board of County Commissioners of Torrance County (the "Commission") has obtained information and forecasts from the National Weather Service concerning drought indices affecting Torrance County; and

WHEREAS, the Commission has obtained relevant information from the United States Forest Service concerning drought conditions affecting Torrance County; and

WHEREAS, on May 28, 2014 the Commission held a public hearing and considered the drought information obtained from the National Weather Service and the United States Forest Service and comment from the public; and

WHEREAS, the Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 authorizes the Commission to issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of Torrance County; and

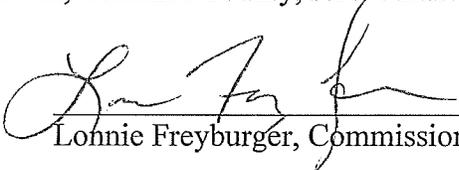
WHEREAS, the Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 further requires that such a proclamation ban or restrict the sale and use of certain fireworks within the unincorporated portions of Torrance County.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COMMISSION, that:

1. Severe or extreme drought conditions exist within the boundaries of Torrance County.
2. Firework restrictions are imposed within the unincorporated portions of Torrance County pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 and shall:
  - a. Ban the sale and use of missile type rockets, helicopters, aerial spinners, stick type rockets and ground audible devices including chasers and firecrackers within the unincorporated portions of Torrance County.
  - b. Restrict the use of any fireworks not listed above to areas that are paved or barren and that have a readily accessible source of water for use.
3. Pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-6, nothing in this proclamation "shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico."
4. This proclamation incorporates by reference the definitions of terms specified under the Fireworks Licensing and Safety Act, including but not limited to the following:
  - a. "‘missile-type rocket’ means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;" NMSA 1978, § 60-2C-2(U);
  - b. "‘helicopter’ or ‘aerial spinner’ means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;" NMSA 1978, § 60-2C-2(Q);

- c. “‘stick-type rocket’ means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;” NMSA 1978, § 60-2C-2(CC);
  - d. “‘chaser’ means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;” NMSA 1978, § 60-2C-2(D);
  - e. “‘firecracker’ means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;” NMSA 1978, § 60-2C-2(M);
  - f. “‘ground audible devices’ means ‘chasers’ and ‘firecrackers.’” NMSA 1978, § 60-2C-7(A)(3).
  - g. “‘distributor’ means a person, firm or corporation selling fireworks to wholesalers and retailers for resale;” NMSA 1978, § 60-2C-2(K);
  - h. “‘manufacturer’ means a person, firm or corporation engaged in the manufacture of fireworks;” NMSA 1978, § 60-2C-2(S);
  - i. “‘retailer’ means a person, firm or corporation purchasing fireworks for resale to consumers;” NMSA 1978, § 60-2C-2(Z);
  - j. “‘specialty retailer’ means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;” NMSA 1978, § 60-2C-2(BB);
  - k. “‘wholesaler’ means a person, firm or corporation purchasing fireworks for resale to retailers;” NMSA 1978, § 60-2C-2(GG).
5. This proclamation shall be effective for 30 days and the Commission may issue succeeding proclamations if extreme or severe drought conditions warrant.

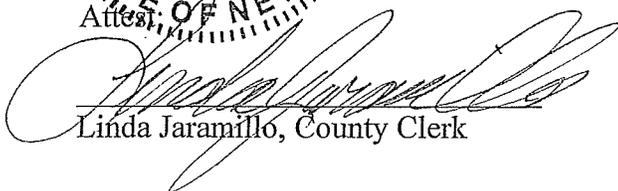
RESOLVED this 28th day of May, 2014, in Estancia, Torrance County, New Mexico

  
 Lonnie Freyburger, Commission Chair

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 Leanne Tapia, Commissioner

  
 Leroy Candelaria, Commissioner



  
 Linda Jaramillo, County Clerk