

## Council Meeting Staff Report

June 8, 2021

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**Agenda No.:** G.  
**Indexes (Council Goals):** \* 2021 Council Goal - N/A  
**Presenters:** Troy Hughes  
**Legislative File:** 14381-21

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### Title

Proclamation Imposing Restrictions on the Use of Fireworks during Exceptional Drought.

### Recommended Action

**I move that Council approve this proclamation.**

### Body

#### WHEREAS:

the weather in North Central New Mexico including Los Alamos County, has been extremely dry, resulting in conditions of exceptional drought in Los Alamos County; 47.8% of the State of New Mexico is in exceptional drought intensity (the highest) rating; and

#### WHEREAS:

the National Weather Service publishes drought indices which indicate that drought conditions are likely to continue and deteriorate for the next 30 days, including Los Alamos County; and

#### WHEREAS:

continued heavy fuel loading, low humidity, heat, and wind forecasts in the County increases the danger of wildland, brush, and grass fires, which pose an extremely high fire risk in and around Los Alamos County;

#### WHEREAS:

these fires would threaten homes and structures, putting the health and safety of our citizens at risk; and

#### WHEREAS:

The Los Alamos Fire Department - Fire Marshal's Office, as well as, surrounding agencies have declared Stage 1 Fire Restrictions within the County of Los Alamos; and

#### WHEREAS:

pursuant to the New Mexico Fireworks Licensing and Safety Act, Section 60-2C-1 et. seq. NMSA 1978, as amended, the Los Alamos County Council is authorized to ban or limit the use and sale of certain fireworks when extreme or severe drought conditions exist as determined by the County Council based on the National Weather Service indices and other relevant information supplied by the United States Forest Service;

#### NOW THEREFORE,

the Council of the Incorporated Council of Los Alamos does hereby proclaim that locally exceptional drought conditions exist and high to very high fire hazards represent a significant and immediate threat to safety, health, and welfare of our citizens in Los Alamos County; and

#### THEREFORE,

sale and use of aerial fireworks and ground audible fireworks including aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile type rockets, stick-type rockets, roman candles (able to shoot balls of flame 50-60 plus feet in the air), shells, chasers and firecrackers are prohibited for the next (30) days in accordance with the state statute and the County Code; and

#### THEREFORE,

the use cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches/static (non-flame shooting) roman candles, toy smoke devices, wheels, is limited within Los Alamos County to areas that are paved or barren or that have a readily accessible source of water for use by any homeowner or the public; and

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**THEREFORE,**

Nothing in the Proclamation shall prohibit a County - approved display of fireworks, except that any individual, association, partnership, corporation, or organization shall comply with the terms of any agreement with the County, and shall secure a written permit from the County's Fire Marshal's Office, and the display fireworks shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco, and Firearms at the United States Department of Treasury, pursuant to Section 60-2C-9, NMSA 1978.

**ADOPTED** by the Los Alamos County Council this 8<sup>th</sup> day of June 2021.