



RESOLUTION NUMBER 2023-38

**A RESOLUTION TO PROCLAIM EXTREME OR SEVERE DROUGHT CONDITIONS
WITHIN UNION COUNTY AND TO BAN THE SALE AND USE OF CERTAIN FIREWORKS
IN THE UNINCORPORATED PORTIONS OF THE COUNTY**

WHEREAS, pursuant to Section 60-2C-8.1, NMSA 1978, a part of the Fireworks Licensing and Safety Act, the governing body of a county may issue a proclamation declaring extreme or severe drought conditions within the unincorporated portion of the county affected by extreme or severe drought conditions; and

WHEREAS, the Board of County Commissioners of Union County finds, based upon the current conditions such as low relative humidity and high winds and the current drought indices published by the National Weather Service and the New Mexico State Forestry Division, that extreme drought conditions affect the unincorporated areas of Union County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of Union County does hereby resolves and proclaims as follows:

- Section 1. For purposes of the Proclamation, the word “fireworks” means any device intended to produce a visible or audible effect by combustion, deflagration, or detonation. The term fireworks is used in this Proclamation includes but is not limited to the definition of “fireworks” provided in NMSA 1978, Section 60-2C-2N (2007).
- Section 2. Pursuant to NMSA 1978, Section 60-2C-8.1 (F)(2)(a)(1999), the Board of County Commissioners does hereby allow the sale but limits the use of cone fountains, crackling devices, cylindrical fountains, flutter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels, and mines fireworks within the unincorporated areas of Union County 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.
- Section 3. Pursuant to NMSA 1978, Section 60-2c-8.1 (F)(1)(1999) the following types of fireworks are banned from sale and use within the unincorporated areas of Union County: missile-type rockets, helicopters, aerial spinners, stick-type rockets, ground audible devices, and display fireworks.
- Section 4. Pursuant to NMSA 1978, Section 60-2c-8.1 F (2)(b)(1999), the Board of County Commissioners give itself the power to and does hereby ban the use of all fireworks within wild lands in its jurisdiction. (“Wildlands” means any lands covered wholly or in part by timber, brush, or native grass).
- Section 5. Except as permitted by this Proclamation, the sale and use of all other fireworks of any kind or description are banned within the unincorporated areas of Union County.

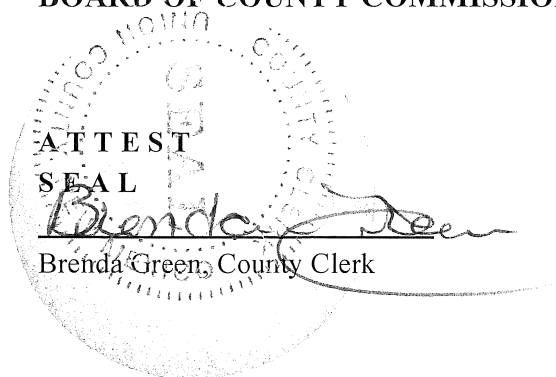
Section 6. This Resolution shall be effective for 30 days from May 29, 2023, but may be reissued if severe or extreme drought conditions warrant. Further, this Resolution may be modified or rescinded within the 30 days of the effective date if the Board of County Commissioners, after conducting a hearing, determines that weather conditions have improved.

Criminal and Civil Penalties.

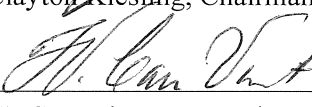
Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act, or the terms and provisions of this resolution, shall, pursuant to NMSA 1978 Section 60-2C-10(A), be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both. If a person is found guilty of violating any of the provisions of the Fireworks Licensing and Safety Act, that person may be subject to civil penalties as set forth in NMSA 1978 Section 60-2C-11.

PASSED, APPROVED AND ADOPTED this 16th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO



By: 
Clayton Kiesling, Chairman


W. Carr Vincent, Member

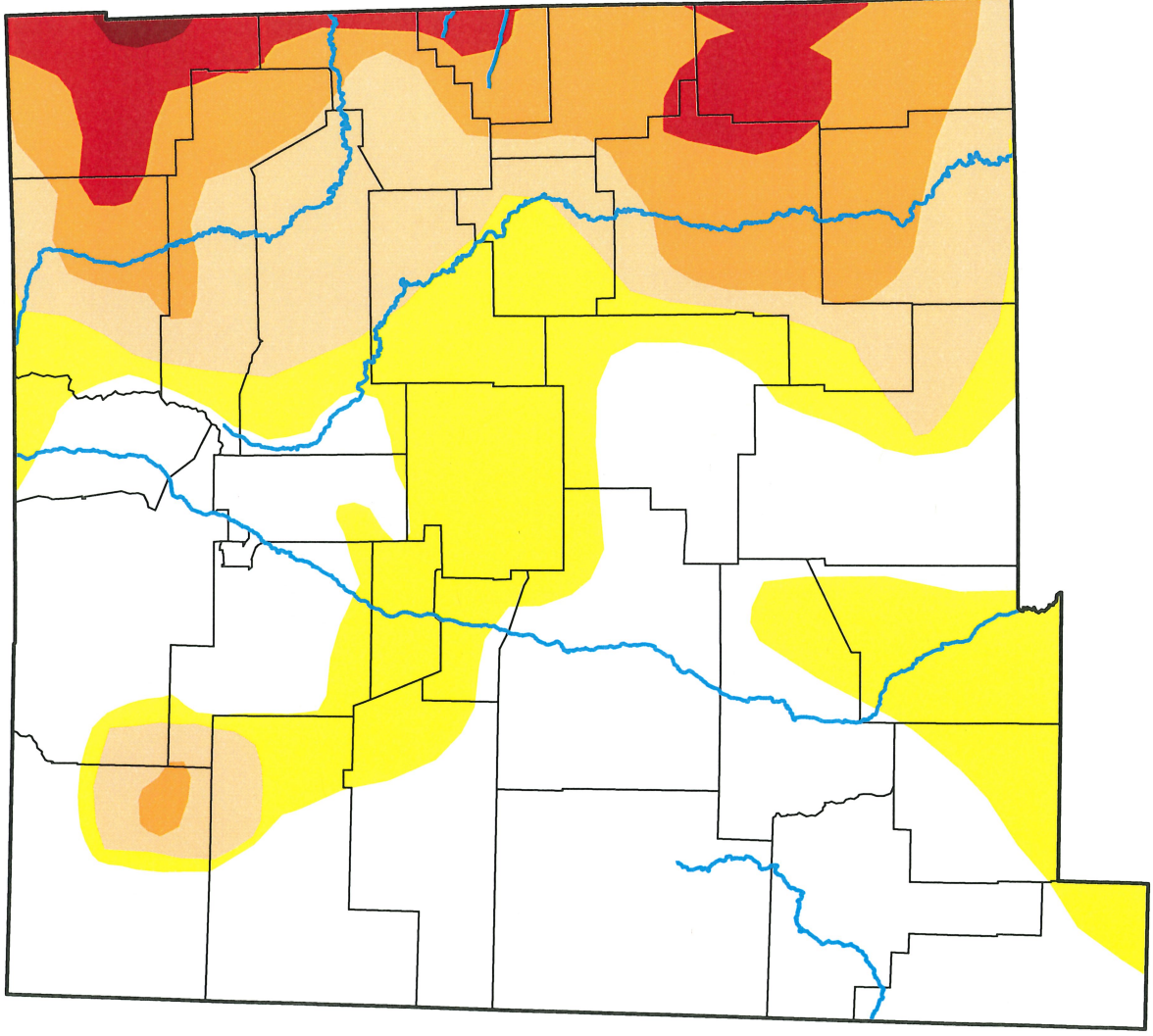

Lloyd Miller, Member

U.S. Drought Monitor New Mexico







May 9, 2023

(Released Thursday, May 11, 2023)

Valid 8 a.m. EDT



Intensity:

-  None
-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brad Pugh
CPC/NOAA

