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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 11-223

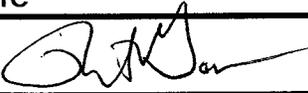
For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of May 16, 2011
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE ISSUANCE OF A PROCLAMATION DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE CITY LIMITS AND IMPOSING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN THE CITY LIMITS

PURPOSE(S) OF ACTION:

The Las Cruces Fire Department seeks Council authorization to declare extreme or drought conditions and to impose restrictions on the use of fireworks within the City limits.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Steve T Mims	<u>Department/Section:</u> Fire	<u>Phone:</u> 528-4150
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Each year the daily number of fire calls experienced in the City of Las Cruces increases during the Fourth of July holiday. This increase is predominantly associated with the use of fireworks. Southern New Mexico, to include the City of Las Cruces, is currently facing extreme drought conditions. These conditions have created an increased risk of damage or loss of property due to fire. The unrestricted use of permissible fireworks during these drought conditions would magnify the potential fire risk, thereby creating an emergency and threat to the health, safety and welfare of residents of the City of Las Cruces if firework use is not further regulated.

NMSA 1978 60-2C-8.1 grants authority to municipalities to regulate the sale and use of fireworks during times of severe or extreme drought. In order to enact restrictions pursuant to the statute, the governing body must first conduct a public hearing to determine if drought conditions exist and if firework restrictions should be imposed. If it is determined there is a need for firework restrictions due to drought conditions, a proclamation must be issued.

The proclamation must be issued no less than 20 days prior to a holiday for which fireworks may be sold and shall explain the restrictions on the sale or use of fireworks. The proclamation is effective for 30 days and succeeding proclamations may be issued if conditions warrant. In the event drought conditions improve, and thereby reduce the risk associated with the sale and use of fireworks, the proclamation may be modified or rescinded within the 30 days through a meeting of the governing body.

(Continue on additional sheets as required)

1. Resolution.
2. Exhibit "A", Proclamation.
3. Attachment "A", NMSA 60-2C-8.1.
4. Attachment "B", US Drought Monitor Map.
5. Attachment "C", National Weather Service Drought Information Sheet.
6. Attachment "D", State Forester fire restrictions

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below	
	No	<input type="checkbox"/>	If No, then check one below:	
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
			<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of _____ for FY ____.	
	No	<input type="checkbox"/>	There is no new revenue generated by this action.	

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will restrict the use of fireworks as indicated in the attached proclamation.
2. Vote "No"; this will not restrict the use of fireworks.
3. Vote to "Amend"; this could change restrictions based on City Council direction.
4. Vote to "Table"; this could delay taking any action until a future date.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 11-223

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PROCLAMATION DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE CITY LIMITS AND IMPOSING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN THE CITY LIMITS.

The City Council is informed that:

WHEREAS, the Fire Department is responsible for fire protection within the City of Las Cruces; and

WHEREAS, each year the daily number of fire calls experienced in the City of Las Cruces increased during the Fourth of July holiday; and

WHEREAS, this increase is predominantly associated with the use of fireworks; and

WHEREAS, southern New Mexico, to include the City of Las Cruces, is experiencing extreme drought conditions, as issued by the National Weather Service; and

WHEREAS, these conditions have created an increased risk of damage or loss of property due to fire; and

WHEREAS, the unrestricted use of permissible fireworks during these drought conditions would magnify the potential fire risk, thereby creating an emergency and threat to the health, safety and welfare of residents of the City of Las Cruces; and

WHEREAS, NMSA 1978 60-2C-8.1 grants authority to municipalities to regulate the sale and use of fireworks during times of severe or extreme drought.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

PROCLAMATION

WHEREAS, the City Council is the governing body of the City of Las Cruces; and

WHEREAS, the City Council has obtained information and forecasts from the National Weather Service concerning drought indices; and

WHEREAS, the City Council of the City of Las Cruces has obtained information and forecasts from the United States Forest Service concerning drought indices; and

WHEREAS, the City Council held a public hearing on May 16, 2011, to determine whether the City of Las Cruces is affected by extreme or severe drought conditions and whether fireworks restrictions should be imposed within the municipal boundaries of the City; and

WHEREAS, the City Council made certain findings of fact based upon information provided during the public hearing and said findings are included in the resolution passed at the hearing authorizing this Proclamation; and

WHEREAS, the findings of the City Council was that the City of Las Cruces is affected by extreme or severe drought conditions based upon current drought indices published by the National Weather Service and other information supplied by the United States Forest Service.

NOW, THEREFORE, be it Proclaimed by the Governing Body of the City of Las Cruces, New Mexico;

(I)

THAT extreme or severe drought conditions exist within the municipal boundaries of the City of Las Cruces.

(II)

THAT permissible fireworks are defined in Las Cruces Ordinance number 2226 and do not include aerial devices, ground audible devices, stick type rockets having a tube less than five-eighths inch outside diameter and less than three and one-half inches in length; and fireworks intended for sale to the public that produce an audible effect, other than a whistle, by a charge of more than one hundred thirty milligrams of explosive composition per report.

(III)

THAT the Governing Body is authorized to limit the use of otherwise permissible fireworks, including ground and hand held sparkling devices, cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinner, illuminating torches, toy

smoking devices and wheels, to areas within the municipal boundaries that are paved, barren, or areas that have a readily accessible source of water.

(IV)

THAT the Governing Body, having consulted with the state forester, is authorized to and has banned the use of all fireworks within areas that are covered wholly or in part by timber, brush or native grass.

(V)

THAT this Proclamation is effective for a period for thirty days from this date unless a subsequent Proclamation is issued by the Governing Body.

APPROVED THIS 16th DAY OF MAY, 2011

Mayor

Date

ATTEST:

City Clerk

(SEAL)

accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse which has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, then the entire fuse shall be covered.

K. Permissible fireworks may be sold at retail between June 20 and July 6 of each year and six days preceding and including new year's day and three days preceding and including Chinese new year, the sixteenth of September and Cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

History: Laws 1989, ch. 346, § 8; 1991, ch. 133, § 6; 1997, ch. 17, § 6.

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.

60-2C-9. Display fireworks.

Except as provided in Section 9 [60-26-8.1 NMSA 1978] of this act, nothing in the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978] shall prohibit the display of display fireworks, except that any individual, association, partnership, corporation, organization, county or municipality shall secure a written permit from the governing body of the county or municipality where the display is to be fired 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 the treasury.

History: Laws 1989, ch. 346, § 9; 1991, ch. 133, § 7; 1997, ch. 17, § 7.

60-2C-10. Penalty; criminal.

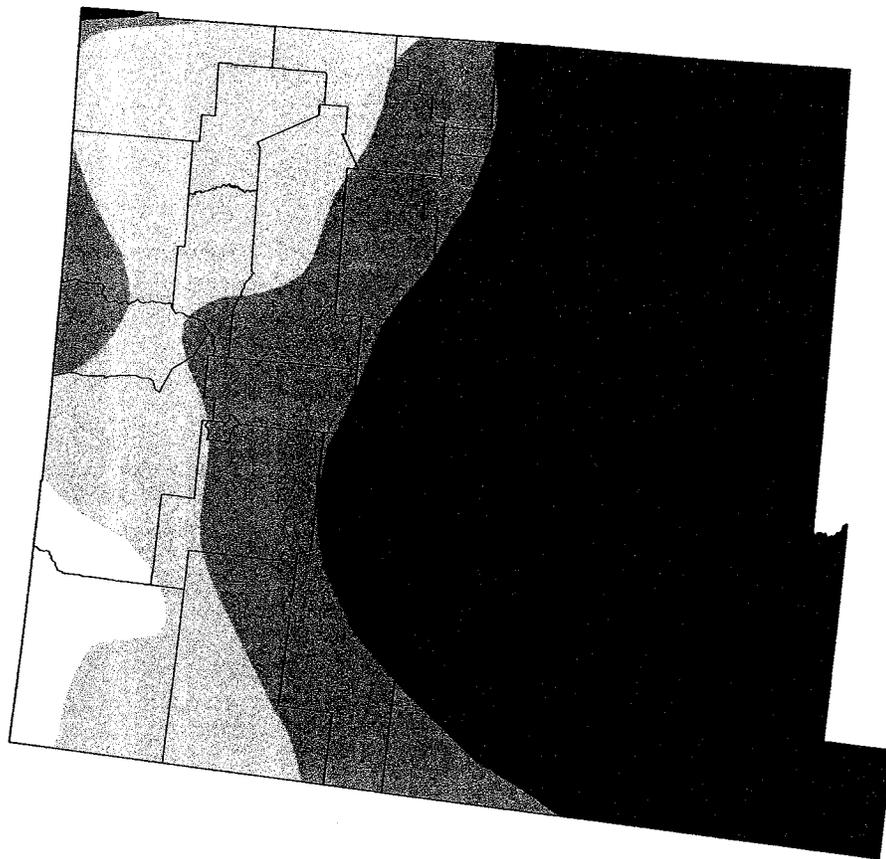
A. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both.

B. Nothing in the Fireworks Licensing and Safety Act shall apply to or prohibit any employees of the department of game and fish or the United States fish and wildlife service from possessing fireworks for control of game birds and animals or to prohibit any law enforcement officer from possessing fireworks in the performance of his duties or to prohibit any municipality or civic

U.S. Drought Monitor

April 26, 2011
Valid 7 a.m. EST

New Mexico



Drought Conditions (Percent Area)

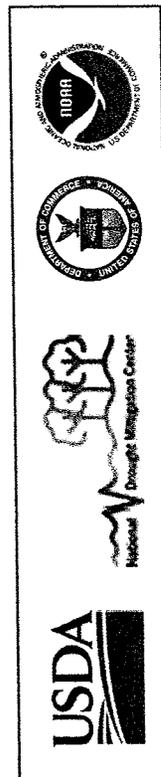
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	96.54	74.67	55.61	0.00
Last Week (04/19/2011 map)	0.00	100.00	94.42	74.67	32.65	0.00
3 Months Ago (01/25/2011 map)	5.30	94.70	50.59	11.43	0.00	0.00
Start of Calendar Year (12/28/2010 map)	6.16	93.84	40.40	0.00	0.00	0.00
Start of Water Year (09/28/2010 map)	76.66	23.34	0.00	0.00	0.00	0.00
One Year Ago (04/20/2010 map)	79.21	20.79	0.02	0.00	0.00	0.00

Intensity:

- D0 Abnormally Dry
- D1 Drought - Moderate
- D2 Drought - Severe
- D3 Drought - Extreme
- D4 Drought - Exceptional

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

<http://drought.unl.edu/dm>



Released Thursday, April 28, 2011
Michael Brewer, National Climatic Data Center NOAA

Provided by NWS Southern Region HQ

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AXUS74 KEPZ 120233 RRA
DGTEPZ
NMZ022>025-030>32-TXC055>056-

DROUGHT INFORMATION STATEMENT
NATIONAL WEATHER SERVICE EL PASO TEXAS /SANTA TERESA NEW MEXICO 1015
0830 PM APR 11 2011

...EXTREME DROUGHT CONDITIONS ARE NOW IN EFFECT FOR ALL OF SOUTHERN
AND SOUTHWEST NEW MEXICO AND FAR WEST TEXAS...

...LA NINA ADVISORY REMAINS IN EFFECT...

SYNOPSIS...

THE STRONG EXTENSIVE LA NINA PATTERN THAT DOMINATED MOST OF THE
EASTERN PACIFIC OCEAN FROM LAST FALL CONTINUES TO WEAKEN SHOWING
REDUCED NEGATIVE SURFACE TEMPERATURE ANOMALIES. ENSO NEUTRAL
CONDITIONS ARE EXPECTED BY JUNE 2011. EXTREME DROUGHT CONDITIONS
HAVE MOVED INTO SOUTH SOUTHWESTERN NEW MEXICO AND FAR WEST TEXAS
MAINLY SOUTH OF WEST OF INTERSTATE 10 AND ALONG THE RIO GRANDE SOUTH
OF TRUTH OR CONSEQUENCES NEW MEXICO INTO TEXAS DOWN TO THE BIG
BEND.

AS OF APRIL EL PASO HAS HAD ONLY .11 INCHES OF PRECIPITATION
ACCUMULATED FOR THIS YEAR RUNNING 9.6 PER CENT OF NORMAL. SINCE
OCTOBER OF 2010 EL PASO HAS HAD ONLY 14.7 PER CENT NORMAL
PRECIPITATION. THE DRY WEST FLOW TRAJECTORIES ALOFT... DUE TO THE
QUASI PERMANENT HIGH PRESSURE OVER THE WESTERN UNITED STATES DUE TO
THE STRONG LA NINA PATTERN WILL CONTINUE TO FEED PERSISTENT DRY TO
MINIMAL PRECIPITATION PATTERNS INTO THE SPRING OF 2011. OVER THE
LAST 180 DAYS VIRTUALLY ALL OF THE CWA EXCEPT FOR THE HIGHER TERRAIN
OF THE SACRAMENTO MOUNTAINS HAVE RECEIVED 10% OR LESS OF NORMAL
PRECIPITATION.

THE CURRENT U.S. DROUGHT MONITOR MAP CAN BE FOUND
AT...[HTTP://DROUGHT.UNL.EDU/DM/MONITOR.HTML](http://drought.unl.edu/dm/monitor.html)

SEASONAL DROUGHT OUTLOOK

THE U.S. SEASONAL DROUGHT OUTLOOK FORECASTS THE DROUGHT TENDENCY TO
CONTINUE FROM PRESENT THROUGH JUNE 2011 ALONG WITH THE PERSISTENCE
OF EXTREME AND SEVERE DROUGHT CONDITIONS (D3) AND (D2). WITH THE
CONTINUATION OF THE MAIN STORM TRACK DEFLECTED TO OUR NORTH BY A
PERSISTENT STRONG HIGH PRESSURE SYSTEM ALOFT OVER THE WESTERN UNITED
STATES...THE STRONG DRY NORTHWEST JET STREAM WINDS HAVE SHUT OFF
SOUTHERN NEW MEXICO FROM THE EAST SOUTHEAST PACIFIC MOISTURE FOR THE
MOST PART.

VIEW THESE FORECASTS AT [HTTP://WWW.DROUGHT.UNL.EDU/DM/FORECAST.HTML](http://www.drought.unl.edu/dm/forecast.html)

IMPACTS...

D4 = EXCEPTIONAL DROUGHT CONDITIONS ARE CHARACTERIZED BY EXCEPTIONAL AND WIDESPREAD CROP/PASTURE LOSSES WITH EXCEPTIONAL FIRE RISK AND SHORTAGES OF WATER IN RESERVOIRS...STREAMS...AND WELLS CREATING WATER EMERGENCIES.

D3 = EXTREME DROUGHT CONDITIONS ARE CHARACTERIZED BY MAJOR CROP/PASTURE LOSSES ALONG WITH EXTREME FIRE DANGER AND WIDESPREAD WATER SHORTAGES OR RESTRICTIONS.

D2 = SEVERE DROUGHT CONDITIONS ARE CHARACTERIZED BY CROP OR PASTURE LOSSES. FIRE RISK IS VERY HIGH WITH SOME WATER SHORTAGES. IF WATER ARE NEEDED THEY WOULD BE TYPICALLY VOLUNTARY OR LOCALLY MANDATED. D2 DROUGHT IS DEFINED AS A 1 IN 10 YEAR DROUGHT.

D1 = MODERATE CONDITIONS ARE CHARACTERIZED BY SOME DAMAGE TO CROPS AND PASTURES WITH HIGH FIRE RISK AND STREAM AND RESERVOIR LEVELS THAT ARE FOR THE MOST PART LOW. WATER SHORTAGES START TO DEVELOP AND IN SOME AREAS VOLUNTARY WATER USE RESTRICTIONS MAY BE REQUESTED.

D0 = ABNORMALLY DRY CONDITIONS SIGNAL THE POSSIBLE ONSET OF DROUGHT WITH SLOW CROP GROWTH ELEVATED FIRE RISK DANGER TO ABOVE AVERAGE.

REMEMBER THAT DROUGHT IS THE LEADING HAZARD IN ECONOMIC LOSSES EACH YEAR IN THE UNITED STATES.

PRECIPITATION/TEMPERATURE OUTLOOKS...

EVEN WITH THE WANE OF LA NINA CONDITIONS IN THE EASTERN PACIFIC THE CLIMATE PREDICTION CENTER OF NOAA CONTINUES TO PREDICT FOR SOUTHERN NEW MEXICO AND FAR WEST TEXAS...GREATER CHANCES FOR BELOW NORMAL PRECIPITATION AND ABOVE NORMAL TEMPERATURES AT LEAST THROUGH THE END OF SPRING 2011. SEVERE OR GREATER DROUGHT CONDITIONS ARE EXPECTED TO PERSISTS FOR SOUTHERN NEW MEXICO AT LEAST THROUGH JUNE 2011.

NEXT ISSUANCE DATE...

THIS PRODUCT WILL USUALLY BE UPDATED AT LEAST ONCE A MONTH OR MORE OFTEN IF SIGNIFICANT CHANGES IN WEATHER...WATER SUPPLY...OR DROUGHT CONDITIONS OCCUR.

RELATED WEB SITES...

ADDITIONAL INFORMATION ON CURRENT OR PAST DROUGHT CONDITIONS MAY BE FOUND AT THE FOLLOWING WEB ADDRESSES /USE LOWER CASE LETTERS/...U.S DROUGHT MONITOR...[HTTP://DROUGHT.UNL.EDU/DM/MONITOR.HTML](http://DROUGHT.UNL.EDU/DM/MONITOR.HTML) NWS PRECIPITATION ANALYSIS PAGE...

[HTTP://WWW.SRH.NOAA.GOV/RFCSHARE/PRECIP_ANALYSIS_NEW.PHP](http://WWW.SRH.NOAA.GOV/RFCSHARE/PRECIP_ANALYSIS_NEW.PHP) PUBLIC LANDS INFORMATION CENTER...

[HTTP://PUBLICLANDS.ORG/FIRENEWS/PRESSRELEASES/NM.PHP](http://PUBLICLANDS.ORG/FIRENEWS/PRESSRELEASES/NM.PHP) CLIMATOLOGY AND PALEOCLIMATOLOGY LINKS...

[HTTP://WWW.DROUGHT.UNL.EDU/WHATIS/CLIMLINKS.HTM](http://WWW.DROUGHT.UNL.EDU/WHATIS/CLIMLINKS.HTM) WESTERN REGIONAL CLIMATE CENTER...

[HTTP://WWW.WRCC.DRI.EDU/INDEX.HTML](http://WWW.WRCC.DRI.EDU/INDEX.HTML)

CLIMATE PREDICTION CENTER...[HTTP://WWW.CPC.NCEP.NOAA.GOV/](http://WWW.CPC.NCEP.NOAA.GOV/) ADDITIONAL RIVER INFORMATION...

NWS...[HTTP://AHPS.SRH.NOAA.GOV/INDEX.PHP?WFO=ABQ](http://AHPS.SRH.NOAA.GOV/INDEX.PHP?WFO=ABQ)

USGS...[HTTP://WATERDATA.USGS.GOV/NM/NWIS/CURRENT?TYPE=FLOW](http://WATERDATA.USGS.GOV/NM/NWIS/CURRENT?TYPE=FLOW)

ACKNOWLEDGEMENTS...

THE U.S. DROUGHT MONITOR IS A MULTI-AGENCY EFFORT INVOLVING THE
NOAA NATIONAL WEATHER SERVICE AND NATIONAL CLIMATIC DATA CENTER...
THE USDA...STATE AND REGIONAL CLIMATE CENTERS AND THE NATIONAL
DROUGHT MITIGATION CENTER.

NATIONAL WEATHER SERVICE
7955 AIRPORT ROAD
SANTA TERESA NM 88008
PHONE...505-589-4088
DAVID NOVLAN CLIMATE FOCAL POINT
DAVE.NOVLAN@NOAA.GOV
WWW.SRH.NOAA.GOV/ELPASO

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NOVLAN



New Mexico Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

John Bemis
Cabinet Secretary-Designate

Brett F. Woods Ph.D.
Deputy Secretary

Tony Delfin
Division Director
Forestry Division



News Release

April 15, 2011

Contact: Dan Ware, Public Relations Coordinator
505-476-3336/daniel.ware@state.nm.us

Energy, Minerals and Natural Resources Department Secretary and the State Forester Announce Fire Restrictions for Many NM Counties

Santa Fe – New Mexico Energy, Minerals and Natural Resources Secretary-Designate John Bemis and State Forester Tony Delfin today announced restrictions on fireworks, smoking, campfire and open-fires for 29 counties. The restrictions will go into effect at **8:00 a.m., Saturday, April 16, 2011.**

The restrictions are being imposed due to prolonged low levels of precipitation, high winds and low humidity across much of New Mexico, which has caused high to extreme fire danger.

"Some areas of New Mexico have not seen appreciable moisture in as many 150 days and as we progress into spring, the risk to communities from wildfire is increasing significantly," said Bemis. "I'm urging all residents in the areas affected to follow the restriction guidelines to protect lives and property in their communities."

The restrictions will be imposed on all non-municipal, non-federal and non-tribal lands in Bernalillo, Catron, Chaves, Cibola, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Mora, McKinley, Otero, Quay, Roosevelt, Sandoval, Santa Fe, San Miguel, Sierra, Socorro, Torrance, Valencia, and Union counties. The State Forester has also placed the following restrictions on non-municipal and non-federal lands in the following county for that portion of the county east of Interstate 25: Colfax. The restrictions in all counties listed will remain in effect until rescinded.

The restrictions include:

- **Smoking:** Allowed only in enclosed buildings, developed recreation areas, within structures, vehicles equipped with ashtrays on paved or surfaced roads and in areas at least three feet in diameter that are barren or cleared of all flammable material.

-more-

Forestry Division
1220 South St. Francis Drive • Santa Fe, New Mexico 87505
Phone (505) 476-3325 • Fax (505) 476-3330 • www.emnrd.state.nm.us/FD



- **Fireworks:** Prohibited in all state and private wildlands outside city or federal jurisdictions. Wildland areas include lands covered wholly or in part by timber, brush, grass, grain or other flammable vegetation. Exceptions are allowed for fire department approved public exhibits.
- **Campfires: Banned** in all open areas including New Mexico State Parks unless the following exceptions are met. An exception is granted to the above where cooking or heating devices use kerosene, white gas or propane as a fuel in an improved camping area that is cleared of all flammable vegetation for at least 30 feet or has a water source. (For information, contact park managers or visit www.nmparks.com). The State Forester is also allowing exceptions for charcoal grills and wood and coal stoves within yards associated with a residence or on the premises of a business.
- **Open Burning:** Open fires are restricted. This includes the burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning or weed burning. There is an exception for open burning on croplands that are irrigated. Persons conducting burns must notify the local fire department, monitor the burn at all times, secure the burn at the end of the day, and follow state air quality rules and local ordinances.

Flaring of gas is prohibited.

The State Forester grants an exception to open burning when the following conditions are met:

- At least one adult is on site with communications equipment adequate to reach county dispatch and the local fire department in the event of a fire. The individual should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire.
- The local fire department and county dispatch are notified at least 24 hours in advance of anticipated releases that will result in flaring. If flaring is done by an automated system then the schedule of flaring shall be provided to the local fire department and county dispatch.
- Unless the flaring is needed for safety purposes, flaring pursuant to this exception shall not be done on days that are "red flag days" as determined by the National Weather Service or on days when the sustained wind is in excess of 25 miles per hour in the area.

Exemptions

The State Forester may allow exemptions from the above upon receiving a written request and granting subsequent approval in writing. You may apply for an exemption on the Forestry Division website at www.nmforestry.com.

An exemption does not relieve a person from any civil or criminal liability associated with an uncontrolled fire, including costs associated with wildland fire suppression.

For specific details and the legal restriction notification, log onto www.nmforestry.com. For more information, please call (505) 476-3325.

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The Energy, Minerals and Natural Resources Department provides resource protection and renewable energy resource development services to the public and other state agencies.

Forestry Division
1220 South St. Francis Drive • Santa Fe, New Mexico 87505
Phone (505) 476-3325 • Fax (505) 476-3330 • www.emnrd.state.nm.us/FD

