

**STATE OF NEW MEXICO
CITY OF GALLUP**

**A PROCLAMATION DECLARING
EXTREME OR SEVERE DROUGHT CONDITIONS
WITHIN THE CITY OF GALLUP, NEW MEXICO**

PURPOSE: Pursuant to the provisions of NMSA 1978 §60-2C-8.1(B); and after a public hearing, the governing body of the City of Gallup, New Mexico (Gallup City Council) shall issue a proclamation declaring extreme or severe drought conditions within the incorporated boundaries of the City of Gallup if the governing body determines such conditions exist.

WHEREAS: The Gallup City Council published notice and held a public hearing to determine if fireworks restrictions should be imposed within the incorporated portions of the City affected by extreme or severe drought conditions; said hearing was held on: **May 8, 2022**; and,

WHEREAS: The hearing held was to determine whether the City of Gallup is affected by extreme or severe drought conditions and whether fireworks restrictions should be imposed within the boundaries and jurisdictional authority of City of Gallup (N.M.S.A. 1978 §60-2C-8.1 (A – D)); and,

WHEREAS: The information regarding drought status and forecasts for the City of Gallup (published by the National Weather Service and other information supplied by the United States Forest Service) shows that all (or nearly all) of the area of the City of Gallup is under and affected by extreme or severe drought conditions; and,

WHEREAS: The Governing body in issuing a proclamation declaring an extreme or severe drought and banning the use and sale of fireworks must make certain findings of fact based upon information provided at the public hearing.

NOW THEREFORE, THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO ISSUES THIS PROCLAMATION DECLARING THE FOLLOWING:

Section 1: Extreme or severe drought conditions exist within the boundaries and jurisdiction of the City of Gallup.

Section 2: In addition to any Ordinance enacted pursuant to NMSA 1978 §60-2C-7(C), the sale and use within the boundaries and jurisdiction of the City of Gallup of missile-type rockets, helicopters, aerial spinners and stick-type rockets is prohibited by this Proclamation declaring severe and extreme drought conditions in the City of Gallup. (The prohibited devices named herein and authorized under N.M.S.A. 1978 §60-2C-8.1 to ban under a severe and extreme drought proclamation/declaration are those devices defined in N.M.S.A. 1978 §60-2C-7(A)(2)(b, c, e, and i).

Section 3: In addition to any Ordinance Enacted pursuant to NMSA 1978 §60-2C-7(C), the sale and use within the boundaries of the City of Gallup and jurisdiction of the City of Gallup of ground audible devices including: chasers and firecrackers is prohibited by this Proclamation declaring sever and extreme drought conditions in the City of Gallup. (See, those devices listed in N.M.S.A. 1978 §60-2C-7(A)(3)(a, and b).

Section 4: The Governing Body of the City of Gallup is authorized and hereby limits the use of otherwise permissible fireworks, including: cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoking devices and wheels to areas within the City of Gallup boundaries that are paved or barren or areas that have a readily accessible source of water for use by the homeowner or the general public.

Section 5: The Governing Body of the City of Gallup is authorized to and hereby bans the sale or use of display fireworks, except those associated with events approved through the city permitting process. For purposes of this Proclamation/declaration, display fireworks: means devices primarily intended for displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.

Section 6: This Proclamation declaring severe and extreme drought conditions in the City of Gallup is effective from **XXXX**, 2022 for 30 days unless a subsequent Proclamation is issued by the Gallup City Council for the City of Gallup.

THIS PROCLAMATION DECLARING EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE INCORPORATED PORTIONS OF THE CITY OF GALLUP, NEW MEXICO IS PASSED AND APPROVED AT A REGULAR MEETING HELD ON THE **XX DAY OF **XXXX**, 2022. THIS PROCLAMATION SHALL BE REINSTATED AT THE PUBLIC HEARING CONDUCTED BY THE GALLUP CITY COUNCIL AT THEIR REGULAR MEETING ON **XXX XXX**, 2022, IF IT IS DETERMINED THAT THE EXTREME OR SEVERE DROUGHT CONDITIONS HAVE NOT IMPROVED.**

CITY OF GALLUP, NEW MEXICO

By: _____
Louis Bonaguidi, Mayor

ATTEST:

Alfred Abeita II, City Clerk