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# Town of Edgewood

## Ordinance No. 2000 – 28

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**AN EMERGENCY ORDINANCE DECLARING HAZARDOUS FIRE  
CONDITIONS WITHIN THE TOWN OF EDGWOOD WARRANTING  
RESTRICTIONS AND/OR PROHIBITIONS ON FIREWORKS, OPEN FIRES  
AND SMOKING**

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**SECTION 1: SHORT TITLE**

This Ordinance may be referred to as the Emergency Fire Restrictions Ordinance.

**SECTION 2: PURPOSE**

This Ordinance is intended to preserve and protect the general health, safety and welfare of the residents of the Town of Edgewood

**SECTION 3: JURISDICTION**

The Fireworks Licensing and Safety Act, NMSA 1978 60-2C-1 through 60-2C-8.1 authorizes governing bodies of municipalities to limit and restrict the sale and use of fireworks within the municipal boundaries of the municipality in times of extreme or severe drought. This ordinance is enacted pursuant to authority granted to governing body by NMSA 1978 60-2C-8.1 and 60-2C-7.C.

**SECTION 4: LIBERAL CONSTRUCTION**

This Ordinance, being necessary to secure the public health, safety, convenience and welfare, shall be liberally construed to affect the purpose.

**SECTION 5: EFFECTIVE DATE**

This Ordinance is enforceable immediately upon approval and adoption by the governing body.

1     **SECTION 6:           FINDINGS**

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3     The Edgewood Town Council hereby determines the following:

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5           6.1     The danger of range fires, brush fires, grass fires, forest fires and structure  
6                    fire is extremely high within the incorporated Town of Edgewood.  
7           6.2     Current fire conditions are extremely high within the incorporated Town  
8                    of Edgewood and surrounding Santa Fe County, Bernalillo County and  
9                    Torrance County.  
10          6.3     The probability of ignition of materials and fire spread is extremely high  
11                    within the Town of Edgewood.  
12          6.4     Santa Fe County, Bernalillo County and Torrance County governing  
13                    bodies have enacted similar restrictions and bans on fireworks, firework  
14                    displays, open fires, burning and smoking.  
15          6.5     In recent months, the Santa Fe County Fire Department has responded to  
16                    numerous brush, grass, range and forest fires that have threatened  
17                    structures and homes in the Town of Edgewood and throughout Santa Fe  
18                    County.  
19          6.6     Many of these fires have been started by agricultural and other open  
20                    burning, campfires and/or smoking and in light of these conditions, the  
21                    U.S. Forest Service and New Mexico State Forestry have implemented fire  
22                    restrictions in Santa Fe, Carson and Cibola National Forests and therefore  
23                    the Town of Edgewood recognizes the significance of these restrictions.  
24          6.7     Fireworks are banned in both National and State Forests.

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26     The Town Council of Edgewood, therefore, declares that the dry conditions and high  
27     fire hazards represent a significant and immediate threat to the safety, health and  
28     welfare of the citizens of the Town of Edgewood.

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31     **SECTION 7:           RESTRICTIONS/PROHIBITIONS**

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33     The Edgewood Town Council hereby determines based on the above findings that the  
34     most convenient and expeditious method to protect the citizens of the Town of Edgewood  
35     is the enactment and enforcement of this Ordinance and thus hereby adopts the following  
36     temporary restrictions/prohibitions:

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38           7.1     Campfires  
39           7.2     Open fires and charcoal grills  
40           7.3     Open burning of vegetation or rubbish.  
41           7.4     Use of aerial and ground audible fireworks including aerial spinners,  
42                    helicopters, mines, missile-type rockets, roman candles, shells, stick-type  
43                    rockets, chasers, firecrackers and all fire works.  
44           7.5     Smoking within a Town park, campground or any wildland area except  
45                    within an enclosed vehicle or building.  
46           7.6     Public or commercial displays of fireworks.

1     **SECTION 8:           ENFORCEMENT AUTHORITY**

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3     Except as specifically set forth herein, nothing in this emergency ordinance shall be  
4     construed to limit the authority or responsibilities of the Santa Fe County Fire  
5     Department, Santa Fe County Fire Marshal or the Santa Fe County Sheriff under the  
6     provisions of any other ordinance or Joint Powers Agreement between the Town of  
7     Edgewood and Santa Fe County.  
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10    **SECTION 9:           PENALTY**

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12           9.1     Any individual, firm, partnership or other entity found in violation of this  
13                    emergency ordinance shall be deemed guilty of a misdemeanor and shall  
14                    be punished by imprisonment for up to ninety days or a fine not to exceed  
15                    three hundred dollars, or both.  
16           9.2     Any individual, firm, partnership or other entity found in violation shall be  
17                    cited and remanded to the Santa Fe Magistrate Court for adjudication.  
18           9.3     Each and every occasion on which this emergency ordinance is violated  
19                    shall be considered a separate offense.  
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22    **SECTION 10:         SEVERABILITY**

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24    If any paragraph or provision of this ordinance is adjudged to be invalid for any reason,  
25    the remainder of this emergency ordinance, not so adjudged, shall remain in full force  
26    and effect.  
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29    **SECTION 11:         EFFECTIVE TIME PERIOD**


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31    This ordinance, including any extensions, shall remain in effect until the Santa Fe County  
32    Fire Marshal determines that the fire danger has been alleviated or for a period of thirty  
33    days, whichever comes first.  
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36    **APPROVED, ADOPTED AND PASSED this 21<sup>st</sup> day of June, 2000**

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38    **TOWN OF EDGEWOOD**

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40    Lawrence Keaty, Mayor  
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43    **ATTEST**

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45    Karen Alarid, Town Clerk  
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