# CITY OF ALBUQUERQUE CITY COUNCIL

#### INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Jon K. Zaman, Director of Council Services Jon 11/12/15

**SUBJECT: Transmittal of Legislation** 

Transmitted herewith is <u>Bill No. F/S O-15-55</u> Amending The Health, Safety And Sanitation Ordinance (Harris), which was passed at the Council meeting of November 2, 2015, by a vote of <u>9 FOR AND 0 AGAINST</u>.

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm Attachment 11/5/15

### **CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL**

ENACTMENT NO. <u>0.2015-030</u> COUNCIL BILL NO. F/S O-15-55

SPONSORED BY: Don Harris							
	1	ORDINANCE					
	2	AMENDING THE HEALTH, SAFETY AND SANITATION ORDINANCE.					
	3	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF					
	4	ALBUQUERQUE:					
	5	SECTION 1. Section 9-20-1 is amended to read as follows:					
	6	"Section 9-20-1. FINDINGS.					
	7	The Council finds:					
	8	(A) Pursuant to Section 60-2C-7 NMSA 1978, Permissible					
	9	Fireworks, a municipality may regulate or prohibit the sale and use of					
	10	fireworks known as aerial devices and ground audible devices.					
E	11	(B) Fireworks that are considered 'safe and sane' are those that					
ij - New - Deletion	12	do not fly or explode. Aerial devices and ground audible devices are not 'safe					
- Ğ ≣ '		and sane' firework devices. Once ignited, aerial devices (aerial shell kit-					
	14	reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets,					
ate la	15	multiple tube devices, roman candles, shells and stick-type rockets) take an					
	16	unpredictable flight pattern, and pose a significant fire hazard to vegetation					
FOE FOE	17	and structures. They also possess a considerable injury potential to the user					
<u>keted/Underscoreg Material]</u> - New <del>ked/Strikethrough Material</del> ] - Deletic	18	and general public. Ground audible devices (chasers and fire crackers) are					
	19	disturbing to the public peace and possess a considerable injury potential to					
	20	the user and general public.					
ack ack	21	(C) Should the city experience a fire that burns out of control in					
Bracketed	. 22	the Bosque or other open space areas, the flora and fauna in those protected					
	23	areas are at great risk of sustaining devastating loss and/or destruction.					
	24	(D) Should the city experience a fire that burns out of control in					
	25	populated areas, it may be necessary to evacuate and relocate affected					

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populated areas, it may be necessary to evacuate and relocate affected residents.

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- The 4<sup>th</sup> of July weekend presents a greatly increased fire risk (E) because of the widespread use of fireworks.
- The outdoor recreation program for model rocketry is considered a great educational opportunity for city youths. The rocketry program has prepared young participants with lifelong skills such as, persistence, reading instructions, following directions, teamwork and basic science. Model rocket launches under this program are conducted with safety as a priority, under strict adult supervision, and only as permitted by the Fire Department."
- SECTION 2. Section 9-20-4 is amended to read as follows:
- "Section 9-20-4. EXEMPTION. 11

Nothing within this article shall prohibit public displays of fireworks as defined in the Fire Code as adopted in Sections 14-2-1 et seq. ROA 1994, so long as those displays are in strict conformance with the requirements and conditions for public displays as set forth in that code and as approved by the City Fire Chief. Furthermore, nothing within this article shall prohibit the building and launching of model rockets as part of the city summer rocketry program while fire restrictions and bans are issued, provided the launching of rockets is accomplished safely and only as permitted and inspected by the Albuquerque Fire Department."

SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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1	PASSED AND ADOF	PTED THIS	<u>2nd</u>	_ DAY OF _	November, 2015			
2	BY A VOTE OF:							
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8	Rey Garduñø, President							
9	City Council							
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12	APPROVED THIS _	19th DAY	OF Nov	ember	, 2015			
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15	Bill No. F/S O-15-55		1.1	.1				
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<b>9 9 27</b>	Natalie Y. Howard,	City Clerk						
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# Health City Sun AFFIDAVIT OF PUBLICATION

CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL COUNCIL BILL NO. F/S O-15-55 **ENACTMENT NO. 0-2015-030** SPONSORED BY: Don Harris ORDINANCE AMENDING THE HEALTH, SAFETY AND SANITATION ORDINANCE. IT ORDAINED RY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE: HCS Pub. November 27, 2015

State of New Mexico	)
a	) ss
County of Bernalillo	)

David Rivord, being duly sworn declares and says he is the Publisher of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 27th day of November, 2015, and the last publication being in the issue of the 27th day of November, 2015.

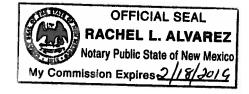
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 27th day of November, 2015.

Kuelel LMus Notary Public

My Commission Expires 2/18/2019



## Health City Sun AFFIDAVIT OF PUBLICATION

**CIUDAD de ALBUQUERQUE** VIGÉSIMO PRIMER CONCEJO PROYECTO DE LEY MUNICIPAL NÚM. F/S O-15-55 PROMULGACIÓN NÚM. O-2015-030 **PATROCINADO POR: Don Harris ORDENANZA PARA ENMENDAR** ORDENANZA RELATIVA A LA SALUD, LA SEGURIDAD Y **EL SANEAMIENTO** ASÍ LO RESUELVE CONCEJO. ÓRGANO **GOBERNANTE** DE CIUDAD DE ALBUQUERQUE: HCS Pub. November 27, 2015

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Karlal Leller
Notary Public

My Commission Expires 2/18/2019

