



**1998-1999
PUBLIC
SAFETY
RESOLUTIONS**

TABLE OF CONTENTS
1998-1999
NMML PUBLIC SAFETY RESOLUTIONS

- 1998-35 Concerning Community Policing
- 1998-36 Concerning Municipal Regulation of Fireworks
- 1998-37 Concerning the Fire Protection Fund
- 1998-38 Concerning Municipal Regulation of Reckless Driving and Driving while Intoxicated on Private Property
- 1998-39 Concerning Supporting Community Based Multidisciplinary Approach to Domestic Violence Programming for the State of New Mexico
- 1998-40 Concerning Support of Hate Crimes Legislation
- 1998-41 Concerning Restoring the Emergency Response Fund
- 1998-42 Concerning the Retention of the Local E-911 Surcharge
- 1998-43 Concerning the E-911 Surcharge Structure
- 1998-44 Concerning the Adoption of a Graduated Driver's License System for Teenage Drivers

RESOLUTION NO. 1998-35

CONCERNING COMMUNITY POLICING

Whereas, the fear of crime is at the forefront of public concern; and

Whereas, police departments represent the first line of defense against crime; and

Whereas, there is a need for citizens and public safety professionals to develop a working relationship; and

Whereas, community policing is a broad-based philosophy designed to build partnerships between public safety professionals, citizens of our communities and other agencies to solve problems; and

Whereas, community policing has been shown to reduce criminal activity and to impact on the fear of crime as well as the use of public resources to address police/community problems.

Now, Therefore, Be It Resolved that the New Mexico Municipal League adopts the philosophy and organizational strategies supporting community policing; and

Be It Further Resolved that the Municipal League supports state funding initiatives for training and implementation of community policing statewide.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-36

CONCERNING MUNICIPAL REGULATION OF FIREWORKS

Whereas, the New Mexico Municipal League does find and determine that the uncontrolled discharge of fireworks within municipalities of the State of New Mexico has resulted in injuries to persons, damage to property, excessive expenditure of public funds to extinguish fires and has created excessive noise and nuisance; and

Whereas, the danger of range fires, brush fires, grass fires, structure fires, and other fires of every kind can be, at times, extremely high in the State of New Mexico; and

Whereas, the probability of ignition of materials likely to serve as fuel for fires is extremely high in the State of New Mexico; and

Whereas, the health, safety and welfare of the citizens of the municipalities in New Mexico are at risk when there is an increased fire hazard; and

Whereas, should a municipality experience a fire that burns out of control, a high percentage of its water resources may be at serious risk of complete loss or severely reduced capacity; and

Whereas, by ordinance municipalities have adopted various versions of the Uniform Fire Code, which ordinance contains provisions allowing the municipalities' Fire Marshall, or other fire official, to restrict the sale or use of fireworks as is deemed necessary to protect the citizens of the municipality based on increased fire hazard; and

Whereas, the governing bodies of municipalities have historically adopted ordinances designed to protect their citizens from threats to the public welfare and safety, including increased fire hazards; and

Whereas, the State Fireworks Licensing and Safety Act, at Section 60-2C-7 NMSA 1978, in the second sentence, states that a municipality or county shall not by ordinance regulate and prohibit the sale or use of otherwise permissible fireworks except aerial devices and ground audible devices; and

Whereas, this second sentence of Section 60-2C-7 NMSA 1978 was revised by the legislature in 1991 to change the word "may" to the words "shall not", thus directly changing the 1978 statute to prohibit a municipality from restricting the sale or use of fireworks; and

Whereas, the second sentence of Section 60-2C-7 NMSA 1978 is in direct conflict with the provisions of the Uniform Fire Code addressing the sale and use of fireworks, which provisions have been adopted by municipalities enabling them to enact policies and to take measures to protect their citizens from the increased threat of fire posed by the use of fireworks under certain conditions; and

Whereas, many municipalities have adopted the Uniform Fire Code by ordinance and thus, under the current state statute, have no means to control the sale or use of fireworks even when there are extreme fire hazards; and

Whereas, this situation leaves the State Fire Board as the only entity in the State of New Mexico that can legally ban the sale or use of otherwise permissible fireworks; and

Whereas, as it currently exists the State Fire Board does not have any official fire personnel among its members; and

Whereas, under the current wording of Section 60-2C-7 NMSA 1978 municipalities are not able to protect their citizens from the use of fireworks even when there are extreme fire hazard conditions and this may expose the municipalities to liability.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation amending the second sentence of Section 60-2C-7 to read:

"In the event of an open burn ban by a statutorily-authorized agency, the governing body of a municipality or county may by ordinance regulate and prohibit the use of otherwise permissible fireworks."

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-37

CONCERNING THE FIRE PROTECTION FUND

Whereas, the state legislative purpose of the Fire Protection Fund is to provide for distribution of funds "to incorporated cities, towns and villages, and to county fire districts, in proportion to their respective needs, for use in operation, maintenance and betterment of local fire departments to the end that the hazard of loss by fire and fire insurance rates may be reduced and public safety thereby promoted;" and

Whereas, to many of the 353 State-recognized fire departments, this funding represents their sole source of operating money; and

Whereas, notwithstanding a 1998 increase in the annual distribution to fire departments from the Fire Protection Fund, a need still exists for capital project funding; and

Whereas, because of financial limitations, a majority of the departments, especially small municipal and county departments, are unable to support any capital projects, including basic fire equipment acquisition, apparatus repair and replacement, and fire station construction or expansion.

Now, Therefore, Be It Resolved that the League supports legislation to establish an annual Fire Protection Fund Capital Projects Grant Program (CPGP), utilizing an additional percentage of the Fire Protection Fund, to allow departments with a demonstrated need an opportunity to apply for additional funding, specific to fire department capital projects.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-38

**CONCERNING MUNICIPAL REGULATION OF RECKLESS DRIVING AND
DRIVING WHILE INTOXICATED ON PRIVATE PROPERTY**

Whereas, the state Traffic Code provides for enforcement of the reckless driving and driving while intoxicated laws on the streets and highways and elsewhere within the state, including on private property; and

Whereas, Section 3-49-1, NMSA 1978, prohibits municipalities from regulating speed and traffic conditions on private property, such as shopping center parking lots without the written consent of the landowner; and

Whereas, the New Mexico Court of Appeals has ruled that the term "regulating speed and traffic conditions" in Section 3-49-1 includes reckless driving and driving while intoxicated ordinances; and

Whereas, municipalities may no longer enforce such ordinances without the consent of the landowner, which consent may not be granted.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend Section 3-49-1 to delete the property owner consent requirement, thereby granting municipalities the same powers as the State in enforcing reckless driving and driving while intoxicated ordinances to include private property, public and private easements, and private roads open to public access, or regularly used by the public.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-39

**CONCERNING SUPPORTING COMMUNITY BASED MULTIDISCIPLINARY
APPROACH TO DOMESTIC VIOLENCE PROGRAMMING
FOR THE STATE OF NEW MEXICO**

Whereas, domestic violence is a growing epidemic in this country, between 1.8 and 4 million women each year are battered by their intimate partners; and

Whereas, the secondary effects of domestic violence are felt on an even broader scale as from 3 to 10 million children witness acts of domestic violence, resulting in emotional and behavioral problems, and worse still, judges are beginning to report that children first seen as victims in domestic violence cases return to court years later as juvenile offenders and adult criminal defendants; and

Whereas, domestic violence has enormous economic costs to business in form of absenteeism and reduced employee productivity, as well as the added impact of increased medical costs, making it apparent that all of society has an abiding interest in ending domestic violence; and

Whereas, the domestic violence programs that draw on the broad resources of the community - judges, lawyers, advocates from local and state domestic violence coalitions and programs, physicians, nurses, psychologists, social workers, victim service professionals, law enforcement and military personnel, the business community and the media - have been able to effect the changes which end domestic violence.

Now, Therefore, Be It Resolved that the New Mexico Municipal League support legislation that will encourage through funding the development of multidisciplinary community-based programs in response to the current epidemic of domestic violence.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-40

CONCERNING SUPPORT OF HATE CRIMES LEGISLATION

Whereas, the New Mexico Municipal League is in the strongest opposition to any crime against persons or property which is motivated by hatred based on race, creed, gender, national origin, color, ethnicity, sexual orientation, age, disability, or any other characteristic which is intrinsic to the being of an individual person or group of persons; and

Whereas, the Municipal League affirms the dignity and right of all people to live in peace, and finds crimes based on prejudice and hatred to be offensive and intolerable in a community of civilized persons; and

Whereas, incidents of various kinds of hate crimes have been committed in communities in New Mexico; and

Whereas, legislation providing additional penalties for crimes committed because of hate or bias has been introduced and passed the State legislature but has been vetoed.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports legislation to enhance penalties for crimes motivated by hate and bias.

Be It Further Resolved that the Municipal League urges the Governor of the State of New Mexico to sign such a bill, if it is passed by the New Mexico legislature.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-41

CONCERNING RESTORING THE EMERGENCY RESPONSE FUND

Whereas, emergency management functions among New Mexico municipalities and counties vary in their framework but the mission to provide preparedness, response, mitigation and recovery remains the same; and

Whereas, municipalities and counties attempting to equip or train their units for emergency response teams face severe financial limitations; and

Whereas, the League recognizes that some training is being provided, additional training is needed in order for communities to adequately respond in emergencies; and

Whereas, an Emergency Response Fund using the permit fees levied upon hazardous materials transporters was previously established and then abolished by the New Mexico Legislature.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports restoration of the Emergency Response Fund for training in emergency response and for funding equipment for emergency response teams.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-42

CONCERNING THE RETENTION OF THE LOCAL E-911 SURCHARGE

Whereas, section 63-9D-6 authorizes local governments to recover from the E-911 network and database fund an amount necessary to recover the costs of purchasing, leasing, installing and maintaining equipment and the costs of developing and maintaining a network and database necessary to provide a 911 emergency system; and

Whereas, proposed technical changes in the delivery of E-911 service will result in substantial costs to local governments in order to maintain the system; and

Whereas, without the network and database surcharge, rural communities in New Mexico could not continue to provide the E-911 service; and

Whereas, a new, more powerful 911 router, around which the entire state 911 system is built, will be required by U.S. West and will impact local governments in their delivery of service including PSAP computer upgrades and conversion to digital networks, provision of alternate systems and back-up networks, nationwide telephone number portability, private branch exchange systems and alternative local exchange telephone service providers; and

Whereas, the E-911 program is important to our municipalities and one that needs to be kept up to date in order for it to be truly effective in delivering this vital service to our citizens.

Now, Therefore, Be It Resolved that the New Mexico Municipal League strongly urges the Legislature to retain the existing E-911 surcharge authorized for local governments in order to insure adequate funding for equipment replacement as well as technological components.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-43

CONCERNING THE E-911 SURCHARGE STRUCTURE

Whereas, the E-911 system was developed to provide citizens access to emergency services; and

Whereas, the E-911 system is used by wireless as well as wired telephone systems; and

Whereas, wireless users are not paying the E-911 surcharge thus placing the entire cost of the service on the users of wired telephone systems; and

Whereas, the exclusion of wireless systems from the payment of the E-911 surcharge creates an inequitable system of charges.

Now, Therefore, Be It Resolved that the New Mexico Municipal League urges the Legislature to include all telephone users in the payment of the E-911 service surcharge.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.

RESOLUTION NO. 1998-44

**CONCERNING THE ADOPTION OF A GRADUATED DRIVERS
LICENSE SYSTEM FOR TEENAGE DRIVERS**

Whereas, new drivers are three to four times more likely to be involved in an automobile crash than experienced drivers; and

Whereas, two-thirds of our teen passengers killed or injured were in vehicles driven by another teen; and

Whereas, most teen automobile crashes occur between 9:00 p.m. and 6:00 a.m.; and

Whereas, in New Mexico, teenagers comprise only six percent of New Mexico's drivers, in 1996 15 percent of all drivers in crashes were teenagers; and

Whereas, a graduated drivers license system requires an extended period of supervised driving time before a new driver may be issued a full unrestricted license; and

Whereas, implementing such a system will reduce crashes, injuries and deaths in New Mexico.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports the adoption of a graduated license system for beginning drivers under the age of 18.

Passed, Approved and Adopted this 3rd day of September, 1998 at the Town of Taos, New Mexico.