



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA **HAS POSTPONED** A **WORK SESSION** SCHEDULED FOR MAY 24, 2021 TO **THURSDAY, MAY 27, 2021** AT 4:00 P.M., **IN PERSON AT THE COMMUNITY CENTER, 2251 CALLE DE SANTIAGO (SPACE IS LIMITED) OR VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389** **PASSWORD 971704.**

1. Discussion on Historic Residential (HR) Ordinance Changes. – **Board of Trustees & Planning, Zoning and Historical Appropriateness Commission.**
2. Discussion regarding Town of Mesilla FY 22 budget. – **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA **HAS POSTPONED** A **REGULAR MEETING** FOR MAY 24, 2021 TO **THURSDAY, MAY 27, 2021** AT 6:00 P.M., **IN PERSON AT THE COMMUNITY CENTER, 2251 CALLE DE SANTIAGO (SPACE IS LIMITED) OR VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389** **PASSWORD 971704.**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL & DETERMINATION OF A QUORUM**
3. **CHANGES TO THE AGENDA & APPROVAL**
4. **PRESENTATIONS:**
 - a) A presentation of the Town of Mesilla's 2020 Audit – **Mariem Tall, Harshwal & Company, LLP.**
5. **PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.
Public input in writing shall be received at cynthias-h@mesillanm.gov 24 hours in advance to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by pressing *9 while in the teleconference. You will be prompted when to begin speaking. Space is limited and may require persons giving public input to rotate, if capacity of the room exceeded.
6. **APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)
 - a) ***BOT MINUTES** – Minutes of a Work Session and Regular Meetings on May 10, 2021.
 - b) ***PZHAC Case 061213** – 2391 Calle de Parian, submitted by Robert Reynolds, a request to install a gazebo type shade structure on a residential property at this address. Zoned: Historic Residential (HR).
 - c) ***PZHAC Case 061219** – 2488 Calle de Guadalupe, submitted by Juan Albert for “Rincon de Mesilla”; a request for a sign permit to allow a twelve square foot (3 foot by 4 foot) metal sign to be installed next to a sign for another tenant located on the property. Zoned: Historic Commercial (HC).
7. **NEW BUSINESS:**
 - a) **Presentation and action on Resolution 2021-07:** an emergency resolution declaring limiting the use of fireworks in the incorporated areas of the Town of Mesilla. – **Chief Kevin Hoban.**
 - b) **Resolution 2021-08:** A resolution for the regular local election of municipal officers. – **Board of Trustees.**
 - c) **Resolution 2021-09:** Acceptance of the Town of Mesilla 2020 Audit. – **Board of Trustees.**
 - d) **Resolution 2021-10:** A resolution declaring surplus property to be nonessential for Government Functions to be sold pursuant to NMSA §3-54-2. – **Board of Trustees.**
 - e) **For consideration:** approval of FY 2021-2022 Preliminary Budget for the Town of Mesilla. – **Cynthia Stoechner-Hernandez, Clerk/Treasurer.**
8. **BOARD OF TRUSTEE COMMITTEE REPORTS**
9. **BOARD OF TRUSTEE/STAFF COMMENTS**
10. **ADJOURNMENT**

NOTICE: If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that you remain on mute unless requested to speak in teleconference. Silence cell phones if in person.

Posted 05/24/2021 at the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian. A copy of the agenda packet can be found online at www.mesillanm.gov.



**BOARD OF TRUSTEES
TOWN OF MESILLA
WORK SESSION
MONDAY, MAY 10, 2021
5:00 P.M.**

VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389 PASSWORD 971704

TRUSTEES: Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Carlos Arzabal, Trustee (arrived at 5:16 p.m.)
Jesus Caro, Trustee
Veronica Garcia, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Enrique Salas, Marshal
Gloria Maya, Recorder

1. Discussion regarding Town of Mesilla FY 22 budget. – Cynthia Stoechner-Hernandez, Clerk/Treasurer.

Ms. Stoechner-Hernandez gave a presentation on the Town of Mesilla FY 22 budget.

Trustee Arzabal stated he was told SROs will be brought back in August.

Mayor Barraza stated we are on track with LCPS regarding SROs.

Trustee Garcia asked about the Biden funding.

Mayor Barraza responded we received the guidelines today.

Ms. Stoechner-Hernandez stated the information was forwarded to the trustees. The final budget will reflect the funding once it is received.

Trustees thanked staff for doing a great and staying within budget during this hard year.

Trustee Arzabal asked if they have thought about having a little fiesta since we were not able to have the September 16th or the Cinco de Mayo fiestas. Recommends have a fiesta in July or a Food Truck night.

1 Mayor Barraza responded she is waiting to see what Governor Lujan Grisham is going to do if we stay on track
2 to do some transitions. Ms. Sellers will be opening the plaza and Community Center to rentals. There is
3 usually an event on July 4th but that will depend on funding. GRTs are down 17% and restaurants do not have
4 to pay GRT for 4 months so we are hoping we receive from the state will cover what we would have received in
5 GRTs from the restaurants. The recovering funding may have to be used to balance the budget. We are being
6 cautious in our spending; we do not want to start the new year in a deficit. There are things that can be
7 looked at.

8

9 Trustee Garcia asked about another Experience Mesilla event which will not be an expense to the town.

10

11 Mayor Barraza recommends waiting until the end of May or June to see where we are at. The board will look
12 at the GRT at mid-year to see if we can give employees a COLA and increase expenditures. She would like to
13 hold a work session next week for further budget discussion.

14

15 Trustee Arzabal stated if the trustees bring forth their questions or concerns prior to the next Board of Trustees
16 meeting the worksession could be held at 5:00 p.m. on the night of the regular meeting.

17

18 Mayor Barraza reviewed the process that will be followed.

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**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, MAY 10, 2021
6:00 P.M.**

VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389 PASSWORD 971704

TRUSTEES: Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Carlos Arzabal, Trustee
Jesus Caro, Trustee
Veronica Garcia, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Enrique Salas, Marshal
Gloria Maya, Recorder

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro-Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Garcia.

3. CHANGES TO THE AGENDA & APPROVAL

Mayor Barraza requested removing PZHAC Case #061212 from the consent agenda.

Motion: To approve agenda as amended, Moved by Trustee Garcia, Seconded by Trustee Arzabal.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro-Tem Johnson-Burick Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

Public input in writing shall be received at cynthias-h@mesillanm.gov 24 hours in advance to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by pressing *9 while in the teleconference. You will be prompted when to begin speaking.

Ms. Stoechner-Hernandez read correspondence from Ms. Krueger and Mr. Taylor.

5. APPROVAL OF CONSENT AGENDA: (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)

1 **Motion: To approve consent agenda as amended, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

2
3 **Roll Call Vote:** Motion passed (**summary:** Yes =4).

4 Mayor Pro-Tem Johnson-Burick Yes

5 Trustee Arzabal Yes

6 Trustee Caro Yes

7 Trustee Garcia Yes

8 a) ***Work Session MINUTES** – Minutes of Work Session on April 26, 2021. **Approved by**
9 **consent agenda**

10 b) ***BOT MINUTES** – Minutes of a Regular Meeting on April 26, 2021. **Approved by consent**
11 **agenda**

12 c) ***PZHAC Case 061208** – 2685 Calle de Parian, submitted by William B. McIlvaine, a request for a
13 zoning permit to repair and repaint the stucco and roof on a secondary dwelling to match the
14 primary dwelling at this address. Zoned: Historic Residential (HR) (**This case was heard during**
15 **the PZHAC Work Session.**) **Approved by consent agenda**

16 d) ***PZHAC Case 061212**– 1755 Tierra de Mesilla, submitted by Blanca Huisar for Casa Blanka; a
17 request for approval of a site plan and elevations for a commercial development on this property.
18 Zoned: General Commercial (C)

19 **Motion: To approve PZHAC Case #061212 – 1755 Tierra de Mesilla, submitted by Blanca Huisar for Casa**
20 **Blanka; a request for approval of a site plan and elevations for a commercial development on this property.**
21 **Zoned: General Commercial (C), Moved by Trustee Garcia, Seconded by Trustee Arzabal.**

22
23 **No Roll Call Vote taken**

24
25 Mayor Barraza asked for clarification on conditions placed by PZHAC.

26
27 Mr. Shannon responded the Board Action Form was incorrect; there were no conditions placed by the PZHAC.

28
29 Mayor Barraza stated it has been brought to her attention that the fence is 6.8 ft high; the board approved the
30 fence to be 6 ft. high.

31
32 Mr. Shannon responded he spoke to the applicant who told him they still need to grade the property which will
33 close the gaps along the south edge and Avenida de Mesilla. He informed them they would need to give CID a
34 grading plan. Another concern that was brought forth with regards to the grading is the drainage adversary
35 which could affect the adjacent farmland; applicant has been made aware of this.

36
37 Mr. Maese stated until CID gets a set of site plans and drawings to get the proper elevations of the grading it
38 would be premature to assess a penalty. Recommends allowing the applicant to proceed further in developing
39 the business and the structures to address the drainage and allowing him and designer to finish the
40 engineering. The board may wish to place a condition that the elevation must meet the prescribed height as
41 per ordinance. He recommends allowing the applicant to move forward.

42
43 Mayor Barraza asked why the engineering elevation plan not included in the packet. She feels the right thing
44 to have done was to have leveled the property before moving forward.

45
46 Mr. Shannon responded the applicant did not want to spend a lot of money on the grading plan since it may
47 change as they move forward. The applicant first came forward last October and stated it would be done in
48 phases as to not be delayed. The security fence was installed first as to protect future construction.

1 Mayor Barraza stated the elevation should have been part of the application process.
2
3 Mr. Shannon responded this is the third and final set of elevation plans the applicant will submit. If this case is
4 approved the applicant will come forward with plans and once the site plan is approved, he will come forward
5 with grading and the structure plans.
6
7 Trustee Arzabal asked if the PZHAC approved the case without a complete set of plans.
8
9 Mr. Shannon responded no; the case is being approved in phases.
10
11 Trustee Arzabal stated the fence which was approved at 6 ft. is at 6.8 ft.; asked if the applicant is going to
12 comply to what was approved.
13
14 Mr. Shannon reiterated the gaps will be filled in once the site plan is completed and approved. The elevation of
15 the fence is taken from the ground level and the ground level has not been established.
16
17 Trustee Arzabal stated he feels things are being done backwards.
18
19 Mayor Barraza stated she is concerned with ponding.
20
21 Trustee Arzabal asked if the plans include a ponding area.
22
23 Mr. Shannon responded the ponding area will be shown on the final site plans. The PZHAC is taking one thing
24 at a time.
25
26 Trustee Arzabal stated phasing out the project causes delays.
27
28 Trustee Caro stated things should be finalized prior to coming to PZHAC and Board of Trustees and not
29 piecemealing things.
30
31 Trustee Garcia recommends waiting for the grading plan.
32
33 Mayor Barraza stated that would be up to the board who may also wish to place conditions. Agrees that when
34 there is piecemealing it becomes a domino effect as one item affects how other items are done.
35
36 Trustee Garcia stated she knew about these issues two meetings ago and spoke to Mr. Shannon regarding this.
37 She spoke to Mayor Barraza today as well expressing her concerns. She does not believe it is legal to add dirt
38 to make the fence 6 ft.; recommends postponing case.
39
40 Mr. Shannon recommended postponing case approval until there is a complete set of drawings which at that
41 time it will go to the Architectural Committee, then to PZHAC and finally to the Board of Trustees for approval.
42
43 Mayor Pro Tem Johnson-Burick stated when an applicant begins the process, staff should inform them as to
44 what and how things can be done and built, as per ordinance, in the Town of Mesilla. An applicant must
45 concur with what is approved and not change anything to that. Complete plans must be submitted when
46 applications are first submitted. Reiterated piecemealing causes delays and issues. She recommends that
47 staff not cut and paste information from one case to another, as it was done with this case, since it causes
48 misinformation being presented.
49
50 Trustee Arzabal stated that when he was on the PZHAC piecemealing was not allowed, why are we allowing it

1 now.

2

3 Mr. Huisar stated he agrees and will comply with the board's requests.

4

5 **Amended Motion: To postpone PZHAC Case #061212 – 1755 Tierra de Mesilla, submitted by Blanca Huisar**
6 **for Casa Blanka; a request for approval of a site plan and elevations for a commercial development on this**
7 **property. Zoned: General Commercial (C), Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

8

9 Mayor Barraza stated a complete construction packet must be completed and submitted.

10

11 **Amended Roll Call Vote:** Motion passed (summary: Yes =4).

12 Mayor Pro-Tem Johnson-Burick Yes

13 Trustee Arzabal Yes

14 Trustee Caro Yes

15 Trustee Garcia Yes

16

17

6. NEW BUSINESS:

18

- a) **For Approval:** a contract to approve Molzen Corbin as the engineer of record for the Calle del Norte
19 Multi-Use Path Phase II Project – **Rod McGillivray, Public Works Director.**

20

21 Mr. McGillivray reviewed the new routing trail and what this contract will encompass.

22

23 **Motion: To approve a contract to approve Molzen/Corbin as the engineer of record for the Calle del Norte**
24 **Multi-Use Path Phase II Project, Moved by Trustee Arzabal, Seconded by Trustee Caro.**

25

26 Mayor Pro Tem Johnson-Burick asked what the cost for the engineering services were for the original routing.

27

28 Mr. McGillivray responded the cost was \$62,000.00.

29

30 Mayor Barraza stated this project is 100% funded, at no cost to the Town of Mesilla.

31

32 **Roll Call Vote:** Motion passed (summary: Yes =4).

33 Mayor Pro-Tem Johnson-Burick Yes

34 Trustee Arzabal Yes

35 Trustee Caro Yes

36 Trustee Garcia Yes

37

38

7. *STAFF REPORTS

39

Community Development

40

Community Programs

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Finance Department

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Fire Department

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Marshal Department

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Public Works Department

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8. BOARD OF TRUSTEE COMMITTEE REPORTS

47

48 Mayor Pro Tem Johnson-Burick: MPO meeting Wednesday, May 12th at 1:00 p.m. via Webex

49

50 Trustee Garcia: MPO meeting Wednesday, May 12th at 1:00 p.m. via Webex

1
2 Trustee Arzabal: CEO meeting June 15th
3

4 Mayor Barraza: STRD meeting, EO meeting, CEO meeting, Mayor Round Table meeting, NM Zoning Conference,
5 El Paso Electric presented awards (Gloria Garza Summer Recreation Program)
6

7 **9. BOARD OF TRUSTEE/STAFF COMMENTS** 8

9 Ms. Stoechner-Hernandez stated she will be bringing forth a resolution to submit to Dona Ana County to inform
10 them what seats are up for reelection in November at our next meeting.
11

12 Mr. Shannon congratulated Marshal Salas on his promotion.
13

14 Mr. McGillivray stated work is continuing on the plaza lighting. He will forward information regarding the tree
15 planting by El Paso Electric on Earth Day.
16

17 Fire Chief Hoban stated we received a \$18,000 Local Systems Improvement Grant from NM EMS Bureau for
18 education. The money will be used to pay tuition and books for eligible firefighters to attend EMT training at
19 Dona Ana Community College. Thanked Mayor Barraza for the meal she provided on National Firefighter Day.
20

21 Marshal Salas stated we picked one of the units today and are looking forward to getting the other units once
22 they are available. We got positive responses regarding the auxiliary on the plaza.
23

24 Mayor Pro Tem Johnson-Burick asked if the board can do something for Ms. Garza; recommended passing a
25 resolution or planting a tree for everything she done for our children and the community.
26

27 Trustee Garcia asked if there is anything being done for National Prayer Day.
28

29 Mayor Barraza responded they were given a proclamation.
30

31 Trustee Arzabal stated he is honored with what they are doing for Ms. Garza. He does not like postponing cases
32 but when people do not do their job that is what happens.
33

34 Trustee Caro wished everyone a belated Happy Mother's Day.
35

36 Mayor Barraza stated there are plans to plant a tree in honor of Ms. Garza during summer rec as well. Colonias
37 Public Hearings will be held 10:00 a.m. and 6:00 p.m. on Thursday, May 13th at the Community Center. The next
38 Board of Trustee meeting will be held at the Town Hall and via Zoom.
39

40 Ms. Stoechner reviewed the guidelines that will be followed.
41

42 Trustee Arzabal asked for an update on lawsuits.
43

44 Mayor Barraza responded there are no updates at this time. We are planning to have an audit review at the next
45 meeting. She is reviewing the Comprehensive Plan and encourages the trustees and PZHAC to do the same as
46 a refresher.
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10. ADJOURNMENT
The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)
MEETING ADJOURNED AT 7:05 P.M.
APPROVED THIS 24th DAY OF MAY, 2021.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoechner-Hernandez
Town Clerk/Treasurer

Draft

BOT ACTION FORM
[PZHAC REVIEW – 5/17/2021]
STAFF ANALYSIS

Item:
Case 061213 – 2391 Calle de Parian, submitted by Robert Reynolds, a request to install a gazebo type shade structure on a residential property at this address. Zoned: Historic Residential (HR)

Description of Request:
The Historical Residential (HR) zoning of the property requires 8,000 square feet of land for each property in the Historic Residential (HR) zoning district having one dwelling unit, according to MTC 18.35.040(B). This property is 14,810 square feet in size and contains only one dwelling unit, therefore it meets the size requirements of the Code for new structures.

According to the applicant, the gazebo will be a store-bought kit that will be a square shade structure 11 feet by 11 feet (121 square feet) in size. It will be set up over an existing concrete patio at the front of the property (see attached photo with dimensions). The gazebo will be eight feet from the front property line and will be about eleven high. In addition to meeting the required setbacks, the structure will not interfere with any clear-sight-triangles. Additionally, because the gazebo will be over an existing concrete patio, the proposed gazebo will not result in an increase in the impervious area on the property.

This case was originally heard by the PZHAC at their Work-Session and Regular Meeting held on May 3, 2021 and was postponed in order to allow the applicant to provide the PZHAC with a site plan showing the exact location of the gazebo on the property with respect to the dwelling on the property. (The applicant had provided a photo of the property with dimensions added showing where the gazebo would be located, but this did not show the dwelling.) A site plan showing the necessary dimensions has now been provided and is included in this packet.)

Consistency with the Code:
The PZHAC will need to determine that the proposed gazebo will be is consistent with the following sections of the Code:

- 18.06.110 Review of applications within Historical and General Commercial zones – Considerations.**
- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
 - B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 - 1. The historical and literary value and significance of the site, building, or structure;
 - 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 - 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 - 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 - 5. The commission shall also consider the applicable zoning and other laws of the town.

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

- A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

18.35.040 Development standards.

- B. Population Density. When lots or parcels in the H-R zone are to be developed to single-family or multiple single-family dwellings, each lot or parcel shall have sufficient area to provide 8,000 square feet of area for each family unit to be built. The maximum number of dwellings allowed on any property shall be two, providing density and parking requirements are met. A maximum of 40 percent impervious and 60 percent pervious shall be required unless otherwise noted by the development zone requirements of Chapter [18.33](#) MTC (Historic Preservation).

Estimated Cost: \$1500.00

Findings that need to be made:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing a gazebo on this property.
- The PZHAC has determined that the proposed gazebo will not be in violation of MTC 18.06, MTC 18.33 or MTC 18.35
- The PZHAC has determined that the proposed gazebo will meet all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the proposed project will meet the requirements of the Code and voted 3 – 1 to recommend APPROVAL of the request to the BOT.

BOT OPTIONS:

- **Approve the application as recommended by the PZHAC.**
- **Approve the application with conditions.**
- **Reject the application.**

BOT ACTION:

Doña Ana County, NM

General Reference Maps

Map Help

Doña Ana County Ge

2014 Aerial

Addresses

County Address Points

Select Search Type:

Account Numbe

Enter Value:

01237

Search



Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400521](#)

Parcel Number: 4006138172012

Owner: REYNOLDS ROBERT G & ROSEMARIE

Mail Address: PO BOX 1000

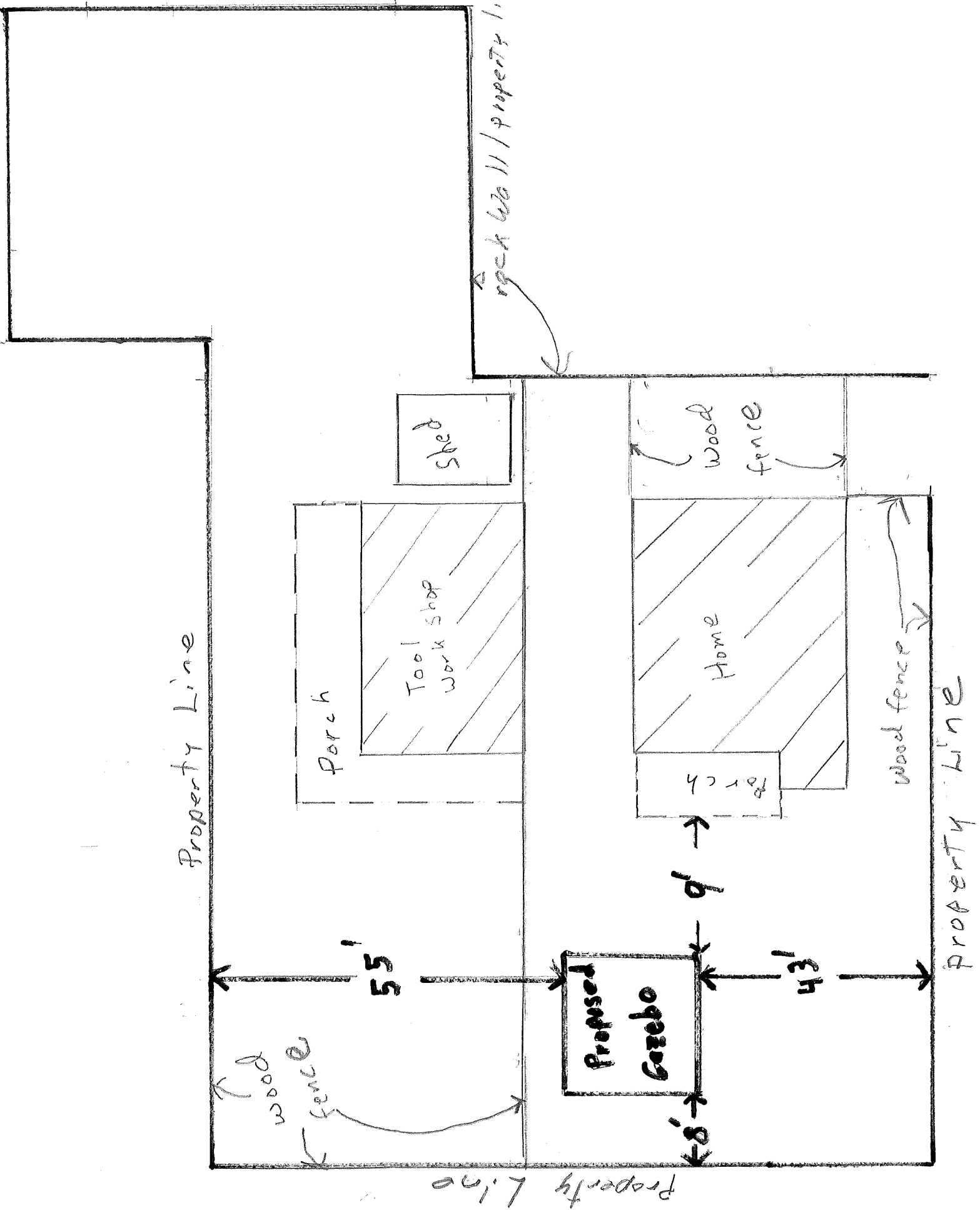
Subdivision:

Property Address: 2391 CALLE DE PARIAN

Acres: 0



Doña Ana County, Bur





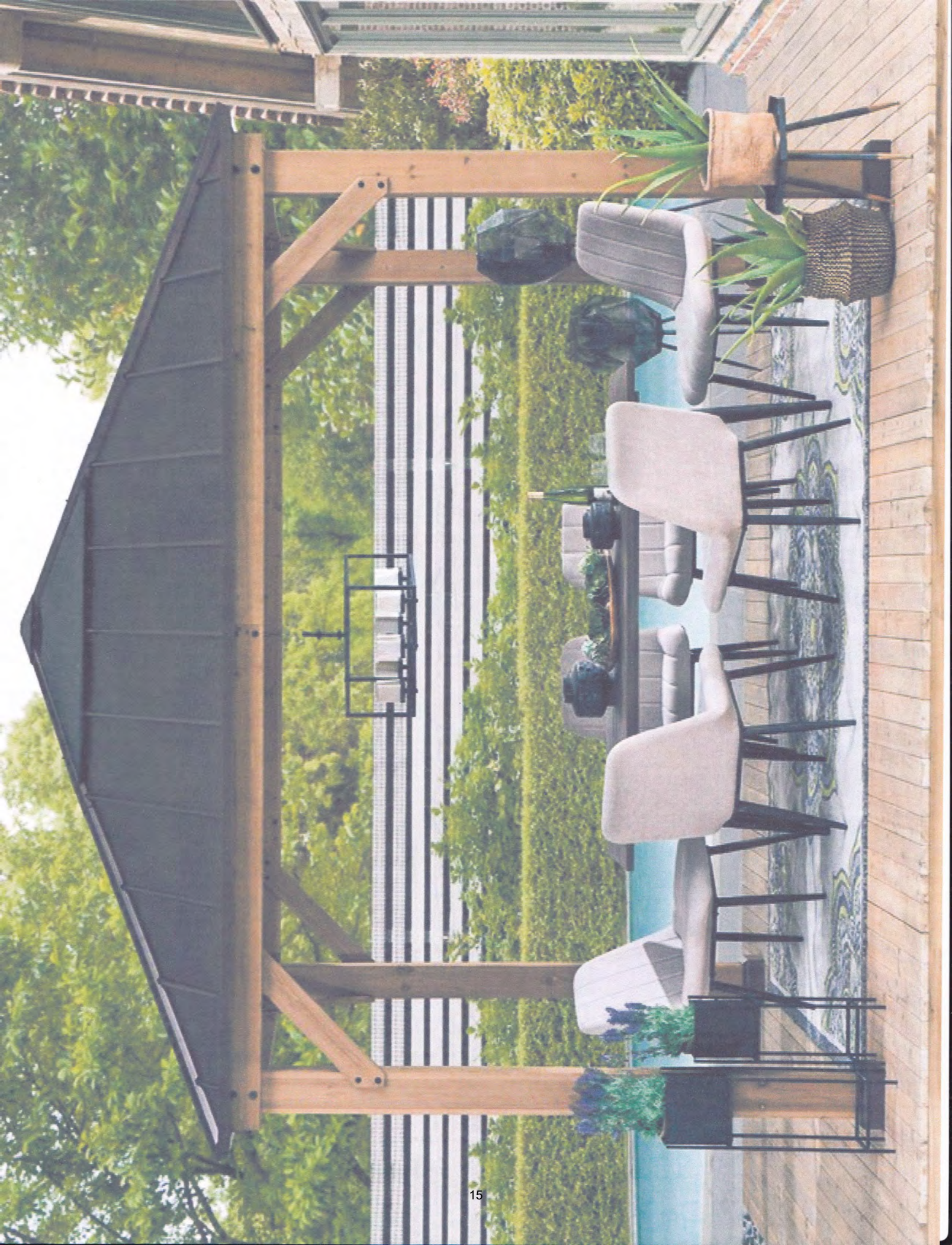
NOT
property line

along property line
on calle de Paríán

11 x 11 Gazebo

columns

8'



**Town of Mesilla
P.O. BOX 10
MESILLA, NM 88046**



PHONE: (575) 524-3262

FAX (575) 541-6327

**Application for Building Permit
Certificate of Occupancy, Use and Historic Appropriateness**

Application is hereby for the issuance of a Certificate of Occupancy, Use, and when applicable, a Certificate of Historical Appropriateness.

Application Date: 12 Apr 2021

Robert Reynolds
Name of Applicant

5756440829
Telephone Number

2391 Calle de Parian
Address

Mesilla NM 88046
City State Zip Code

Proposed Use or Occupancy: _____ Zone: _____

Contractor Name Address

Telephone Number Contractor Tax I.D. # Contractor License #

This application includes:

1. Plot plan with legal description to show existing structures, adjoining, streets, driveway(s), improvements & setbacks.
2. Foundation Plan with details
3. Floor Plans showing rooms, their uses and dimensions
4. Cross Sections of walls
5. Roof and floor framing plan (If manufactured trusses, submit layout of trusses and stamped engineer design plan.)
6. Drainage plan
7. Architectural style and color scheme (Historical zones only)
8. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from Public Utility providing water service.
9. Recorded proof of ownership with legal description of property (deed or current tax bill)

All applications for electrical, mechanical/plumbing installations are made at the construction industries division

Location & Description of Proposed Work:

Install a 11 x 11 Gazebo (see picture) on existing concrete pad on the north side of the house.

Estimated Cost: 1500 _____
Material: _____
Labor: _____

Robert Dunkel

Signature of Applicant

Required Setbacks: Front _____ Rear _____ Side _____

PZHAC _____ Administrative Approval BOT _____ Approved
_____ Approved _____ Disapproved
_____ Approved with Conditions _____ Date _____ Approved w/ Cond.

FEE: _____ RECEIPT #: _____ ISSUE DATE: _____

THERE IS A TEN (10) DAY MINIMUM REVIEW PERIOD ON ALL APPLICATIONS (with the exception of administrative approvals)

CASE NO. _____ Date Received: _____

BOT ACTION FORM
[PZHAC REVIEW – 5/17/2021]
STAFF ANALYSIS

Item:

Case 061219 – 2488 Calle de Guadalupe, submitted by Juan Albert for “Rincon de Mesilla”; a request for a sign permit to allow a twelve square foot (3 foot by 4 foot) metal sign to be installed next to a sign for another tenant located on the property. Zoned: Historic Commercial (HC).

Description of Request:

The applicant would like to install a four foot long by three foot wide free standing sign next to a similar sign for another tenant of the structure that is in a pole in front of the building (see attached photo). The building is about forty feet from the property line at this point, and the post for the sign appears to be adjacent to the property line. The bottom of the existing sign appears to be about seven feet from the ground. (The proposed sign may hang lower, but this part of the sign is over a garden area and does not have a walkway under it.

The existing sign is on a sign post that has been on the property since before the current sign code requirements and has been used continuously as a sign post for businesses that have used the building. Neither sign is over a walkway or other pedestrian area.

Consistency with the Code:

The PZHAC will need to determine that the proposed sign will be consistent with the following sections of the Code:

18.06.110 Planning, Zoning and Historical Appropriateness Commission - Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 - 1. The historical and literary value and significance of the site, building, or structure;
 - 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 - 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 - 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 - 5. The commission shall also consider the applicable zoning and other laws of the town.

18.33.060 Historic Preservation - Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

- B. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

18.40.030 Historical Commercial Zone - Exterior appearance.

An application for a permit for erection, construction, modification of, moving or destruction which would affect the exterior appearance of any structure, sign, or any other improvement affecting use or function must first be approved by the commission. [Ord. 94-06 § 1; prior code § 11-2-11.5.C]

18.65.160 Signs - Freestanding signs.

- A. A freestanding sign (ground-based or post) may be permitted where a business establishment is set back from a street alignment of building facades more than 10 feet. A business establishment thus set back, in addition to the signs permitted upon the building itself, may maintain a freestanding sign of not more than 15 square feet in area including the frame but not the supports, and such sign must relate to the conduct of the business within. If a building has an unencumbered front setback of at least 25 feet, a two-face freestanding sign with a maximum of 15 square feet of area on each face, sign dimensions no greater than six feet in any dimension will be permitted; provided, it relates to the business conducted on the premises. **(The building is setback from the street at least 25 feet, and the sign will be 12 square feet in size.)**
- A. The bottom of freestanding signs supported by posts, which are not within two feet of the ground shall not be less than seven feet above the ground level.
- B. For freestanding ground-based signs, the wall of a freestanding ground-based sign shall have a maximum square footage of 15 square feet for the Historical Commercial (H-C) zone and 25 square feet for the General Commercial (GC) zone. The height of a ground-based sign will be no more than four feet high. The ground-based signs shall also be required to have building permits for the structure complying with any building code requirements, clear sight triangle requirements or any other applicable codes or regulations. **(Based on the description provided here, the proposed sign is not a ground-based sign and will only be 12 square feet in size.)**
- C. All freestanding signs with posts shall be securely constructed and erected upon posts extending at least three feet below the surface of the ground. All wood post parts below ground level shall be treated to protect them from moisture by an approved method. **(The post is pre-existing and has been approved as part of the reconstruction of this property.)**
- D. No freestanding sign or any part thereof shall be more than 15 feet above the level of the street which the sign faces, or above the adjoining ground level, if such ground is higher than the street level. **(The proposed sign will be less than 15 feet high.)**
- F. All parts of a freestanding sign shall be two feet inside the property line. **(The proposed sign will be within two feet of the property line.)** [Ord. 2006-01 § 1; Ord. 2003-05 § 4; Ord. 94-08; prior code § 11-3-16]

18.65.220 Number of permitted signs.

- A. A total of two exterior signs may be allowed to each store or bona fide place of business.
- B. **When more than one business occupies a single building each business will be limited to one sign plus a space on a directory sign at each entrance.** [Ord. 2008-04 § 11; Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-22]

Findings that need to be made:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing a freestanding sign on this property.
- The PZHAC has determined that the proposed sign will not be in violation of MTC 18.06, MTC 18.33, MTC 18.40 or MTC 18.65.
- The PZHAC has determined that the proposed sign will meet all other applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the proposed project will meet the requirements of the Code and voted 4 - 0 to recommend APPROVAL of the request to the BOT.

BOT OPTIONS:

- **Approve the application as recommended by the PZHAC.**
- **Approve the application with conditions.**
- **Reject the application.**

BOT ACTION:

Doña Ana County, NM

General Reference Maps

Map Help

Doña Ana County Geospatial

2014 Aerial

Addresses

County Address Points

Select Search Type:

Owner Name

Enter Value:

edinda Juion

Search

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0401209](#)

Parcel Number: 4006137253477

Owner: FOSTER JOSEPH W

Mail Address: 10090 BLACK HILLS ROAD

Subdivision: FOUNTAIN ACRES SUBDIVISION (BK 24 PG 283 - 1730368)

Property Address: 2489 CALLE DE PRINCIPAL

Acres: 0



Wood



Rincon
DE MESILLA
Café & Mercado

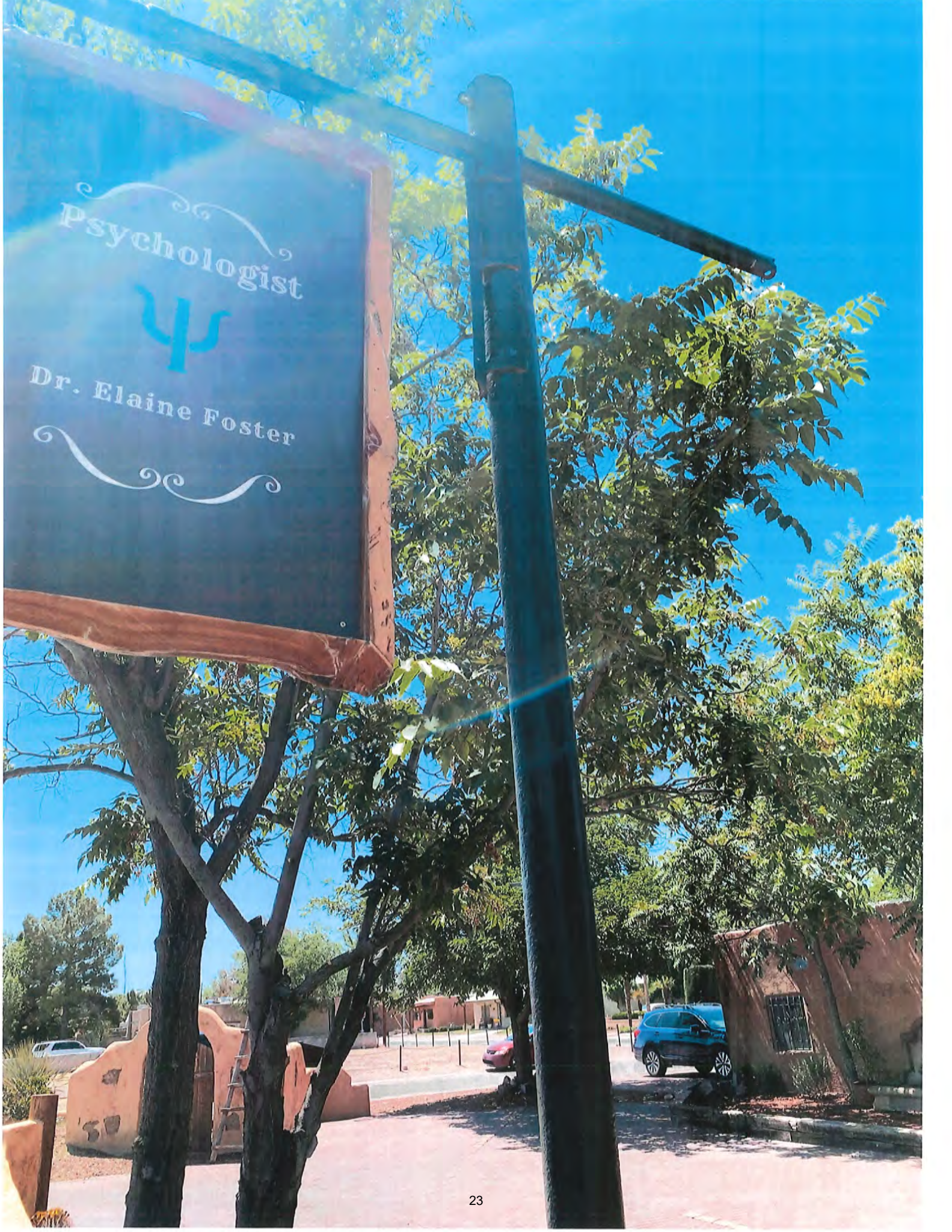
Coffee Shop
&
Artisan Market



Psychologist



Dr. Elaine Foster





OFFICIAL USE ONLY:

Case # _____

Fee \$ _____

CASE NO. _____ ZONE: _____ APPLICATION DATE: _____

Rincon de Mesilla 575-323-4413
Business Name Business Telephone Number

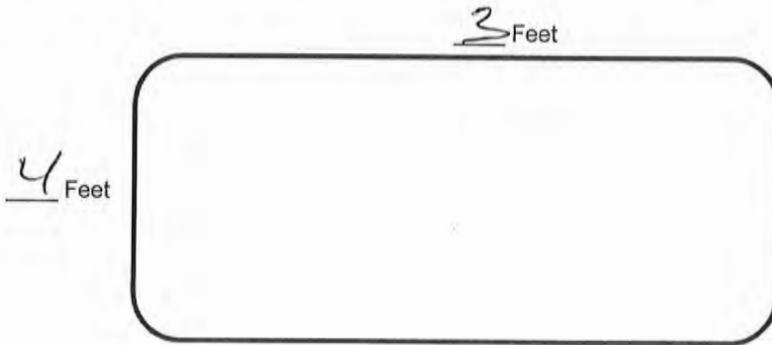
4108 Mission Bell Ave. Las Cruces NM 88011
Business Address City State Zip Code

Juan Albert 575-323-4413
Applicant Name Applicant Telephone/Cell Number

4108 Mission Bell Ave. Las Cruces NM 88011
Mailing Address City State Zip Code

Description of sign: Black Metal (you have a copy)

Please include dimensions, lettering, shape, material, texture, colors, and/or finish to be used on the diagram below.



Colors: Tug-ose, brown, Black

FOR OFFICAL USE ONLY

- | | | | |
|-------|---|-----|---|
| PZHAC | <input type="checkbox"/> Administrative Approval | BOT | <input type="checkbox"/> Approved Date: _____ |
| | <input type="checkbox"/> Approved Date: _____ | | <input type="checkbox"/> Disapproved Date: _____ |
| | <input type="checkbox"/> Disapproved Date: _____ | | <input type="checkbox"/> Approved with Conditions |
| | <input type="checkbox"/> Approved with conditions | | |

CONDITIONS: _____

PERMIT ISSUED BY: _____ ISSUE DATE: _____

Community Development Department
2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104
www.mesilla-nm.gov

**TOWN OF MESILLA
BOARD ACTION FORM**

FIRE DEPARTMENT

SUBJECT: To consider approval of a resolution banning the sale and use of certain types of fireworks due to extreme drought conditions in and around the Town of Mesilla.

BACKGROUND INFORMATION: Currently extreme fire danger and fire danger forecasts exist in southern New Mexico including Dona Ana County. Within the Town limits exists areas of grassland, drainages and fallow farmland containing fuel loads which are extremely dry and constitute a hazard to the public health, safety and welfare of the Town of Mesilla should a fire be ignited in these areas.

This resolution would ban the sale and use of certain fireworks within the Town limits until such time as fire behavior conditions and forecasts improve. Please review the attached resolution and information for more detail. This board action is made pursuant to **60-2C-8.1 NMSA 1978.**

BOARD OPTIONS: To approve in its entirety, approve with modifications or deny approval.

Board action form prepared by Kevin Hoban, Fire Chief 05/14/2021.



**EMERGENCY RESOLUTION NO. 2021-07
DECLARING LIMITING THE USE OF FIREWORKS
IN THE INCORPORATED AREAS OF THE TOWN OF MESILLA**

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico and especially Dona Ana County and the jurisdictions within the county including the Town of Mesilla; and,

WHEREAS, current fire conditions such as relative humidity, weather and fuel content and conditions are extremely high in Dona Ana County including the Town of Mesilla; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in the Town of Mesilla; and,

WHEREAS, the Board of Trustees finds, based upon current drought indices published by the National Weather Service, National Interagency Fire Center and US Forest Service, that severe drought conditions affect Dona Ana County including the Town of Mesilla; and,

WHEREAS, the Board of Trustees finds that fireworks restrictions should be imposed within the incorporated areas of the Town of Mesilla; and,

WHEREAS, the possibility of extreme fire situations will severely tax current local, state and federal resources; and,

WHEREAS, the Board of Trustees finds that there exists an immediate danger to the public health, safety, and welfare of the Town of Mesilla.

NOW THEREFORE, BE IT RESOLVED AND PROCLAIMED BY THE BOARD OF TRUSTEES, THAT:

Section 1. The Board of Trustees hereby declares that the Town of Mesilla is suffering from extreme or serious drought conditions and high fire hazards representing a significant and immediate threat to the peace, safety, health and welfare of the Town of Mesilla.

Section 2. For purposes of this declaration, the word "fireworks" means any device intended to produce a visible or audible effect by combustion, deflagration or detonation. The term fireworks used in this declaration includes but is not limited to the definition of the "fireworks" provided in NMSA 1978, 60-2C-2K (Cum. Supp. 1999)

Section 3. Pursuant to NMSA 1978, § 60-2C-8.1 (E 2) & (G) Cum. Supp. 1999), the Board of Trustees does hereby allow the sale but limits the use of aerial shell kit-reloadable tubes, multiple tube devices, shells, and Roman candles, cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels and mines fireworks within the incorporated areas of the Town of Mesilla 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.

Section 4. Pursuant to NMSA 1978, § 60-2-2C-8.1 F (1) (Cum. Supp. 1999), the following types of fireworks are banned from sale and use within the incorporated areas of the Town of Mesilla: stick-type rockets, helicopters and aerial spinners, missile-type rockets, ground audible devices, firecrackers.

Section 5. Pursuant to NMSA 1978 § 60-2C-8.1 F (2) (b) (Cum. Supp. 1999), the Board of Trustees gives itself the power to and does hereby ban the use of all fireworks within wildlands in its jurisdiction. (“Wildlands” means any lands covered wholly or in part by timber, brush or native grass).

Section 6. Pursuant to NMSA 1978, § 60-2C-8.1 F (2) (c) (Cum. Supp. 1999), the Board of Trustees gives itself the power to and does hereby ban the sale or use of display fireworks. (“Display Fireworks” means devices primarily intended for commercial displays 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 7. Except as permitted by this declaration, the use of all other fireworks of any kind or description are banned within the incorporated areas of the Town of Mesilla.

Section 8. EFFECTIVE DATE AND DURATION

Pursuant to NMSA 1978, § 4-37-9 C (Cum. Supp. 1999), the Town of Mesilla Board of Trustees hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance take effect June 7, 2021 This declaration shall be rescinded when favorable conditions exist as determined by review of data from the National Weather Service, Southwest Coordination Center and National Interagency Fire Center. Accordingly, this declaration shall become effective immediately on its passage, recordation and authentication, as provided by NMSA 1978, § 4-37-9 (Cum. Supp. 1999).

Section 9. ENFORCEMENT

The Marshal's Office of the Town of Mesilla and the Mesilla Fire Department, and any of their agents shall have the authority to enforce this declaration.

Section 10. PENALTIES

Any violation of this declaration shall be deemed a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500) and/or up to 90 days in jail.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF MAY 2021.

Nora L. Barraza, Mayor

Attest:

Cynthia Stoechner-Hernandez
Clerk/Treasurer

MTC 9.10.170 Fireworks

A. Definitions.

1. In this section, “permissible fireworks” or “consumer fireworks” for possession, use or sale shall mean fireworks legal for sale and use in the state of New Mexico under the provisions of Section [60-2C-1](#) NMSA 1978, the Fireworks Licensing and Safety Act, by the general public that comply with the latest construction, performance, composition and labeling requirements established by the United States Consumer Product Safety Commission and the United States Department of Transportation, as amended, with the exceptions of all sizes of stick rockets, helicopter, aerial spinner, missile-type rocket, and chasers.
2. “Aerial shell” means a cylindrical or spherical cartridge containing a lift charge, burst charge and effect composition. Upon firing from a reloadable tube, the lift charge is consumed and the cartridge is expelled into the air.
3. “Aerial shell kit – reloadable tube” means a package or kit containing a cardboard, high-density polyethylene or equivalent launching tube and not more than 12 small aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition, including lift charges, and the maximum diameter of each shell shall not exceed one and three-fourths inches.
4. “Bosque” means a cottonwood corridor adjacent to a river.
5. “Chaser” means a paper or cardboard tube venting out the fuse end of the tube that contains no more than 20 grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed 50 milligrams may be included to produce a report.
6. “Chemical composition” includes all pyrotechnic and explosive composition contained in a fireworks device, but does not include inert materials such as clay used for plugs or organic matter such as rice hulls used for density control.
7. “Cone fountain” means a cardboard or heavy paper cone containing no more than 50 grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed 200 grams.
8. “Crackling device” means a sphere or paper tube that contains no more than 20 grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the 50-milligram limit of firecrackers.

9. "Cylindrical fountain" means a cylindrical tube containing not more than 75 grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed 200 grams.

10. "Display distributor" means a person, firm or corporation selling display fireworks.

11. "Display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than 130 milligrams of explosive composition; aerial shells containing more than 40 grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.

12. "Distributor" means a person, firm or corporation selling fireworks to wholesalers and retailers for resale.

13. "Explosive composition" means a chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device.

14. "Firecracker" means a small, paper-wrapped or cardboard tube containing no more than 50 milligrams of explosive composition that produces noise and a flash of light; provided, that firecrackers used in aerial devices may contain up to 130 milligrams of explosive composition per report.

15. "Fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks," but does not include novelties or theatrical pyrotechnics articles.

16. "Flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function.

17. "Ground spinner" means a small, rapidly spinning device containing no more than 20 grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited.

18. "Helicopter" or "aerial spinner" means a tube containing no more than 20 grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight.

19. "Illuminating torch" means a cylindrical tube containing no more than 100 grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed 200 grams.

20. "Manufacturer" means a person, firm or corporation engaged in the manufacture of fireworks.

21. "Mine" or "shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than 60 grams of total chemical composition, including lift charges, per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum 130 milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse, must be a dense-packed collection of mine or shell tubes and the total chemical composition, including lift charges, shall not exceed 200 grams.

22. "Missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than 20 grams of chemical composition.

23. "Multiple tube device" means a device that contains more than one cardboard tube and the ignition of one external fuse that causes all of the tubes to function in sequence. The tubes are individually attached to a wood or plastic base or are dense-packed and are held together by glue, wire, string or other means that securely hold the tubes together during operation. A maximum total weight of 500 grams of pyrotechnic composition shall be permitted; provided, that the tubes are securely attached to a wood or plastic base and are separated from each other on the base by a distance of at least one-half inch. The connecting fuses on multiple tube devices shall be fused in sequence so that the tubes fire sequentially rather than all at once.

24. "Novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, toy smoke devices, snakes, glowworms, sparklers or toy caps, and devices intended to produce unique visual or audible effects that contain 16 milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.

25. "Pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion.

26. "Retailer" means a person, firm or corporation purchasing fireworks for resale to consumers.

27. "Roman candle" means a heavy paper or cardboard tube containing no more than 20 grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect.

28. "Specialty retailer" means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism.

29. "Stick-type rocket" means a cylindrical tube containing no more than 20 grams of chemical composition, with a wooden stick attached for guidance and stability, that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight.

30. "Theatrical pyrotechnics article" means a pyrotechnic device for professional use in the entertainment industry similar to permissible fireworks or consumer fireworks in chemical composition and construction but not intended and labeled for consumer use.

31. "Toy smoke device" means a small plastic or paper item containing no more than 100 grams of pyrotechnic composition that produces white or colored smoke as the primary effect.

32. "Wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more than 60 grams of pyrotechnic composition and the total wheel contains no more than 200 grams total pyrotechnic composition.

33. "Wholesaler" means a person, firm or corporation purchasing fireworks for resale to retailers.

B. Administration.

1. For the purpose of regulating fireworks within the town of Mesilla, the provision of the state Fireworks Licensing and Safety Act NMSA 1978 Section [60-2C-7](#) as amended shall apply except as indicated in this section.

2. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in the town of Mesilla unless such person has first obtained the appropriate license or permit from the Office of the State Fire Marshal and the appropriate business registration or permits from the town of Mesilla.

3. No more than one fireworks stand shall be allowed within 1,500 feet of another fireworks stand. Permanent retail outlets are exempt from this requirement.

4. Permissible fireworks may be sold at retail between June 20th and July 6th 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.

5. Prohibited fireworks are all stick-type rockets, helicopter, aerial spinner, missile-type rocket, and chasers as outlined in NMSA 60-2C-7 (A)(2)(b)(c)(i) and (A)(3)(a).

6. The possession, sale and use of all aerial and ground audible devices is hereby prohibited at all times except during the approved sales periods in which retail sales are allowed in subsection (B)(3) of this section.

7. All temporary fireworks sales stands, temporary structures, and tents used solely as firework sales locations shall not be set up more than one week prior to the approved sales period and shall be dismantled or removed from the location within one week after the approved sales period.

8. Aerial shell, aerial shell kit – reloadable tube, mines, multiple tube devices, Roman candles, and shells shall only be discharged during the approved sales periods in which retail sales are allowed in subsection (B)(4) of this section and shall be discharged only between the hours of 10:00 a.m. and 9:00 p.m., with the exception that they may be discharged until 11:00 p.m. on July 4th and 12:30 a.m. on January 1st of each year.

9. The discharge of fireworks on town of Mesilla roads and rights-of-way is hereby prohibited.

C. Manufacture. The manufacture of fireworks is prohibited within the town limits of the town of Mesilla.

D. Penalty. Violations of this section shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or by both such fine and imprisonment.

E. Public Display. Except as defined in Section [60-2C-8.1](#) NMSA 1978 regarding extreme or severe drought conditions, this chapter shall not prohibit a person, partnership, corporation, association, or government entity from at any time sponsoring and conducting an officially supervised and controlled fireworks display. A permit for the display shall be obtained from the town of Mesilla. 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. The town of Mesilla's fire chief has the authority to approve permits for the public display of display fireworks. A \$100.00 permit fee shall be assessed for each public display.

F. All fireworks retailers shall issue each purchaser a dated possession permit noting the quantity and type (according to the categories in subsection (B)(8) of this section) of fireworks purchased, and the name and address of the purchaser, in a form to be approved by the Mesilla fire department. All fireworks retailers shall make the log available for inspection by any representative of the Mesilla fire department, marshal's department or other law enforcement agency upon demand.

G. For each possession permit issued to a purchaser, the fireworks retailer shall collect from the purchaser a fee as outlined herein for the benefit of the town of Mesilla. Fireworks retailers shall pay all funds collected for issuing possession permits to the town of Mesilla town clerk at regular intervals as specified by the town clerk in writing from time to time.

Amount Purchased	Fee
less than \$50.00	\$2.00
\$51.00 to \$100.00	\$5.00
\$101.00 to \$250.00	\$7.00
\$251.00 to \$500.00	\$10.00
greater than \$500.00	\$20.00

H. A possession permit shall authorize the purchaser named thereon to have possession of the fireworks in the town of Mesilla for the purpose of transporting the fireworks, and shall be valid for a period of 15 days after issuance. A possession permit does not authorize the named purchaser to possess or use the fireworks outside the town of Mesilla, or to sell or to give the fireworks to any other individual or entity, nor does a possession permit authorize possession or use of fireworks in any other jurisdiction. [Ord. 2009-01 §§ 1, 2; Ord. 98-01 § 2; prior code § 8-2-17]

**ARTICLE 2C
FIREWORKS LICENSING AND SAFETY**

Section

60-2C-1. Short title.

60-2C-2. Definitions.

60-2C-2.1. Novelties not fireworks.

60-2C-3. License or permit required for sale of fireworks; administration; permits and licenses.

60-2C-4. License and permit fees.

60-2C-5. Possession, sale or use of unauthorized fireworks unlawful.

60-2C-6. Exportation of fireworks from the state.

60-2C-7. Permissible fireworks.

60-2C-8. Retail sales or storage of fireworks; regulated activities.

60-2C-8.1. Extreme or severe drought conditions; restricted sale and use.

60-2C-9. Display fireworks.

60-2C-10. Penalty; criminal.

60-2C-11. Penalty; civil.

60-2C-1. Short title.

Chapter 60, Article 2C NMSA 1978 may be cited as the "Fireworks Licensing and Safety Act".

History: Laws 1989, ch. 346, § 1; 1997, ch. 17, § 1.

60-2C-2. Definitions.

As used in the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978]:

A. "chaser" means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;

B. "chemical composition" includes all pyrotechnic and explosive composition contained in a fireworks device, but does not include inert materials such as clay used for plugs or organic matter such as rice hulls used for density control;

- C. "cone fountain" means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- D. "crackling device" means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty-milligram limit of firecrackers;
- E. "cylindrical fountain" means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- F. "display distributor" means any person, firm or corporation selling display fireworks;
- G. "display fireworks" means devices primarily intended for commercial 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;
- H. "distributor" means any person, firm or corporation selling fireworks to wholesalers and retailers for resale;
- I. "explosive composition" means any chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device;
- J. "firecracker" means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;
- K. "fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks";
- L. "flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function;
- M. "ground spinner" means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited;
- N. "helicopter" or "aerial spinner" means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;
- O. "illuminating torch" means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- P. "manufacturer" means any person, firm or corporation engaged in the manufacture of fireworks;

Q. "mine" or "shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than forty grams of chemical composition plus not more than twenty grams of lift charge per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse and the total chemical composition, including lift charges, of a multiple tube device shall not exceed two hundred grams;

R. "missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;

S. "permissible fireworks" means fireworks legal for sale to and use in New Mexico by the general public;

T. "pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion;

U. "retailer" means any person, firm or corporation purchasing fireworks for resale to consumers;

V. "roman candle" means a heavy paper or cardboard tube containing no more than twenty grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect;

W. "specialty retailer" means any person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;

X. "stick-type rocket" means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;

Y. "toy smoke device" means a small plastic or paper item containing no more than one hundred grams of pyrotechnic composition that produces white or colored smoke as the primary effect;

Z. "wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition;

AA. "wholesaler" means any person, firm or corporation purchasing fireworks for resale to retailers; and

BB. "wildlands" means any lands covered wholly or in part by timber, brush or native grass.

History: Laws 1989, ch. 346, § 2; 1991, ch. 133, § 1; 1997, ch. 17, § 2; 1999, ch. 58, § 1.

60-2C-2.1. Novelties not fireworks.

Novelties are not fireworks and are not subject to the provisions of the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978]. For the purposes of this section, "novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, snakes, glowworms,

sparklers or toy caps and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.

History: Laws 1997, ch. 17, § 8.

60-2C-3. License or permit required for sale of fireworks; administration; permits and licenses.

A. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in this state unless such person has first obtained the appropriate license or permit.

B. The state fire marshal shall enforce the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978]. All license applications shall be submitted to the office of the state fire marshal. All retailers shall be required to purchase a retail fireworks permit for each retail location. The retail permit may be purchased from any licensed manufacturer, distributor or wholesaler or from the state fire marshal's office. Retail permits may be purchased at any time by the licensed manufacturer, distributor or wholesaler in books of twenty permits per book from the state fire marshal. Permits shall be numbered, and it shall be the responsibility of the licensed manufacturer, distributor or wholesaler to keep records of the purchases of these permits and to submit these records to the state fire marshal semi-annually on January 31 and July 31 of each year. Each semi-annual report is to cover the preceding six-month period. Retail permits that are unsold may be exchanged for new permits.

C. The state fire marshal shall appoint the deputies and employees required to carry out the provisions of the Fireworks Licensing and Safety Act. The state fire marshal may also appoint any commissioned law enforcement officer or duly appointed fire chief or his designee with approval from the local governing body required to carry out the provisions of that act.

D. The state fire board shall formulate, adopt, promulgate and amend or revise rules and regulations for the safe handling of fireworks.

History: Laws 1989, ch. 346, § 3; 1991, ch. 133, § 2; 1997, ch. 17, § 3.

60-2C-4. License and permit fees.

A. An applicant for a license or permit under the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978] shall pay to the state fire marshal's office the following fees, which shall not be refundable:

- (1) manufacturer license\$1,500;
- (2) distributor license2,000;
- (3) wholesaler license1,000;
- (4) display distributor license1,000;
- (5) specialty retailer license750; or

B. All licenses and permits shall be issued for one year beginning on February 1 of each year. All licenses and permits shall be issued within thirty days from the date of receipt of application, except that no application shall be processed during any holiday selling period in which permissible fireworks may be sold.

C. Licenses issued pursuant to provisions of the Fireworks Licensing and Safety Act shall not be restricted in number or limited to any person without cause. Municipalities and counties may require licenses or permits and reasonable fees, not to exceed twenty-five dollars (\$25.00), for the sale of fireworks.

D. Permit and license fees paid to the state fire marshal's office shall be deposited in the fire protection fund to be used by the state fire marshal to enforce and carry out the provisions and purposes of the Fireworks Licensing and Safety Act.

History: Laws 1989, ch. 346, § 4; 1991, ch. 133, § 3; 1997, ch. 17, § 4; 1999, ch. 58, § 2.

60-2C-5. Possession, sale or use of unauthorized fireworks unlawful.

No individual, firm, partnership, corporation or association shall possess for retail sale in this state, sell or offer for sale at retail or possess or use any fireworks other than permissible fireworks.

History: Laws 1989, ch. 346, § 5; 1991, ch. 133, § 4.

60-2C-6. Exportation of fireworks from the state.

Nothing in the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978] shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico.

History: Laws 1989, ch. 346, § 6.

60-2C-7. Permissible fireworks.

- A. Permissible fireworks are:
 - (1) ground and hand-held sparkling and smoke devices:
 - (a) cone fountains;
 - (b) crackling devices;
 - (c) cylindrical fountains;
 - (d) flitter sparklers;
 - (e) ground spinners;
 - (f) illuminating torches;
 - (g) toy smoke devices; and

- (h) wheels;
- (2) aerial devices:
 - (a) aerial spinners;
 - (b) helicopters;
 - (c) mines;
 - (d) missile-type rockets; and
 - (e) roman candles;
 - (f) shells; and
 - (g) stick-type rockets, except as provided in Subsection B of this section;
- (3) ground audible devices:
 - (a) chasers; and
 - (b) firecrackers.

B. Stick-type rockets having a tube less than a one-quarter-inch inside diameter are not permissible fireworks.

C. A municipality or county shall not by ordinance regulate and prohibit the sale or use of any permissible firework except aerial devices and ground audible devices.

History: Laws 1989, ch. 346, § 7; 1991, ch. 133, § 5; 1997, ch. 17, § 5.

60-2C-8. Retail sales or storage of fireworks; regulated activities.

- A. No fireworks may be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.
- B. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen years or to any intoxicated person.
- C. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four inches in height. Smoking, open flames and any ignition source are prohibited within twenty-five feet of any fireworks stock.
- D. No fireworks shall be stored, kept, sold or discharged within fifty feet of any gasoline pump or gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- E. All fireworks permittees and licensees shall keep and maintain upon the premises a fire extinguisher bearing an underwriters laboratories incorporated rated capacity of at least five-pound ABC per five hundred square feet of space used for fireworks sales or storage.
- F. A sales clerk who is at least sixteen years of age shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at state-permitted or state-licensed retail locations.
- G. No fireworks shall be discharged within one hundred fifty feet of any fireworks retail sales location.
- H. No fireworks shall be sold or used on state forest land.
- I. No person shall ignite any fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.
- J. Any fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against

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

organization therein from sponsoring and conducting in connection with any public celebration, an officially supervised and controlled fireworks display.

History: Laws 1989, ch. 346, § 10.

60-2C-11. Penalty; civil.

A. If a person is found guilty of violating any of the provisions of the Fireworks Licensing and Safety Act [Chapter 60, Article 2C NMSA 1978], that person's license or permit may be revoked or suspended by the state fire marshal, his deputies or designees.

B. No individual, firm, corporation or partnership shall possess any fireworks for sale within New Mexico, other than those authorized in the Fireworks Licensing and Safety Act. The state fire marshal, his deputies or designees may at reasonable hours enter and inspect the permittee's premises, building, mobile or motor vehicle or temporary or permanent structure to determine compliance with the Fireworks Licensing and Safety Act. If any retailer has in his possession any fireworks in violation of that act, his permit shall be revoked and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person has in his possession any fireworks in violation of that act, a warrant may be issued for the seizure of fireworks and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the permissible fireworks shall be returned to the person in whose possession they were found; provided, however, that nothing in the Fireworks Licensing and Safety Act applies to the transportation of fireworks by regulated carriers.

History: Laws 1989, ch. 346, § 11.



**Regular Local Election Resolution
Resolution No. 2021-08**

Be it resolved by the governing body of the Town of Mesilla that:

- A. A regular local election for the election of municipal officers shall be held on November 2nd, 2021. Polls will open at 7:00 A.M. and close at 7:00 P.M.
- B. At the regular local election, persons shall be elected to fill the following elective offices:
 - ONE Trustee for a four-year term
 - ONE Trustee for a four-year term
 - ONE Municipal Judge for a four-year term

- C. The following locations are requested to be designated as polling places for the conduct of the regular municipal election:

Mesilla Town Hall
2231 Avenida de Mesilla
Las Cruces, NM 88005

Mesilla Elementary
2362 Calle Del Sur
Mesilla, NM 88046

PASSED, APPROVED AND ADOPTED this 24th day of May 2021.

Nora L. Barraza, Mayor

Attest:

Cynthia Stoechner-Hernandez
Clerk/Treasurer

cc: County Clerk
Secretary of State



RESOLUTION 2021-09

ACCEPTANCE AND APPROVAL OF THE FY 2020 AUDIT

WHEREAS, the Town of Mesilla is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2020; and,

WHEREAS, the Town of Mesilla has directed the accomplishment of the audit for FY 2020 be completed; and,

WHEREAS, this audit has been completed and presented to the Town of Mesilla per the State Auditor authorizing release of the FY 2020 audit.

WHEREAS, NMAC 2.2.2.10 (M) (4) provides in pertinent part that “Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable;” and,

NOW THEREFORE, BE IT RESOLVED, that the Town of Mesilla Board of Trustees does hereby accept and approve the completed audit report as indicated within this document.

ACCEPTED AND APPROVED this 24th day of May 2021 in regular session by the Town of Mesilla Board of Trustees.

TOWN OF MESILLA

NORA L. BARRAZA
MAYOR

ATTEST BY:

CYNTHIA STOEHNER-HERNANDEZ
CLERK/TREASURER

ROLL CALL VOTE:	Y/N
MAYOR BARRAZA	_____
MAYOR PRO-TEM JOHNSON-BURICK	_____
TRUSTEE CARO	_____
TRUSTEE ARZABAL	_____
TRUSTEE GARCIA	_____



**RESOLUTION NO. 2021-10
A RESOLUTION DECLARING
SURPLUS PROPERTY TO BE NONESSENTIAL FOR
GOVERNMENT FUNCTIONS TO BE SOLD PURSUANT TO NMSA §3-54-2**

WHEREAS the Board of Trustees of the Town of Mesilla finds surplus property to be nonessential for government functions; and

WHEREAS, pursuant to Section 3-54-2 of the New Mexico State Statutes, 1978, Annotated, the Town of Mesilla serves notice that the Town will hold a public auction in order to sell the items listed on Exhibit A.

NOW THEREFORE BE IT RESOLVED THAT:

- The Town of Mesilla may sell personal property having a value of more than two thousand five hundred dollars (\$2,500) at public or private sale. If a private sale is held under this subsection, such sale shall be held only after notice is published at least twice, pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978, not less than seven days apart, with the last publication not less than fourteen days prior to the sale.
- If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the municipality, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening and shall be published according to the provisions of Subsection J of Section 3-1-2 NMSA 1978.
- The Town of Mesilla may sell at a private or public sale, exchange or donate real or personal property to the state, to any of its political subdivisions or to the federal government if such sale, exchange, or gift is in the best interests of the public and is approved by the local government division of the department of finance and administration. The provisions of Section 6-6-11 NMSA 1978 shall not apply to such sale, exchange, or a donation.

PASSED, APPROVED AND ADOPTED this 24th day of May 2021.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoeher-Hernandez
Town Clerk-Treasurer

Roll Call Vote:

Mayor Barraza _____
Trustee Johnson-Burick _____
Trustee Arzabal _____
Trustee Caro _____
Trustee Garcia _____

Exhibit A

VEHICLES

1947 Fire Truck
(inoperable)

Minimum bid of \$250 sold at public auction on publicsurplus.com

2004 Chevy Impala

Minimum bid of \$600 sold at public auction on publicsurplus.com

2003 Chevy Impala
(inoperable)

Minimum bid of \$500 sold at public auction on publicsurplus.com