

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008-60

INTRODUCED BY:



AN ORDINANCE

AMENDING ARTICLE 20-1 SFCC 1987 REGARDING THE POWERS OF THE MAYOR
DURING AN EMERGENCY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Article 20-1 SFCC 1987 (being Ord. #2005-7) is amended to read:

20-1 RIOT CONTROL; POWERS OF MAYOR DURING AN EMERGENCY

Section 2. Section 20-1.1 SFCC 1987 (being Ord. #2005-7, §5) is amended to
read:

20-1.1 Short Title; Purpose.

A. This Article may be cited as the Riot Control Ordinance.

B. [It is necessary for] For the protection of life and property and for the
preservation of the public peace and safety it is necessary to implement those provisions of the
[Municipal Code of the state] Riot Control Act, §§ 12-10-16 through 12-10-20 NMSA 1978
relating to the powers of [the] a municipality and the mayor [to prohibit and suppress disorderly
conduct, riots and other disorders] when the mayor finds that a public disorder, riot, disaster or

1 emergency exists in the municipality.

2 **Section 3. Section 20-1.2 SFCC 1987 (being Ord. #2005-7, §5) is amended to**
3 **read:**

4 **20-1.2 Proclamation of Emergency; Regulations.**

5 When the mayor, or in the event of ~~[his]~~ the mayor's inability to act, the mayor pro tem,
6 determines that ~~[an emergency exists as a result of mob action or other civil disobedience causing~~
7 ~~danger of injury or damage to persons or property impose by proclamation any or all of the~~
8 ~~following regulations necessary to preserve the peace and order of the city]~~ a public disorder, riot,
9 disaster or emergency exists in the municipality, [he] the mayor shall have the power to proclaim
10 a state of emergency in the area affected. During the existence of a state of emergency, the mayor
11 may, by proclamation, prohibit:

12 A. ~~[Impose a curfew upon all or any portion of the city requiring all persons~~
13 ~~in such designated curfew areas to remove themselves from the public streets or other~~
14 ~~public places; provided, that physicians, nurses and ambulance operators performing~~
15 ~~medical services, utility personnel maintaining essential public services, firemen and city~~
16 ~~authorized or requested law enforcement officers and personnel may be exempted from~~
17 ~~such curfew]~~ any person being on the public streets, in the public parks or at any other
18 public place during the hours proclaimed by the mayor to be a period of curfew;

19 B. ~~[Order the closing of any business establishments anywhere within the~~
20 ~~city for the period of the emergency, such businesses to include, but not be limited to,~~
21 ~~those selling intoxicating liquors, explosives, firearms or gasoline and other flammable or~~
22 ~~combustible materials]~~ any designated number of persons from assembling or gathering
23 on the public streets, public parks or other open areas, either public or private, or in any
24 public building;

25 C. ~~[Designate any public street, thoroughfare or vehicle parking areas~~

1 closed to motor vehicle and pedestrian traffic; and] the manufacture, transfer, use,
2 possession or transportation of any device or object designed to explode or produce
3 uncontained combustion;

4 D. ~~[Call upon regular and auxiliary law enforcement agencies and~~
5 ~~organizations within or without the city to assist in preserving and keeping the peace~~
6 ~~within the city. (For state law, see Sec. 30-20-6)]~~ the transportation, possession or use of
7 combustible, flammable or explosive materials in a glass or uncapped container of any
8 kind except in connection with the normal operation of motor vehicles, normal home use
9 or legitimate commercial use;

10 E. the possession of firearms or any other deadly weapon by a person in any
11 place other than the person's place of residence or business, except for peace officers;

12 F. the sale, purchase or dispensing of alcoholic beverages or other
13 commodities or goods designated by the mayor;

14 G. the use of certain streets or highways by the public; and

15 H. other activities the mayor reasonably believes should be prohibited to help
16 maintain life, property or the public peace.

17 **Section 4. Section 20-1.3 SFCC 1987 (being Ord. #2005-7, §5) is amended to**
18 **read:**

19 **20-1.3 Proclamation of Emergency to Be Effective upon Issuance.**

20 ~~[The proclamation of emergency authorized in subsections 20-1.1 through 20-1.5 SFCC~~
21 ~~1987 shall become effective upon its issuance and dissemination to the public by appropriate~~
22 ~~news media. (For state law, see Sec. 30-20-5)]~~ Any proclamation issued under this section
23 becomes effective immediately upon its signing by the mayor, but the mayor shall give public
24 notice of its contents through the public press and other news media. The restrictions may be
25 imposed during times, upon conditions, with exceptions and in areas of the municipality

1 designated by proclamation of the mayor from time to time.

2 **Section 5.** **Section 20-1.4 SFCC 1987 (being Ord. #2005-7, §5) is amended to**
3 **read:**

4 **20-1.4 Termination of Emergency.**

5 Any state of emergency proclaimed under the Riot Control Ordinance, [~~Aet {30-20-4 to~~
6 ~~30-20-9 NMSA 1978}] Article 20-1 SFCC 1987, along with any restrictions imposed for control
7 of that emergency, terminates automatically at noon on the third day after it becomes effective
8 unless sooner terminated by proclamation of the [~~governor~~] mayor. [~~(For state law, see Sec. 30-20-7)]~~~~

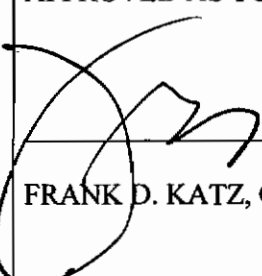
9 **Section 6.** **Section 20-1.5 SFCC 1987 (being Ord. #2005-7, §5) is amended to**
10 **read:**

11 **20-1.5 Penalty.**

12 Any person who, during a state of emergency, fails to comply with restrictions imposed
13 by proclamation of the [~~governor~~] mayor under the Riot Control Ordinance, [~~Aet {30-20-4 to 30-~~
14 ~~20-9 NMSA 1978}] Article 20-1 SFCC 1987, is guilty of a petty misdemeanor, and upon
15 conviction of a second or subsequent offense under this section is guilty of a fourth degree felony,
16 and should be referred to the district attorney's office for prosecution. [~~(For state law, see Sec. 30-~~
17 ~~20-8)]~~~~

18 **Editor's Note:** For similar state law see §§12-10-16 through 12-10-20 NMSA 1978

19
20 **APPROVED AS TO FORM:**

21 
22 _____
23 **FRANK D. KATZ, CITY ATTORNEY**
24

25 *mdb/M/jep&mdb/bills2008/Mayors Powers (emergency)*