| 1 | CITY OF SANTA FE, NEW MEXICO |
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| 2 | ORDINANCE NO. 2008-58 |
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| 5 | AN ORDINANCE |
| 6 | AMENDING ARTICLE 20-1 SFCC 1987 REGARDING THE POWERS OF THE MAYOR |
| 7 | DURING AN EMERGENCY. |
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| 9 | BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE: |
| 10 | Section 1. Article 20-1 SFCC 1987 (being Ord. #2005-7) is amended to read: |
| 11 | 20-1 RIOT CONTROL; POWERS OF MAYOR DURING AN EMERGENCY |
| 12 | Section 2. Section 20-1.1 SFCC 1987 (being Ord. #2005-7, §5) is amended to |
| 13 | read: |
| 14 | 20-1.1 Short Title; Purpose. |
| 15 | A. This Article may be cited as the Riot Control Ordinance. |
| 16 | B. For the protection of life and property and for the preservation of the public |
| 17 | peace and safety it is necessary to implement those provisions of the Riot Control Act, §§ 12-10- |
| 18 | 16 through 12-10-20 NMSA 1978 relating to the powers of a municipality and the mayor when |
| 19 | the mayor finds that a public disorder, riot, disaster or emergency exists in the municipality. |
| 20 | Section 3. Section 20-1.2 SFCC 1987 (being Ord. #2005-7, §5) is amended to |
| 21 | read: |
| 22 | 20-1.2 Proclamation of Emergency; Regulations. |
| 23 | When the mayor, or in the event of the mayor's inability to act, the mayor pro tem, |
| 24 | determines that a public disorder, riot, disaster or emergency exists in the municipality, the mayor |
| 25 | shall have the power to proclaim a state of emergency in the area affected. During the existence |

| 2 | A. any person being on the public streets, in the public parks or at any other |
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| 3 | public place during the hours proclaimed by the mayor to be a period of curfew; |
| 4 | B. any designated number of persons from assembling or gathering on the |
| 5 | public streets, public parks or other open areas, either public or private, or in any public |
| 6 | building; |
| 7 | C. the manufacture, transfer, use, possession or transportation of any device |
| 8 | or object designed to explode or produce uncontained combustion; |
| 9 | D. the transportation, possession or use of combustible, flammable or |
| 10 | explosive materials in a glass or uncapped container of any kind except in connection |
| 11 | with the normal operation of motor vehicles, normal home use or legitimate commercial |
| 12 | use; |
| 13 | E. the possession of firearms or any other deadly weapon by a person in any |
| 14 | place other than the person's place of residence or business, except for peace officers; |
| 15 | F. the sale, purchase or dispensing of alcoholic beverages or other |
| 16 | commodities or goods designated by the mayor; |
| 17 | G. the use of certain streets or highways by the public; and |
| 18 | H. other activities the mayor reasonably believes should be prohibited to help |
| 19 | maintain life, property or the public peace. |
| 20 | Section 4. Section 20-1.3 SFCC 1987 (being Ord. #2005-7, §5) is amended to |
| 21 | read: |
| 22 | 20-1.3 Proclamation of Emergency to Be Effective upon Issuance. |
| 23 | Any proclamation issued under this section becomes effective immediately upon its |
| 24 | signing by the mayor, but the mayor shall give public notice of its contents through the public |
| 25 | press and other news media. The restrictions may be imposed during times, upon conditions, with |

1 of a state of emergency, the mayor may, by proclamation, prohibit:

| 1 | exceptions and in areas of the municipality designated by proclamation of the mayor from time to |
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| 2 | time. |
| 3 | Section 5. Section 20-1.4 SFCC 1987 (being Ord. #2005-7, §5) is amended to |
| 4 | read: |
| 5 | 20-1.4 Termination of Emergency. |
| 6 | Any state of emergency proclaimed under the Riot Control Ordinance, Article 20-1 |
| 7 | SFCC 1987, along with any restrictions imposed for control of that emergency, terminates |
| 8 | automatically at noon on the third day after it becomes effective unless sooner terminated by |
| 9 | proclamation of the mayor. |
| 10 | Section 6. Section 20-1.5 SFCC 1987 (being Ord. #2005-7, §5) is amended to |
| 11 | read: |
| 12 | 20-1.5 Penalty. |
| 13 | Any person who, during a state of emergency, fails to comply with restrictions imposed |
| 14 | by proclamation of the mayor under the Riot Control Ordinance, Article 20-1 SFCC 1987, is |
| 15 | guilty of a petty misdemeanor, and upon conviction of a second or subsequent offense under this |
| 16 | section is guilty of a fourth degree felony, and should be referred to the district attorney's office |
| 17 | for prosecution. |
| 18 | Editor's Note: For similar state law see §§12-10-16 through 12-10-20 NMSA 1978 |
| 19 | PASSED, APPROVED and ADOPTED this 10 th day of December, 2008. |
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| 22 | ATTEST: DAVID COSS, MAYOR |
| 23 | |
| 24 | Galarda y. n.g |
| 25 (| YOLANDA Y. VIGIL, CITY CLERK |
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| | 3 |