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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-62

INTRODUCED BY:

- Councilor Calvert
- Councilor Rivera
- Councilor Wurzbarger
- Councilor Bushee
- Councilor Ives
- Councilor Trujillo
- Councilor Dimas
- Councilor Dominguez

A RESOLUTION

PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES.

WHEREAS, the danger of range fires, grass fires, forest fires and structure fires is very high or extremely high in and around the city of Santa Fe; and

WHEREAS, the weather in Santa Fe has been dry and windy, contributing to the present very high or extremely high fire risk, and it is predicted that the windy and dry weather will continue into the coming weeks, causing progressively worsening fire conditions; and

WHEREAS, due to low winter precipitation, United States forest service data indicates very high or extreme fire danger presently exists; and

WHEREAS, it is anticipated that drought conditions will be present for the foreseeable future; and

WHEREAS, the probability of ignition of materials likely to serve as fuel for fire is presently extremely high in the city of Santa Fe; and

1 **WHEREAS**, in recent months, the city of Santa Fe fire department has responded to
2 wildland fires which have threatened structures and homes in the city of Santa Fe, and

3 **WHEREAS**, if the city experiences a fire that burns out of control in the watershed, 40%
4 of the city's water resources are at serious risk of complete loss or substantially reduced capacity;
5 and

6 **WHEREAS**, if the city experiences a fire that burns out of control in populated areas, it
7 may be necessary to evacuate and relocate affected residents; and

8 **WHEREAS**, pursuant to N.M. Stat. Ann. Section 60-2C-8.1, the governing body of a
9 municipality is authorized to restrict the sale or use of fireworks within the boundaries of the
10 municipality if severe or extreme drought conditions exist.

11 **NOW THEREFORE BE IT PROCLAIMED BY THE GOVERNING BODY OF**
12 **THE CITY OF SANTA FE:**

13 **Section 1.** This resolution shall be deemed a proclamation within the meaning of
14 Section 60-2C-8.1 NMSA 1978 and Section 12-3.9 SFCC 1987.

15 **Section 2.** As per Section 60-2C-8.1 NMSA 1978, the governing body has
16 determined and declares that severe or extreme drought conditions exist within the boundaries of
17 the city of Santa Fe based upon current drought indices published by the national weather service
18 and other relevant information supplied by the United States forest service.

19 **Section 3.** The governing body restricts the sale or use of fireworks to the maximum
20 extent possible permitted in Section 60-2C-8.1 NMSA 1978.

21 A. The sale or use of the following fireworks is specifically prohibited
22 within the city limits:

- 23 (1) aerial devices:
24 (a) aerial spinners;
25 (b) helicopters;

- (c) mines;
- (d) missile-type rockets;
- (e) roman candles;
- (f) shells; and
- (g) stick-type rockets;
- (2) ground audible devices:
 - (a) chasers; and
 - (b) firecrackers.

B. All fireworks within any lands covered wholly or in part by timber, brush or native grass are prohibited.

Section 4. An exception to the above restrictions are public displays of fireworks in strict conformance with the requirements and conditions set forth in Section 12-3.3 SFCC 1987 and as approved by the city of Santa Fe fire chief.

Section 5. Pursuant to Section 12-3.9 SFCC 1987:

A. Any individual, firm, partnership or other entity found in violation of the above restrictions shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars (\$500), or both.

B. Each and every occasion on which this section is violated shall be considered a separate offense.

BE IT FURTHER RESOLVED that:

Section 1. Due to severe or extreme drought conditions and wildland fire conditions, the Governing Body hereby prohibits the following activities, in accordance with the International Fire Code® as adopted by §12-2.1 SFCC 1987:

- A. Open burning, including campfires, bonfires, pit barbecues;

- 1 B. Burning of weeds, trash, or other vegetation;
- 2 C. Using charcoal barbecue grills in public parks and recreation areas;
- 3 D. Smoking in public parks, recreation areas, or on any public trail; and
- 4 E. Using any motorized all terrain vehicle or motorcycles on city owned
- 5 open space, parks, trails, or other recreational areas.

6 Charcoal barbecuing at a residential structure is permitted if the fire is closely monitored and fire-
7 extinguishing equipment, such as a garden hose or fire extinguisher, is readily available.

8 **Section 2.** Pursuant to Section 1-3.1 SFCC 1987:

9 A. Any individual, firm, partnership or other entity found in violation of the
10 above restrictions shall be deemed guilty of a misdemeanor and shall be punished by
11 imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars
12 (\$500), or both.

13 B. Each and every occasion on which this section is violated shall be
14 considered a separate offense.

15 **BE IT FURTHER RESOLVED** that the Governing Body recognizes that Section 60-
16 2C-8.1 NMSA 1978 only allows municipalities to adopt fireworks restrictions for 30 days at a
17 time and no less than 20 days prior to a holiday for which fireworks may be sold, therefore, to
18 ensure that there will be no lapse in the fire restrictions imposed by this resolution. The
19 Governing Body may impose these fire restrictions at any subsequent meeting date hereafter to
20 ensure that such fire restrictions are in place during extreme or severe drought conditions and
21 wildland fire conditions.

22 PASSED, APPROVED AND ADOPTED this 13th day of June, 2012.

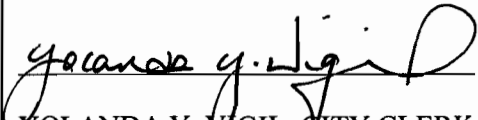
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24 DAVID COSS, MAYOR

1 ATTEST:

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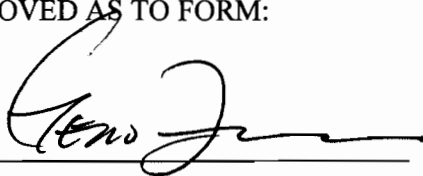
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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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