



City of Santa Fe New Mexico

Memorandum



Date: April 30, 2021

To: Quality of Life Committee, Finance Committee, and Governing Body

From: Geronimo Griego, Acting Fire Marshal GGG

Via: Brian Moya, Assistant Fire Chief Bjm
Porfirio Chavarria, Wildland Urban Interface Specialist pc

RE: Fire Restrictions 2

EXECUTIVE SUMMARY:

The proposed Resolution requests the Governing Body extend certain fire restrictions throughout the City of Santa Fe based on data supplied by the U.S. Forest Service and published by the National Weather Service.

BACKGROUND:

NMSA 1978, Section 60-2C-8.1 authorizes the governing body of a municipality to restrict the sale or use of fireworks within the boundaries of the municipality if severe or extreme drought conditions exist. As of April 20, 2021, all of Santa Fe County was in exceptional drought, the highest classified level (see Exhibit A). Pursuant to Section 60-2C-8.1, the Governing Body adopted Resolution No. 2021-22, restricting the sale or use of fireworks from April 15th to May 15th, 2021. State statute precludes a governing body from adopting fire restrictions 20 days prior to a holiday for which fireworks may be sold – the Fourth of July. Each Resolution has a maximum effective time period of thirty days, requiring the adoption of subsequent Resolutions if drought conditions persist. With that in mind, staff anticipate subsequent Fire Restrictions Resolutions being presented to the Governing Body on June 9th and July 14th.

ACTION REQUESTED:

Adopt the Resolution as presented.

ATTACHMENTS:

Resolution
Exhibit A – Drought Monitor Report
Fiscal Impact Report

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-__

INTRODUCED BY:

Councilor Christopher M. Rivera

A RESOLUTION

PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS BETWEEN MAY 12, 2021 AND JUNE 9, 2021; 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 abnormally 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

1 presently extremely high in the city of Santa Fe; and

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

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

7 **WHEREAS**, the SARS-CoV-2 (COVID-19) 2020-21 Pandemic is complicating
8 suppression operations on wildland fires in New Mexico; and

9 **WHEREAS**, pursuant to NMSA 1978, Section 60-2C-8.1, the governing body of a
10 municipality is authorized to restrict the sale or use of fireworks within the boundaries of the
11 municipality if severe or extreme drought conditions exist; and

12 **WHEREAS**, on April 14, 2021 the Governing Body adopted Resolution No. 2021-22
13 which imposed fire restrictions for a period of 30 days.

14 **NOW, THEREFORE, BE IT PROCLAIMED BY THE GOVERNING BODY OF**
15 **THE CITY OF SANTA FE:**

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

18 **Section 2.** As per NMSA 1978, Section 60-2C-8.1, the Governing Body anticipates
19 severe or extreme drought conditions exist or may exist within the boundaries of the city of Santa
20 Fe based upon current drought indices published by the national weather service and other relevant
21 information supplied by the United States forest service.

22 **Section 3.** The Governing Body restricts the sale or use of fireworks between May
23 12, 2021 and June 9, 2021 to the maximum extent possible permitted in NMSA 1978, Section 60-
24 2C-8.1.

25 A. The sale or use of the following fireworks is specifically prohibited within

1 the city limits:

2 (1) aerial devices:

3 (a) aerial spinners;

4 (b) helicopters;

5 (c) mines;

6 (d) missile-type rockets;

7 (e) roman candles;

8 (f) shells; and

9 (g) stick-type rockets;

10 (2) ground audible devices:

11 (a) chasers; and

12 (b) firecrackers.

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

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

18 **Section 5.** Pursuant to Section 12-3.9 SFCC 1987,

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

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

25 **BE IT FURTHER RESOLVED** that

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

- 4 A. Open burning, including campfires, bonfires, pit barbecues;
- 5 B. Burning of weeds, trash, or other vegetation;
- 6 C. Using charcoal barbecue grills in public parks and recreation areas;
- 7 D. Smoking in public parks, recreation areas, or on any public trail; and
- 8 E. Using any motorized all-terrain vehicle or motorcycles on city owned open
9 space, parks, trails, or other recreational areas, except for the Motocross
10 Track located off of the 599 Relief Route.

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

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

- 14 A. Any individual, firm, partnership or other entity found in violation of the
15 above restrictions shall be deemed guilty of a misdemeanor and shall be punished by
16 imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars (\$500),
17 or both.
- 18 B. Each and every occasion on which this section is violated shall be
19 considered a separate offense.

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

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PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

ALAN WEBBER, MAYOR

ATTEST:

KRISTINE MIHELICIC, CITY CLERK

APPROVED AS TO FORM:



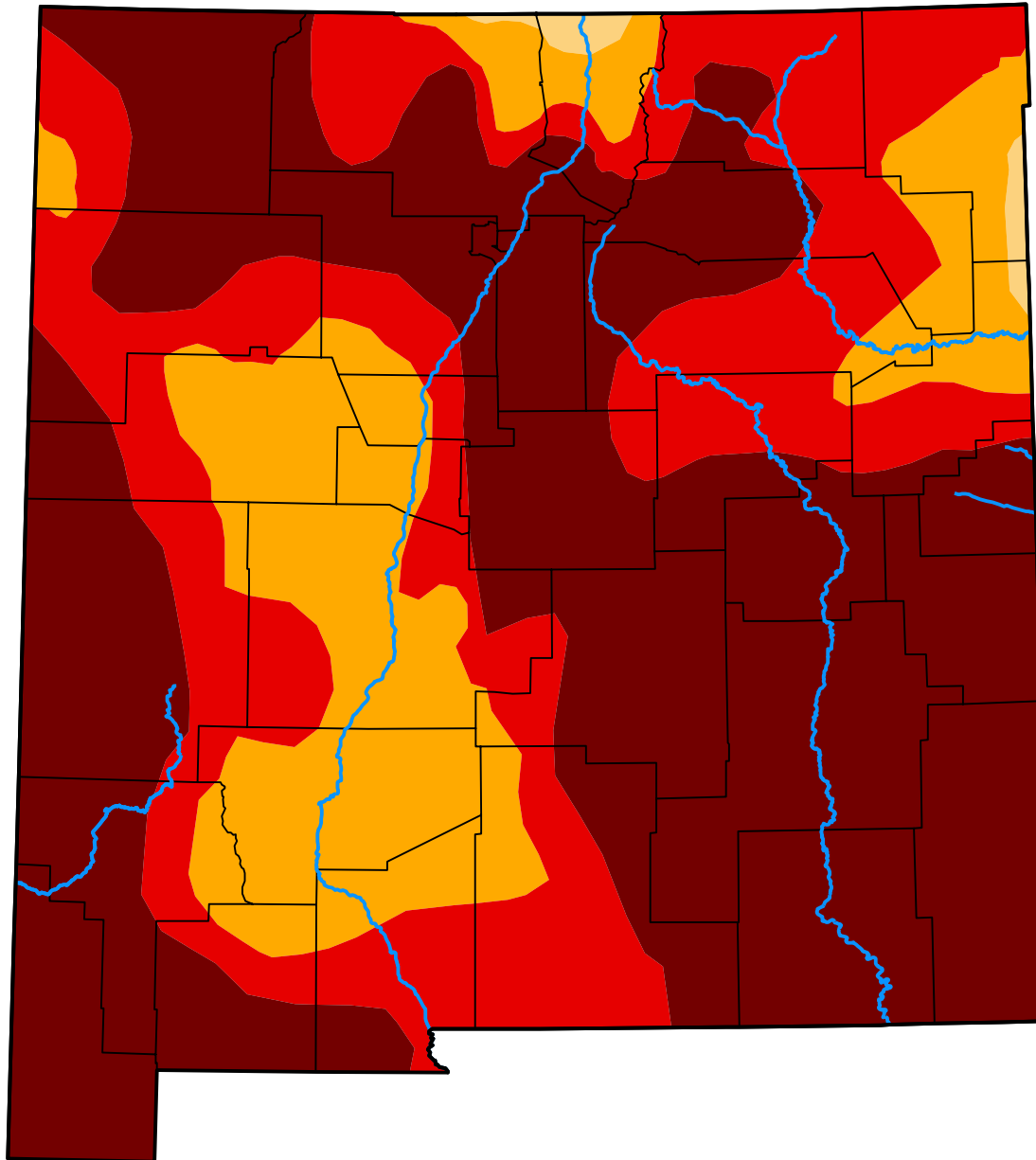
ERIN MCSHERRY, CITY ATTORNEY

U.S. Drought Monitor New Mexico

April 27, 2021
(Released Thursday, Apr. 29, 2021)
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	99.37	80.93	53.16
Last Week <i>04-20-2021</i>	0.00	100.00	100.00	99.37	79.88	53.50
3 Months Ago <i>01-26-2021</i>	0.00	100.00	99.96	99.57	82.05	54.25
Start of Calendar Year <i>12-29-2020</i>	0.00	100.00	99.97	99.59	82.26	53.20
Start of Water Year <i>09-29-2020</i>	0.00	100.00	99.92	73.65	39.88	2.90
One Year Ago <i>04-28-2020</i>	56.24	43.76	26.22	13.43	0.00	0.00



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Richard Heim
NCEI/NOAA



FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Fire Restrictions 2

Sponsor(s): Councilors Rivera, Romero-Wirth, Vigil Coppler, and Villarreal

Reviewing Department(s): Fire Department

Staff Completing FIR: Porfirio Chavarria Date: 4/23/2021 Phone: 505-660-3732

Reviewed by City Attorney:  Date: Apr 30, 2021

Reviewed by Finance Director:  Date: Apr 30, 2021
Alexis Lotero (Apr 30, 2021 16:05 MDT)

Summary:

The proposed Resolution extends restrictions for the sale and use of fireworks within City limits and prohibits other activities that may pose a fire risk due to severe to exceptional drought. The extension would be from May 12, 2021 to June 9, 2021. The Governing Body may extend the restrictions again at the June 9, 2021 Governing Body meeting if deemed necessary.

Departments Affected:

Fire Department.

Consequences of Not Enacting Legislation:

The City will not have the authority to restrict the use of fireworks in the City limits or prohibit certain activities that pose a risk of starting a fire due to severe to exceptional drought.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

The Resolution is consistent with NMSA 1978, Section 60-2C-8.1 and SFCC 1987, Chapter 12, Fire Protection and Prevention. The proposed Resolution is an extension of the restrictions imposed by Resolution No. 2021-22.

Performance and Administrative Implications:

Enforcement of the proclamation and sections identified in this Resolution regarding the sale and use of fireworks, open burning, charcoal grills, smoking, and motorized vehicles on City-owned recreational areas.

Fiscal Implications:

None identified.

Fiscal Impact

X Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:

Signature: Brian J Moya
Brian J Moya (May 1, 2021 20:02 MDT)

Email: bjmoya@santafenm.gov

Signature: Porfirio Chavarria
Porfirio Chavarria (Apr 30, 2021 17:09 MDT)

Email: pnychavarria@santafenm.gov

Signature: GERONIMO GRIEGO
GERONIMO GRIEGO (Apr 30, 2021 16:13 MDT)

Email: gggriego@santafenm.gov