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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2021-48**

**INTRODUCED BY:**

Councilor Chris Rivera

Councilor JoAnne Vigil Coppler

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

**A RESOLUTION**

**PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS FROM AUGUST 11, 2021 TO SEPTEMBER 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 29 days, from April 14, 2021 to May 11, 2021; and

14           **WHEREAS**, on May 12, 2021 the Governing Body adopted Resolution No. 2021-29  
15 which imposed fire restrictions for a period of 28 days, from May 12, 2021 to June 9, 2021; and

16           **WHEREAS**, on June 9, 2021 the Governing Body adopted Resolution No. 2021-34 which  
17 imposed fire restrictions for a period of 30 days, from June 10, 2021 to July 10, 2021; and

18           **WHEREAS**, on June 9, 2021 the Governing Body adopted Resolution No. 2021-35 which  
19 imposed fire restrictions for a period of 30 days, from July 11, 2021 to August 10, 2021.

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

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

24           **Section 2.**       As per NMSA 1978, Section 60-2C-8.1, the Governing Body anticipates  
25 severe or extreme drought conditions exist or may exist within the boundaries of the city of Santa

1 Fe based upon current drought indices published by the national weather service and other relevant  
2 information supplied by the United States forest service.

3 **Section 3.** The Governing Body restricts the sale or use of fireworks from August 11,  
4 2021 to September 9, 2021 to the maximum extent possible permitted in NMSA 1978, Section 60-  
5 2C-8.1.

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

8 (1) aerial devices:

9 (a) aerial spinners;

10 (b) helicopters;

11 (c) mines;

12 (d) missile-type rockets;

13 (e) roman candles;

14 (f) shells; and

15 (g) stick-type rockets;

16 (2) ground audible devices:

17 (a) chasers; and

18 (b) firecrackers.

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

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

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

25 A. Any individual, firm, partnership, or other entity found in violation of the

1 above restrictions shall be deemed guilty of a misdemeanor and shall be punished by  
2 imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars (\$500),  
3 or both.

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

6 **BE IT FURTHER RESOLVED** that

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

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

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

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

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

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

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

7           PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of August, 2021.

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ALAN WEBBER, MAYOR

12 ATTEST:

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14 *Kristine Mihelcic*  
15 [Kristine Mihelcic \(Aug 16, 2021 18:33 MDT\)](#)  
KRISTINE MIHELICIC, CITY CLERK

16 APPROVED AS TO FORM:

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19 ERIN MCSHERRY, CITY ATTORNEY

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25 *Legislation/Resolutions 2021/2021-48 Fire Restrictions 5*

## FISCAL IMPACT REPORT

**General Information:**

(Check) Bill: \_\_\_\_\_ Resolution:   X  

Short Title(s): Fire Restrictions 5

Sponsor(s): Councilors Rivera and Vigil Coppler

Reviewing Department(s): Fire Department

Staff Completing FIR: Geronimo Griego Date: 7/27/21 Phone: 955-3317

Reviewed by City Attorney:  Date: Jul 29, 2021

Reviewed by Finance Director:  Date: Aug 2, 2021  
Alexis Lofero, Assistant Finance Director (Aug 2, 2021 08:35 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 is from August 11, 2021 to September 9, 2021.**

**Departments Affected:**

**Fire Department and Police 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 Nos. 2021-22 , 2021-29, 2021-34, and 2021-35.**

**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**

<b>Expenditure Type</b>	<b>FYE __</b>	<b>FYE __</b>	<b>FYE __</b>	<b>Require BAR (Y/N)</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>	<b>3-Year Total Cost</b>
<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:**

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**Revenue**

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

**Revenue Narrative:**

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**Signature:** GERONIMO GRIEGO  
GERONIMO GRIEGO (Jul 30, 2021 16:01 MDT)

**Email:** gggriego@santafenm.gov

**Signature:**   
Brian J Moya (Jul 30, 2021 07:43 MDT)

**Email:** bjmoya@santafenm.gov

**Signature:** Nathan F Miller  
Nathan F Miller (Aug 2, 2021 09:29 MDT)

**Email:** nfmiller@santafenm.gov