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**CONSIDERCITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2022-\_\_**

**INTRODUCED BY:**

Councilor Chris Rivera

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

Councilor Jamie Cassutt

**A RESOLUTION**

**PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS JULY 11, 2022, TO AUGUST 9, 2022; BANNING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE; ENCOURAGING RESIDENTS TO PREPARE A PERSONAL WILDFIRE ACTION PLAN; AND ENCOURAGING RESIDENTS TO FOLLOW THE FIRE DEPARTMENT’S FIRE READINESS GUIDELINES.**

**WHEREAS**, the danger of range fires, grass fires, forest fires and structure fires are 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**, multiple fires have broken out in central and northern New Mexico including

1 the Hermit’s Peak/Calf Canyon fire that has displaced many residents who work in Santa Fe; and

2           **WHEREAS**, the Santa Fe National Forest (“SFNF”) Forest Supervisor implemented Stage  
3 II fire restrictions on April 22, 2022, which includes a prohibition on the following activities:

- 4           A.     Building, maintaining, attending, or using a fire, campfire, or stove fire;
- 5           B.     Smoking, except within an enclosed vehicle or building, a developed recreation  
6                 site, or while stopped in an area at least three feet in diameter that is cleared of  
7                 vegetation and flammable material;
- 8           C.     Blasting, welding, or operating an acetylene or other torch with open flame;
- 9           D.     Using an explosive of any kind;
- 10          E.     Operating any equipment powered by an internal combustion engine, including  
11                 chainsaws, between the hours of 10 a.m. and 6 p.m.; and
- 12          F.     Driving off designated roads; and

13           **WHEREAS**, the SFNF Forest Supervisor has implemented Stage III fire restrictions for  
14 the full 1.6 million acres of the SFNF, which closes the forest until July 18, 2022, unless rescinded  
15 earlier; and

16           **WHEREAS**, the order imposing Stage II fire restrictions remains in place throughout the  
17 SFNF; and

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

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

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

25           **WHEREAS**, if the city experiences a fire that burns out of control in populated areas, it

1 may be necessary to evacuate and relocate affected residents; and

2           **WHEREAS**, pursuant to NMSA 1978, Section 60-2C-8.1, the governing body of a  
3 municipality may restrict the sale or use of fireworks within the boundaries of the municipality on  
4 a short-term basis if severe or extreme drought conditions exist; and

5           **WHEREAS**, Governor Michelle Lujan Grisham issued Executive Order No. 2022-22 on  
6 April 25, 2022 that urged municipalities to “consider implementing appropriate firework bans...as  
7 well as any other appropriate fire prevention measures that they may legally enact.”; and

8           **WHEREAS**, according to the most recently available update to the U.S. Drought Monitor,  
9 Santa Fe County is in an extreme drought, the second highest category.

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

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

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

18           **Section 3.**       The Governing Body bans the sale or use of all fireworks listed in this  
19 section from July 11 to August 9, 2022 to the maximum extent possible permitted in NMSA 1978,  
20 Section 60-2C-8.1.

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

- 23                           1.       ariel shell kit-reloadable tubes;
- 24                           2.       aerial spinners;
- 25                           3.       helicopters;

- 1 4. mines;
- 2 5. missile-type rockets;
- 3 6. multiple tube devices;
- 4 7. roman candles;
- 5 8. shells;
- 6 9. stick-type rockets including those specified in Section 60-2C-
- 7 7(B)(1) and (2); and
- 8 10. ground audible devices (including chasers and firecrackers).

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

11 C. Any fireworks not listed in paragraphs A(1) and (2) of this Section are  
12 limited to areas that are paved or barren or that have a readily accessible source of water  
13 for use by the homeowner or the general public.

14 **Section 4.** Exceptions to the above restrictions are public displays of fireworks in  
15 strict conformance with the requirements and conditions set forth in SFCC 1987, Section 12-3.3  
16 and as approved by the City of Santa Fe fire chief or their designee.

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

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

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

24 **BE IT FURTHER RESOLVED** that the Governing Body strongly encourages City  
25 residents to adhere to the Stage II fire restrictions implemented in the SFNS.

1           **BE IT FURTHER RESOLVED** that the Governing Body strongly encourages City  
2 residents to prepare a Ready-Set-Go Personal Wildfire Action Plan; to take precautions and  
3 measures so as to reduce or eliminate conditions around their residences and places of work that  
4 could serve as fuel for a fire, including removing and properly disposing of unused household  
5 chemicals, oil, and gas; and to make use of alternative recreation options such as the City’s inner-  
6 City trails, open spaces, parks, and recreation centers.

7           **BE IT FURTHER RESOLVED** that the Governing Body strongly encourages residents  
8 of Santa Fe to follow the Fire Department’s Fire Readiness guidelines, especially in the wildland-  
9 urban interface areas. The guidelines are the following:

- 10           1.       Reduce flammable materials within 5 feet surrounding the primary residents (e.g.,  
11 removing firewood, flammable vegetation, cardboard boxes, construction lumber, etc.);
- 12           2.       Increase defensible space within 30 feet surrounding the primary residence in  
13 accordance with Fire Department recommendations;
- 14           3.       Remove flammable leaf litter and needle cast from roofs and gutters from all  
15 buildings on the property; and
- 16           4.       Consider acquiring recommendations from the Fire Department through a wildfire  
17 hazard assessment.

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

24           PASSED, APPROVED, AND ADOPTED this \_\_ day of \_\_\_\_\_, 2022.  
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ALAN WEBBER, MAYOR

ATTEST:

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KRISTINE MIHELICIC, CITY CLERK

APPROVED AS TO FORM:



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ERIN K. McSHERRY, CITY ATTORNEY