

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-32

INTRODUCED BY:

Councilor Chris Rivera

Councilor Carol Romero-Wirth

Councilwoman Renee Villarreal

Councilor Jamie Cassutt

A RESOLUTION

PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS FROM JUNE 11, 2022, TO JULY 10, 2022; BANNING 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 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 the Hermit's Peak/Calf Canyon fire that has displaced many residents who work in Santa Fe; and

WHEREAS, the Santa Fe National Forest ("SFNF") Forest Supervisor implemented Stage

1 II fire restrictions on April 22, 2022, which includes a prohibition on the following activities:

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

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12 the full 1.6 million acres of the SFNF, which closes the forest until July 18, 2022, unless rescinded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

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

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

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

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

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

25 **WHEREAS**, pursuant to NMSA 1978, Section 60-2C-8.1, the governing body of a

1 municipality is authorized to restrict the sale or use of fireworks within the boundaries of the
2 municipality if severe or extreme drought conditions exist; and

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

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

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

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

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

16 **Section 3.** The Governing Body bans the sale or use of all fireworks listed in this
17 section from June 11, 2022 to July 10, 2022 to the maximum extent possible permitted in NMSA
18 1978, Section 60-2C-8.1.

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

21 (1) aerial devices:

22 (a) ariel shell kit-reloadable tubes;

23 (b) aerial spinners;

24 (c) helicopters;

25 (d) mines;

- (e) missile-type rockets;
- (f) multiple tube devices;
- (g) roman candles;
- (h) shells; and
- (i) stick-type rockets except for those specified in Section 60-2C-7(B)(1) and (2);
- (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.

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

Section 4. Exceptions 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 or their designee.

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

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 the Governing Body strongly encourages City

1 residents to adhere to the Stage II fire restrictions implemented in the SFNS.

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

8 PASSED, APPROVED, AND ADOPTED this 8th day of June, 2022.

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12 ALAN WEBBER, MAYOR

13 ATTEST:

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16 KRISTINE MIHELIC, CITY CLERK

17 APPROVED AS TO FORM:

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20 ERIN K. McSHERRY, CITY ATTORNEY