CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-35

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

A. Building, maintaining, attending, or using a fire, campfire, or stove fire;

B. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is cleared of vegetation and flammable material;

C. Blasting, welding, or operating an acetylene or other torch with open flame;

D. Using an explosive of any kind;

E. Operating any equipment powered by an internal combustion engine, including chainsaws, between the hours of 10 a.m. and 6 p.m.; and

F. Driving off designated roads; and

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III fire restrictions for the full 1.6 million acres of the SFNF, which closes the forest until July 18, 2022, unless rescinded earlier; and

WHEREAS, the order imposing Stage II fire restrictions remains in place throughout the SFNF; 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

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

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

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

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

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

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

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

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

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

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

1. ariel shell kit-reloadable tubes;
2. aerial spinners;
3. helicopters;
4. mines;
5. missile-type rockets;
6. multiple tube devices;
7. roman candles;
8. shells;
9. stick-type rockets including those specified in Section 60-2C-7(B)(1) and (2); and
10. ground audible devices (including chasers and 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 SFCC 1987, Section 12-3.3 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 residents to adhere to the Stage II fire restrictions implemented in the SFNS.
BE IT FURTHER RESOLVED that the Governing Body strongly encourages City residents to prepare a Ready-Set-Go Personal Wildfire Action Plan; to take precautions and measures so as to reduce or eliminate conditions around their residences and places of work that could serve as fuel for a fire, including removing and properly disposing of unused household chemicals, oil, and gas; and to make use of alternative recreation options such as the City’s inner-City trails, open spaces, parks, and recreation centers.

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

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

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

PASSED, APPROVED, AND ADOPTED this 29th day of June, 2022.
ATTEST:

_______________________________
KRISTINE MIHELCIC, CITY CLERK

APPROVED AS TO FORM:

_________________________________
ERIN K. McSHERRY, CITY ATTORNEY
General Information:
(Check) Bill: __________ Resolution: __ X __

Short Title(s): Fire Restrictions 22-6

Sponsor(s): Councilor Rivera, Councilor Romero-Wirth, Councilwoman Villarreal, and Councilor Cassutt

Reviewing Department(s): Fire Department

Staff Completing FIR: Nathan Miller Date: 5/27/2022 Phone: 955-3901

Reviewed by City Attorney: Date: Jun 6, 2022

Reviewed by Finance Director: Alexis Lotero Date: Jun 3, 2022

Summary:
The proposed Resolution establishes short-term restrictions for the sale and use of fireworks within City limits due to severe drought.

Departments Affected:
Fire Department; Police Department

Consequences of Not Enacting Legislation:
The City will not restrict the use of fireworks in the City limits 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.

Performance and Administrative Implications:
If the Resolution is not adopted, there will not be an enforcement mechanism for the prohibitions adopted in the Resolution regarding the sale and use of fireworks.

Fiscal Implications:
None identified.

Fiscal Impact
X Check here if no fiscal impact
Expenditures

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>FYE __</th>
<th>FYE __</th>
<th>FYE __</th>
<th>Require BAR (Y/N)</th>
<th>Recurring (R) or Non-recurring (NR)</th>
<th>Fund</th>
<th>3-Year Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel and Benefits*</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractual/Professional Services</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Expenditure Narrative:

Revenue

<table>
<thead>
<tr>
<th>Revenue Type</th>
<th>FYE __</th>
<th>FYE __</th>
<th>FYE __</th>
<th>Recurring (R) or Non-recurring (NR)</th>
<th>Fund</th>
<th>3-Year Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Revenue</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIP</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enterprise</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal Service</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust and Agency</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$____</td>
<td>$____</td>
<td>$____</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Revenue Narrative:
# 2022-35 (R) Fire Restrictions 22-6

## Final Audit Report

<table>
<thead>
<tr>
<th>Created:</th>
<th>2022-07-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>Jesse Guillen (<a href="mailto:jbguillen@ci.santa-fe.nm.us">jbguillen@ci.santa-fe.nm.us</a>)</td>
</tr>
<tr>
<td>Status:</td>
<td>Signed</td>
</tr>
<tr>
<td>Transaction ID:</td>
<td>CBJCHBCABAABAA62sB-NNS0Uisw5eb2iLU25rK8qV5zQ</td>
</tr>
</tbody>
</table>

## "2022-35 (R) Fire Restrictions 22-6" History

- 🌐 Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
  
  2022-07-05 - 7:06:40 PM GMT- IP address: 63.232.20.2

- 📦 Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
  
  2022-07-05 - 7:08:48 PM GMT

- 📜 Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
  
  2022-07-05 - 9:27:09 PM GMT- IP address: 104.47.64.254

- ✍️ Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
  
  Signature Date: 2022-07-05 - 9:34:01 PM GMT - Time Source: server- IP address: 73.26.157.220

- 📦 Document emailed to Alan Webber (amwebber@santafenm.gov) for signature
  
  2022-07-05 - 9:34:02 PM GMT

- 📜 Email viewed by Alan Webber (amwebber@santafenm.gov)
  
  2022-07-05 - 9:36:25 PM GMT- IP address: 216.207.130.218

- ✍️ Document e-signed by Alan Webber (amwebber@santafenm.gov)
  
  Signature Date: 2022-07-05 - 9:36:46 PM GMT - Time Source: server- IP address: 216.207.130.218

- 📦 Document emailed to kmihelcic@santafenm.gov for signature
  
  2022-07-05 - 9:36:48 PM GMT

- 📜 Email viewed by kmihelcic@santafenm.gov
  
  2022-07-05 - 9:37:08 PM GMT- IP address: 104.47.64.254

- ✍️ Document e-signed by Kristine Mihelcic (kmihelcic@santafenm.gov)
  
  Signature Date: 2022-07-05 - 9:38:59 PM GMT - Time Source: server- IP address: 69.254.154.214

- ✅ Agreement completed.
  
  2022-07-05 - 9:38:59 PM GMT