

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 05/20/14

ISSUE: Proposed resolution proclaiming severe or extreme drought conditions in the City of Santa Fe and restricting the sale or use of fireworks within the City of Santa Fe and prohibiting other fire hazard activities

PUBLIC SAFETY COMMITTEE ACTION: Recommended approval

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON DIMAS	ABSENT		
VICE-CHAIRPERSON HARRIS	ABSENT		
MEMBER MIKE MIER	ABSENT		
MEMBER NANCY OWEN-LEWIS	X		
MEMBER PETER MIZRAHI	X		
MEMBER MIKE BOWEN	X		
MEMBER ERIC JOHNSON	X		
MEMBER DAVID TRUJILLO	X		
MEMBER JOE ARELLENO	X		

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/28/14
ITEM FROM FINANCE COMMITTEE MEETING OF 05/19/14

ISSUE:

21. Request for Approval of a Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe and Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Councilors Rivera, Trujillo and Lindell) (Chief Erik Litzenberg)

Committee Review:

Public Works Committee (approved)	05/12/14
Public Safety Committee (scheduled)	05/20/14
City Council (scheduled)	05/28/14

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	Not present to vote		
CHAIRPERSON DOMINGUEZ	Excused		

3-17/14/FCMissue

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 12, 2014**

ITEM 9

REQUEST FOR APPROVAL OF A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES (COUNCILOR RIVERA) (CHIEF LITZENBERG)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2014-____
Fire Restrictions

SPONSOR(S): Councilors Rivera, Trujillo and Lindell

SUMMARY: The proposed resolution proclaims severe or extreme drought conditions in the city of Santa Fe and restricts the sale or use of fireworks within the city of Santa Fe and prohibits other fire hazard activities.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: May 5, 2014

ATTACHMENTS: Resolution
FIR

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

Councilor Chris Rivera

Councilor Ronald Trujillo

Councilor Signe Lindell

A RESOLUTION

PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND 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 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 presently extremely high in the city of Santa Fe; and

1 **WHEREAS**, in recent months, the city of Santa Fe fire department has responded to
2 wildland fires which have threatened structures and homes in the city of Santa Fe, and

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

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

8 **WHEREAS**, pursuant to N.M. Stat. Ann. Section 60-2C-8.1, the governing body of a
9 municipality is authorized to restrict the sale or use of fireworks within the boundaries of the
10 municipality if severe or extreme drought conditions exist.

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

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

15 **Section 2.** As per Section 60-2C-8.1 NMSA 1978, the governing body has
16 determined and declares that severe or extreme drought conditions exist within the boundaries of
17 the city of Santa Fe based upon current drought indices published by the national weather service
18 and other relevant information supplied by the United States forest service.

19 **Section 3.** The governing body restricts the sale or use of fireworks to the maximum
20 extent possible permitted in Section 60-2C-8.1 NMSA 1978.

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

- 23 (1) aerial devices:
 - 24 (a) aerial spinners;
 - 25 (b) helicopters;

- 1 (c) mines;
- 2 (d) missile-type rockets;
- 3 (e) roman candles;
- 4 (f) shells; and
- 5 (g) stick-type rockets;
- 6 (2) ground audible devices:
 - 7 (a) chasers; and
 - 8 (b) firecrackers.

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

11 **Section 4.** An exception to the above restrictions are public displays of fireworks in
12 strict conformance with the requirements and conditions set forth in Section 12-3.3 SFCC 1987
13 and as approved by the city of Santa Fe fire chief.

14 **Section 5.** Pursuant to Section 12-3.9 SFCC 1987:

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

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

21 **BE IT FURTHER RESOLVED** that:

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

25 A. Open burning, including campfires, bonfires, pit barbecues;

- 1 B. Burning of weeds, trash, or other vegetation;
- 2 C. Using charcoal barbecue grills in public parks and recreation areas;
- 3 D. Smoking in public parks, recreation areas, or on any public trail; and
- 4 E. Using any motorized all terrain vehicle or motorcycles on city owned
- 5 open space, parks, trails, or other recreational areas.

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

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

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

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

15 **BE IT FURTHER RESOLVED** that the Governing Body recognizes that Section 60-
16 2C-8.1 NMSA 1978 only allows municipalities to adopt fireworks restrictions for 30 days at a
17 time and no less than 20 days prior to a holiday for which fireworks may be sold. Therefore, to
18 ensure that there will be no lapse in the fire restrictions imposed by this resolution, the Governing
19 Body may impose these fire restrictions at any subsequent meeting date hereafter to ensure that
20 such fire restrictions are in place during extreme or severe drought conditions and wildland fire
21 conditions.

22 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2014.

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JAVIER M. GONZALES, MAYOR

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES.

Sponsor(s): Councilors Rivera, Trujillo and Lindell

Reviewing Department(s): City Attorney's Office

Person Completing FIR: Rebecca Seligman Date: May 5, 2014 Phone: 955-6501

Reviewed by City Attorney: *Vicky A. Belman* Date: 5/5/14
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 5/8/14
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose the resolution is to establish restrictions for the sale and use of fireworks within the city limits and prohibit other fire hazard activities.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Not applicable

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

The resolution is consistent with 60-2C-8.1 NMSA 1978 and Chapter 12 SFCC 1987, Fire Protection and Prevention.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The City will not have the authority to restrict the use of fireworks in the City limits or prohibit certain fire hazard activities.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The major positive effect of adopting this resolution is that the health, safety and welfare of the residents of the city of Santa Fe will be protected by the imposition of fire restrictions.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08