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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-25

INTRODUCED BY:

Councilor Chris Rivera

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 MAY 11, 2022, TO JUNE 10, 2022; 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 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 in the past few weeks; and

WHEREAS, it is anticipated that drought conditions will be present for the foreseeable

1 future; and

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

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

7 **WHEREAS**, if the city experiences a fire that burns out of control in populated areas, it
8 may be necessary to evacuate and relocate affected residents; 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**, according to the U.S. Drought Monitor, Santa Fe County is in an extreme
13 drought, the second highest category.

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

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

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

22 **Section 3.** The Governing Body restricts the sale or use of fireworks from May 11,
23 2022 to June 10, 2022 to the maximum extent possible permitted in NMSA 1978, Section 60-2C-
24 8.1.

25 A. The sale or use of the following fireworks is specifically prohibited within

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the city limits:

- (1) aerial devices:
 - (a) aerial spinners;
 - (b) helicopters;
 - (c) mines;
 - (d) missile-type rockets;
 - (e) roman candles;
 - (f) shells; and
 - (g) stick-type rockets;
- (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.

Section 4. An exception to the above restrictions is 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.

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

1 **Section 1.** Due to severe or extreme drought conditions and wildland fire conditions,
2 the Governing Body hereby prohibits the following activities, in accordance with the International
3 Fire Code® , Section 307.1.1, as adopted by SFCC 1987, Section 12-2.1:

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

11 UL/FM-approved gas cooking appliances are approved and shall not be within fifteen feet
12 of combustible material and shall be closely monitored at all times. Extinguishment measures such
13 as a fire extinguisher or water hose shall be readily available.

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

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 (\$500),
18 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 the Governing Body recognizes that NMSA 1978,
22 Section 60-2C-8.1 only allows municipalities to adopt fire restrictions for 30 days at a time and no
23 less than 20 days prior to a holiday for which fireworks may be sold. Therefore, to ensure that there
24 will be no lapse in the fire restrictions imposed by this resolution, the Governing Body may impose
25 these fire restrictions at any subsequent meeting date hereafter to ensure that such fire restrictions

1 are in place during extreme or severe drought conditions and wildland fire conditions.

2 PASSED, APPROVED, AND ADOPTED this 11th day of May, 2022.

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6 ALAN WEBBER, MAYOR

7 ATTEST:

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10 KRISTINE MIHELICIC, CITY CLERK

11 APPROVED AS TO FORM:

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14 ERIN K. MOSHERRY, CITY ATTORNEY

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25 *Legislation/2022/Resolutions/2022-25 Fire Restrictions 22-4*