

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2017-42**

3 **INTRODUCED BY:**

4
5 Councilor Christopher M. Rivera

6 Councilor Peter N. Ives

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10 **A RESOLUTION**

11 **PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS MAY EXIST IN**
12 **THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS; RESTRICTING THE**
13 **SALE OR USE OF CERTAIN FIREWORKS WITHIN THE CITY OF SANTA FE**
14 **BETWEEN JUNE 6 AND JULY 4, 2017; AND PROHIBITING OTHER FIRE HAZARD**
15 **ACTIVITIES.**

16
17 **WHEREAS**, the danger of range fires, grass fires, forest fires and structure fires may be
18 very high or extremely high in and around the City of Santa Fe in the near future; and

19 **WHEREAS**, the weather in Santa Fe may become dry and windy and contribute to very
20 high or extremely high fire risk, and it is predicted that the windy and dry weather will continue
21 into the coming weeks, causing progressively worsening fire conditions; and

22 **WHEREAS**, due to recent low winter, United States forest service data indicates very
23 high or extreme fire danger will soon exist; and

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

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

3 **WHEREAS**, the City of Santa Fe fire department has responded to wildland fires which
4 have threatened structures and homes in the City of Santa Fe, and

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

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

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

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

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

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

21 **Section 3.** The governing body restricts the sale or use of dangerous fireworks, as
22 defined by Section 12-3.1(A) SFCC 1987, for thirty (30) days between June 6 and July 4, 2017 to
23 the maximum extent possible permitted in Section 60-2C-8.1 NMSA 1978.

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

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- (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 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.

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

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 that may exist in the near future, the Governing Body hereby prohibits the following activities for
3 thirty (30) days beginning June 6 and ending July 5, in accordance with the International Fire
4 Code® as adopted by §12-2.1 SFCC 1987:

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

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

14 **Section 2.** Pursuant to Section 1-3.1 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.

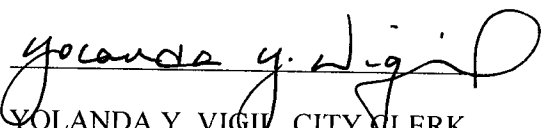
21 **BE IT FURTHER RESOLVED** that the Governing Body recognizes that Section 60-
22 2C-8.1 NMSA 1978 only allows municipalities to adopt fire restrictions for 30 days at a time and
23 no less than 20 days prior to a holiday for which fireworks may be sold. Therefore, to ensure that
24 there will be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

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


2 PASSED, APPROVED AND ADOPTED this 31st day of May, 2017.

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5 JAVIER M. GONZALES, MAYOR

6 ATTEST:

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9 YOLANDA Y. VIGIL, CITY CLERK

10 APPROVED AS TO FORM:

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13 KELLEY A. BRENNAN, CITY ATTORNEY