

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

2 **RESOLUTION NO. 2021-35**

3 **INTRODUCED BY:**

4
5 Councilor Chris Rivera

6 Councilor Carol Romero-Wirth

7 Councilor JoAnne Vigil Coppler

8 Councilor Renee Villarreal

9
10 **A RESOLUTION**

11 **PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE**
12 **CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS JULY 11, 2021 TO AUGUST 10,**
13 **2021; RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF**
14 **SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES.**

15
16 **WHEREAS**, the danger of range fires, grass fires, forest fires and structure fires is very
17 high or extremely high in and around the city of Santa Fe; and

18 **WHEREAS**, the weather in Santa Fe has been dry and windy, contributing to the present
19 very high or extremely high fire risk, and it is predicted that the windy and dry weather will continue
20 into the coming weeks, causing progressively worsening fire conditions; and

21 **WHEREAS**, due to abnormally low winter precipitation, United States forest service data
22 indicates very high or extreme fire danger presently exists; and

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

25 **WHEREAS**, the probability of ignition of materials likely to serve as fuel for fire is

1 presently extremely high in the city of Santa Fe; and

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

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

7 **WHEREAS**, the SARS-CoV-2 (COVID-19) 2020-21 Pandemic is complicating
8 suppression operations on wildland fires in New Mexico; 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**, on April 14, 2021 the Governing Body adopted Resolution No. 2021-22
13 which imposed fire restrictions for a period of 30 days; and

14 **WHEREAS**, on May 12, 2021 the Governing Body adopted Resolution No. 2021-29
15 which imposed fire restrictions for a period of 28 days.

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

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

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

24 **Section 3.** The Governing Body restricts the sale or use of fireworks July 11, 2021 to
25 August 10, 2021 to the maximum extent possible permitted in NMSA 1978, Section 60-2C-8.1.

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

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

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

16 **Section 4.** An exception to the above restrictions is public displays of fireworks in
17 strict conformance with the requirements and conditions set forth in Section 12-3.3 SFCC 1987 and
18 as approved by the City of Santa Fe fire chief.

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

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

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

1 **BE IT FURTHER RESOLVED** that

2 **Section 1.** Due to severe or extreme drought conditions and wildland fire conditions,
3 the Governing Body hereby prohibits the following activities, in accordance with the International
4 Fire Code® as adopted by Section 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 open
10 space, parks, trails, or other recreational areas, except for the Motocross
11 Track located off of the 599 Relief Route.

12 Charcoal barbecuing at a residential structure is permitted if the fire is closely monitored
13 and fire-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 (\$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 9th day of June, 2021.

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6 ALAN WEBBER, MAYOR

7 ATTEST:

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9 Kristine Mihelcic (Jun 10, 2021 16:52 MDT)

10 KRISTINE MIHELICIC, CITY CLERK

11 APPROVED AS TO FORM:

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14 ERIN K. MCSHERRY, CITY ATTORNEY

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25 *Legislation/2021/2021-35 Resolutions/Fire Restrictions 4*