

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

2 **RESOLUTION NO. 2013-57**

3 **INTRODUCED BY:**

4 Councilor Rivera  
5 Councilor Calvert  
6 Councilor Bushee  
7 Councilor Ives  
8 Councilor Dimas  
9 Councilor Trujillo  
10 Councilor Dominguez  
11 Councilor Wurzbarger

12 **A RESOLUTION**

13 **PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF**  
14 **SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE**  
15 **CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES.**

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  
20 continue into the coming weeks, causing progressively worsening fire conditions; and

21 **WHEREAS**, due to low winter precipitation, United States forest service data indicates  
22 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  
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;

- (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:

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

- 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 29<sup>th</sup> day of May, 2013.

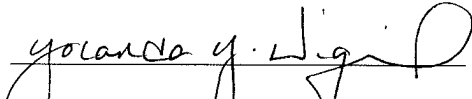
23 

24 DAVID COSS, MAYOR  
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1 ATTEST:

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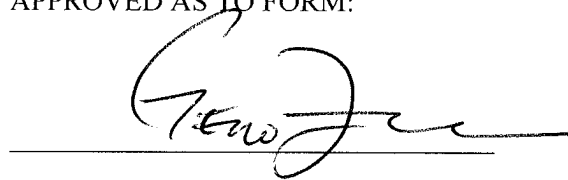
  
4 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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