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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-39

INTRODUCED BY:

Councilor Chris Rivera

Councilor Carol Romero-Wirth

Councilor Jamie Cassutt

Councilor Renee Villarreal

Councilor Amanda Chavez

A RESOLUTION

PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS AUGUST 10, 2022, TO SEPTEMBER 10, 2022; BANNING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE; ENCOURAGING RESIDENTS TO PREPARE A PERSONAL WILDFIRE ACTION PLAN; AND ENCOURAGING RESIDENTS TO FOLLOW THE FIRE DEPARTMENT’S FIRE READINESS GUIDELINES.

WHEREAS, the danger of range fires, grass fires, forest fires and structure fires remains high in and around the city of Santa Fe; and

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

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

WHEREAS, if the city experiences a fire that burns out of control in populated areas, it

1 may be necessary to evacuate and relocate affected residents; and

2 **WHEREAS**, pursuant to NMSA 1978, Section 60-2C-8.1, the governing body of a
3 municipality may restrict the sale or use of certain fireworks within the boundaries of the
4 municipality on a short-term basis if severe or extreme drought conditions exist; and

5 **WHEREAS**, Governor Michelle Lujan Grisham issued Executive Order No. 2022-22 on
6 April 25, 2022 that urged municipalities to “consider implementing appropriate firework bans...as
7 well as any other appropriate fire prevention measures that they may legally enact.”; and

8 **WHEREAS**, while recent rains have provided much-needed moisture to the area,
9 according to the most recently available update to the U.S. Drought Monitor, most of Santa Fe
10 County is in an extreme drought, the second highest category.

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 NMSA 1978, Section 60-2C-8.1 and SFCC 1987, Section 12-3.9.

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

19 **Section 3.** The Governing Body bans the sale or use of all fireworks listed in this
20 section from August 10 to September 10, 2022, to the maximum extent possible permitted in
21 NMSA 1978, Section 60-2C-8.1.

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

- 24 1. ariel shell kit-reloadable tubes;
- 25 2. aerial spinners;

- 1 3. helicopters;
- 2 4. mines;
- 3 5. missile-type rockets;
- 4 6. multiple tube devices;
- 5 7. roman candles;
- 6 8. shells;
- 7 9. stick-type rockets including those specified in Section 60-2C-
- 8 7(B)(1) and (2); and
- 9 10. ground audible devices (including chasers and firecrackers).

10 B. Pursuant to SFCC 1987, Section 12-3.9(B)(2), all fireworks within any
11 lands covered wholly or in part by timber, brush, or native grass are prohibited.

12 C. Pursuant to NMSA 1978, Section 60-2C-8.1(B)(2)(a), the use of any
13 fireworks not listed in paragraphs A(1) and (2) of this Section is limited to areas that are
14 paved or barren or that have a readily accessible source of water for use by the homeowner
15 or the general public.

16 **Section 4.** Pursuant to SFCC 1987, Section 12-3.9,

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

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

23 **BE IT FURTHER RESOLVED** that the Governing Body strongly encourages City
24 residents to prepare a Ready-Set-Go Personal Wildfire Action Plan; to take precautions and
25 measures so as to reduce or eliminate conditions around their residences and places of work that

1 could serve as fuel for a fire, including removing and properly disposing of unused household
2 chemicals, oil, and gas; and to make use of alternative recreation options such as the City's inner-
3 City trails, open spaces, parks, and recreation centers.

4 **BE IT FURTHER RESOLVED** that the Governing Body strongly encourages residents
5 of Santa Fe to follow the Fire Department's Fire Readiness guidelines, especially in the wildland-
6 urban interface areas. The guidelines are the following:

7 1. Reduce flammable materials within five (5) feet surrounding the primary residents
8 (e.g., removing firewood, flammable vegetation, cardboard boxes, construction lumber, etc.); and

9 2. Increase defensible space within thirty (30) feet surrounding the primary residence
10 in accordance with Fire Department recommendations; and

11 3. Remove flammable leaf litter and needle cast from roofs and gutters from all
12 buildings on the property; and

13 4. Consider acquiring recommendations from the Fire Department through a wildfire
14 hazard assessment.

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

22 PASSED, APPROVED, AND ADOPTED this 27th day of July, 2022.

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25 ALAN WEBBER, MAYOR

1 ATTEST:

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KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2022/Resolutions/2022-39 Fire Restrictions 22-7*