

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

10 **NOW THEREFORE BE IT PROCLAIMED BY THE GOVERNING BODY OF**
11 **THE CITY OF SANTA FE:**

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

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

18 **Section 3.** The governing body restricts the sale or use of fireworks to the maximum
19 extent possible permitted in Section 60-2C-8.1 NMSA 1978.

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

- 22 (1) aerial devices:
 - 23 (a) aerial spinners;
 - 24 (b) helicopters;
 - 25 (c) mines;

1 (d) missile-type rockets;

2 (e) roman candles;

3 (f) shells; and

4 (g) stick-type rockets;

5 (2) ground audible devices:

6 (a) chasers; and

7 (b) firecrackers.

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

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

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

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

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

20 **BE IT FURTHER RESOLVED** that:

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

24 A. Open burning, including campfires, bonfires, pit barbecues;

25 B. Burning of weeds, trash, or other vegetation;

- 1 C. Using charcoal barbecue grills in public parks and recreation areas;
- 2 D. Smoking in public parks, recreation areas, or on any public trail; and
- 3 E. Using any motorized all terrain vehicle or motorcycles on city owned
- 4 open space, parks, trails, or other recreational areas, except for the Motocross Track
- 5 located off of the 599 Relief Route.

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 fire restrictions for 30 days at a time and
17 no less than 20 days prior to a holiday for which fireworks may be sold. Therefore, to ensure that
18 there will be no lapse in the fire restrictions imposed by this resolution, the Governing Body may
19 impose these fire restrictions at any subsequent meeting date hereafter to ensure that such fire
20 restrictions are in place during extreme or severe drought conditions and wildland fire conditions.

21 PASSED, APPROVED AND ADOPTED this 25th day of April, 2018.

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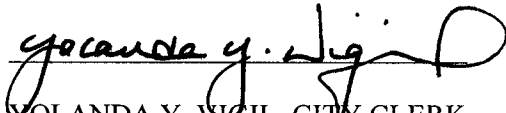


ALAN M. WEBBER, MAYOR

1 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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GENO ZAMORA, INTERIM CITY ATTORNEY

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M/Legislation/Resolutions 2018/2018-28 Fire Restrictions 1