

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

2 **RESOLUTION NO. 2021-22**

3 **INTRODUCED BY:**

4
5 Councilor Christopher M. Rivera

6 Councilor JoAnne Vigil Coppler

7 Councilor Carol Romero-Wirth

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; RESTRICTING THE SALE**
13 **OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING**
14 **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 being experienced 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.

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

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

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

20 **Section 3.** The Governing Body restricts the sale or use of fireworks to the maximum
21 extent possible permitted in NMSA 1978, Section 60-2C-8.1.

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

- 24 (1) aerial devices:
25 (a) aerial spinners;

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

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

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

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

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

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

22 **BE IT FURTHER RESOLVED** that

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

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

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

10 **Section 2.** Pursuant to Section 1-3.1 SFCC 1987:


- 11 A. Any individual, firm, partnership or other entity found in violation of the
- 12 above restrictions shall be deemed guilty of a misdemeanor and shall be punished by
- 13 imprisonment for up to ninety (90) days or a fine not to exceed five hundred dollars (\$500),
- 14 or both.
- 15 B. Each and every occasion on which this section is violated shall be
- 16 considered a separate offense.

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

23 PASSED, APPROVED AND ADOPTED this 14th day of April, 2021.


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ALAN WEBBER, MAYOR

ATTEST:



[Kristine Mihelcic \(Apr 18, 2021 21:27 MDT\)](#)

KRISTINE MIHELICIC, CITY CLERK

APPROVED AS TO FORM:



ERIN MCSHERRY, CITY ATTORNEY



City of Santa Fe New Mexico

Memorandum



Date: March 29, 2021

To: Quality of Life Committee, Finance Committee, and Governing Body

From: Geronimo Griego, Acting Fire Marshal GGG

Via: Brian Moya, Assistant Fire Chief BM
Porfirio Chavarria, Wildland Urban Interface Specialist PC

RE: Fire Restrictions

EXECUTIVE SUMMARY:

The proposed Resolution requests the Governing Body adopt certain fire restrictions throughout the City of Santa Fe based on data supplied by the U.S. Forest Service and published by the National Weather Service.

BACKGROUND:

NMSA 1978, Section 60-2C-8.1 authorizes the governing body of a municipality to restrict the sale or use of fireworks within the boundaries of the municipality if severe or extreme drought conditions exist. As of March 16th, all of Santa Fe County was in exceptional drought, the highest classified level (see Exhibit A). State statute also precludes a governing body from adopting fire restrictions 20 days prior to a holiday for which fireworks may be sold – the Fourth of July. Each Resolution has a maximum effective time period of thirty days, requiring the adoption of subsequent Resolutions if drought conditions persist. With that in mind, staff anticipate subsequent Fire Restrictions Resolutions being presented to the Governing Body on May 12th, June 9th, and July 14th.

ACTION REQUESTED:

Adopt the Resolution as presented.

ATTACHMENTS:

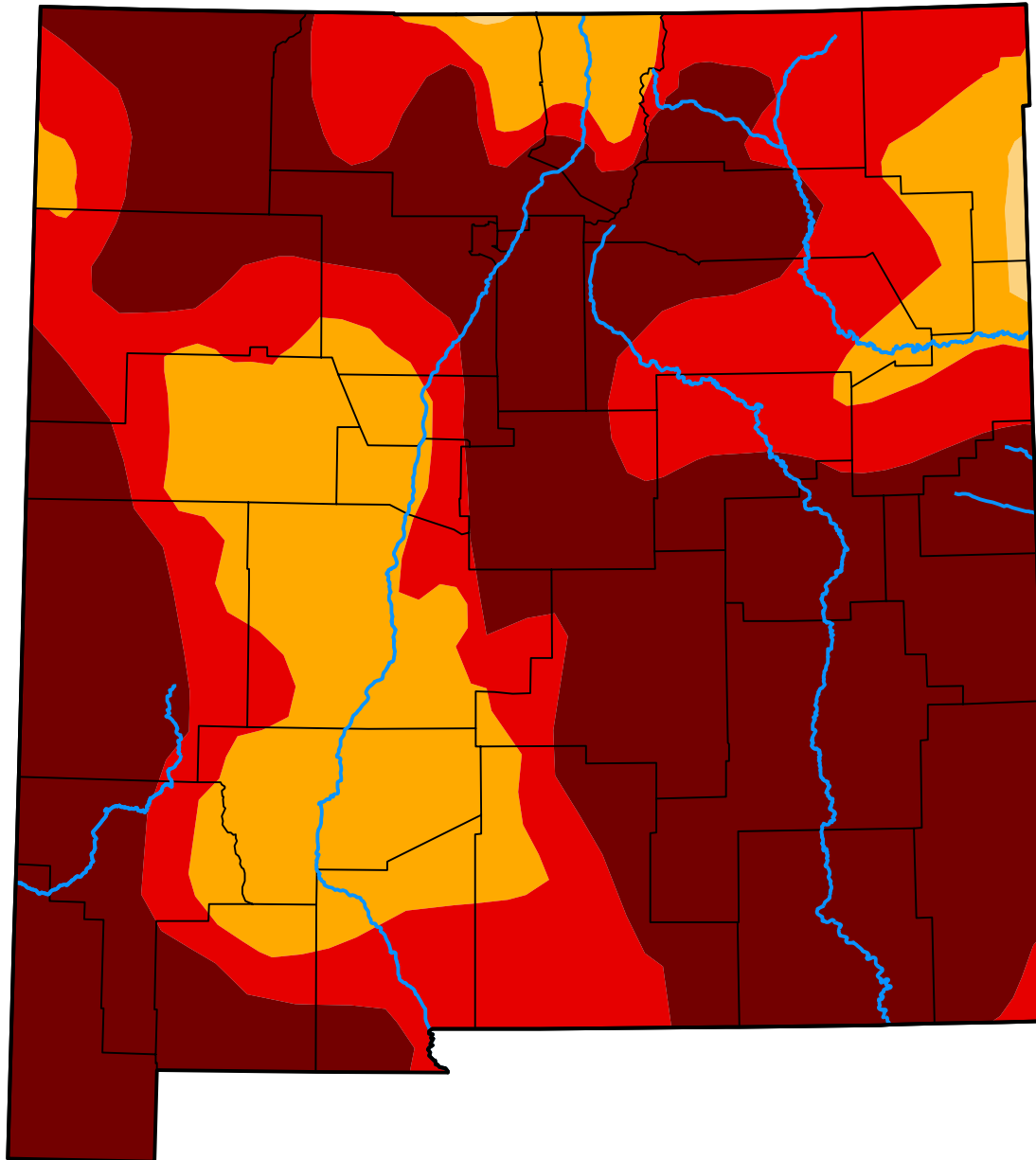
Resolution
Exhibit A – Drought Monitor Report
Fiscal Impact Report

U.S. Drought Monitor New Mexico

March 23, 2021
(Released Thursday, Mar. 25, 2021)
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	99.68	80.21	53.38
Last Week <i>03-16-2021</i>	0.00	100.00	100.00	99.91	81.66	53.80
3 Months Ago <i>12-22-2020</i>	0.00	100.00	99.97	99.59	82.26	53.20
Start of Calendar Year <i>12-29-2020</i>	0.00	100.00	99.97	99.59	82.26	53.20
Start of Water Year <i>09-29-2020</i>	0.00	100.00	99.92	73.65	39.88	2.90
One Year Ago <i>03-24-2020</i>	55.74	44.26	26.30	11.40	0.00	0.00



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brad Pugh
CPC/NOAA



droughtmonitor.unl.edu

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Fire Restrictions 2021 1

Sponsor(s): Councilor Rivera

Reviewing Department(s): Fire Department

Staff Completing FIR: Porfirio Chavarria Date: 3/17/2021 Phone: 505-660-3732

Reviewed by City Attorney: *Eric McJury* Date: Mar 29, 2021

Reviewed by Finance Director: *Mary McCay* Date: Mar 29, 2021

Summary:

The proposed Resolution establishes restrictions for the sale and use of fireworks within City limits and prohibits other activities that may pose a fire risk due to severe to exceptional drought.

Departments Affected:

Fire Department.

Consequences of Not Enacting Legislation:

The City will not have the authority to restrict the use of fireworks in the City limits or prohibit certain activities that pose a risk of starting a fire due to severe to exceptional drought.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

The Resolution is consistent with NMSA 1978, Section 60-2C-8.1 and SFCC 1987, Chapter 12, Fire Protection and Prevention.

Performance and Administrative Implications:

Enforcement of the proclamation and sections identified in this Resolution regarding the sale and use of fireworks, open burning, charcoal grills, smoking, and motorized vehicles on City-owned recreational areas.

Fiscal Implications:

N/A

Fiscal Impact

 X Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:

Signature: *Geronimo Griego*
Geronimo Griego (Mar 30, 2021 15:22 MDT)

Email: gggriego@santafenm.gov

Signature: *Brian Moya*
Brian Moya (Mar 30, 2021 10:34 CDT)

Email: bjmoya@santafenm.gov

Signature: *Porfirio Chavarria*
Porfirio Chavarria (Mar 29, 2021 10:47 MDT)

Email: pnchavarria@santafenm.gov












2021-22 Fire Restrictions (Final Approval)

Final Audit Report

2021-04-19

Created:	2021-04-15
By:	Jeff Norris (jtnorris@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAa5PfvkRzstrvzuoln4aDT-ZE4YWS2znG

"2021-22 Fire Restrictions (Final Approval)" History

-  Document created by Jeff Norris (jtnorris@ci.santa-fe.nm.us)
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-  Agreement completed.
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