

SANTA FE COUNTY

Ordinance No. 1996-5

AN ORDINANCE DECLARING A FIRE HAZARD EMERGENCY IN SANTA FE COUNTY AND BANNING THE SALE, POSSESSION OR USE OF FIREWORKS WITHIN SANTA FE COUNTY

A. The Santa Fe County Board of County Commissioners hereby **FINDS**:

1. The danger of range fires, forest fires, brush fires, grass fires, structure fires and other fires of every kind is presently extremely high in Santa Fe County.
2. The moisture content level of materials likely to serve as fuel for fire is presently extremely low in Santa Fe County.
3. The probability of ignition of materials likely to serve as fuel for fire is presently extremely high in Santa Fe County.
4. For several months, the weather in Santa Fe County has been extremely and unseasonably dry and windy contributing to the present high fire danger.
5. In recent weeks there have been two major forest fires near Santa Fe County, specifically the disastrous "dome fire" near Los Alamos, New Mexico and the recent "Hondo fire" near Questa and Red River, New Mexico which has burned many homes and other structures.
6. This spring, Santa Fe County volunteer firefighters have responded to local fires covering over 1500 acres.
7. In early April 1996, a bosque fire near San Juan Pueblo consumed over 600 acres.
8. Also early in April, a brush and structure fire consumed approximately 60 acres near Sombrillo in Santa Fe County.

9. During the weekend of May 4 and 5, 1996, there was a brush fire in the Eldorado area in Santa Fe County which spread to over 200 acres before it was contained.

10. During the same weekend, a brush and structure fire caused substantial damage to a home near Galisteo in Santa Fe County.

11. On May 8, 1996, in Edgewood in Santa Fe County, children playing with fireworks started a brush and structure fire which spread to almost 80 acres before it was contained. The Edgewood fire threatened several residences and caused the evacuation of over 70 people. Before it was contained, the Edgewood fire came within 30 feet of a large propane distributing plant containing several propane storage tanks and trucks which would explode if ignited by fire.

12. In light of the high fire hazard, Santa Fe County has suspended the issuance of burn permits.

13. In light of the high fire hazard, the New Mexico Department of Energy, Minerals and Natural Resources, Forestry and Resources Conservation Division, has put into effect a "fire watch" and has implemented "level 2" restrictions which, according to the regulations of the Forestry Division, prohibit open fires and the discharging of fireworks as specified in Section 30-17-4 NMSA 1978.

14. Historically, the sale and use of fireworks in Santa Fe County increases dramatically throughout the summer months.

15. This year, the peak period for the sale and use of fireworks is very likely to coincide with the extremely high fire hazard in Santa Fe County and the sale and use of fireworks under these conditions are very likely to cause fires.

16. Every year, investigations by the Santa Fe County Fire Marshal's office indicate that fires requiring response by Santa Fe County volunteer firefighters were caused by fireworks.

17. In 1994, 18 fires were determined to be caused by fireworks and in 1995, 8 fires were determined to be caused by fireworks.

18. In 1989, conditions in Santa Fe County were extremely dry over the July 4 weekend. In four days over the long weekend, Santa Fe County firefighters responded to 103 fires prompting a ban on fireworks passed by the Santa Fe County Commission on July 10, 1989.

B. The Santa Fe Board of County Commissioners therefore **DECLARES** that the dry conditions, high fire hazard and the concurrent sale and use of fireworks represent a significant and immediate

threat to the public health, safety and welfare representing a fire hazard emergency.

C. **WHEREFORE**, the Santa Fe Board of County Commissioners **ADOPTS** the following requirements and prohibitions:

1. The sale, possession and use of fireworks within Santa Fe County is prohibited.
2. For the purpose of this emergency ordinance, the term "fireworks" is defined as any composition or device for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and as further defined by the United States Department of Transportation, C.F.R. Title 49, transportation parts 173.88(d) and 173.00(r).
3. The term "fireworks" specifically does not include model rockets, toy pistols, emergency signal flares or matches.
4. The term "fireworks" as defined in this emergency ordinance specifically includes those devices which are generally permissible under Santa Fe County Ordinance 1988-3 and those otherwise permissible fireworks are specifically prohibited during the effective dates of this emergency ordinance.
5. To the extent that this emergency ordinance is more restrictive than Santa Fe County Ordinance 1988-3, this emergency ordinance controls during its effective dates.
6. To the extent that Santa Fe County Ordinance 1988-3 is more comprehensive or addresses matters not addressed in this emergency ordinance, Ordinance 1988-3 shall control even during the effective dates of this emergency ordinance.
7. The County Fire Marshal shall not issue any licenses or permits authorizing the sale of any fireworks during the effective dates of this emergency ordinance.
8. Except as specifically set forth herein, nothing in this emergency ordinance shall be construed to limit or restrict the authority or responsibilities of the Santa Fe County Fire Marshal or the Santa Fe County Sheriff under the provisions of Santa Fe County Ordinance 1988-3.
9. Public displays of fireworks as defined in Santa Fe County Ordinance 1988-3 are permitted in strict conformance with the requirements and conditions for public displays set forth in that ordinance.
10. The Santa Fe County Fire Marshal and the Santa Fe County Sheriff and their designees shall be responsible for the enforcement of this emergency ordinance.

11. Any individual, firm, partnership, corporation or other entity convicted of violating this emergency ordinance shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for up to 90 days or a fine not to exceed \$300.00, or both.

12. Each and every incident or occasion on which this emergency ordinance is violated shall be considered a separate offense.

13. If any paragraph or provision of this emergency ordinance is adjudged to be invalid for any reason, the remainder of this emergency ordinance, not so adjudged, shall remain in full force and effect.

14. This emergency ordinance shall take effect on the earliest date allowed by law following its passage by the Santa Fe Board of County Commissioners.

15. This ordinance shall remain in effect until the Santa Fe County Fire Marshal determines that the fire danger has alleviated or for a period of one year, whichever comes first.

APPROVED, ADOPTED AND PASSED this 14th day of May, 1996.

BOARD OF COUNTY COMMISSIONERS

Richard D. Anaya
Richard D. Anaya, Chairperson

ATTEST:

Jona G. Armijo
Jona G. Armijo, County Clerk



Approved as to Form:

Steven Kopelman
Steven Kopelman, County Attorney

COUNTY OF SANTA FE 945-393)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 15 day of MAY A.D.
19 96, at 8:33 o'clock 12.10 a.m.
and was duly recorded in book 1270
page 365-368 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Jona G. Armijo
County Clerk

