

# SANTA FE COUNTY

## RESOLUTION NO. 2022-039

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**A RESOLUTION TO REPEAL RESOLUTION 2022-032, TO PROCLAIM EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN SANTA FE COUNTY, AND TO BAN THE SALE AND USE OF CERTAIN FIREWORKS IN THE UNINCORPORATED PORTIONS OF THE COUNTY AND WITHIN WILDLANDS IN THE COUNTY**

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**WHEREAS**, on May 10, 2022, the Board of County Commissioners (BCC) for Santa Fe County (County) adopted Resolution No. 2022-032 proclaiming extreme or severe drought conditions within Santa Fe County and banning the sale and use of certain fireworks in the unincorporated portions of the County and within wildlands in the County until June 10, 2022;

**WHEREAS**, Resolution No. 2022-032 is set to expire on June 10, 2022, prior to the next regularly scheduled BCC meeting;

**WHEREAS**, to ensure the proclamation of extreme or severe drought continues and prohibition on fireworks does not lapse prior to the next regularly scheduled BCC meeting, a Special Meeting of the BCC was scheduled for the purpose of considering this resolution;

**WHEREAS**, the following facts supported adoption of Resolution 2022-032 and are relevant to implementation of a new proclamation of extreme or severe drought conditions within the County and renewal of the ban on the sale and use of certain fireworks in the unincorporated portions of the County and within wildlands in the County:

- On April 25, 2022, Governor Lujan Grisham issued Executive Order 2022-022 urging municipal and county governments to consider firework bans;
- On April 26, 2022, the County adopted Emergency Ordinance 2022-02 Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking and Other Ignition Sources;
- On April 23, 2022, the New Mexico State Forester banned the use of fireworks citing abnormally warm temperatures, low humidity, high winds and the abundance of dry fuel material increase the chances of fire incidents;
- The United States Bureau of Land Management enacted Fire Prevention Order #NMF910-22-01 prohibiting fireworks and exploding targets;

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- The State of New Mexico Energy, Minerals and Natural Resources Department (EMNRD) Forestry Division announced restrictions on fireworks, smoking, campfires, and open fires in New Mexico as of April 22, 2022;
- EMNRD has urged coordination with other jurisdictions, including counties, to ensure that appropriate protections are in place to protect New Mexico as fire danger and wildfires increase;
- Current fire conditions such as low humidity, dry weather, wind and fire fuel moisture content have resulted in conditions of extreme risk of fires;
- County Fire resources are committed to the existing fires, which could diminish the capacity to respond to new fires;
- An immediate and present danger of range fires, brush fires, grass fires, forest fires and structure fires exists within the County due to persistent drought;
- Given the persistent drought, the probability of ignition of materials and the spread of fire pose a severe threat to persons and property;

**WHEREAS**, drought indices published by the United States National Integrated Drought Information System and the United States Forest Service indicates extreme or severe drought conditions are to continue past June 10, 2022;

**WHEREAS**, as of June 1, 2022, the Hermits Peak Fire, McBride Fire, Nogal Fire, Calf Canyon Fire, Cooks Peak Fire, and Big Hole Fire remain active and have burned over 315,000 acres of wildlands;

**WHEREAS**, the July Fourth Holiday weekend increases the use of fireworks;

**WHEREAS**, in the past approximately half of the fires started over the July Fourth weekend were attributed to fireworks;

**WHEREAS**, the health, safety and welfare of citizens are in danger as a result of the aforementioned conditions;

**WHEREAS**, NMSA 1978, 60-2C-8.1(E) (1999), et seq., provides that the BCC may declare that extreme or severe drought conditions exist, and proclaim certain restrictions on the sale and use of fireworks;

**WHEREAS**, NMSA 1978, 60-2C-8.1(G) (1999), et seq., provides that the BCC proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold; and

**WHEREAS**, it is currently more than twenty days prior to the Fourth of July holiday, which is a holiday for which fireworks may be sold.

**NOW, THEREFORE THE BCC HEREBY RESOLVES AND PROCLAIMS** as follows:

1. Resolution No. 2022-032 is hereby repealed and replaced with this resolution.
2. There currently exists within the unincorporated portions of Santa Fe County extreme or severe drought conditions, creating extreme fire conditions causing an immediate and significant threat to the life, safety, health and welfare of residents of Santa Fe County, and to public and private property located within the County.
3. The sale and use of permissible missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are banned within the affected drought area, which includes all unincorporated portions of Santa Fe County.
4. The use of permissible fireworks not listed in Paragraph 2 above is limited to areas that are paved or barren or have a readily accessible source of water for use by the homeowner or general public.
5. The use of all fireworks within wildlands in Santa Fe County is banned, the State Forester having been consulted as required by statute and having concurred with such ban.
6. The sale and use of display fireworks are banned within the unincorporated portions of Santa Fe County.
7. This Resolution shall be effective for 30 days from the date below, but may be reissued if severe or extreme drought conditions warrant. Further, this Resolution may be modified or rescinded within the 30 days of the effective date if the Board of County Commissioners, after conducting an emergency hearing, determines that weather conditions have improved.

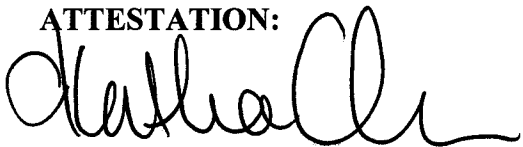
**PASSED, APPROVED, AND ADOPTED** this 7 th day of June, 2022 by the Board of County Commissioners of the County of Santa Fe.

**BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE**



Anna T. Hamilton, Chair

ATTESTATION:





Katharine E. Clark, Santa Fe County Clerk

**APPROVED AS TO FORM:**

*Knicker.*

Rachel Brown, Interim Santa Fe County Attorney

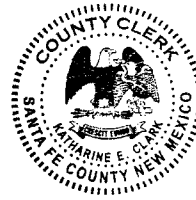
COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

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I Hereby Certify That This Instrument Was Filed for  
Record On The 8TH Day Of June, 2022 at 08:03:28 AM  
And Was Duly Recorded as Instrument # **1990456**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark

Deputy *Dorothy Romero* County Clerk, Santa Fe, NM



SFC CLERK RECORDED 06/08/2022