

SANTA FE COUNTY  
ORDINANCE NO. 2022-02

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**AN EMERGENCY ORDINANCE DECLARING HAZARDOUS FIRE  
CONDITIONS AND IMPOSING RESTRICTIONS ON  
OPEN FIRES, SMOKING AND OTHER IGNITION SOURCES**

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY THAT:

**Section 1. Findings.**

- a. New Mexico is experiencing what is being referred to as a “mega-drought” causing above-normal temperatures and dry vegetation.
- b. Santa Fe County (County) is experiencing extreme weather conditions, including strong winds and low humidity, exacerbating already dangerous fire conditions.
- c. The recent windy, dry, and unstable atmosphere with low relative humidity are some of the risk triggers causing the local Haines Index (a weather index of factors contributing to the likelihood of large or erratic wildland fires) to climb to five (5) on a scale of two (2) to six (6), with six being the highest potential for large fires.
- d. As of April 24, 2022, there were twenty wild fires burning in New Mexico.
- e. Firefighting resources are committed to existing fires, which could diminish capacity to respond to new fires.
- f. The United States Department of Agriculture, which manages the Santa Fe National Forest, implemented Stage II Fire Restrictions, restricting building, maintaining, attending or using fires, campfires, or stove fires; smoking; and driving off designated roads.
- g. The New Mexico Energy, Minerals and Natural Resources Department (EMNRD) Forestry Division announced restrictions on fireworks, smoking, campfires, and open fires in New Mexico, effective April 22, 2022, noting:
  1. abnormally warm temperatures;
  2. low humidity;
  3. high winds;
  4. the abundance of dry, fine fuels; and
  5. daily increases in wildland fire incidents.
- h. 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.

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- i. At this time, Governor Lujan Grisham has issued Executive Orders for Mora County, Valencia County, and Colfax County, declaring an emergency due to the vast areas of those Counties experiencing wildfires.
- j. Mora County has issued a disaster proclamation due to the currently burning wildfires.
- k. Santa Fe County's Fire Department is urging members of the community to register for the Santa Fe Alert platform to ensure warnings are broadly communicated in the likely event of wildfires in the County.
- l. Adopting restrictions on open fires, smoking and other ignition sources will create consistency in fire regulations with the Santa Fe National Forest and State Forestry, and may allow for consistency with the Bureau of Land Management, an entity contemplating imposing burn restrictions on land within its jurisdiction.
- m. Immediate measure to mitigate risk of fires in the County are necessary for safety of those within the County, as drought conditions are forecast to persist and deepen throughout Santa Fe County and New Mexico during the coming months.

**Section 2. Authority.** Consistent with the County's authority to provide for the safety and to preserve the health of the residents of this County, and pursuant to NMSA 1978, Sections 4-37-1 and 59A-52-18, the County has authority to impose restrictions intended to protect the County and its residents against the risk of wildland fires, and may do so on an emergency basis without pre-adoption publication or waiting thirty days after recordation with the County Clerk.

**Section 3. Purpose.** To limit activities which exacerbate the risk of wild fires within the County for ninety days, in order to address the factors establishing an immediate danger to the public health, safety and welfare of the County due to the heightened risk of wildland fires.

**Section 4. Prohibitions.** The following are prohibited for a period of ninety (90) days within the unincorporated areas of Santa Fe County:

- a. Campfires;
- b. Open fires of any kind;
- c. Open burning of vegetation or rubbish;
- d. Smoking within a County park, campground or any wildland area except within an enclosed vehicle or building;
- e. Littering on public roadways/areas with ignited smoking materials;
- f. Use of off-road vehicles and motor bikes within county parks, campground and wild land areas; and
- g. The issuance of licenses or permits for open burning except as noted below.

**Section 5. Exemptions.** The Fire Chief or Fire Marshal shall have the authority to grant exemptions from this Emergency Ordinance for an applicant seeking a burn permit. The exemption shall be granted by issuing the burn permit only after the Fire Chief or Fire Marshal has determined that adequate fire protection is available and all reasonable measures have been taken to mitigate the risk posed by the proposed burn.

**Section 6. No limitations on Authority.** Nothing herein shall be construed to limit the authority or responsibilities of the Santa Fe County Fire Marshal or the Santa Fe County Sheriff.

**Section 7. Violations.** Pursuant to NMSA 1978, Section 4-37-3, any individual, firm, partnership or other entity found violating this emergency ordinance shall be deemed guilty of a petty misdemeanor and may be punished by imprisonment for up to ninety days or a fine not to exceed three hundred dollars, or both.

**Section 8. Severability.** If any section or provision of this Ordinance is deemed invalid or void, the remaining portions shall not be effected and shall be enforced accordingly.

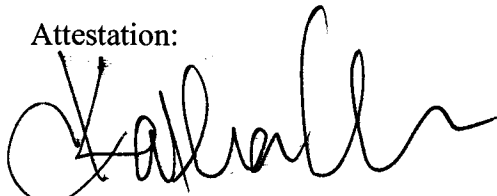
**Section 9. Declaration of Emergency; Immediate Effective Date; Repealer.** The Board of County Commissioners hereby declares an emergency relating to fire conditions within the County, which is an immediate danger to the public health, safety and welfare of the County and its residents. Accordingly, pre-adoption publication of the title and general summary of this ordinance was not required pursuant to Section 4-37-7 NMSA 1978. In addition, in accordance with Section 4-37-9(C) NMSA 1978, the Board of County Commissioners hereby declares that it is necessary for the public peace, health and safety that this ordinance take effect immediately upon adoption by the Board of County Commissioners and recordation by the County Clerk as required by statute. This Ordinance shall remain in effect for ninety days.

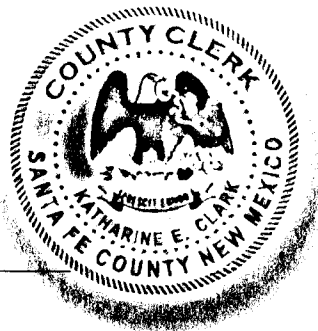
**APPROVED, ADOPTED AND PASSED** this 26th day of April, 2022.

**BOARD OF COUNTY COMMISSIONERS**

  
Anna T. Hamilton, Chair

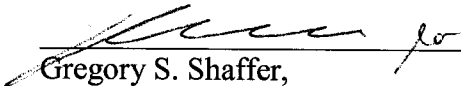
Attestation:

  
Katharine E. Clark,  
Santa Fe County Clerk



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Approved as to form:

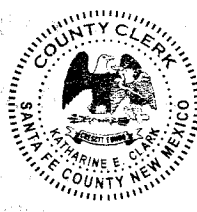
  
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Gregory S. Shaffer,  
Santa Fe County Attorney

COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

BCC ORDINANCE  
PAGES: 4

I Hereby Certify That This Instrument Was Filed for  
Record On The 26TH Day Of April, 2022 at 07:18:06 PM  
And Was Duly Recorded as Instrument # 1986949  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy  County Clerk, Santa Fe, NM



SFC CLERK RECORDED 04/26/2022