

04/12/2022

**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Rudy N. Garcia**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Hank Hughes**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

### **FIRE MARSHAL ORDER 4.13.22.01**

**COMES NOW** the Santa Fe County (County) Fire Marshal, pursuant to the authority vested in the Fire Marshal by County Ordinance 2018-8, the Fire Code, including Chapter 1, Part 2, Section 103.1 and Chapter 1, Part 2, Section 104.1 of the International Fire Code, 2015 edition, and issues this Order prohibiting open burning within the unincorporated areas of Santa Fe County, beginning Wednesday, April 13, 2022, and continuing until further order of the Fire Marshal.

### **FINDINGS**

1. The majority of the County is within or close to the Wildland Urban Interface Area, an area particularly prone to fire dangers.
2. The Fire Code provides that a permit shall be obtained from the Fire Marshal prior to kindling a fire for: recognized agricultural, range or wildlife management practices; prevention or control of disease or pests; or a bonfire. These permits are referred to as burn permits.
3. Burn permits issued by the Fire Marshal specify that the Fire Marshal can require that open burning be immediately discontinued if it is determined that burning constitutes a hazardous condition.
4. The Fire Code also provides that open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
5. Open burning is the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, barbeque grills, or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding 1/2 inch (12.7 mm).

6. There currently exists within the unincorporated portions of the County extreme or severe drought conditions, creating a significant and immediate threat to the life, safety, health and welfare of residents of the County, and to public and private property located within the County.

7. There are wildfires in surrounding counties resulting from the drought and severe fire conditions including the Hermits Peak Fire immediately to the east of Santa Fe, which has already burned in excess of 700 acres, and the Big Hole Fire to the south, which has burned an unknown number of structures and prompted evacuation orders.

8. 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.

9. Given these circumstances, the probability of ignition of materials and the spread of fire pose a severe threat to persons and property.

### **ORDER**

**NOW, THEREFORE**, the Fire Marshal orders that, beginning Wednesday, April 13, 2022:

1. Santa Fe County burn permits are suspended until further order of the Fire Marshal;

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2. New burn permits will not be issued until further order of the Fire Marshal;
3. Open burning is prohibited in the unincorporated areas of Santa Fe County until further order of the Fire Marshal; and
4. Violations of this Order shall constitute a violation of Chapter 3, Section 307.1 of the Fire Code.

**NOTICE OF APPEAL**

This Order constitutes an appealable decision of the Fire Marshal and can be appealed in accordance with the Fire Code, Section 6(P).

**IT IS SO ORDERED.**



**Jaome R. Blay**, Santa Fe County Fire Marshal

April 12, 2022

Date

