



Albuquerque **Fire** Rescue

Paul W. Dow, Fire Chief

Thursday, June 25, 2020

To: City Councilors and Staff
From: Fire Chief Dow
Subject: Fire Restrictions, Open Space Patrols and Fireworks

As we approach the 4th of July and subsequent sale of fireworks both in and around the City of Albuquerque, I understand that you and your constituents are as concerned as I am regarding the fire danger in the Bosque and other Open Space areas. The following will explain the fire restrictions already in place and how Albuquerque Fire Rescue will respond over the next few weeks.

Fire Restrictions

Stage I fire restrictions. We are currently in Stage I. The goal of Stage I restrictions is to prevent the start of wildfires based on human activities that are known to be high risk. Based on climate and fuel conditions in the Albuquerque area, Stage I restrictions shall be in effect at all times within all open space areas and include the following:

1. No open flame or campfires or stove fires except within a developed recreation site.
2. No smoking, except within an enclosed vehicle.
3. No fireworks or other pyrotechnic devices.
4. No motor vehicles operated off any publicly designated roadway.

Stage II fire restrictions. Stage II restrictions are imposed when the threat of fire danger increases. This stage limits the activities of contractors, permittees and other wildlands users in open space areas. The costs and benefits of imposing Stage II restrictions upon such contractors, permittees and wildlands users and the general public will be taken into account by the Fire Chief prior to determining to impose Stage II restrictions.

Stage III closure. Stage III results in the closure of specific open space areas. This stage will be implemented when ongoing emergencies pose a risk to the health and welfare of the public or when the ability to mitigate risks using Stage I or II restrictions is no longer viable. The need to protect the public at this stage outweighs the impacts of implementing a partial or complete closure.

AFR Open Space Patrols

Albuquerque Fire Rescue began Level I Open Space Patrols on May 23, 2020. These patrols consist of a dedicated wildland apparatus being available and pre-positioned in our Open Space lands in the event there is a wildfire. These dedicated apparatus will be able to respond quickly and contain these fires before they gain in intensity. Level II Open Space Patrols may be enacted, as necessary, to increase the dedicated number of units.

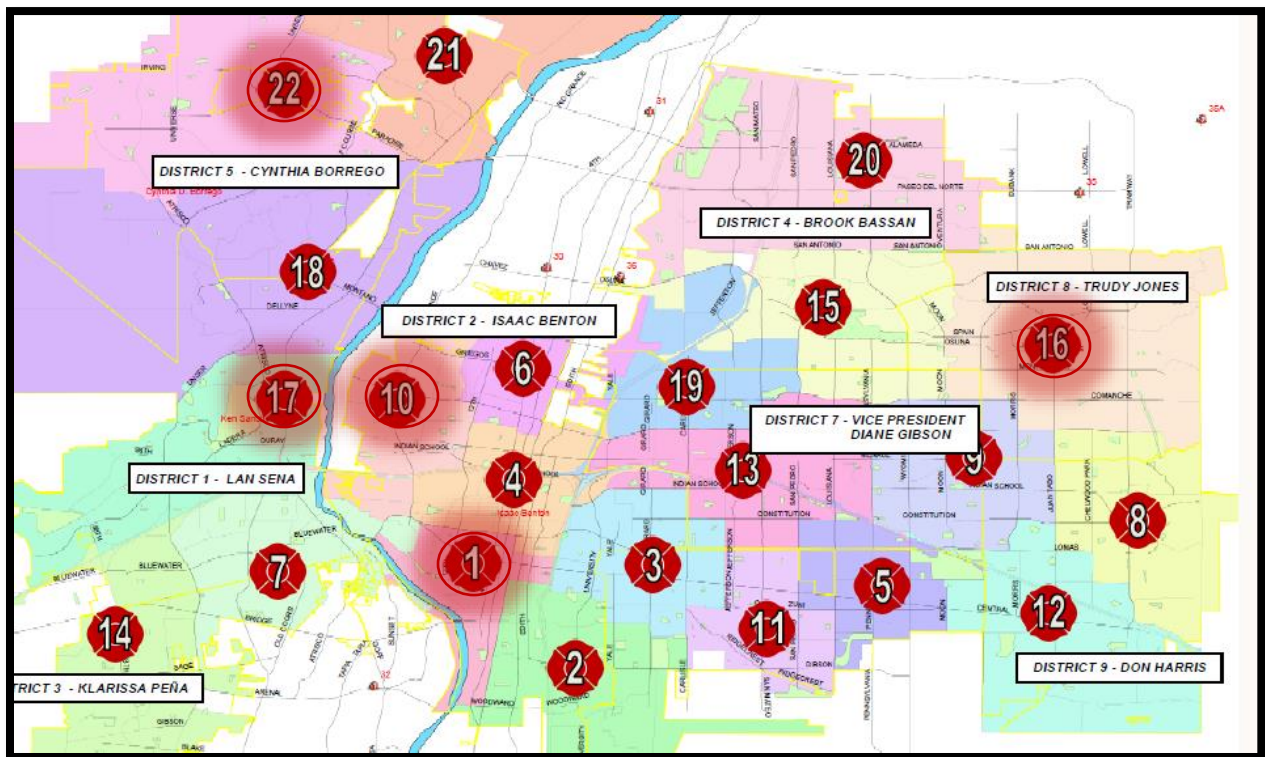
Level I – AFR has one Brush Truck on patrol daily from 1200-1930 assigned to patrol 37,000 acres of open space lands with the City of Albuquerque to include the Foothills, West Mesa, and the Bosque.

Level II – Same as Level I Patrols with the addition of additional Brush Trucks that may be added during extreme conditions, coordinated by Wildland Coordinator and Deputy Chief of Operations.

Wildland Specialty Stations

Strategically and geographically located to provide rapid response and initial attack on wildland incidents.

- Station 1 – 724 Silver SW 87102
- Station 10 – 2841 Rio Grande NW 87107
- Station 16 – 4727 Juan Tabo NE 87111
- Station 17 – 3630 Yucca NW 87120
- Station 22 – 10005 Lyons NW 87114



Fireworks Sales

The sale and use of fireworks in the State of New Mexico is regulated by the State’s “Fireworks Licensing and Safety Act,” Chapter 60-2C-8.1 NMSA and City Ordinance. The State statute expressly removed from municipalities their general authority to regulate fireworks and replaced it with limited authority to regulate the use of “aerial” and “ground audible devices.”

The City of Albuquerque Fire Code prohibits the possession, sale, or use of all aerial and ground audible devices within the city limits. Labels are required on all fireworks. A general rule of thumb as to whether fireworks are aerial devices, ground audible devices or permissible fireworks is to examine the labels on each device.

Fireworks will be identified as legal or illegal by the label:

“WARNING” - illegal in the city of Albuquerque

“CAUTION” - legal and therefore permissible within city limits

Examples of illegal Fireworks	Examples of legal Fireworks
<p>Aerial Devices include:</p> <ul style="list-style-type: none">• Aerial Spinners• Helicopters• Mines• Missile-type Rockets• Roman Candles• Shells• Stick Type Rockets• Chasers <p>Ground Audible Devices include:</p> <ul style="list-style-type: none">• Chasers• Firecrackers	<ul style="list-style-type: none">• Cone Fountains• Crackling Devices• Cylindrical Fountains• Flitter Sparklers• Ground Spinners• Illuminating Torches• Toy Smoke Devices and Wheels

No person may sell permissible fireworks unless the appropriate permit has been attained from the Fire Marshal’s Office. Application for permits is required at least fourteen (14) days prior to the date of sales. Permits are required to be posted onsite for inspection at all times.

Any person violating any provision of the Fire Code shall be subject to Citation or Criminal Complaint. Upon conviction, each violation can be punishable by a fine of not more than five hundred dollars (\$500) and/or imprisonment for not more than (90) days.

Safe Discharge of Fireworks by the Public

Fireworks shall only be discharged in areas that are paved or barren and have a readily accessible source of water for use by public.

Fireworks shall not be discharged or used on or within 200 feet of a City Designated Open Space Area, the Rio Grande State Valley State Park (Bosque), Wildland Areas, or privately owned undeveloped lands.

Fireworks shall not be discharged or used on or within any City owned park to include Balloon Fiesta Park. **Exception:** *Public Firework displays as permitted in Section 5608 of Fire Code.*

Fireworks shall not be discharged within 300 feet of a retail sale location.

Any person violating any provision of the Fire Code shall be subject to Citation or Criminal Complaint. Upon conviction, each violation can be punishable by a fine of not more than five hundred dollars (\$500) and/or imprisonment for not more than (90) days.

Reporting Illegal Fireworks

AFR recommends that all illegal fireworks be reported via the “ABQ311” app. The app is available as a free download on all smart devices. **NOTE:** when reporting illegal fireworks, remember to enter the address where the illegal fireworks are being used and not your own address.

Citizens may also report illegal fireworks by calling 311. The 311 Community Contact Center will be open until midnight on both Friday, July 3rd and Saturday, July 4th. Please do not call 911 to report illegal fireworks.

AFR will push this information out to media outlets and through our own social media, so the public understands our expectations.

Reports of illegal fireworks from June 1st – June 23rd:

- 2019 – 660 reported
- 2020 – 527 reported

AFR Response to Illegal Fireworks

All reports of illegal fireworks through 311 or the app are uploaded to a mapping system received by AFR personnel assigned to the Alarm Room. AFR does not dispatch an apparatus to respond to every isolated report of illegal fireworks, as this is not an appropriate use of our resources. However, each report of illegal fireworks we receive helps us to identify concentrated areas of illegal fireworks activity and we dispatch apparatus to areas of intense activity. Most of the time people discharge the illegal fireworks from alleys or behind buildings, making it difficult to catch them in the act and cite them.

Some people are not aware that the fireworks they are discharging are illegal or they are unaware of the firework activity on their property altogether. Therefore, with the guidance and approval of City Legal, AFR has developed a CEASE AND DESIST ORDER regarding illegal fireworks for 2020. The order is directed to the property owner of where the illegal fireworks are located or have been identified as being used. The order states that all use of illegal fireworks must stop immediately, the fines associated with a repeat occurrence, and applicable reasons why the order was issued. CEASE AND DESIST ORDERS and Citations issued are all entered by AFR staff into an Arc GIS database.

As of June 23, 2020 AFR has sent out 60 CEASE AND DESIST ORDERS to addresses with multiple illegal fireworks complaints. During the daytime, FMO staff is also knocking the on the doors of some of the more common addresses to inform the occupants of the illegal firework activity coming from their property. Our goal is to educate the public on the safe use of fireworks.

4th of July Response

Both APD and AFR will once again team up to respond to illegal fireworks on the nights of the 3rd and 4th of July. Fireworks Enforcement Units (FEUs) are made up of one FMO Inspector and one APD Officer. The Fire Marshal assigns the FEUs specific response districts. The FEU's primary objectives are public education, an inspection of firework vendors, and responding to illegal fireworks reports, as dispatched by the Fire Marshal. The FEUs utilize the APD Officers vehicle and Arson personnel will also be available upon request.

Six additional wildland apparatus are staffed on July 3rd and 4th from 0900hrs to 2400hrs. These units will respond to wildfires throughout the City as well as to conduct Open Space patrols. On the night of the 4th of July, AFR averages over 50 outside fires, two structure fires, one Bosque fire, several vehicle fires, and over 300 medical emergencies.