



Albuquerque **Fire** Rescue

Gene L. Gallegos, Fire Chief

Thursday, June 9, 2022

To: City Councilors and Staff
From: Fire Chief Gene L. Gallegos
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 several weeks.

Fire Restrictions

****The City of Albuquerque is currently in Stage II fire restrictions for the Bosque, foothills and open space areas.****

Stage I fire restrictions. The goal of Stage I fire 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 cost vs. benefit of imposing Stage II restrictions upon such contractors, permittees and wildlands users and the general public is taken into consideration by the Fire Chief prior to determining to impose Stage II restrictions. The following activities are prohibited in Open Space areas as defined herein while Stage II restrictions are in effect:

1. Building, maintaining, attending or using a fire, open flame, campfire or stove fire.

2. Smoking.
3. Possessing, discharging or using any kind of fireworks or other pyrotechnic device.
4. Possessing or using a motor vehicle off any publicly designated roadways, except when parking in developed parking lots or at developed trailheads.
5. Operating a chainsaw or other equipment powered by an internal combustion engine.
6. Operating any piece of spark-emitting equipment.
7. Operating any internal or external combustion engine.
8. Welding, or operating an acetylene or other torch with an open flame.
9. Camping or overnight stay.

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 3, 2022. 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.

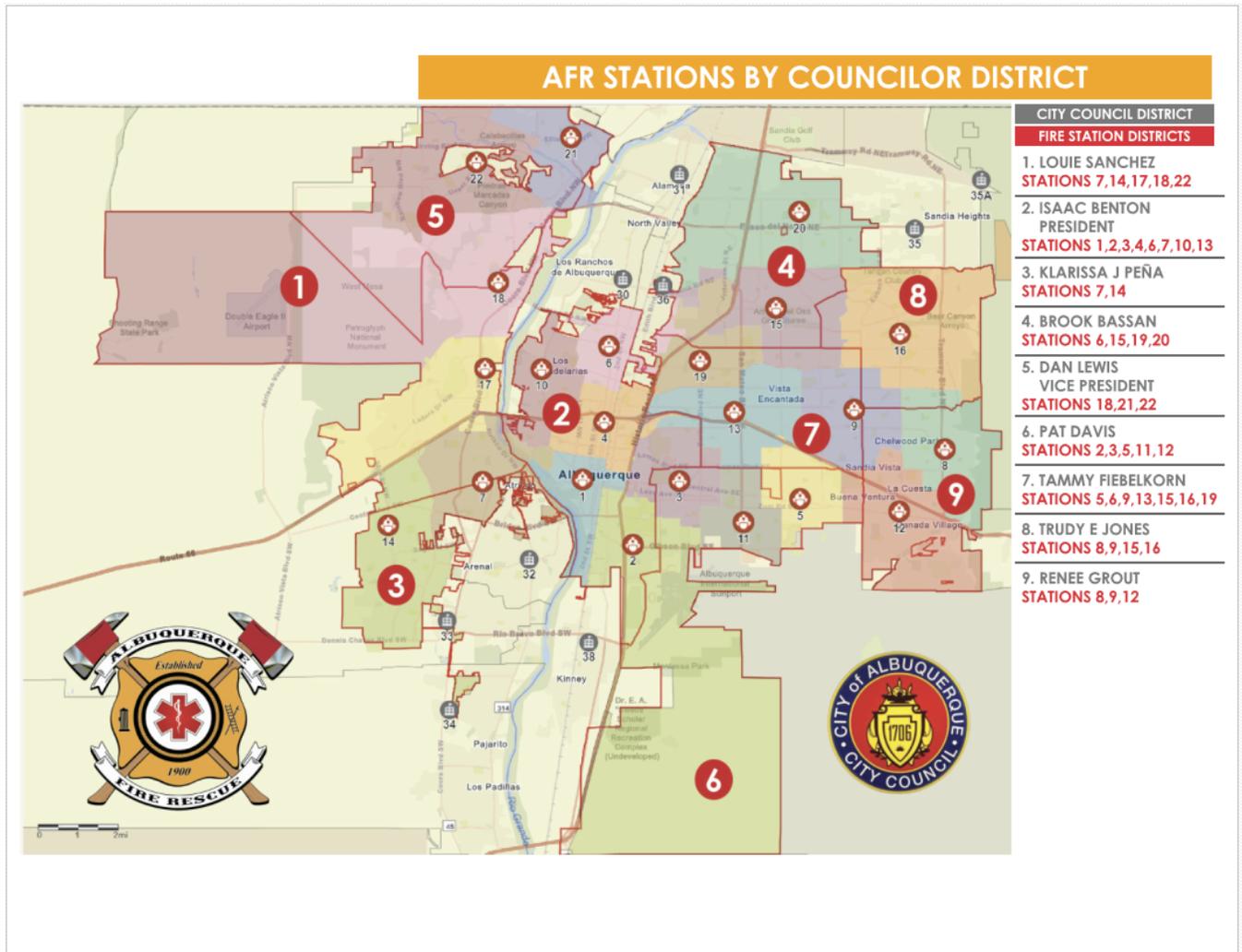
Level I – AFR has one Brush Truck on patrol daily from 1200-1930 assigned to patrol 37,000 acres of open space lands with the City of Albuquerque to include the Foothills, West Mesa, and the Bosque.

Level II – Same as Level I Patrols with the addition of additional Brush Trucks that may be added during extreme conditions, coordinated by the 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 7 – 5715 Central NW 87105
- Station 22 – 10005 Lyons NW 87114



In coordination with the Parks and Recreation Department, there will be personnel monitoring specific open space areas that are vulnerable to wildland fire during 4th of July. The personnel will have direct contact with AFR personnel and law enforcement personnel if any fires or firework activity is noted in these areas.

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 data-bbox="203 525 495 556">Aerial Devices include:</p> <ul data-bbox="251 562 568 861" style="list-style-type: none"><li data-bbox="251 562 495 594">• Aerial Spinners<li data-bbox="251 600 446 632">• Helicopters<li data-bbox="251 638 381 669">• Mines<li data-bbox="251 676 568 707">• Missile-type Rockets<li data-bbox="251 714 503 745">• Roman Candles<li data-bbox="251 751 381 783">• Shells<li data-bbox="251 789 552 821">• Stick Type Rockets<li data-bbox="251 827 397 858">• Chasers <p data-bbox="203 909 625 940">Ground Audible Devices include:</p> <ul data-bbox="251 947 454 1018" style="list-style-type: none"><li data-bbox="251 947 397 978">• Chasers<li data-bbox="251 984 454 1016">• Firecrackers	<ul data-bbox="868 525 1347 787" style="list-style-type: none"><li data-bbox="868 525 1128 556">• Cone Fountains<li data-bbox="868 562 1161 594">• Crackling Devices<li data-bbox="868 600 1218 632">• Cylindrical Fountains<li data-bbox="868 638 1144 669">• Flitter Sparklers<li data-bbox="868 676 1153 707">• Ground Spinners<li data-bbox="868 714 1201 745">• Illuminating Torches<li data-bbox="868 751 1347 783">• 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.

For more information on firework safety and usage, please visit: <https://www.cabq.gov/fire/safety-information/fireworks-ordinance-safety-tips>

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 Friday, July 1st, Saturday, July 2nd, Sunday, July 3rd and Monday, July 4th. Please do not call 911 to report illegal fireworks.

311’s approved hours for the 4th of July 2022:

Friday, July 1, 2022: 6am to midnight
Saturday, July 2, 2022: 6am to midnight
Sunday, July 3, 2022: 9am to midnight
Monday, July 4, 2022: 3pm to midnight

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
- 2021- 275 reported (January 1, 2021 to May 31, 2021)
- 2022- 199 reported (January 1, 2022 to Present)

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. This system is updated every 5 minutes, giving us the most accurate information. 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. 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 ArcGIS database.

As illegal fireworks increase, CEASE AND DESIST ORDERS will be sent to addresses with multiple illegal fireworks complaints. During the daytime, FMO staff will be knocking 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 and the penalty of using illegal fireworks. Any one of your constituents could contact the FMO office to inform us on the continued use of illegal fireworks. 505-764-6300 FMO Office

REPORTED USE OF ILLEGAL FIREWORKS
**** CEASE AND DESIST ORDER ****

THIS DOCUMENT SHALL SERVE AS AN OFFICIAL NOTICE THAT THE OWNER AND/OR OCCUPANT (RESPONSIBLE PARTY OF LISTED PROPERTY) OF THE ADDRESS LISTED BELOW HAS BEEN REPORTED AS USING ILLEGAL FIREWORKS, THIS IS IN VIOLATION OF CITY ORDINANCE 0-19-63, SECTION 5609. THE VIOLATION FINES ARE LISTED BELOW AND IF A SECOND OCCURRENCE IS RECORDED, LEGAL ACTION MAY BE TAKEN.

5609.6.1 FINES
ANY PROVISION OF THE FIREWORKS LICENSING AND SAFETY ACT OR THIS CODE IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) AND/OR IMPRISONMENT FOR NOT MORE THAN NINETY DAYS.

Address of property _____
Date _____

- Why is the City of Albuquerque enforcing the use of illegal fireworks?**
- Deaths and Injuries Nationwide – In 2018 there were 5 deaths and over 9,000 injuries, and in 2017 there were 8 deaths and over 12,900 injuries
 - NFPA report shows more than 16,000 reported fires are started by fireworks annually
 - On the 4th of July, 2019 Albuquerque Fire Rescue had 52 calls for outside fires during that night alone
 - Our Community – Albuquerque has unique wildland urban interface landscaping
 - Westside Open Space area – Extreme Fire Danger
 - Foothills area – Extreme Fire Danger, Extreme Life Dangers, Extreme Wildlife Endangerment
 - Albuquerque's Beautiful Bosque – Extreme Fire Danger, Extreme Life Danger, Extreme Wildlife Endangerment
 - It is against City Ordinance "Fire Code" 0-19-63, Section 5609

Help Us to Protect Our Beautiful City



For questions contact Albuquerque Fire Marshal's Office at 505-764-6300 or email AFDFMO@cabq.gov

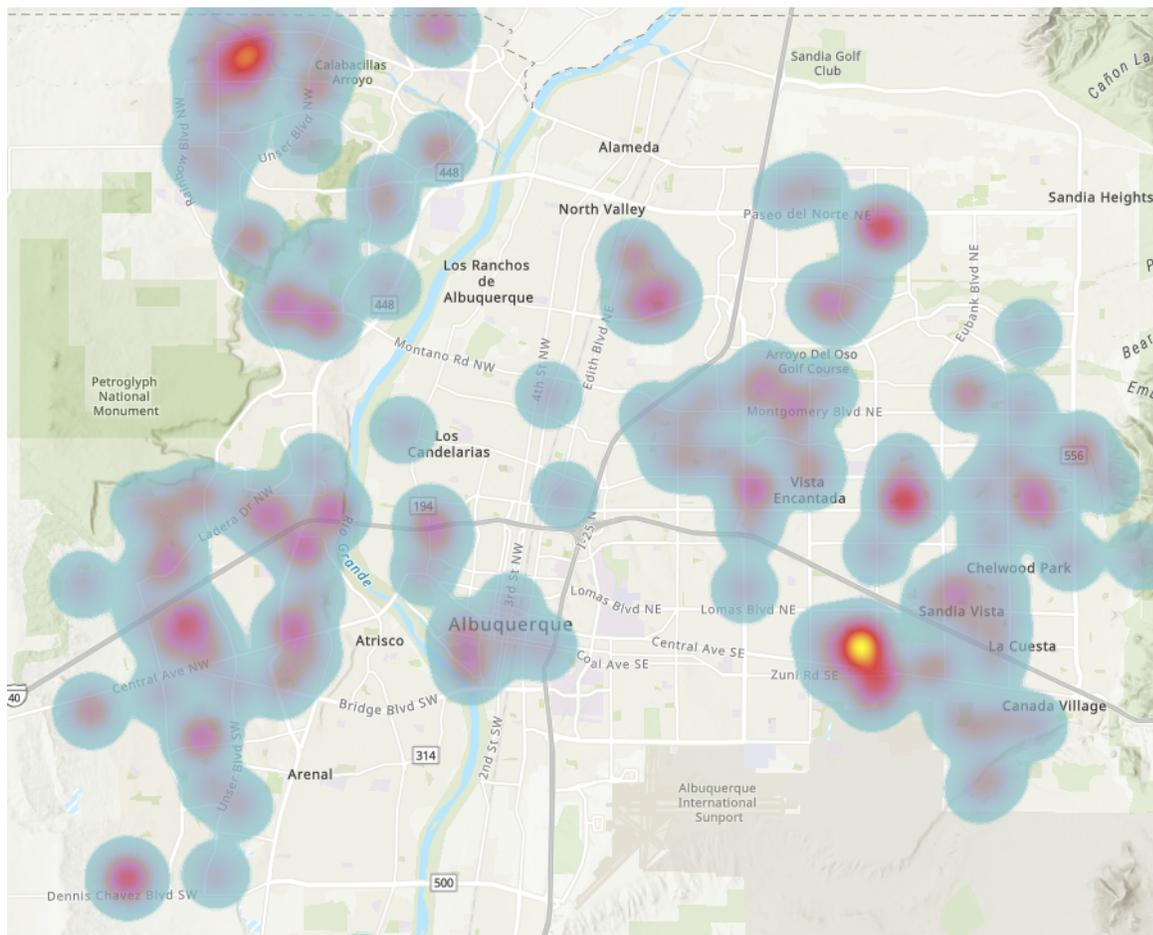
4th of July Response

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 FEUs utilize the APD Officer's vehicle and their primary objectives are public education, an inspection of firework vendors, and responding to illegal fireworks reports, as dispatched by the Fire Marshal. AFR Arson personnel will also be available upon request if the need arises.

Due to the extreme drought conditions, the FEUs will be strategically placed in and around the Bosque, foothills and open space areas. These teams will patrol these areas and will keep any eye out for illegal firework usage as well as any suspicious activity. The FEUs will be handing out “cease and desist” letters or citations to citizens that choose to use illegal fireworks and they will have the ability to confiscate these fireworks if the activity is witnessed by one of our teams.

In an effort to improve on the plan that was used last year, the FEU’s will be guided with heat maps to help identify the location of the highest concentration of illegal fireworks from 2021. This will help to locate the areas that are at the highest risk for potential fires. There will also be an increased FEU presence in close proximity to the Bosque. As we are all aware, this year’s drought conditions are severe.

2022 heat map of reported illegal fireworks-January to Present



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. AFR is currently working with APD’s Open Space Officers and their drone team to help with patrolling the Bosque. The key mission of these patrols is the safety of the Bosque, open space areas, foot hills, and the public.