

COUNTY OF GRANT, NEW MEXICO

AN ORDINANCE DECLARING A FIRE HAZARD EMERGENCY
MEASURES TO DECREASE THE COUNTY OF GRANT'S RISK OF INJURY
TO PERSONS OR PROPERTY AND SUBSTANTIAL FINANCIAL LOSS TO
THE COUNTY OF GRANT AND ITS RESIDENTS AS A RESULT OF A
FIRE AND DECLARING AN EMERGENCY.

WHEREAS, the Grant County Board of Commissioners ("Commission") acknowledges the severity of the drought condition in Grant County. The Commission has determined that to protect the health and safety and property of citizens and to protect the County from substantial financial loss, measures must be taken to decrease the risk of injury to persons or property and substantial financial loss to Grant County as a result of fire.

NOW, THEREFORE, BE IT ORDAINED BY THE GRANT COUNTY BOARD OF COMMISSIONERS, NEW MEXICO, THAT:

Section 1. STATEMENT OF EMERGENCY. Due to the dry conditions and high fire hazards which create a significant and immediate threat to the public health, safety and welfare, a fire hazard emergency is declared in the County of Grant.

Section 2. FINDINGS.

A. There has been an increase in fires in recent weeks within Grant County.

B. The danger of range fires, brush fires, grass fires, structure fires and other fires of every kind is presently extremely high in and around Grant County.

C. The probability of ignition of materials likely to serve as fuel for fire is extremely high in Grant County.

D. For several months, the weather in Grant County has been unseasonably dry and windy, contributing to the present high fire risk.

E. In light of the high fire hazard, the New Mexico Department of Energy, Minerals and Natural Resources, Conservation Division, has put into effect a "fire watch" and has implemented "level 2" restrictions which prohibit open fires.

F. The State Fire Board and the State Fire Marshal ordered the Deputy Fire Marshal to convene a hearing on May 17,

1996 on whether they should issue an order temporarily restricting or banning the sale or use of fireworks in New Mexico.

G. The U.S. Forest Service Index of Energy Release Component which is an index measuring the potential fire severity, this week surpassed the highest level ever measured in the New Mexico/Arizona region supporting a conclusion that the danger of fires is critical.

H. On May 10, 1996, by letter to all New Mexico Fire Chiefs, State Fire Management Officer Frank K. Smith declared that the extreme drought conditions the state is experiencing are unprecedented and issued warnings with regard to how to handle severe, erratic fire behavior.

I. The health, safety, and welfare of the public is at risk should a fire break out in and around the forested areas of Grant County.

J. In accordance with the New Mexico Open Meetings Act, N.M. Stat. Ann. Section 10-15-1(F) the Governing Body is entitled to declare the fire hazard in Grant County to be an emergency because, if not addressed immediately, such fire hazard will likely result in injury or damage to persons or property and substantial financial loss to the County of Grant.

Section 3. RESTRICTIONS. All persons are required to cease any type of action within the boundaries of Grant County that would magnify the fire hazard in Grant County until further notice by the Grant County Commission, including, without limitation, use and sale of fireworks, fireplace burning and open fires.

Section 4. INTERGOVERNMENTAL COOPERATIONS. The governing body supports any reasonable restrictions enacted by the Federal, Tribal, State and other municipal governments.

Section 5. ENFORCEMENT. The Grant County Sheriff shall be responsible for the enforcement of this emergency ordinance.

Section 6. SEVERABILITY. If any portion of this ordinance is held illegal, then the remaining portions of the ordinance that are legal shall remain in full force and effect.

Section 7. PENALTIES. Any individual, firm, partnership, corporation or other entity convicted of violating this emergency ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$300 and confined in the County jail for a period not to exceed 90 days or both.

Section 8. SAVING CLAUSE. If any of the sections, subsections, sentences, clauses or phrases of the Ordinance are for

any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.

Section 9. EMERGENCY CLAUSE. This Ordinance is hereby declared an emergency Ordinance on the grounds of urgent public need and shall be effective immediately upon its passage.

Section 10. PUBLICATION. No prior publication of this Ordinance shall be necessary. The Board of County Commissioners declares that an emergency exists and that there is an immediate danger to the public health, safety and welfare of the County. This Ordinance shall be published once a week for two consecutive weeks after final passage to give notice to the public.

PASSED, APPROVED AND ADOPTED this 23rd day of May, 1996.

Manuel Serna
Manuel T. Serna, Chairman

Zeke Santa Maria
Zeke Santa Maria, Member

Carl W. Scholl
Carl Scholl, Member

ATTEST:

Rena Madrid-Cope
Rena Madrid-Cope, County Clerk

STATE OF NEW MEXICO
County of Grant
I hereby certify that this instrument
was filed for record on the 24th
day of May A.D., 1996
at 109 o'clock A.M. and duly
recorded in book 201 of the records
of Grant Co.
at page 733-25
Witness my hand and seal of office
COUNTY CLERK, GRANT CO., N.M.
James J. Cope Deputy