

STATE OF NEW MEXICO
 County of Grant
 I hereby certify that this instrument
 was filed for record on the 24
 day of May A.D., 2002
 at 11:15 o'clock A M. and duly
 recorded in book 259 of the records
 of N.M.
 at page 474-77
 Witness my hand and seal of office
[Signature]
 COUNTY CLERK, GRANT CO., N.M.
[Signature] Deputy

ORDINANCE NO. 02-04B

**AN ORDINANCE EXPANDING THE DECLARED FIRE HAZARD
 EMERGENCY: ENACTING 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 REDECLARING AN
 EMERGENCY**

WHEREAS, the Grant County Board of Commissioners ("Commission") is aware of the severe drought affecting Grant County, including the occurrence of the "Middle Fire" as well as many other smaller fires occurring in the County of Grant. Due to these fires and the drought conditions affecting Grant County the Commission has determined that protective measures must be taken to protect the health, safety and welfare of the citizens of Grant County and to decrease the risk of injury to persons and property; AND,

WHEREAS, ON APRIL 11, 2002 THIS GOVERNING BODY DID ADOPT AN ORDINANCE DECLARING A FIRE HAZARD EMERGENCY; AND,

WHEREAS, SINCE THE ADOPTION OF THE FIRE HAZARD EMERGENCY THE FIRE DANGER SITUATION IN GRANT COUNTY HAS INCREASED AND IS NOT EXPECTED TO IMPROVE;

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

Section 1. DECLARATION OF EMERGENCY. Due to the extremely dry conditions, recent forest fires, and risk of harm to persons and property which present an immediate threat to the public health, safety and welfare, a fire hazard emergency is hereby declared in Grant County.

Section 2. FINDINGS.

- A. There has been an increase in fires in recent weeks within Grant County and the surrounding region.
- B. The danger of range fires, brush fires, grass fires and structure fires is extremely high in Grant County.
- C. The probability of ignition of materials likely to serve as fuel for fire is extremely high in Grant County.
- D. The Rural Fire Chiefs' Association has requested the Commissioners to impose fire restrictions prohibiting open fires of any kind.
- E. The health, safety and welfare of the public is at risk should a fire break out in and around the wildland areas of Grant County.
- F. Southwestern New Mexico, including all of Grant County is experiencing its worst drought in 100 years.

Section 3. RESTRICTIONS. All open fires are hereby prohibited. Any activity that is likely to increase the likelihood of a fire is prohibited. These activities include but are not limited to:

- 1. Careless smoking.
- 2. The sale and/or use of Aerial and Ground Audible fireworks. This restriction shall not apply to "Specialty Retailers" whose primary business is tourism. Additionally sales will be limited to those who have their business along a federal interstate highway. The sale of aerial and ground audible fireworks is permitted by "Specialty Retailers" only to non-residents of Grant County after identification is checked proving their residence is outside Grant County.
- 3. The use of ground and hand-held sparking and smoke devices except within a paved or barren area.
- 4. The use of fireworks of any kind in a wildland area is strictly prohibited.

Section 4. EXCEPTIONS. The following persons or entities are exempt from the prohibition of open fires:

1. Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
2. Persons using petroleum fueled stoves, lanterns or heating device that meet Underwriters' Laboratory's specifications for safety.

Section 5. INTERGOVERNMENTAL COOPERATION. The Commission supports any reasonable restrictions enacted by the Federal, State and other municipal governments.

Section 6. ENFORCEMENT. The Grant County Sheriff shall be responsible for the enforcement of this emergency ordinance.

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. SAVINGS 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 Commission to pass each section, phrase, paragraph and work separately.

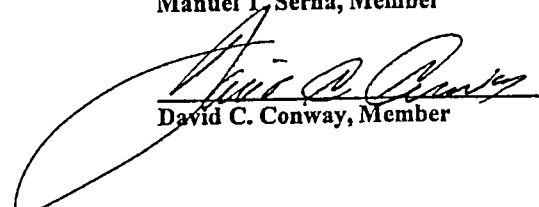
Section 9. EMERGENCY CLAUSE. This ordinance is hereby declared an Emergency Ordinance pursuant to Section 10-15-1 (F) NMSA (1978) on the grounds of urgent public need and shall be effective immediately upon its adoption. Publication and a Public Hearing of this Ordinance are waived based on the Commission's Declaration of Emergency.

PASSED, APPROVED AND ADOPTED this 23rd day of May, 2002.

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY


Henry Torres, Chair


Manuel T. Serna, Member


David C. Conway, Member

Approved as to Form:


Sherry J. Tippet
County Attorney

ATTEST:


JEFF CARBAJAL
GRANT COUNTY CLERK

