

ORDINANCE NO. 02-05

AN ORDINANCE DECLARING A FIRE HAZARD EMERGENCY: ENACTING IMMEDIATE 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

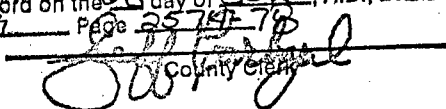
Section 1. DECLARATION OF EMERGENCY. Due to the extremely dry conditions, recent forest fires, and risk of harm to persons and property, which present an immediate threat to the public health, safety and welfare, a fire hazard emergency is hereby declared in Grant County.

Section 2. DEFINITION: Fireworks are defined as any composition or device intended to produce a visible or audible effect by combustion, deflagration or detonation; excluding model rockets, toy pistol caps, emergency signal flares and matches.

Section 3. FINDINGS.

- A.** There has been an increase in serious wildfires within the Southwestern United States in recent weeks, resulting in the depletion of firefighting resources.
- B.** The weather in Southwestern New Mexico has been extremely dry, windy and the humidity has been very low. The National Weather Service predicts that the hot and dry weather conditions are likely to continue in Southwestern New Mexico for the next several weeks.
- C.** Current drought indices published by the National Weather Service and other relevant information supplied by the United States Forest Service show that all of Grant County is currently affected by extreme or severe drought conditions.
- D.** By Order No. 02-03, adopted June 18, 2002, The New Mexico Energy, Minerals and Natural Resources Department has banned open fires, including campfires, and has prohibited fireworks in all non-municipal and non-federal lands throughout the State of New Mexico.

Filed for record on the 28 day of July, A.D., 2002 at 8:04 ^AM
Book 259 Page 2574-78


County Clerk

- E. The danger of range fires, brush fires, grass fires and structure fires is extremely high in Grant County.
- F. The probability of ignition of materials likely to serve as fuel for fire is extremely high in Grant County.
- G. The Rural Fire Chiefs' Association has requested the Commissioners to impose fire restrictions prohibiting open fires of any kind, including fireworks.
- H. The Gila National Forest intends to close the Forest on Friday, June 28, 2002 at midnight, based on the severity of the drought and likelihood of serious fires. The Gila National Forest Supervisor is in support of this Ordinance.
- I. Pursuant to Section 3-18-1 et seq. NMSA 1978, as amended, the County of Grant is authorized to adopt ordinances to protect the health, safety and general welfare of its citizens.
- J. 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.
- K. By Executive Order 02-58 dated June 25, 2002, the Governor has urged all municipalities in the State of New Mexico to utilize their police powers to ban all types makes and models of fireworks immediately. Section 4-37-1 NMSA 1978 grants all counties in New Mexico the same powers granted to municipalities; therefore the Order is applicable to counties as well as cities.

Section 4. PROCLAMATION: Grant County proclaims and declares that an emergency situation currently exists within the County, that the dry conditions present an extreme risk of fire and those conditions are unlikely to change within the next (30) to sixty (60) days, and that extreme and severe drought conditions, as established by the National Weather Service, exist throughout the county, and this extreme risk of fire presents a significant and immediate threat to the safety, health and welfare of the citizens of Grant County.

Section 5. FIREWORKS PROHIBITED: No fireworks of any kind shall be sold, offered for sale, possessed by any person for purposes of sale or used within the unincorporated areas of Grant County.

STATE OF NEW MEXICO

County of Grant

I hereby certify that this instrument

was filed for record on the 28

day of Jun A.D., 2002

at 8:24 o'clock A M. and duly

recorded in book 259 of the records

of WITC

at page 2574-78

Witness my hand and seal of office

[Signature]
COUNTY CLERK, GRANT CO., N.M.

[Signature] Deputy

Section 6. OTHER IGNITION SOURCES:

- A. Open fires, including without limitation campfires and other open fires used for cooking, are prohibited within the boundaries of Grant County.**
- B. Use of chain saws is prohibited within the County of Grant except as specifically authorized by the County Wildland Fire Coordinator.**
- C. Use of liquefied petroleum gas grill fires is prohibited within the boundary of Grant County except at private residences, at commercial establishments where food preparations is normal and customary, on barren dirt, pavement, concrete or similar surfaces.**
- D. Outdoor smoking is prohibited within the boundaries of Grant County except on private residential property and otherwise in areas of barren dirt, pavement, concrete or similar surfaces where there are appropriate disposal receptacles for burning objects.**
- E. Lighted matches, cigarettes, cigars or other burning objects shall not be discarded in such a manner that could cause ignition of other combustible material.**
- F. No person shall dispose of hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition except in an approved combustible receptacle.**
- G Any sources of ignition, which the County Wildland Fire Coordinator determines to be a hazard and with respect to which notice is posted, is prohibited in accordance within the posted park or area.**

Section 7. INTERGOVERNMENTAL COOPERATION. The Commission supports any reasonable restrictions enacted by the Federal, State and other municipal governments.

Section 8. ENFORCEMENT. The Grant County Sheriff shall be responsible for the enforcement of this emergency ordinance.

Section 9. PENALTIES.

- A. 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 \$500 and confined in the County jail for a period not to exceed 90 days or both.**
- B. Each and every violation of this ordinance shall be considered a separate offense. Every day of the violation constitutes a separate offense.**
- C. Any minor violating this ordinance shall be dealt within accordance with juvenile court law and procedure.**

Section 10. 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 11. 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.

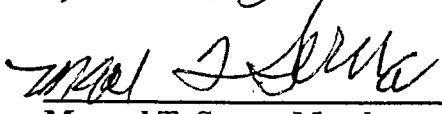
Section 12. TERM:

- A. This Ordinance shall remain in effect until the expiration of a period of ninety (90) days after this ordinance takes effect or until the County Commission at the recommendation of the County Wildland Fire Coordinator determines that the fire danger has been alleviated and any necessary and appropriate hearings are held.**

PASSED, APPROVED AND ADOPTED this 27th day of June:

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

