

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF
RESOLUTION NO. R-14-17 OF THE BOARD OF COUNTY
COMMISSIONERS OF GRANT COUNTY, NEW MEXICO
APRIL 22, 2014**

STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in open special meeting in full conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 9:00 a.m., on Tuesday, April 22, 2014, at which time there were present and answering the roll call the following members:

Commissioners:
Brett Kasten
Gabriel Ramos
Ron Hall

Absent: **None**

Thereupon the following proceedings, among others, were had and taken, to wit:

There was officially filed with the County Clerk, the Chairman and each Commissioner, a copy of a resolution in final form, which is as follows:

RESOLUTION NO. R-14-17

NOTICE OF INTENT TO ADOPT AN ORDINANCE

WHEREAS, the Grant County Board of Commissioners (the "Commission") is authorized to provide for the safety, health, and welfare of the inhabitants of Grant County; and

WHEREAS, for the past several years there has been high fire potential in Grant County that has created a significant and immediate danger to the public peace, health, safety, and welfare to the inhabitants of Grant County; and

WHEREAS, the Commission finds it necessary to take further precautions to reduce fire danger by adopting a new Fire Code ordinance; and

WHEREAS, in order to consider an ordinance, the Commission must publish notice of its intention to do so at least 14 days before the meeting at which the ordinance will be considered, in accordance with section 4-37-7 NMSA 1978.

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

1. An ordinance (the "Ordinance"), entitled GRANT COUNTY FIRE CODE ORDINANCE, NO. R-14-17, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICTIONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES, to be introduced before the Commission shall be filed with the County Clerk, and shall be considered by the Commission at a regular meeting of the Commission on Thursday, May 8, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

2. The following notice shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:

(Form of Notice)

NOTICE OF CONSIDERATION OF ORDINANCE NO. [R-14-17]
GRANT COUNTY, NEW MEXICO

NOTICE IS GIVEN that the Board of County Commissioners (the "Board"), constituting the governing body of the Grant County, New Mexico (the "County"), will consider the adoption of an ordinance (the "Ordinance") entitled: GRANT COUNTY FIRE CODE ORDINANCE, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICTIONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES. The purpose of the ordinance is to repeal and replace the current Fire Code Ordinance, No. 93-09-02A, adopted by the Board of Commissioners of Grant County on September 2, 1993, and to set forth procedures for imposing burn restrictions during severe drought and other fire emergencies.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, May 8, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

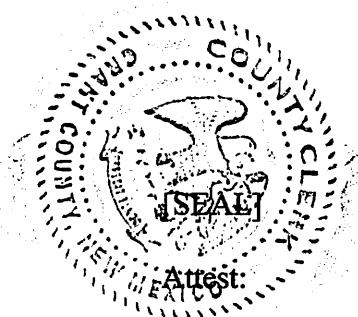
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: April 22, 2014.

/s/
Chairman, Board of County
Commissioners
Grant County, New Mexico

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 22nd DAY OF APRIL
2014.



Attest:

A handwritten signature of Brett Kasten in black ink.

Brett Kasten, Chairman
Board of County Commissioners

A handwritten signature of Robert Zamarripa in black ink.

Robert Zamarripa, County Clerk

Commissioner Hall then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Rumos seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

Those Voting Yea: Hall
Rumos
Kasten

Those Voting Nay: 0

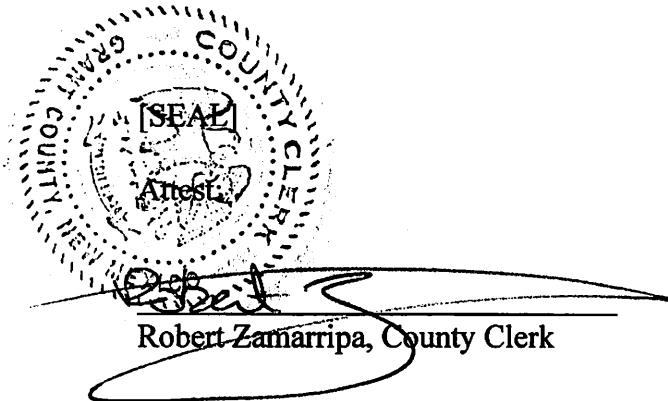
Those Absent: 0

The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

After consideration of matters not relating to this Resolution, the meeting was adjourned.



Brett Kasten, Chairman
Board of County Commissioners



STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Tuesday, April 22, 2014, beginning at 9:00 a.m., insofar as the same relate to consideration of the adoption of an ordinance entitled GRANT COUNTY FIRE CODE ORDINANCE, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICITIIONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of such meeting was given in compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect, i.e., the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant County, New Mexico, this 22nd day of April 2014.

Attest:



Robert Zamarripa, County Clerk

RESOLUTION NO. R-14-17

NOTICE OF INTENT TO ADPOPT AN ORDINANCE

WHEREAS, the Grant County Board of Commissioners (the "Commission") is authorized to provide for the safety, health, and welfare of the inhabitants of Grant County; and

WHEREAS, for the past several years there has been high fire potential in Grant County that has created a significant and immediate danger to the public peace, health, safety, and welfare to the inhabitants of Grant County; and

WHEREAS, the Commission finds it necessary to take further precautions to reduce fire danger by adopting a new Fire Code ordinance; and

WHEREAS, in order to consider an ordinance, the Commission must publish notice of its intention to do so at least 14 days before the meeting at which the ordinance will be considered, in accordance with section 4-37-7 NMSA 1978.

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

1. An ordinance (the "Ordinance"), entitled GRANT COUNTY FIRE CODE ORDINANCE, NO. R-14-17, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICITONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES, to be introduced before the Commission shall be filed with the County Clerk, and shall be considered by the Commission at a regular meeting of the Commission on Thursday, May 8, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

2. The following notice shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:

(Form of Notice)

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GRANT COUNTY, NEW MEXICO

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The Ordinance will be considered at a regular meeting of the Commission on Thursday, May 8, 2014, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: April 22, 2014.

/s/
Chairman, Board of County
Commissioners
Grant County, New Mexico

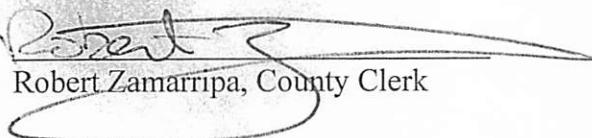
(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 22nd DAY OF APRIL
2014.



Attest:


Brett Kasten, Chairman
Board of County Commissioners


Robert Zamarripa, County Clerk

Commissioner Hall then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Ramos seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

Those Voting Yea: Hall
Ramos
Kasten

Those Voting Nay: 0

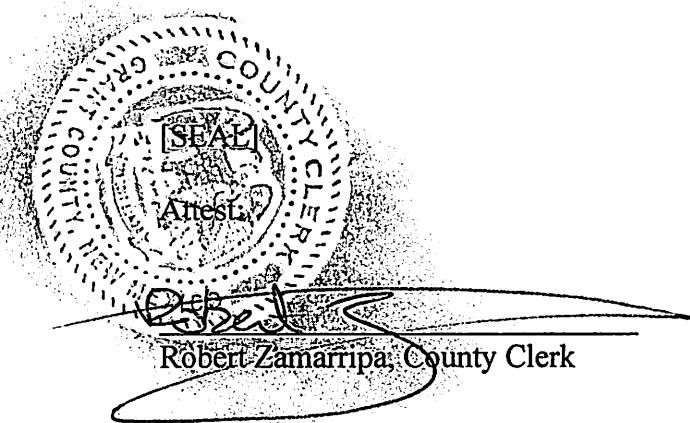
Those Absent: 0

The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

After consideration of matters not relating to this Resolution, the meeting was adjourned.



Brett Kasten, Chairman
Board of County Commissioners



STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Tuesday, April 22, 2014, beginning at 9:00 a.m., insofar as the same relate to consideration of the adoption of an ordinance entitled GRANT COUNTY FIRE CODE ORDINANCE, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICITIIONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of such meeting was given in compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect, i.e., the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant County, New Mexico, this 22nd day of April 2014.

Attest:


Robert Zamarripa, County Clerk



DRAFT

**GRANT COUNTY FIRE CODE ORDINANCE
ORDINANCE NO. _____**

AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC, AND IMPOSITION OF BURN RESTRICITONS DURING SEVERE DROUGHT AND OTHER FIRE EMERGENCIES

WHEREAS, the Grant County Board of Commissioners (the "Commission") is authorized to provide for the safety, health, and welfare of the inhabitants of Grant County; and

WHEREAS, for the past several years there has been high fire potential in Grant County that has created a significant and immediate danger to the public peace, health, safety, and welfare to the inhabitants of Grant County; and

WHEREAS, the Commission finds it necessary to take further precautions to reduce fire danger.

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

SECTION 1. FIRE FIGHTING AND EMERGENCY MEDICAL RESPONSE AUTHORITY

A. **General Authority.** Fire and Emergency Medical Services personnel conducting operations in connection with the extinguishment or control of any fire, explosion, hazardous material emergency, emergency medical response or other emergency shall have full power and authority to direct and engage in all operations of fire extinguishment, emergency medical response, and hazardous materials control and to take all precautions to save life, protect property and to prevent injury or damage to property. Such authority shall include the authority to investigate the origin, cause and circumstances of any fire, explosion, or hazardous materials emergency, and to secure the scene for that purpose, however, this grant of authority does not authorize Fire and Emergency Medical Services personnel to interfere with or obstruct law enforcement officers or the State Fire Marshall or its agents in the performance of their duties.

B. **Obstruction of Operations.** No person shall obstruct the operations of Fire or Emergency Medical Services personnel in the performance of their duties nor shall any person disobey any lawful command of Fire or Emergency Medical Services personnel.

C. **Fire Line Barriers.** Fire or Emergency Medical Services personnel shall have the authority to establish fire or EMS line barriers to control access in the vicinity of a fire or other emergency. No person, except law enforcement officers in the performance of their duties, may cross such line barriers without the permission of the Fire or Emergency Medical Services personnel or a law enforcement officer. No person except Fire or Emergency Medical Services personnel or law enforcement officers, in the performance of their duties, shall remove, unlock, destroy or tamper with any gate, door, enclosure, sign or barricade that has been lawful installed by a Fire Department or Emergency Medical Service.

D. **Fire Lanes.** Any road or other passageway developed and maintained to allow the passage of Fire or Emergency Medical Services personnel or apparatus shall not be blocked, closed, obstructed or otherwise interfered with by any person so as to prevent or impede its use by Fire or Emergency Medical Services personnel.

SECTION 2. PROCUREMENT STANDARDS

To the extent reasonably practicable, no public funds shall be used to purchase firefighting, hazardous materials control, rescue or related emergency equipment that does not comply with applicable National Fire Protection Association (NFPA), state and federal regulatory standards. Fire and EMS shall follow ~~federal, state, and county procurement laws and policies.~~ Fire and EMS districts providing specifications to the County for the preparation of invitations to bid shall incorporate such standards into bid specifications submitted.

SECTION 3. PROHIBITED ACTIVITIES

A. **Maintaining a Fire Hazard.** No person shall knowingly maintain a fire hazard. For purposes of this section, a fire hazard is defined as any unsafe accumulation of any combustible material, or any vacant building which does not have all combustible waste removed therefrom and which is not secured to prohibit unauthorized entry.

B. **Discarding Burning Objects.** No person shall discard, or cause to be discarded, any lit match, cigar, cigarette or any other burning object in a manner where it may start a fire.

C. **Improper Handling of Fire.** No person shall improperly handle a fire. For purposes of this section, improper handling of fire consists of:

1. Allowing fire to escape from the control of the person that set the fire or that is in control of the fire without using reasonable and proper precaution to prevent such fire from escaping or spreading;

2. Burning any material without using proper and reasonable precaution at all times to prevent the escape of such fire; or
3. Leaving any fire which may escape burning unattended.

D. Severe Drought or Other Fire Emergencies. During periods of severe or extreme drought, or other fire emergency, the Grant County Fire Management Officer and/or the Grant County Manager, shall have the authority to issue flame, fire, and burn restrictions to any extent necessary for the protection of the public and property of the inhabitants of Grant County. Once restrictions have been issued, they shall remain in effect until lifted by the Fire Management Officer or the County Manager. Such restrictions may include, but are not limited to, the following:

1. Open fires, including but not limited to campfires, charcoal grills, stove fires, and other open fires used for cooking are prohibited, except in developed camp and picnic grounds where agency-built fire rings or grills are provided—these are usually areas that charge campsite fees. Check postings at campgrounds before starting a fire.
2. Open burning, including but not limited to burning of croplands, fields, rangeland, debris/trash burning, slash piles, or weeds is prohibited.
3. Pressurized liquid or gas stoves, lanterns and heaters are generally allowed, unless determined to be a fire hazard by an enforcing officer.
4. Covered propane grills are generally allowed on areas of barren dirt, pavement, concrete or similar surfaces, unless determined to be a fire hazard by an enforcing officer.
5. Use of chain saws is prohibited, except as specifically authorized by the County Fire Management Officer or the County Manager.
6. Outdoor smoking is prohibited, 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.
7. Lighted matches, cigarettes, cigars or other burning objects shall not be discarded in such a manner that could cause ignition of combustible material.
8. 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.
9. Welding is prohibited unless it is done with at least ten (10) gallons of water and a shovel readily available and accessible, and with a minimum barrier of twenty (20) feet to mineral soil.
10. Pursuant to NMSA (1978) § 60-2C-7.C, the sale and use of all aerial devices (including aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman

candles, shells, and stick-type rockets) and ground audible devices (chasers and firecrackers) are prohibited.

11. Any sources of ignition, which the County Fire Management Officer or the Grant County Manager deems to be a hazard and with respect to which notice is posted, is prohibited in accordance within the posted park or area.

Upon issuance of any restrictions, the Fire Management Officer or the Grant County Manager shall cause to be posted at the Grant County Administration Building and published one time in one newspaper of general circulation, notice of such restrictions and the period during which the restrictions shall be imposed.

SECTION 4. PENALTIES AND ENFORCEMENT

- A. **Penalties.** Any individual, firm, partnership, corporation or other entity who violates this ordinance or restrictions imposed pursuant to this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$300 and may be imprisoned for up to ninety (90) days, or both.
- B. **Enforcement.** The Grant County Sheriff's Office shall have the authority for enforcement of this emergency ordinance.

SECTION 5. SEVERABILITY

If any portion of this ordinance is held unlawful or invalid, the remaining portions of the ordinance shall remain in full force and effect.

SECTION 6. REPEALING CLAUSE

- A. The following ordinance is hereby repealed and replaced: "FIRE CODE ORDINANCE, NUMBER 93-09-02A, AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC," adopted by the Board of Commissioners of Grant County on September 2, 1993.
- B. The following ordinance is hereby repealed: "An Emergency Ordinance Declaring a Fire Hazard Emergency and Enacting Measures to Decrease the County's Risk of Injury to Persons or Property and Substantial Financial Loss to the County of Grant and Its Residents as a Result of Fire, Ordinance No. 14-01," adopted by the Board of Commissioners of Grant County on April 24, 2014.

C. All other ordinances, resolutions, orders, and bylaws, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This ordinance shall not be construed to revive any ordinance, resolution, order, or bylaw, or part thereof, heretofore repealed.

SECTION 7. EMERGENCY CLAUSE

Pursuant to NMSA (1978) § 4-37-9.C, the Commission hereby declares that it is necessary for the public peace, health and safety that this ordinance take effect immediately after it has been signed and recorded by the Grant County Clerk.

PASSED, APPROVED, AND ADOPTED, this 8th day of May 2014.

[seal]

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO**

Brett Kasten, Chairman

Robert Zamarripa, Clerk

Gabriel Ramos, Member

Ron Hall, Member

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF
RESOLUTION NO. R-14-17 OF THE BOARD OF COUNTY
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APRIL 22, 2014**

STATE OF NEW MEXICO)
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Commissioners: Brett Kasten
Gabriel Ramos
Ron Hall

Absent: None

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