

RESOLUTION 2011-21

A RESOLUTION DECLARING A FIRE DANGER EMERGENCY IN CURRY COUNTY

WHEREAS, Curry County as with other counties in Eastern New Mexico and West Texas, has experienced a prolonged dry spell with very little moisture; and,

WHEREAS, Curry County has determined, based upon current drought indices published by the National Weather Service for one week prior to this date as well as moisture predictions for the next thirty-five (35) days regarding the drought conditions in Curry County that there is serious likelihood of fire danger in Curry County.

WHEREAS, on March 15, 2011, the Curry County Board of County Commissioners adopted substitute Ordinance Number 2011-01 which, among other things, established provisions for declaring severe fire hazard restrictions and fire danger emergencies and authority to mitigate the same; and,

WHEREAS, Curry County has suffered and experienced grass fires and is aware that adjacent and/or adjoining counties have suffered grass fires; and,

WHEREAS, Curry County believes that because of the weather conditions, a fire danger emergency exists and the emergency provisions set forth in substitute Ordinance Number 2011-01 need to be implemented.

NOW, THEREFORE, the County Commissioners of Curry County, which is the governing body of Curry County, pursuant to its powers under §4-37-1, et. seq., to provide for the safety, reserve the health, promote the prosperity and improved the moral, order, comfort and convenience of Curry County and its inhabitant **finds it necessary to adopt this resolution.**

IT IS HEREBY RESOLVED that from this day forward, until otherwise modified or rescinded, that all open fires in Curry County shall be banned throughout the unincorporated areas of Curry County and the provisions of Curry County Ordinance 2011-01 are in effect. This ban shall prohibit any person from having, causing, starting, igniting and/or using an open flame outside of a building, structure, automobile or other enclosed area anywhere, throughout the unincorporated portions of Curry County, except as set forth herein:

1. Those landowners that find it necessary to burn off crop stubbles or other vegetation must first contact their local area fire department by calling 575-769-1921 and providing the exact location of any such proposed burn. The Curry County Sheriff or any authorized peace officer, the Curry County Road Superintendent and/or any volunteer fire department chiefs,

upon observing the private property where the fire is proposed to be burned, may determine that said proposed fire poses a real and present risk of uncontrolled fire and, may deny the individual the right to burn on the date and at the time requested.

2. Landowners are encouraged to work with the Curry County Sheriff's office and local fire departments to not burn on windy days or under other conditions that might cause an unnecessary, unwanted spread of the fire.
3. Residents who have a New Mexico Environmental Department approved incinerator, shall burn trash on those days and at those times when the wind blows less than fifteen (15) miles per hour.
4. Should residents have any questions or need any additional information, please contact your local area fire chief and/or the City of Clovis Fire Marshall.

The County Commissioners must renew this resolution every forty-five (45) days. If this resolution is not renewed within the designated timeframe, then it is hereby automatically terminated. In addition, the Curry County Commissioners may terminate and rescind this Resolution at any appropriate time.

Any person charged with a violation of this Resolution shall be cited into Court and, shall be subjected to the violations and penalties set forth in Section 5 of Curry County substitute Ordinance Number 2011-01.

This resolution shall be enforced by any Curry County Sheriff's Deputy, or any State certified law enforcement officer.

Any person who violates this resolution, or may be found guilty of a violation of this resolution, in addition to the above cited fines, shall also be responsible and liable for any costs, expenses or damages caused by any fire that may be created or started as a result of said violation. In addition, said person shall also be responsible and be required to reimburse the County for the full cost of any and all labor or equipment use required to attend to or necessary to control, contain and/or suppress any fires caused thereby.

Passed and adopted on this 19th day of April, 2011.

Caleb Chandler
Caleb Chandler, Chairman



Attest to:

Coni Jo Lyman
Coni Jo Lyman, Curry County Clerk