

COUNTY OF CURRY

ORDINANCE 2009-03

**AN ORDINANCE PROHIBITING IMPROPER,
HANDLING OF FIRE; PROVIDING PROCEDURES
TO DECLARE AN EXTREME FIRE DANGER EMERGENCY
DURING EXTREME DROUGHT CONDITIONS**

WHEREAS, the health, safety and general welfare of the residents of the County of Curry require the establishment of guidelines for the proper handling of fire and the establishment of a procedure for declaring an extreme fire danger emergency; and

WHEREAS, NMSA 1978, §§ 4-37-1, et seq., (1975) provides that the Board of County Commissioners may adopt Ordinances to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morale, order, comfort and convenience of the County and its inhabitants; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Curry County, New Mexico, as follows:

FIRE

1. Improper Handling of Fire

A. It shall be unlawful for any person to set a fire or to cause or procure a fire to be set to any trash, refuse, flammable vegetation or similar material, or to any other flammable substance on the land of another person and without the permission of the owner thereof.

B. It shall be unlawful for any person to allow fire to escape or spread from the control of the person setting such fire or having charge thereof, without using reasonable and proper precaution to prevent such fire from escaping or spreading.

C. It shall be unlawful for any person to set a fire or to cause or procure a fire to be set to any trash, refuse, flammable vegetation or similar material, or to any other flammable substance on his own land or that of another person, without using proper and reasonable precaution at all times to prevent the escape of such fire.

D. It shall be unlawful for any person to leave any campfire burning and unattended upon his own land or the land of another person.

E. It shall be unlawful for any person to cause a fire to be started upon his own land or the land of another person by means of any lighted and discarded cigar, cigarette, match or other manner, and leave such fire unquenched.

F. Nothing herein shall constitute improper handling of fire, where the fire is a backfire set for the purpose of stopping a fire actually burning.

2. Extreme Fire Danger Emergency

A. It shall be unlawful for any person to set a fire or cause to procure a fire to be set to any trash, refuse, flammable vegetation or similar material, or any other flammable substance at any time during which an extreme fire danger emergency exists, unless permission to do so is given in writing by the Curry County Sheriff's Office, or the Fire Chief of the fire district with the exception of propane and charcoal barbecue grills with covers and propane torches enclosed in a metal container for the purpose of branding animals. Incinerator pits in the ground covered with metal screens which are constructed and operated pursuant to EPA regulations shall be exempt.

B. The Board of County Commissioners of Curry County may by resolution declare that an extreme fire danger emergency exists and publication of such resolution, one time, in any newspaper of general circulation within Curry County, shall be held to be legal notice within this Ordinance.

3. Notice of Controlled Burns

Notification is required to be provided to the Curry County Sheriff's Office and the law enforcement dispatcher prior to all controlled burns.

4. Penalties

Pursuant to NMSA 1978, §§4-37-3 (1975), any person convicted of any violation of this Ordinance shall be punished by a fine of not more than Three Hundred and No/100 Dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or both.

5. Severability

The provisions of this Ordinance are severable, and if any provision, sentence, clause, section or any part thereof is found to be illegal, invalid, unconstitutional or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any remaining provision, sentence, clause, section or part of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the Board of County Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included and if the person or circumstance to which the Ordinance or any part thereof is held inapplicable and had been specifically exempted.

6. Jurisdiction and Law Enforcement

This Ordinance can be enforced by any Curry County Sheriff's Deputy or any State or Federal certified law enforcement officer, and the persons charged will be cited into Magistrate Court within Curry County.

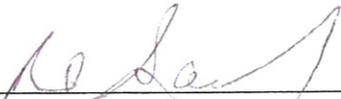
7. Effective Date

This Ordinance shall take effect immediately after it has been recorded in the book kept by the County for that purpose and authenticated by the signature of the County clerk, pursuant to NMSA 1978, Section 4-37-9C (1975).

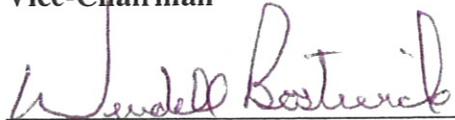
**BOARD OF COUNTY COMMISSIONERS
OF CURRY COUNTY, NEW MEXICO**



FRANK BLACKBURN
Chairman



ROBERT SANDOVAL
Vice-Chairman



WENDELL BOSTWICK
Member



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Member



DANIEL J. STODDARD
Member



Attest:



CONI JO LYMAN
Curry County Clerk


Chief Deputy