

ORDINANCE 2022-44

AN EMERGENCY ORDINANCE AND PROCLAMATION LIMITING OPEN BURNING AND RESTRICTING THE SALE AND USE OF FIREWORKS IN THE UNINCORPORATED AREAS OF UNION COUNTY

WHEREAS, NMSA 1978, Section 4-37-1 et seq. provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants;

WHEREAS, NMSA 1978, Section 4-37-7(C) (1975) permits enactment of ordinances “dealing with an emergency declared by the board of county commissioners to be an immediate danger to the public health, safety and welfare of the county” with as much notice as the emergency permits;

WHEREAS, the low relative humidity, high winds, and high fuel content together with the probability of ignition of material and fire spread contribute to the extreme fire risk generally of brush fires, grass, fires, forest fires, and structure fires in the State of New Mexico generally and Union County specifically;

WHEREAS, the Board of County Commissioners finds, based upon these conditions and the current drought indices published by the National Weather Service, and information provided by the United States Forest Service and the New Mexico State Forestry Division, that extreme drought conditions affect the unincorporated areas of Union County; and,

WHEREAS, the possibility of extreme fire situations will severely tax current local, state and federal resources; and,

WHEREAS, the Board of County Commissioners find that there exists a serious and immediate danger to the public health, safety, and welfare of Union County and an ordinance and proclamation are urgently needed.

NOW THEREFORE BE IT ORDAINED AND PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

ORDINANCE NO. 2022-44

Section 1. PROHIBITION ON OPEN BURNING

Open burning in the unincorporated areas of Union County shall be prohibited, including, but not limited to, the following:

- A. Campfires (“Campfire” means a fire set for cooking, warming, or ceremonial purposes);
- B. Open fires or flames of any kind;
- C. Burning of or in open fields;
- D. Weed or grass burning;

- E. Burning of trash pits or brush piles;
- F. Welding or operating acetylene torches other than inside a building;
- G. Using an explosive of any kind; or
- H. Outdoor smoking only allowed in enclosed buildings, in developed recreation areas, within structures, in vehicles equipped with ashtrays on paved or surfaced roads, and in areas at least five feet in diameter that are barren or cleared of all flammable material.

Section 2. WRITTEN AUTHORIZATION

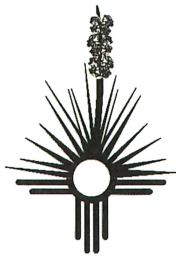
- A. The Union County Fire Coordinator or his designee may issue written authorization for an exception to open burning if the conditions are determined to be safe by the Fire Coordinator.
- B. The Fire Coordinator at his/her sole discretion may grant or deny authorization to burn only when the relative humidity, wind conditions, conditions outlined are favorable and fire department manpower exists in the area of the proposed burn.
- C. The Fire Coordinator may place conditions on the written authorization based on the condition of the area to be burned and atmospheric conditions at the proposed burn time. The written authorization may be revoked at any time by the Fire Coordinator if the conditions for a safe burn cease to exist.
- D. The Fire Coordinator may issue a written authorization for an exemption to open burning only when the following conditions are met:
 - 1. If the burn area is irrigated cropland;
 - 2. Burning is done with adequate planning;
 - 3. Adequate personnel are present to monitor and control the burn to assure that it will not become an uncontrolled fire;
 - 4. If, in the case of a campfire, the fire is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material, and is constantly supervised and put out thoroughly when burning is complete;
 - 5. The burn is secured from becoming uncontrolled at the end of daily operations; and
 - 6. The person responsible for the burn notifies the Union County Fire Coordinator and follows all local burning guidelines.

Section 3. ENFORCEMENT

The Sheriff's Department of Union County, and any other legally qualified law enforcement officer or any of their agents shall have the ability to enforce this Ordinance.

Section 4. EFFECTIVE DATE

The Board of County Commissioners hereby declares it is necessary for the public peace, health, safety, and welfare that this Ordinance take effect immediately upon recordation. NMSA 1978, Section 4-37-9 (C) (1997),

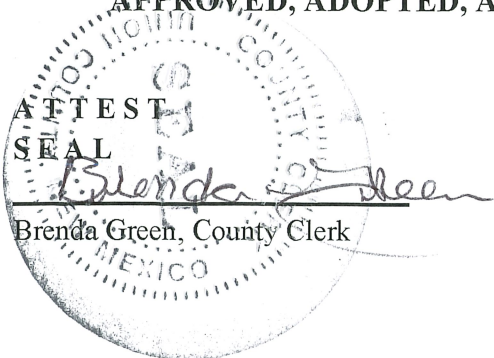


Union County

PROCLAMATION (FIREWORKS)

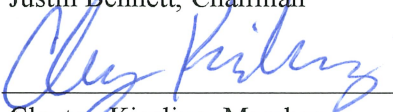
- Section 1. For purposes of the Proclamation, the word “fireworks” means any device intended to produce a visible or audible effect by combustion, deflagration, or detonation. The term fireworks is used in this Proclamation includes but is not limited to the definition of “fireworks” provided in NMSA 1978, Section 60-2C-2N (2007).
- Section 2. Pursuant to NMSA 1978, Section 60-2C-8.1 (F)(2)(a)(1999), the Board of County Commissioners does hereby allow the sale but limits the use of cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, wheels, and mines fireworks within the unincorporated areas of Union County to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.
- Section 3. Pursuant to NMSA 1978, Section 60-2c-8.1 (F)(1)(1999) the following types of fireworks are banned from sale and use within the unincorporated areas of Union County: missile-type rockets, helicopters, aerial spinners, stick-type rockets, ground audible devices, and display fireworks.
- Section 4. Pursuant to NMSA 1978, Section 60-2c-8.1 F (2)(b)(1999), the Board of County Commissioners give itself the power to and does hereby ban the use of all fireworks within wild lands in its jurisdiction. (“Wildlands” means any lands covered wholly or in part by timber, brush, or native grass).
- Section 5. Except as permitted by this Proclamation, the sale and use of all other fireworks of any kind or description are banned within the unincorporated areas of Union County.

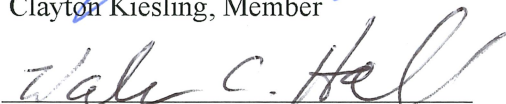
APPROVED, ADOPTED, AND ORDAINED this 10th day of May, 2022.



By:


Justin Bennett, Chairman


Clayton Kiesling, Member

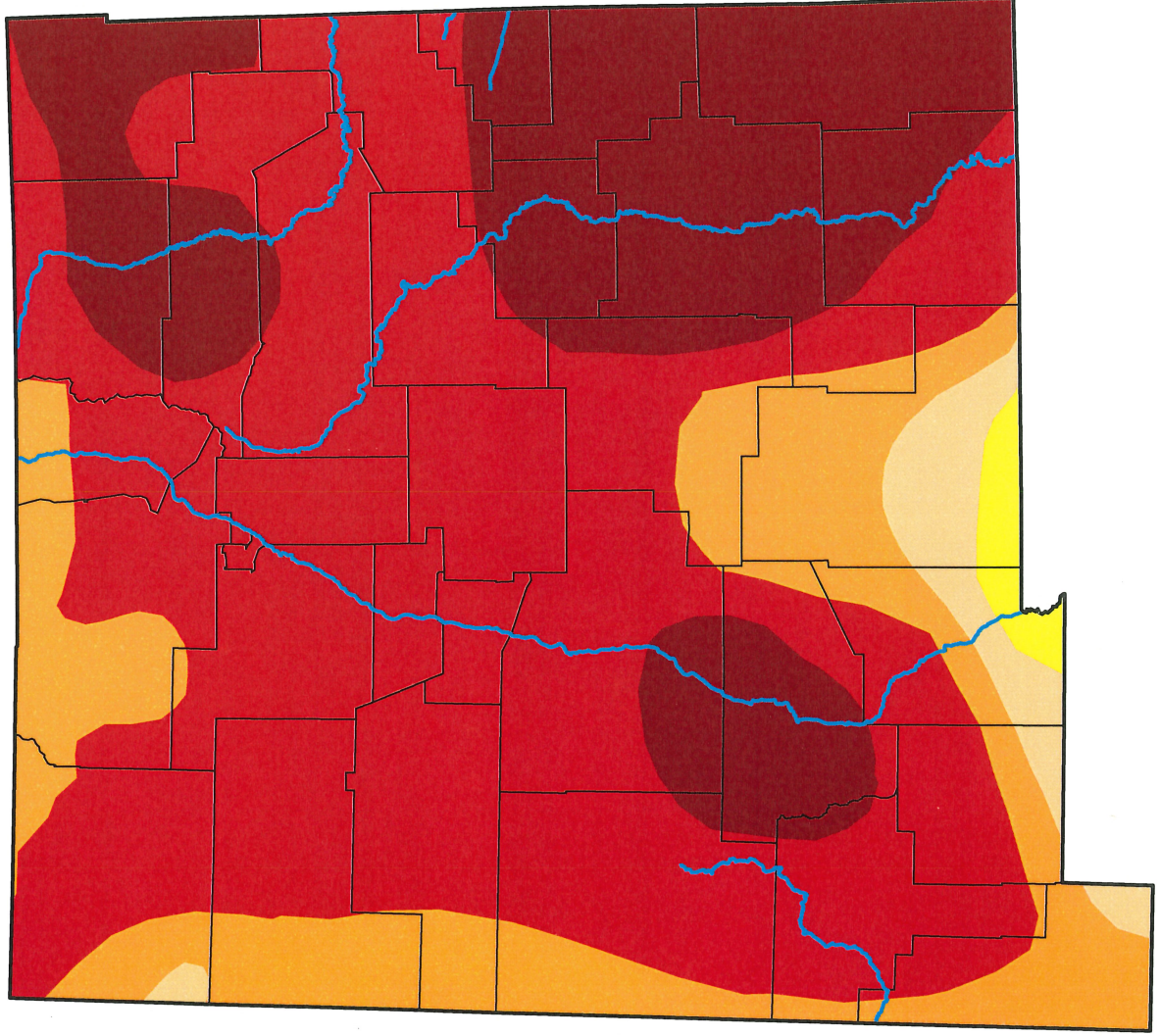

Walter Hall, Member

U.S. Drought Monitor New Mexico






May 3, 2022

(Released Thursday, May. 5, 2022)

Valid 8 a.m. EDT



Intensity:

-  None
-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

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Western Regional Climate Center



droughtmonitor.unl.edu