

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

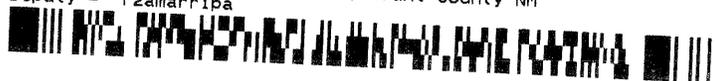
The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in an open special meeting in conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 1:00 p.m., on Monday, March 21, 2011, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten
 Christy Miller

Absent: Gabriel Ramos

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

There was provided to the County Clerk, the Chairman and each Commissioner, a copy of an ordinance in final form, which is as follows:



ORDINANCE NO. 0-11-01

**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**

WHEREAS, the Grant County Board of Commissioners (the "Commission") acknowledges the severity of the drought conditions in Grant County. The Commission has determined that protective measures must be taken to protect the health, safety, and welfare of its citizens and to decrease the risk of injury to persons and property.

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

Section 1. DECLARATION OF EMERGENCY. Due to the drought conditions and high fire hazards, which have created a significant and immediate danger to the public peace, health, safety, and welfare, a fire hazard emergency is declared in Grant County.

Section 2. FINDINGS.

- A. There has been an increase in fires in recent weeks within Grant County;
- B. The danger of range fires, brush fires, grass fires, structure fires and other fires of every kind is presently significantly high in and around Grant County;
- C. The probability of ignition of materials likely to serve as fuel for fire is extremely high in Grant County;
- D. The weather in Grant County has been unseasonably dry and windy, contributing to the present high fire risk;
- E. In light of the high fire hazard, Grant County and the Grant County Fire Department Association has imposed fire restrictions prohibiting open fires of any kind;
- F. The current information made available by the National Weather Service Weather Forecast Office, the National Interagency Fire Center Predictive Services, the National Fire Danger Rating System, and the United States Forest Service, indicate that severe or extreme drought

conditions exist in Grant County and those conditions are expected to continue;

- G. The drought conditions and high fire hazards have created a significant and immediate danger to the public health, safety, and welfare should a fire start in Grant County;
- H. Under NMSA (1978) § 4-37-7.C, the Commission may by-pass the procedural requirements of adopting an ordinance when the Commission has declared an emergency to be an immediate danger to the public health, safety, and welfare.

Section 3. RESTRICTIONS.

- A. 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.
- B. Open burning, including but not limited to burning of croplands, fields, rangeland, debris/trash burning, slash piles, or weeds is prohibited.
- C. Pressurized liquid or gas stoves, lanterns and heaters are generally allowed, unless determined to be a fire hazard by an enforcing officer.
- D. Use of chain saws is prohibited, except as specifically authorized by the County Fire Management Officer or the County Manager.
- E. 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.
- F. Lighted matches, cigarettes, cigars or other burning objects shall not be discarded in such a manner that could cause ignition of combustible material.
- G. 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.

- H. 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.
- I. 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.
- J. 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.

Section 4. TERM OF ORDINANCE. Pursuant to NMSA (1978) § 4-37-9.C, this ordinance shall become effective immediately after it is authenticated and recorded by the county clerk. This ordinance shall remain in effect until the Commission determines that the fire hazard emergency is no longer an immediate danger to the public health, safety, and welfare at which time the Commission shall take the proper steps to repeal this ordinance.

Section 5. INTERGOVERNMENTAL COOPERATION. The Commission supports any reasonable restrictions enacted by the Federal, State, and other municipal governments.

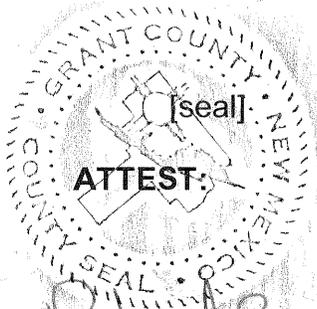
Section 6. SEVERABILITY. If any portion of this ordinance is held unlawful or invalid, the remaining portions of the ordinance shall remain in full force and effect.

Section 7. PENALTIES. Any individual, firm, partnership, corporation or other entity convicted of violating 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.

Section 8. ENFORCEMENT. The Grant County Sheriff's Office shall have the authority for enforcement of this emergency ordinance.

Section 9. PUBLICATION. Under NMSA (1978) § 4-37-7.C, the Commission may by-pass the procedural requirements of adopting an ordinance when the Commission has declared an emergency to be an immediate danger to the public health, safety, and welfare. Based on the declared emergency, there will be no prior publication of this ordinance. However, this ordinance shall be published in a newspaper of general circulation once a week for two consecutive weeks after its adoption to give notice to the public.

PASSED, APPROVED, AND ADOPTED, this 21st day of March 2011.



ATTEST:

Robert Zamarripa

Robert Zamarripa, Clerk

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

Brett Kasten

Brett Kasten, Chairman

Christy Miller

Christy Miller, Member

Gabriel Ramos, Member

Commissioner Miller then moved that the ordinance as provided to the County Clerk at this meeting be passed and adopted. Commissioner Kasten seconded the motion.

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

Those Voting Yea: Miller, Kasten

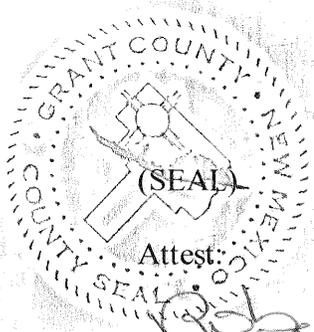
Those Voting Nay:

Those Absent: Commissioner Gabriel S. Ramos

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

The meeting on motion duly made, seconded and unanimously carried, was adjourned.


Brett Kasten, Chairman



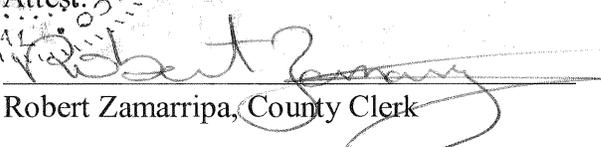

Robert Zamarripa, County Clerk

EXHIBIT A

(Attach Affidavit of Publication of Notice of
March 21, 2011 Meeting as published on
March 18, 2011 in the *Silver City Daily Press*)

