

ORDINANCE NO. 2007-01

AN ORDINANCE WHICH GENERALLY ALLOWS FOR BURNING WITHIN ROOSEVELT COUNTY BUT WHICH ALLOWS FOR THE COMMISSION TO PROHIBIT BURNING BY IMPLEMENTATION OF A RESOLUTION

BE IT ORDAINED BY THE GOVERNING BODY OF ROOSEVELT COUNTY, WHICH IS THE COUNTY COMMISSION OF THE COUNTY OF ROOSEVELT, NEW MEXICO

Section 1. Short Title

This Ordinance may be cited as the “County of Roosevelt Ordinance generally allowing for burning and prohibiting burning by resolution”

Section 2. Purpose

The purpose of this Ordinance is to allow for burning within Roosevelt County (as otherwise permitted by law), but to grant the Commission authority to prohibit burning by adoption of a resolution. If exceptional circumstances arise due to the lack of precipitation, high winds and low humidity in Roosevelt County, wild land grass, and fuels in all of Roosevelt County at a hazardous level for uncontrolled fire, then the Commission may prohibit burning as described herein.

Section 3. Conflicts.

In the event of conflicts with other County of Roosevelt Ordinances, the provisions of this ordinance shall supersede other previously enacted ordinances.

It is the intention of the Commission in enacting this Ordinance to harmonize this Ordinance with existing State and Federal law and regulations, including the Federal “Clean Air Act”.

Section 4. Impermissible Burning/ Implementation of Burn Ban by Resolution

When conditions warrant, and from time to time, the Roosevelt County Commission by majority vote may adopt a resolution which implement all or some of the provisions of this ordinance, which may prohibit burning. When conditions improve, the Commission shall lift the ban by resolution. No prohibition in this ordinance restricting burning shall apply or be in force, unless a resolution restricting burning has been implemented.

Section 5. Definitions

As used in this Ordinance the following words, terms, phrases shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Agricultural burning means the burning of crop residues for field preparation or that is otherwise used for the production of a crop.

Burn project means, in prescribed fires or in wildland fire use, a burn regulated by 20.11.21.15 NMAC on an area that is contiguous and is being treated or managed for the same land management objectives.

County Commission or Commission is the duly elected Board of the Roosevelt County Commission, acting as a body in public meetings.

Established Crop Land shall mean crop land that is identified as crop land with the local ASCS Office.

Local Fire District means the Fire District for Portales, Dora, Floyd, Elida, Causey, Arch, or Milnesand as reflected on official County maps.

Open burning means the combustion of any substance which is not confined in a device having controllable fuel/air mixture capable of achieving nearly complete combustion, and from which combustion products are discharged into the open air without passing through a stack, duct, chimney, or vent.

Pile means vegetative materials that have been relocated and heaped together either by hand or machinery.

Prescribed fire or prescribed burn or PB means any fire ignited by any person to meet specific land management objectives. For the purposes of this regulation, wildland fire use is considered a prescribed fire.

Properly Ventilated means a category of fair or better in the ventilation of smoke or other pollutants from its heat source, and as more particularly described in §20.11.21.17, NMAC.

Rubbish means any discarded product or item which is combustible.

Sheriff is the Sheriff of the County of Roosevelt.

Vegetative material means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, saw dust, chips, scraps, slabs, millings, shavings, grass, grass clippings, weeds leaves, conifer, needles, brushes, shrubs, clipping from brushes and shrubs, and agricultural plant residue.

Section 6. The Commission May Limit The Ban to Designated Fire Districts.

If conditions warrant, so that implementation of a fire ban in a particular area only, is necessary or desirable, then the Commission by majority vote may limit the ban to a particular district(s) or make the ban applicable to the County as a whole.

Section 7. Outdoor Burning May Be Prohibited By Adoption Of A Resolution.

If conditions warrant, and if implemented by resolution after public notice of the Commission's intention to adopt such a resolution, then no person, firm or corporation shall burn any vegetative material, wood, brush, trash, papers, rubbish or garbage out of doors anywhere in the County. This section shall not prohibit the use of an outdoor fire for cooking or for recreation, if such cooking is confined to a charcoal broiler, wood, propane, gas, coal, or other confined fuel stoves in yards of primary residences or business premises.

All other burning on or in yards of primary residence or business premises during such ban shall be confined to incinerators through which combustion products are passed through a stack, duct, chimney, or vent. Burning of piles or rubbish in open pits, barrel, or containers is prohibited, except that burning in barrels or containers which are properly vented to dissipate combustion products through a stack, duct, chimney, or vent shall be allowed.

Section 8. Heating And Cooking Stoves.

Nothing in the preceding section of this ordinance shall be deemed to prohibit the use of wood in stoves used for cooking, the use of wood in fireplaces for decorative fires or the use of wood in fireplaces or stoves designed for heating.

Section 9. Open Burning May Be Prohibited By Resolution

It is specifically ordained that open burning, agriculture burning, i.e. burning of crop land, fields, range land, debris burning/ piles, proscribed burning, weed burning, or other burning may be prohibited anywhere within Roosevelt County upon approval of a resolution making this section effective.

Section 10. Agricultural Burning

If Section 8 of this ordinance has been implemented by resolution, then agricultural burning shall be permitted only after notice by telephone call placed to the local emergency dispatch in Portales, at least 24 hours before the scheduled burn. The citizen giving notice shall specify exactly where and when the burn is to take place. The citizen shall also give notice of the type of burn that is to take place, and the approximate number of acres to be burned. The dispatcher shall then notify the fire department in the fire district in which the burn is to occur, and shall request that they stand by. Failure to notify dispatch of an agricultural burn shall result in the imposition of a fine for each violation.

Notwithstanding any other provision in this resolution, and even if no burn ban has been implemented, the Roosevelt County Commission encourages its citizens to notify emergency dispatch of any plan to burn so that effected fire departments are placed on notice.

Section 11. Severability

If any section, paragraph, sentence, clause or word contained in this ordinance or any State or Federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Section 11. Penalty

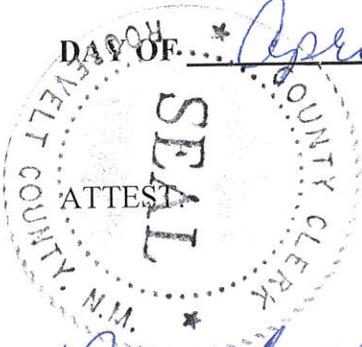


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Any person, firm, or corporation, violating any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$250.00 for each offense and a separate offense shall be deemed committed on each day during or which a violation occurs or continues. A person, firm, or corporation that is convicted of a subsequent violation shall be assessed a penalty of not less than \$250.00 nor more than \$500.00

ADOPTED BY THE GOVERNING BODY OF ROOSEVELT COUNTY THIS 3rd

DAY OF April, 2007.



E. Janet Collins
Janet Collins, County Clerk

Paul Guder
Chairperson Roosevelt County Commission



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