

County Commissioners

Veronica M. Serna
Commission Chair

Johnny Trujillo
Commission Vice-Chair

L. Frank Maestas
Member



Michael A. Rivera
County Manager

ORDINANCE NO. 2022- 02

**AN EMERGENCY ORDINANCE DECLARING
HAZARDOUS FIRE CONDITIONS AND IMPOSING RESTRICTIONS
ON OPEN FIRES, SMOKING, FIREWORKS USE AND SALES
AND OTHER IGNITION SOURCES**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY THAT:

Section I: Findings

1. Mora County issued a disaster proclamation due to the Calf Canyon and Hermit's Peak Wildland Fire on April 22, 2022. Since that time vast areas within Mora County have been affected by the wildfire which resulted in evacuations, the extended closure of the County's administrative offices, and significant losses to constituents/residents and their properties throughout the County.
2. Governor Michelle Lujan Grisham issued an Executive Order on April 23, 2022, for Mora County, declaring a state of emergency due to the ongoing wildland fire.
3. On May 4, 2022, President Joe Biden approved Governor Michelle Lujan Grisham's request to declare a Presidential Disaster in New Mexico due to multiple wildfires burning in New Mexico.
4. An executive order has likewise been issued by Governor Michelle Lujan Grisham urging New Mexico counties and municipalities to ban the retail sale of fireworks in their communities due to the drought conditions in the state and the existing wildfires.
5. New Mexico is experiencing what is being referred to as a "mega-drought" causing above-normal temperatures and extremely dry vegetation.
6. The Carson and Santa Fe National Forest have recently been subject to a full forest closure due to the existing drought conditions.
7. Adopting restrictions on open fires, smoking, fireworks use and sales, and other ignition sources will create consistency in fire regulations with the State and Federal Forestry systems.
8. Immediate measures to mitigate the risk of further fires in Mora County is necessary for the safety of those within the County as drought conditions are forecasted to persist and deepen through Mora County and New Mexico in the upcoming months.

Section II: Authority.

Consistent with the County’s authority to provide for the safety and to preserve the health of the residents of Mora County, and pursuant to Sections 4-37-1 and 59A-52-18, the County has authority to impose restrictions intended to protect the County and its residents against the risk of wildland fires and may do so on an emergency basis without pre-adoption publication or waiting thirty days after recordation with the County Clerk.

Section III: Purpose.

To limit activities which exacerbate the risk of wildfires within Mora County for ninety (90) days, in order to address the factors establishing an immediate danger to the public health, safety and welfare of Mora County due to the heightened risk of wildland fires.

Section IV: Prohibitions:

The following are prohibited for a period of ninety (90) days within the unincorporated areas of Mora County:

1. The sale and use of fireworks as prescribed under state law, to include aerial fireworks or other incendiary devices;
2. Campfires;
3. Open fires and/or burning of any kind, including but not limited to the burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning;
4. Smoking except within an enclosed vehicle or building;
5. Operating a chainsaw, or other equipment powered by an internal combustion engine, is prohibited in any area that is not clear of flammable vegetation for at least thirty feet;
6. Littering on public roadways/areas with ignited smoking materials;
7. Use of off-road vehicles and motor bikes in areas with flammable vegetation;
8. Welding or operating acetylene or any other torch with an open flame;
9. The issuance of licenses or permits for open burning;
10. Violating any state law, that specifically concerns burning, fires, or that which is for the purpose of preventing or restricting the spread of fire.

Furthermore, “hot” vehicles must not be parked in areas with combustible vegetation.

Section V: Exemptions:

No exemptions to this emergency ordinance are contemplated due to the limited time period that the ordinance will be in effect.

Section VI: Enforcement.

This emergency ordinance shall be enforced by the Sheriff of Mora County or the Sheriff’s duly appointed law enforcement personnel.

Section VII: No limitation on authority.

Nothing herein shall be construed to limit the authority or responsibilities of the Mora County Sheriff or Mora County Fire Chief.

Section VIII: Violations.

Pursuant to Section 4-37-3 NMSA 1978, any individual, partnership or any other entity found to be in violation of this emergency ordinance shall be deemed guilty of a petty misdemeanor and may be punished by imprisonment for up to ninety (90) days or a fine not to exceed three hundred dollars (\$300), or both. Mora County intends to prosecute violations of this emergency ordinance to the fullest extent possible in light of the dangerous fire conditions which exist within the County.

Section IX: Severability.

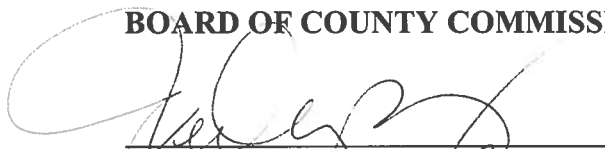
If any section or provision of this Ordinance is deemed invalid or void, the remaining portions shall not be affected and shall be enforced accordingly.


Section X: Declaration of Emergency; Immediate Effective Date; Repealer.

The Board of County Commissioners for Mora County hereby declares an emergency relating to fire conditions within the County, with said emergency creating a continued and immediate danger to the public health, safety and welfare of the County and its residents. Accordingly, pre-adoption publication of the title and general summary of this ordinance was not required pursuant to Section 4-37-7 NMSA 1978. In addition, in accordance with Section 4-37-9(C) NMSA 1978, the Board of County Commissioners hereby declares that it is necessary for the public peace, health and safety that this ordinance take effect immediately upon adoption by the Board of County Commissioners and recordation by the County Clerk as required by statute. This Ordinance shall remain in effect for ninety (90) days following adoption.

APPROVED, ADOPTED AND PASSED on this 31st day of May 2022.

BOARD OF COUNTY COMMISSIONERS FOR MORA COUNTY


VERONICA SERNA, Chair


JOHN TRUJILLO, Vice-Chair


L. FRANK MAESTAS, Member



Attestation: 
CARLOS ARELLANO, County Clerk