



**HIDALGO COUNTY
EMERGENCY ORDINANCE 2022-01**

**LIMITING OPEN BURNING
IN THE UN-INCORPORATED AREAS OF HIDALGO COUNTY**

WHEREAS, the Board of County Commissioners of Hidalgo County, met in a regular meeting on May 11, 2022, at 5:30 P.M. in the Hidalgo County Administration Office, 305 Pyramid Street, Lordsburg NM 88045; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

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; and,

WHEREAS, NMSA 1978, Section 4-37-7 (1975) eliminates the general ordinance publication requirement for 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;” and,

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico and especially Hidalgo County and the surrounding jurisdictions; and,

WHEREAS, current conditions such as relative humidity, weather and fuel content and condition create an extremely high fire hazard in Hidalgo County; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in Hidalgo County; and,

WHEREAS, the due to warmer temperatures, lower humidity, high winds, and an abundance of dry, fine fuels, the fire danger is increasing throughout the state. The current

COVID-19 pandemic only amplifies the current danger by putting an additional strain on firefighting resources; and,

WHEREAS, due to the abnormally warm temperatures, low humidity, high winds and the abundance of dry, fine fuels, the State Forestry Division of the NM Energy, Mineral's and Natural Resources Department has issued order 2022-01 placing fire restriction on non-municipal, non federal and non-tribal lands statewide. ; and,

WHEREAS, devastating fires are burning out of control this month in our sister counties with hundreds of homes being lost and tens of thousands of acres burned, requiring disaster declarations in Colfax, Valencia, Lincoln, Mora & Sandoval counties; and,

WHEREAS, the Board of County Commissioners finds, based upon the information supplied by the National Weather Service based on its most recent map dated May 5, 2022, that severe and extreme drought conditions affect the unincorporated areas of Hidalgo County, attached hereto and incorporated into this Ordinance by reference; and,

WHEREAS, the Board of County Commissioners finds that restrictions should be imposed upon open burning within the unincorporated areas of Hidalgo County; and,

WHEREAS, the Board of County Commissioners finds that there exists an immediate danger to the public health, safety, and welfare of Hidalgo County

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

Section 1. DECLARATION

The Board of County Commissioners hereby declares that Hidalgo County is suffering from extremely or serious drought conditions and high fire hazards represent a significant immediately threat to the peace, safety, health and welfare of Hidalgo County.

Section 2. BURNING PROHIBITED

The following types of open burning shall be prohibited unless a permit is obtained from the County Emergency Manager:

- A. Campfires ("Campfire" means a fire set for cooking, warming, or ceremonial purposes, which 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);
- B. Open fires;
- C. Open Burning of vegetation or rubbish; and,
- D. Any other smoke producing substance and material that creates a fire safety hazard. (Reference Regulation #301 of the Ambient Air Quality Standards and Air Quality Control Regulation).

Section 3. EFFECTIVE DATE AND DURATION

Pursuant to NMSA 1978, Section 4-37-9 (C) (1997), the Board of County Commissioners hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance take effect immediately after passage. This Ordinance shall be repealed by the Board or by a written finding of the County Emergency Manager that conditions have improved to the point where this this Ordinance is no longer necessary.

Section 4. ENFORCEMENT

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

Section 5. PERMITS

- A. The County Emergency Manager or his/her designee may issue burn permits to allow for controlled fires (any fire that is not a campfire) between the hours of 5:00 am and 10:00 am and to allow for campfires at any time of the day if the conditions are determined to be safe by the County Emergency Manager. The County Emergency Manager at his/her sole discretion may grant or deny permits to burn based on the relative humidity, wind conditions and available county fire-department manpower in the area of the proposed burn. The County Emergency Manager may place additional conditions on a burn permit based on the condition of the area to be burned and atmospheric conditions at the proposed burn time. The permit may be revoked at anytime by the Emergency Manager if the conditions for a safe burn cease to exist.
- B. Upon issuance of a permit the Emergency Manager will notify dispatch and the appropriate County District Fire Chief.

Section 6. PENALTIES

Any violation of this Ordinance shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300) and/or up to 90 days in jail.

Section 7. SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section, subsection, paragraph, sentence, clause, phrase or provision in this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the Hidalgo County Board of County Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

Approved, Adopted, and Ordained this 11th day of May 2022.

BOARD OF COUNTY COMMISSIONERS


Joel Edwards, Chairperson


Art Malott, Commissioner


Johnny Hatch, Commissioner

ATTEST:


Alyssa Esquivel, Clerk





**HIDALGO COUNTY BURN PERMIT
PER EMERGENCY ORDINANCE 2022-01**

Permittee Name:	Date of Permit Request:
Physical Address:	Contact Number:
Mailing Address if Different:	Driver's License Number:
PERMIT LOCATION REQUESTED:	Date of Burn Requested:
FIRE DISTRICT:	FIRE CHIEF:
Fire Permit for Exceptions to Ordinance is Requested:	
Type of Event:	
<input type="checkbox"/> Campfire	
<input type="checkbox"/> Open fire	
<input type="checkbox"/> Open burning of vegetation or rubbish.	
<input type="checkbox"/> Any other smoke producing substance and material that creates a fire safety hazard: Please explain: _____	

PERMIT AUTHORIZED

This permit is subject to Federal, State and Local fire laws and regulation and to the conditions, rules and stipulation of the permit. Consult NM Regulation 20.2.60 NMAC for additional information regarding this permit.

Conditions of permit:

1. This permit is valid only on the date and location stated below.
2. This permit must be shown on demand to a Fire or Law Enforcement Official.
3. The permit is valid only if signed by the Permittee and is subject to revocation for any violation or because of critical fire danger conditions as proclaimed.
4. Authorized Permit Location: _____
5. Authorized Times of Permit: _____
6. Additional Terms & Conditions: _____

I understand the terms of this permit and agree to comply with all its provision. All members of my party will do the same.

Permittee's Signature: _____ Date: _____

APPROVED

County Emergency Manager







Date

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