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RESOLUTION #05-12-22/110-46

Open Burning Restrictions IN OTERO COUNTY, NEW MEXICO

WHEREAS, THE Board of County Commissioners of Otero County, New Mexico, has determined that, due to dry conditions, extreme drought, and the fact that the present fire danger is high within the County of Otero; and

WHEREAS, THE Board of County Commissioners of Otero County has further determined that, this Resolution is necessary in order to protect the health, safety, and welfare of the citizens of Otero County against wild fire danger pursuant to the authority granted by NMSA 1978 4-37-1 et. Seq.; and

WHEREAS, THE Board of County Commissioners has also determined that certain activities and burning ought to be permitted so as to actually minimize catastrophic fire hazard and risk; and

NOW THEREFORE BE IT RESOLVED that the Otero County Board of County Commissioners by this Resolution declare as follows:

Prohibited

1. Igniting, building, maintaining, or using a fire, campfire, or stove fire, including charcoal and briquettes.
2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material.
3. All open flame burning.

Exemptions

1. Prescribed fire operations conducted by the US Forest Service, fire training/operations being held by County Volunteer Fire Departments, and the Otero County Fire Fighter Training Facility are also exempt.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the device.

Exceptions

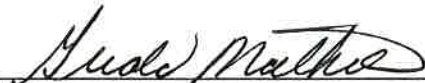
1. Charcoal grills and wood and coal stoves within yards associated with a residence or on the premises of a business.

Implementation

1. This Resolution is to remain in effect until it is rescinded by declaration of the Otero County Emergency Services Director or the Otero County Manager upon their receipt of documented evidence from the National Weather Service and the US Forrest Service that the fire danger and drought levels in Otero County have abated. The declaration shall be made in writing and published to the news entities and radio stations specified in the Otero County Open Meetings Resolution adopted by the Board of County Commissioners of Otero County for the current calendar year. The Board of County Commissioners may rescind or modify this burn restriction at any duly convened public meeting of the Board of County Commissioners.
2. Failure to comply with the restrictions in this ban may be chargeable under Otero County Ordinance 13-04 which can be found online at the county website: <https://co.otero.nm.us>, Chapter 111 or a hard copy can be found at the Otero County Administration Building.
3. An exemption or exception does not relieve a person from any civil or criminal liability associated with an uncontrolled fire, including costs associated with wildland fire suppression.


PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2022

**BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY NEW MEXICO**


Gerald Matherly, Vice-Chair


Vickie Marquardt, Chairman


Couy Griffin, Commissioner


Robyn Holmes, Otero County Clerk

