

Resolution 2018-1084

**Implementing Chapter 8, Article IV.
Emergency Ban on Open Fires and Fireworks**

WHEREAS, New Mexico is currently experiencing an increase of fires; and

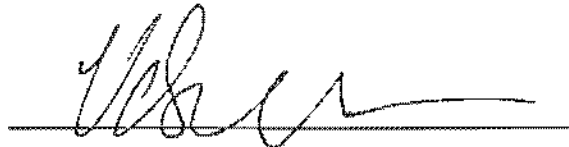
WHEREAS, The danger of range fires, brush fires, grass fires, structure fires, and other fires of every kind is presently extremely high in and around the City of Aztec; and

WHEREAS, The probability of ignition of materials likely to serve as fuel for fire is extremely high in and around the City of Aztec; and

WHEREAS, The Governing Body of the City of Aztec has obtained information concerning drought conditions which indicate that the City of Aztec is within an exceptional drought area;

NOW, THEREFORE, BE IT RESOLVED that the Aztec City Commission, of Aztec, New Mexico, hereby declares an imminent potential fire hazard emergency and implements a ban on all open fires and fireworks as defined in Chapter 8, Article IV (as attached), within the incorporated area of the City of Aztec and to remain in effect for 120 days from the date of approval or until otherwise repealed by the Commission through Resolution.

PASSED, APPROVED AND ADOPTED as Resolution 2018-1084 this 12th day of June, 2018.



VICTOR C. SNOVER, MAYOR

ATTEST:



CITY CLERK KARLA SAYLER

ARTICLE IV. EMERGENCY BAN ON OPEN FIRES, CONTAINED FIRES, AND FIREWORKS

Sec. 8-101. Establishment of Emergency Ban on Open Fires, Contained Open Fires and Fireworks.

This section shall apply within the incorporated area of the city and shall prohibit open fires, contained open fires or use of fireworks under the conditions stated in the following sections. At any regularly scheduled or special meeting of the city commission, the commission may, by resolution, impose a ban upon any or all types of open fires, contained open fires, and/or the use of fireworks in the incorporated area of the City of Aztec.

(Code 2007, 8-101)

Sec. 8-102. Requirements of Resolution.

1. Such resolution shall be based upon a danger of fires within the areas where the danger of forest, grass, or structural fires is found to be high, by competent evidence which may include:
 - (1) The recommendation of the city fire chief,
 - (2) The recommendation of the chief of police;
 - (3) The recommendation of the city parks and recreation director;
 - (4) Any similar ban imposed under the authority of the Governor of the State of New Mexico;
 - (5) Any recommendation, or similar ban, from the state forest service, National Park Service, United States Forest Service, or any other agency of the state or federal government;
 - (6) Any testimony or exhibits establishing that, due to weather, weather forecasts, or condition of forest, grass or other vegetation, the likelihood of a fire is high.
2. Notice of such resolution may be given by best means available including, press release, individual notification to any agency requesting or advising in favor of the ban, individual notification to law enforcement agencies or such other means as in its discretion the commission deems is appropriate under the circumstances.
3. Any such resolution shall specify an expiration date. The ban may be extended in the same manner as its original imposition and upon competent evidence that the fire danger continues.
4. Any such resolution shall state which of the following are to be included in the ban:
 - (1) Open fires;
 - (2) Contained open fires; or
 - (3) Fireworks.
5. Any resolution which bans open fires and contained open fires, may authorize the city manager to exempt from such ban any open fire or contained open fire, approved in advance by the city fire chief, after inspection of the containment structure, surrounding vegetation and potential fire fuel, and the immediate availability of fire suppression apparatus.

(Code 2007, 8-102)

Sec. 8-103. Interpretation and Enforcement.

1. Interpretation. This section shall be so interpreted and construed as to effectuate its general purpose to reduce the danger of fires.
2. Enforcement. Issue of citations shall be conducted in the manner set forth under Section 1-8 of this Code.
 - (1) Any person who knowingly violates the open fire, contained open fire or fireworks ban imposed under the authority of this section is subject to the following:
 - (a) One hundred dollars (\$100.00) for the first offense;
 - (b) Two hundred fifty dollars (\$250.00) for the second offense within sixty (60) days of the first offense;
 - (c) Five hundred dollars (\$500.00) for each additional offense within sixty (60) days of the first offense.
 - (2) In addition to the penalty prescribed in this section, persons convicted of a violation of this section are subject to the mandatory municipal court fees established in Section 1-12-2 of this Code.
(Code 2007, 8-103)

Sec. 8-104. Definitions.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
(Code 2007, 8-104)

Open fires

1. Any open burning on public and private property;
2. Camp and cooking fires using solid fuels such as charcoal briquettes, wood, paper, etc. on public and private property;
3. Outdoor fireplaces using solid fuels such as charcoal briquettes, wood, paper, etc. on public and private property;
4. Use of luminaries, farolitos, and/or candles outside of buildings on public and private property;
5. Welding, or operating an acetylene or other torch with open flame on public property;
6. Smoking on public property; and
7. Discarding of cigarettes/cigars from any vehicle on public and private property.

Open fires shall not include:

8. Fires in camp stoves or grills, fueled by bottled gas or pressurized liquid, and specifically designed for cooking or heating purposes;
9. Fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion; or
10. Fires in commercially operated wood and/or charcoal fired grills designed for cooking. Contained open fires.

Contained open fires

Shall be defined as fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion; or operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order. Contained open fires shall not include fireplaces or wood stoves located inside permanent structures.

Fireworks

Any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description as defined in Section 8-52. Fireworks do not include:

1. Thy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap;
2. Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
3. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;

Welding

Operating an arc, acetylene, or other torch with open flame. Such activities whether on private or public property will require adequate fire extinguishers, water hoses or other fire suppression appliances be readily available. In addition, a fire watch shall be maintained during such operations and extend thirty (30) minutes after operations have stopped.