

VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2006- 10

A RESOLUTION  
RELATING TO FIRE HAZARDS, RESTRICTING OPEN BURNING ON RED FLAG  
WARNING AND HAZARDOUS WEATHER OUTLOOK DAYS

WHEREAS, due to drought conditions and the outlook of poor weather days and dry climatic conditions, the County is issuing a limited ban on open burning within the County on days determined by the National Weather Service to be "Red Flag Warning and Hazardous Weather Outlooks days; and

WHEREAS, this limited restriction is required to insure open burning will only occur when weather conditions permit such burning; and

WHEREAS, burning of weed, undergrowth and agricultural fuels is considered important in reducing the overall fire danger and hazards and is encouraged unless potentially hazardous conditions exist.

NOW THEREFORE, BE IT RESOLVED, by the governing body of Valencia County that:

1. Residents in the unincorporated areas of Valencia County will be required to call into the County 911 Dispatch Center (24/7) at 866-2415 or the Emergency Services Division (ESD) at 505-866-2040 (during normal work hours) anytime a resident is conducting any of the following types of fire and open burning:

- |  |                          |                     |
|--|--------------------------|---------------------|
| ✕ Above ground detonation  | ✕ Agricultural burning   | ✕ Bon fires         |
| ✕ Burning of explosives  | ✕ Campfires              | ✕ Campfires         |
| ✕ Ceremonial fires   | ✕ Controlled burning     | ✕ Cooking fires     |
| ✕ Disease Control  | ✕ Heating fires          | ✕ Hot torch burning |
| ✕ Ignition of rocket motors  | ✕ Open burning           | ✕ Open flames       |
| ✕ Slash piles  | ✕ Smoking                | ✕ Weed burning      |
| ✕ Timber & forest management   | ✕ Research & development |                     |
| ✕ Charcoal broilers, barbecue grills, wood, and coal-burning stoves used outside of private dwellings are classified as campfires. |                          |                     |

2. The Dispatch Center or ESD will inform the resident if the National Weather Service has declared a Red Flag Warning and Hazardous Weather Outlook day for the County. If the day is declared such a day all types of fires and open burning will be prohibited until weather conditions change to provide for a safe burning environment.

3. This limited ban shall be enforced under the provisions of the County Burn Ordinance, being Ordinance 87-3, §7.J; and §68-2-16 NMSA 1978.

4. In all cases, burning is permissive from the hours of 10:00 a.m. and 4:00 pm during permitted burn days only, as stipulated in the state Environment Department Open Burn Act.

**CHAPTER 30 CRIMINAL OFFENSES****ARTICLE 17 FIRE****30-17-1. Improper handling of fire. (1963)**

## 30-17-1. Improper handling of fire. (1963)

### Statute text

Improper handling of fire consists of:

- A. setting fire, or causing or procuring a fire to be set to any inflammable vegetation or forest material, growing or being on the lands of another person and without the permission of the owner thereof;
- B. allowing fire to escape or spread from the control of the person having charge thereof without using reasonable and proper precaution to prevent such fire from escaping or spreading;
- C. burning any inflammable vegetation or forest material, whether upon his own land or that of another person, without using proper and reasonable precaution at all times to prevent the escape of such fire;
- D. leaving any campfire burning and unattended upon the lands of another person; or
- E. causing a fire to be started in any inflammable vegetation or forest material, growing or being upon the lands of another person, by means of any lighted cigar, cigarette, match or other manner, and leaving such fire unquenched.

Provided, nothing herein shall constitute improper handling of fire where the fire is a backfire set for the purpose of stopping the progress of a fire then actually burning.

Whoever commits improper handling of fire is guilty of a petty misdemeanor.

### History

**History:** 1953 Comp., § 40A-17-1, enacted by Laws 1963, ch. 303, § 17-1.

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