

CITY OF RIO COMMUNITES  
BURN ORDINANCE  
ORDINANCE NUMBER 2013 - 12  
DATE: 10-8-13

AN ORDINANCE  
RELATING TO FIRE HAZARDS, RESTRICTING OPEN BURNING

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.

The City Rio Communities confirms that:

1. All burning of trash, except as provided in subsection i of this section, on private property or on the streets and alleys is prohibited. No garbage shall be burned. No cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic or any other substance which would create offensive, obnoxious or dangerous fumes or odors shall be burned. It is also assumed that burning any of the above listed materials in any type of burn barrel or container is prohibited.
  - A. Persons in the incorporated areas of Rio Communities will be required to call into the County Dispatch Center (24/7) at 866-2460 anytime a person conducting any of the following types of open burning:
    - i. Disposal of fully dried weeds; and
    - ii. Agricultural management, excluding timber over 1 (one) inch in diameter, directly related to the growing or harvesting of crops.
    - iii. For recreational, cooking, or ceremonial purposes.
  - B. Any open burning permitted under subsection i of this section must be maintained under the following conditions:
    - i. The emission of smoke shall not be allowed to pass onto or across a public road or land strip such that a hazard is created by impairment of visibility;
    - ii. No natural or synthetic rubber or petroleum product may be burned. For the purpose of frost control in agricultural operations, natural petroleum products may be burned;
    - iii. Care must be taken to minimize the amount of dirt on the material being burned; Care must be taken to minimize the amount of dirt on the material being burned;
    - iv. All burning allowed in subsection i of this section must take place between the hours of sunup and sunset.

- v. The material to be burned must be as dry as possible; and
  - vi. The wind direction at the site of the agricultural burning must be such that the smoke will generally be carried away from areas of human habitation.
- C. The Dispatch Center will inform the person 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.
- D. This Ordinance shall be enforced under the provisions of the Valencia County Burn Ordinance, being Ordinance 87-3, §7.1; and §68-2-16 NMSA 1978,
- E. Ban on open fires and contained open fires:
- i. The fire chief may impose a ban upon any or all types of open fires or contained open fires in the incorporated area of the City of Rio Communities if it is deemed that danger of forest, grass, or structural fires is found to be high, by competent evidence which may include:
  - ii. Any similar ban imposed under the authority of the Governor of the State of New Mexico;
  - iii. 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;
  - iv. 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.
  - v. During the time of ban of contained or open fires, an individual may call upon the Fire Chief for an exemption of such ban. After inspection of the containment structure, surrounding vegetation and potential fire fuel, and the immediate availability of fire suppression apparatus the fire chief may exempt from such ban the open fire or contained open fire requested by the applicant.
  - vi. Notice of such ban 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 fire department deems is appropriate under the circumstances.
  - vii. Any such ban 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.
  - viii. Any such ban shall state which of the following are to be included:
    - a. Open fires
    - b. Contained open fires
    - c. Or both



F. Any property damage caused by burning in accordance with this chapter or otherwise is the responsibility of the property owner or violator, whichever is applicable

2. Improper Handling of Fire: 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.

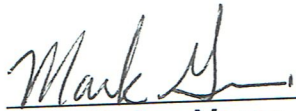
Provided, nothing herein shall constitute improper handling of fire where the fire is a backfire set for the purpose of stopping the progress of a fire then actually burning.

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

Penalty - Any person who shall fail, refuse, and/or neglect to comply with the provisions of this ordinance and/or shall resist or obstruct the enforcement officer from carrying out the duties and responsibilities as provided herein shall be issued a citation by the enforcement officer to appear in the City of Rio Communities Municipal Court for a hearing on the citation. Upon conviction thereof, the violator shall be subject to a fine of not more than \$500.00 or imprisonment for not more than 90 days in jail or both.

Severability – If any section, subsection, paragraph, phrase or other portion of this ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.

APPROVED, ADOPTED AND SIGNED this 8<sup>th</sup> day of October, 2013 by the  
Governing Body of the City of Rio Communities.



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Mark Gwinn, Mayor  
City of Rio Communities

ATTEST:



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Mary Lee Serna, Mayor Pro Tem  
City of Rio Communities