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RESOLUTION #05-13-21/109-60

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:

1. There is a burn ban for Otero County on all burning of open flames, fires, campfires, shrubbery or other material of any kind within the affected unincorporated area of the County.
2. Areas determined affected and declared within this resolution are;
 - a. Areas within the Lincoln National Forest as determined by: USFS Fire Restrictions, Bureau of Land Management (BLM) and New Mexico State Forestry Resolutions.
 - b. Private lands and sub-divisions located within, adjacent to or within close proximity of the outer boundaries of the Lincoln National Forest, BLM, and NM State Forestry as designated by the afore mentioned agencies.
 - c. All unincorporated areas of Otero County.
 - d. Campfires at commercial recreational campgrounds shall be exempt from this resolution provided that the designated areas, clear of vegetation within 30 feet are established.
 - e. Open flame cooking is allowed for charcoal grills, wood, coal, and gas fired appliances within yards associated with a residence or on the premises of a business.
3. 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.
4. Agriculture burns may still be permitted, provided New Mexico Smoke Management Program: Air Quality Bureau is contacted, 1-800-224-7009. Additionally, no ignition may start after 12:00 noon, must have an adult on site, must have a fire break that is equal to 1.5 times the height of the fuel, and must have a minimum of 50 gallons of water on site.

5. This Resolution is to remain in effect until it is rescinded by declaration of the Otero County Emergency Services Director upon his 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. Alternatively, The Board of County Commissioners may rescind or modify this Resolution at any duly convened public meeting of the Board of County Commissioners.
6. Failure to comply with the restrictions in this resolution may be chargeable under Otero County Ordinance 13-04 which can be found online at the county website: <https://co.otero.nm.us/>, <https://www.ecode360.com/28664283?highlight=13-04&searchId=14126662409450610#28664283>, Chapter 111 or a hard copy can be found at the Otero County Administration Building.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF MAY, 2021

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



Gerald Matherly, Chairman



Vickie Marquardt, Vice-Chair COMMISSIONER



Couy Griffin, Commissioner



Robyn Holmes, Otero County Clerk

