

TOWN OF PERALTA

ORDINANCE 2011-18

A BURN ORDINANCE FOR THE TOWN OF PERALTA, NEW MEXICO

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN
OF PERALTA, NEW MEXICO, AS FOLLOWS:

BURN ORDINANCE

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11-18-1 Title - Burn Ordinance

11-18-2 Intent or Purpose - This ordinance is intended to promote the general health, safety, and welfare of the people of the Town of Peralta and preserve the esthetic beauty of the Town by prohibiting the open burning of combustible materials, except as may be permitted by the Mayor. This ordinance shall not supersede New Mexico Environment Department Air Quality Bureau Open Burning Regulation 20.2.60 NMAC.

11-18-3 Definitions –

- A. “Town” means the Town of Peralta, New Mexico
- B. “Open Burning” means any manner of burning not in a device or chamber designed to achieve combustion where the products of combustion are emitted, directly or indirectly, into the air.
- C. “Enforcement Officer” is any law enforcement officer employed by the Town, the Peralta fire chief, and any other persons duly authorized by the Mayor and Council.
- D. “Person in Charge” shall mean the person in charge of the property including, but not limited to the owner, tenant, lessee, manager, occupant, or agent thereof.
- E. “Refuse” is anything rejected as worthless or useless, including, but not limited to, common household garbage, rubbish, hydrocarbon based material, and preservative treated scrap lumber, paper products, animal waste.
- F. “Dispatch Center” is the Valencia County Regional Dispatch Center which receives both non emergency and emergency calls for service from the citizens of Valencia County on a 24/7 coverage.
- G. “No Burn Day” is a day declared by the Dispatch Center to be unsafe for open burning based upon information provided by the National Weather Service.

11-18-4 Allowable Activities –

- A. Open burning is allowed for recreational, religious and ceremonial purposes, for barbecuing, for heating purposes in fireplaces, and for noncommercial cooking of food for human consumption.
- B. Open burning for the disposal of totally dried vegetation aftermath, such as, but not limited to leaves, grass clippings, ditches, agricultural fields and woody cuttings from shrubs and trees, only after notification of the open burn is made and only during the permissible burn hours.

11-18-5 Notification –

- A. Any person conducting an open burn within the Town will be required to call the Dispatch Center and give notification of the open burn, to include the person in charge and the location of the open burn.
- B. The Dispatch Center will inform the person requesting to conduct an open burn if the National Weather Service has declared a Red Flag Warning and Hazardous Weather Outlook day, referred to as a No Burn Day, for Valencia County. If the day is declared a “No Burn Day”, all types of fires and open burning will be prohibited until weather conditions change to provide for a safe burning environment.
- C. Open burning is permissive from one (1) hour after sunrise to one (1) hour before sunset during permitted burn days only.
- D. The Town Fire Chief or his designated representative shall have authority to cancel any or all open burning for life safety or protection of property.

11-18-6 Violations – It shall be unlawful for any person within the Town to conduct an open burn without complying with these specific operational requirements:

- A. Notification to the Dispatch Center of the intended open burn and location of the open burn.
- B. Conduct an open burn on an authorized Burn Day
- C. Conduct an open burn outside of the permissive burn hours of one (1) hour after sunrise to one (1) hour before sunset.
- D. Open burning shall be attended at all times.
- E. Shall establish and maintain means of fire control such as fire line, water source or other method of extinguishment.
- F. Refuse shall not be burned at any time.

11-18-7 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 Peralta 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.

11-18-8 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.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF MAY, 2011.


Bryan R. Olguin, Mayor


Christian Garcia, Councilor


Nancy (Pug) Burge, Councilor


Michael Leon Otero, Councilor

ATTEST


Ginger Shoemaker, Town Clerk