



ORDINANCE NO. 22-03

AN EMERGENCY ORDINANCE DECLARING HAZARDOUS FIRE CONDITIONS AND IMPOSING RESTRICTIONS ON OPEN FIRES, SMOKING AND OTHER IGNITION SOURCES

Be it ordained by the Town Council that because the current dry conditions and fire hazards represent an immediate danger to the public health, safety and welfare of the Town, the following prohibitions are hereby ADOPTED:

1. Consistent with its authority to provide for the safety and to preserve the health of the residents of the Town, and pursuant to NMSA 1978, Sections 3-17-1 and unincorporated areas of the Town of Taos:
 - a. Campfires;
 - b. Open fires, ember or ash of any kind;
 - c. Open burning of vegetation or rubbish;
 - d. Smoking within a Town park, campground or any wildland area except within an enclosed vehicle or building;
 - e. Littering on public roadways/areas with ignited smoking materials;
 - f. Use of off-road vehicles and motor bikes within Town parks, campgrounds and wildland areas shall be prohibited;
 - g. The issuance of licenses or permits for open burning are suspended except as noted below;
 - h. Special use permit required for all hot work.
2. The Fire Chief or Fire Marshal shall have the authority to grant exemptions from the Emergency Ordinance for an applicant seeking a burn permit. The exemption shall be granted by issuing the burn permit only after the Fire Chief or Fire Marshal has determined the adequate fire protection is available and all reasonable measures have been taken to mitigate the risk posed by the proposed burn.
3. Nothing herein shall be construed to limit the authority or responsibilities of the Town of Taos Fire Marshal or the Town of Taos Police Chief under the provisions of other ordinance.
4. Pursuant to NMSA 1978, Section 3-17-1, any individual, firm, partnership or other entity found violating this emergency ordinance shall be deemed guilty of a petty misdemeanor and may be punished by imprisonment for up to ninety day or a fine not to exceed three hundred dollars, or both.

5. If any article, section or provision of this Ordinance is deemed invalid or void, the remaining portions shall not be affective and shall be enforced accordingly.
6. The Town Council hereby declares an emergency relating to fire conditions within the Town, which constitutes an immediate danger to the public health, safety and welfare of the Town and its residents, and the ordinance shall take effect immediately upon adoption by the Town Council and recordation by the Town Clerk as required by statute. Due to the declared emergency and danger, no publication is required pursuant to Section 3-17-1. This Ordinance shall remain in effect for thirty days.

PASSED, APPROVED, AND ADOPTED, this 26th day of April 2022, at the Regular Meeting of the Town Council by the following vote:

Mayor Pro Tem Darien Fernandez	<u>Yes</u>
Councilmember Nathaniel Evans	<u>Yes</u>
Councilmember Corilia Ortega	<u>Yes</u>
Councilmember Marietta Fambro	<u>Yes</u>

THE TOWN OF TAOS

Pascualito Maestas, Mayor

ATTEST:

Francella Garcia, Town Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Town Attorney

APPROVED AS TO FORM:

Christopher Stachura, Town Attorney