

**ORDINANCE OF THE CITY OF SOCORRO  
SOCORRO COUNTY, NEW MEXICO**

**ORDINANCE 22-05-02**

**AN ORDINANCE DECLARING AN EMERGENCY WITHIN THE CITY OF SOCORRO, NM  
RESTRICTING OPEN AND CONTROLLED BURNS WITHIN CITY LIMITS**

- WHEREAS,** the City of Socorro, Socorro County, New Mexico has experienced years of excessive drought and dangerous fire conditions; and,
- WHEREAS,** NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have to power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,
- WHEREAS,** NMSA 1978, Section 3-17-3(A) (1973) eliminates the general ordinance publication requirements for ordinances “dealing with an emergency declared by the chairman of the governing body to be an immediate danger to the public health, safety and welfare of the municipality”; and,
- WHEREAS,** the danger of brush fires, grass fires, forest fires, and structure fires is extremely high in the State of New Mexico and especially the City of Socorro and Socorro County; and,
- WHEREAS,** current conditions such as relative humidity, weather and fuel content and condition create an extremely high fire hazard in the City of Socorro; and,
- WHEREAS,** the probability of ignition of material and fire spread is extremely high in the City of Socorro; and,
- WHEREAS,** due to warmer temperatures, lower humidity, high winds, and an abundance of dry, fine fuels, the fire danger is increasing throughout the state. The current COVID-19 pandemic only amplifies the current danger by putting an additional strain on firefighting resources; and,
- WHEREAS,** currently, devastating fires are burning out of control in our neighboring counties of Catron, Lincoln & Valencia, including the McBride Fire in Ruidoso which has destroyed 207 homes and caused two fatalities and the Big Hole fire near Belen which destroyed one home and nineteen outbuildings; and,

**WHEREAS,** the Socorro City Council finds, based upon the information supplied by the National Weather Service based on its most recent map dated April 14, 2022, that severe, extreme and exceptional drought conditions affect the City of Socorro; and,

**WHEREAS,** Mayor Bhasker and the Socorro City Council find that restrictions should be imposed upon open burning within the Socorro City Limits; and,

**WHEREAS,** Mayor Bhasker and the Socorro City Council find that there exists an immediate danger to the public health, safety, and welfare of the City of Socorro and its residents;

**NOW, THEREFORE, BE IT RESOLVED,** I, Ravi Bhasker, Mayor of the City of Socorro, in conjunction and agreement with the City Council, by virtue of the State of New Mexico Civil Emergency Preparedness Act (12-10-1 to 12-10-11 NMSA 1978) declare the City of Socorro an emergency area for the purposes of exercising necessary emergency powers and expenditures of available resources to minimize the probability and occurrence of unwanted fires and further declare the following types of open burning shall be prohibited unless a permit is obtained from the City of Socorro Fire Chief (or designee):

- A. Campfires ("Campfire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material);
- B. Pen Fires;
- C. Open burning of vegetation or rubbish; and,
- D. Any other smoke producing substance and material that creates a fire safety hazard.

Approved this 2<sup>nd</sup> day of May, 2022.

  
\_\_\_\_\_  
Ravi Bhasker, Mayor

ATTEST:

  
\_\_\_\_\_  
Leopoldo Pineda, City Clerk

**Section 1.**      **Effective Date and Duration**

Pursuant to NMSA 1978, Section 3-17-3(A) (1973), Mayor Bhasker and the Socorro City Council hereby declare it is necessary for the public peace, health, safety and welfare of our community that this Ordinance take effect immediately after passage. This Ordinance may be repealed by the Mayor or by a written finding of the Socorro Fire Chief that conditions have improved to the point this Ordinance is no longer necessary.

**Section 2.**      **Enforcement**

The City of Socorro Police Department, the City of Socorro Fire Department, and the City of Socorro Code Enforcement Department shall have the ability and duty to enforce this Ordinance.

**Section 3.**      **Permits**

The Socorro Fire Chief (or designee) may issue burn permits to allow for controlled fires (any fire that is not a campfire) between the hours of 5:00 a.m. and 10:00 a.m. and to allow for campfires at any time of the day if the conditions are determined to be safe by the Fire Chief. The Fire Chief (or designee) at his/her sole discretion may grant or deny permits to burn based on the relative humidity, wind conditions and available departmental manpower in the area of the proposed burn. The Fire Chief may place additional conditions on a burn permit based on the condition of the area to be burned and atmospheric conditions at the proposed burn time. The permit may be revoked at anytime by the Fire Chief (or designee) if the conditions for a safe burn cease to exist.

**Section 4.**      **Penalties**

Any violation of this Ordinance/Proclamation shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300.00) and/or up to ninety (90) days in jail.

**Section 5.**      **Severability**

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section, subsection, paragraph, sentence, clause, phrase or provision in this Ordinance/Proclamation is, for any reason, held to be unconstitutional, invalid or void, the remaining portion shall not be affected since it is the express intention of the Mayor and Council to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.



City of Socorro Burn Permit

PER EMERGENCY ORDINANCE 2022-05-02

Permittee Name:	Date of Permit Request:
Physical Address:	Contact Number:
Mailing Address if Different:	Driver's License Number:
PERMIT LOCATION REQUESTED:	Date of Burn Requested
FIRE DISTRICT:	FIRE CHIEF:
<p>Fire Permit for Exceptions to Ordinance is Requested:</p> <p>Type of Event:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Campfire</li> <li><input type="radio"/> Open fire</li> <li><input type="radio"/> Open burning of vegetation or rubbish</li> <li><input type="radio"/> Any other smoke producing substance and material that creates a fire safety hazard: Please explain: _____</li> </ul>	
<ul style="list-style-type: none"> <li><input type="radio"/> PERMIT AUTHORIZED</li> </ul> <p>This permit is subject to Federal, State and Local fire laws and regulation and to the conditions, rules and stipulation of the permit. Consult NM Regulation 20.2.60 NMAC for additional information regarding this permit.</p> <p>Conditions of permit:</p> <ol style="list-style-type: none"> <li>1. This permit is valid only on the date and location stated below.</li> <li>2. This permit must be shown on demand to a Fire or Law Enforcement Official.</li> <li>3. This permit is valid only if signed by the Permittee and subject to revocation for any violation or because of critical fire danger conditions as proclaimed.</li> <li>4. Authorized Permit Location: _____</li> <li>5. Authorized Times of Permit: _____</li> <li>6. Additional Terms &amp; Conditions: _____ _____</li> </ol>	
<p>I understand the terms of this permit and agree to comply with all its provision. All members of my party will do the same.</p> <p>Permittee's Signature: _____ Date: _____</p>	
<p><b>APPROVED</b></p>	
_____ City of Socorro Fire Chief	_____ Date