

**SIERRA COUNTY
ORDINANCE 2026-001 AND PROCLAMATION
RESTRICTING OPEN AND CONTROLLED BURNS
IN THE UNINCORPORATED AREAS OF SIERRA COUNTY**

WHEREAS, the Board of County Commissioners of Sierra County held a public hearing on March 17, 2025, at 10 a.m. at the County Administration Building, 1712 North Date Street, Truth or Consequences, NM 87901, to consider imposing restrictions on open and controlled burns; 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 the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 4-37-1 et seq. provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires in the State of New Mexico and especially Sierra County and the surrounding jurisdictions is high; and,

WHEREAS, the Board of County Commissioners finds, based upon current drought indices published by the national weather service and other information supplied by the United States forest service and New Mexico State Forestry that severe drought conditions affect the unincorporated areas of Sierra County; and,

WHEREAS, the Board of County Commissioners provide and declare a moratorium an open and controlled burning as detailed herein within the unincorporated area of the County; and,

WHEREAS, the possibility of fire situations will severely tax current local, state and federal resources; and,

WHEREAS, the Board of County Commissioners finds that there exists a danger to the public health, safety, and welfare of Sierra County.

NOW THEREFORE, BE IT ORDAINED AND PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

Section 1. The Board of County Commissioners hereby declares that Sierra County

is suffering from severe drought conditions and high fire hazard, which represents a significant immediately threat to the peace, safety, health and welfare of Sierra County.

Section 2.

The following types of open burning shall be prohibited unless a permit is obtained from the County Emergency Services Administrator:

- 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. Open fires;
- C. Open Burning, i.e., burning of croplands, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning is prohibited, except when all the following conditions are met:
 - 1. The cropland is irrigated;
 - 2. Burning is done with adequate planning;
 - 3. Adequate personnel are present to monitor and control the burn to ensure it does not become an uncontrolled fire;
 - 4. The burn area is secured from being uncontrolled at the end of daily operation; and
 - 5. At the beginning of each day, before ignition, the personal responsible for the burn notifies the County Emergency Services Administrator and follows all local burning guidelines and 20.2.60.111 NMAC, Open Burning of Vegetative Material related to state air quality; and,
- D. Any other smoke producing substance and material that creates a fire safety hazard.

Section 3. REPEAL OF PREVIOUS ORDINANCE

This Ordinance & Proclamation hereby replaces, repeals and supersedes all previous Ordinances and Proclamations regulating open fires and fireworks.

Section 4. EFFECTIVE DATE AND DURATION

Pursuant to NMSA 1978, Section 4-37-9 (C) (1997), the Board of County Commissioners hereby declares it is necessary for the public peace, health, safety and welfare that this Ordinance take effect immediately after passage. This Ordinance may be repealed by the Board or by a written

finding of the County Manager, after consultation with the Emergency Services Administrator, that conditions have improved to the point where this this Ordinance is no longer necessary.

Section 5. ENFORCEMENT

The Sheriff's Department of Sierra County and any other legally qualified law enforcement officer or any of their agents shall have the ability to enforce this Ordinance/Proclamation.

Section 6. PERMITS

The Sierra County Emergency Services Administrator may issue burn permits to allow for controlled fires (any fire that is not a campfire) between the hours of 8:00 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 Emergency Services Administrator. The Emergency Services Administrator may grant or deny permits to burn based on the relative humidity, wind conditions and available county fire-department manpower in the area of the proposed burn. The Emergency Services Administrator 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 any time by the Emergency Services Administrator if the conditions for a safe burn cease to exist.

Section 7. 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) and/or up to 90 days in jail.

Section 8. 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 Sierra County Board of County Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

Approved, Adopted, and Ordained this 17th day of March, 2026.

BOARD OF COUNTY COMMISSIONERS



JAMES PAXON, CHAIR



HANK HOPKINS, VICE-CHAIR

SANDY JONES, COMMISSIONER

ATTEST BY:



AMY WHITEHEAD, COUNTY CLERK

