



RESOLUTION 20-19

A RESOLUTION OF THE TOWN OF TAOS DECLARING FIRE CONDITIONS AND IMPOSING RESTRICTIONS ON OPEN FIRES, SMOKING AND OTHER IGNITION SOURCES

WHEREAS, the Town of Taos has ordained that below average precipitation, low soil, air and vegetative moisture, high fuel loads, combined with high wind conditions exist; and

WHEREAS, the area is impacted by “Severe Drought Conditions”, as determined by the National Weather Service (NWS), with above average temperatures and no relief in these conditions predicted by NWS and NOAA; and

WHEREAS, the Town of Taos has been experiencing increased water demand and acequias and surface water are experiencing low or no water availability due to the above persistent conditions; and

WHEREAS, the Town is already experiencing a national and state declared public health emergency that is placing additional workloads on the resources of the offices of the Town Fire Marshall, Fire Chief, Emergency Management and other first responder personnel and equipment; and

WHEREAS, the Council has received and reviewed the testimony and exhibits presented by the Fire Marshall, Fire Chief and Code Official that such conditions exist as to warrant precautionary and preventive action by the Town at this time,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TAOS, THAT BY THIS RESOLUTION WE THE ELECTED OFFICIALS OF THE TOWN OF TAOS DO HERBY DECLARE THE FOLLOWING:

I. Consistent with the Town’s authority to provide for the public’s safety and to preserve the health and welfare of the residents of the Town of Taos, pursuant to NMSA 1978, Section 4-

37-1, the Council does find that (a.) dangerous and potentially dangerous fire conditions do exist, and (b.) that the following fire restrictions should and are therefore imposed effective immediately:

1. OPEN BURNING IS PROHIBITED: Agricultural burning, bonfires, burning or igniting of explosives, flammable waste or fireworks, campfires, ceremonial fires, controlled burning, outdoor heating fires or devices, outdoor cooking fires, outdoor welding and hot torch burning, open burning on the ground or in barrels, open flames, slash pile burning, outdoor smoking and weed or grass burning.

2. SMOKING OUTDOORS: Smoking is restricted to designated areas, within structures, or inside vehicles equipped with ash trays and on paved, cemented or hard surfaced cleared areas with at least a three (3) foot diameter area that is cleared of any and all flammable materials. Cigarettes, cigars or other products being smoked must be extinguished in an appropriate non-combustible receptacle or container.

3. OUTDOOR COOKING: Charcoal barbeque grills and coal-burning stoves are classified as campfires and are prohibited. The use of gasoline or sterno for cooking or heating food outside is prohibited.

4. EXECEPTIONS: Outdoor barbeque grills fueled with propane, and commercial and commercially manufactured smokers, if used with adequate fire protection and defensible space, as defined in section 2, above, are permitted but should be used with caution and a hose or fire extinguisher available.

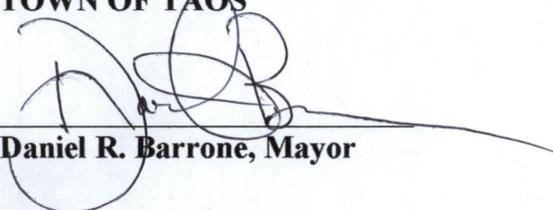
5. ENFORCEABILITY: Pursuant to this Resolution and the Town Code, any individual, firm, partnership or other entity found violating this Resolution shall be deemed guilty of a petty misdemeanor and may be punished by imprisonment for up to ninety (90) days, or a fine not to exceed three hundred dollars (\$300.00), or both, per violation of this Resolution. Each infraction may be deemed a separate violation subject to additional penalty(ies). If any article, section or provision of this Resolution is deemed invalid or void, the remaining portions shall not be affected and shall be enforced accordingly.

II. The restrictions imposed by this resolution shall remain in effect until weather conditions, to include moderating temperatures, wind and precipitation conditions, change as to remove the fire danger, or the restrictions are removed or extended by Council.

PASSED, APPROVED and ADOPTED, this 26th day of May, 2020, at the Regular Meeting of the Town Council by the following vote:

Mayor Pro Tem Nathaniel Evans	<u>Yes</u>
Councilmember Darien Fernandez	<u>Yes</u>
Councilmember George "Fritz" Hahn	<u>Yes</u>
Councilmember Pascualito Maestas	<u>Yes</u>

TOWN OF TAOS


Daniel R. Barrone, Mayor

ATTEST:



Francella Garcia, Town Clerk

APPROVED AS TO FORM


Stephen C. Ross, Town Attorney