

# **TOWN OF PERALTA**

## **ORDINANCE 2011-18, AMENDMENT # 1**

### **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 FOLLOWES:**

## **BURN ORDINANCE**

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11-18-1	Title – Burn Ordinance
11-18-2	Intent of Purpose

This ordinance is intended to promote the general health, safety, and welfare of the people 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. "Dispatched Center" is the Valencia County Regional Dispatch Center which receives both non-emergency and emergency call for service from the citizens of Valencia County on a 24/7 coverage.
- G. "No Burn Day" is the Valencia County Regional Dispatch Center to be unsafe for open burning based upon information provided by the National Weather Service.

11-18-4        Unrestricted Open Burning

- A. 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. These activities are not subject to the open burn criteria. This subsection does not apply to open burning for the purpose of waste disposal.
- 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 Valencia County Burn Line.
- B. If the day is declared a “No Burn Day”, open burning will be prohibited until weather conditions change to provide for a safe burning environment, as declared safe by authority having jurisdiction.
- 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 of 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 provision 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 therefor, 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.

**PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of September, 2017.**

**Town of Peralta Governing Body:**

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**Bryan R. Olguin, Mayor**

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**Michael Leon Otero, councilor Mayor Pro-tem**

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**Joseph Romero, Councilor**

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**Claudio Moya, Jr., Councilor**

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**Randy Smith, Councilor**

**Attest:**

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**Julie Pluemer, Clerk/Administrator**

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**Date**