

Chapter 25
FIRE PREVENTION

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fireworks — See Ch. 27.
Hazardous materials — See Ch. 36.

Nuisances — See Ch. 64.

ARTICLE I
Fire Code; Life Safety Code
[Adopted by Ord. No. 21 (Ch. 6, Art. 1, of the 1996 Village Code)]

§ 25-1. Uniform Fire Code; Life Safety Code.

The Village adopts, by reference, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the minimum state standards as adopted by the state known as the "Uniform Fire Code" and the "Life Safety Code." A copy of the code shall be available for review in the office of the Village Clerk/Treasurer and a copy shall be available in the Fire Department. The code is adopted and incorporated as if fully set out herein, and the provisions of the code shall be controlling within the Village limits.

§ 25-2. Enforcement.

The code shall be enforced by the Chief of the Fire Department.

§ 25-3. Definitions.

Whenever the word "municipality" is used in the code, it shall mean the Village.

§ 25-4. Modifications.

The Fire Chief shall have the power to modify any of the provisions of the code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.

§ 25-5. Appeals.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the Fire Chief's decision to the governing body within 30 days from the date of the decision appealed.

§ 25-6. Violations and penalties.

- A. Any person who shall violate any of the provisions of the code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, severally or each and every such violation and noncompliance respectively, shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code.
- B. The imposition of one penalty for any violations shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.
- C. The application of the penalty set forth in this section shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE II**Open Burning**

[Adopted by Ord. No. 112 (Ch. 6, Art. 2, of the 1996 Village Code)]

§ 25-7. Short title.

Sections 25-7 through 25-13 of this article shall be known and cited as the "Village Burning Ordinance."

§ 25-8. Purpose.

It is the intention of the governing body of the Village to regulate activities which pose a threat to the health, safety and welfare of the residents of the Village. Further, the governing body shall provide for fire prevention and public safety by regulating the burning of weeds and other nuisance vegetation within the Village.

§ 25-9. Enforcement.

It shall be the responsibility of the Fire Chief and the Marshal's office or their designee to enforce the requirements of this article.

§ 25-10. Regulations.

Persons desiring to burn shall first obtain a burn permit from the Village and observe and comply with the following regulations:

- A. A burn permit may be requested in person from the Village in the Village Clerk/Treasurer's office during regular operating hours. There is no cost involved in obtaining a permit.¹
- B. After acquiring a permit, before beginning burn, contact the Sandoval County open burn advisory phone number, (505) 867-7523, to obtain the burning hours for that day. Burning advisory will be updated daily by 8:00 a.m.
- C. Permits.
 - (1) The permit will be valid for a three-day period. Persons wishing to burn over a weekend must obtain a permit from the Village office prior to burning.
 - (2) The applicant shall provide the name, address and telephone number of the applicant and address of the burning site and certify that the applicant understands the burn permit regulations.
- D. Burn regulations.
 - (1) The Fire Chief, the Marshal or their designees shall have complete authority to grant, deny or revoke a burn permit if, in their opinion, an unwarranted fire hazard is likely to occur.
 - (2) Only thoroughly dried weeds may be burned.
 - (3) All burning shall be accomplished between the hours of 8:00 a.m. and 4:00 p.m. Fires shall be thoroughly extinguished and smoke completely dissipated by the end of the specified burn period.²

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (4) Dried weeds shall be burned only in an area not smaller than 20 feet by 20 feet, which has been totally cleared of all other combustible materials. Dried weeds shall not be stacked more than three feet by three feet by three feet high.
- (5) Only small amounts of weeds shall be placed on fire at a time to insure proper control of the fire.
- (6) A shovel, water hose, and water under pressure shall be readily available in case fire starts to get out of control.
- (7) The fire shall be kept under safe control at all times, and continuously under the supervision of an adult person 18 years of age or older. Under no circumstances shall a fire be left unattended at any time.³
- (8) The area for open burning shall be located not less than 25 feet from any combustible material.
- (9) Open burning is permitted for recreational and ceremonial purposes, barbecuing, for heating purposes in open fire pits, for warming by small wood fires at construction sites unless the state issues prior burning restrictions.
- (10) The emission of smoke shall not be allowed to pass on to or across a public road such that a hazard is created by impairment of visibility.
- (11) A burn permit shall be required for the scorching or searing of green weeds or other growing nuisance vegetation that do not exceed six inches in height. Scorching or searing burning shall be done only by use of a propane torch. No open fires are allowed for this purpose. The applicant shall comply with the regulations of this article. Green weeds or nuisance vegetation in excess of six inches must be mowed.

E. Agricultural burning.

- (1) Permits must be obtained prior to any or all agricultural burns. Agricultural burning includes open fields, ditch banks, easements and fence lines and other as specified by the Village and must meet all open burning guidelines.
- (2) Agricultural burning will be conducted according to current state guidelines which can be obtained from the County Fire Marshal's office or the State Forestry office.⁴

§ 25-11. Unauthorized burning.

- A. Permission is not granted, nor has it been previously granted, to burn leaves, wet or dry garbage, or trash or any other smoke-producing substances and materials. These create products of nuisance or pose a health hazard.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Incorporated by reference and adopted herein is Regulation No. 301 of the Ambient Air Quality Standards and Air Quality Control Regulations, which is on file in the office of the Village Clerk/Treasurer.
- C. Burning by a private citizen is not permitted on any municipal property or any municipal thoroughfare, right-of-way, easement or curb, unless specifically authorized by a burning permit.

§ 25-12. Emergency burning restrictions.

In periods of potential hazardous fire danger, due to the lack of precipitation during the winter months, high winds and low humidity or other such emergency situation, the Mayor may issue an emergency declaration restricting any outside open fire. The declaration shall be presented to the governing body at its next meeting for ratification. The declaration, at a minimum, shall state the time period that the declaration shall be in effect, the types of open fires prohibited; and shall be circulated to the general public by publication or posting in a manner to best convey the information to the residents of the Village.

§ 25-13. Violations and penalties.

Any person violating the provisions of this article or failing or neglecting to comply with any orders issued pursuant to this article:

- A. Shall be given a written warning for the first offense;
- B. Shall be cited for a second or subsequent offense;
- C. Upon conviction for any such violation, shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code.