

**CATRON COUNTY
EMERGENCY ORDINANCE 02-2026
PROHIBITING OPEN BURNING
IN THE UNINCORPORATED AREA OF CATRON COUNTY**

WHEREAS, the Board of County Commissioners met in a special meeting on March 18, 2026, at 9:00 AM at the Fire Administration Building, 3 Mountaineer Rd, Reserve, New Mexico 87830.

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, NMSA 1978, Section 4-37-7 (1975) eliminates the general ordinance publication requirement for ordinances “dealing with an emergency declared by the board of county commissioners to be an immediate danger to the public health, safety and welfare of the county;” and,

WHEREAS, the at the public hearing testimony from the fire service detailed that the danger of brush fires, grass fires, forest fires and structure fires is extremely high in Catron County; and,

WHEREAS, current conditions such as relative humidity, weather and fuel content and condition create an extremely high fire hazard in Catron County; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in Catron County; 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 the New Mexico State Forestry, that severe drought conditions affect

the unincorporated areas of Catron County; and,

WHEREAS, the Board of County Commissioners finds, based on a report by the New Mexico Forestry Division as well as observation, that the death of trees in the County has accelerated due to insects and prolonged drought conditions creating a unstable and dangerous level of fuel for wildfires; and,

WHEREAS, the Board of County Commissioners finds that restrictions should be imposed upon open burning within the unincorporated areas of Catron County; and,

WHEREAS, the Board of County Commissioners finds that there exists an immediate danger to the public health, safety, and welfare of Catron County; and

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

Section 1. The Board of County Commissioners hereby declares that Catron County is suffering from extremely or serious drought conditions and high fire hazards represent a significant immediately threat to the peace, safety, health and welfare of Catron County. .

Section 2. The following types of open burning shall be prohibited in the unincorporated areas of the County:

- 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 of vegetation or rubbish; and,
- D. Any other smoke producing substance and material that creates a fire safety hazard. (Reference Regulation #301 of the Ambient Air Quality Standards and Air Quality Control Regulation).

Section 3. 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, that conditions have improved to the point where this Ordinance is no longer necessary.

Section 4. ENFORCEMENT

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

Section 5. PENALTIES

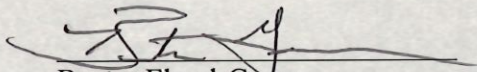
Any violation of this Ordinance shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300) and/or up to 90 days in jail.

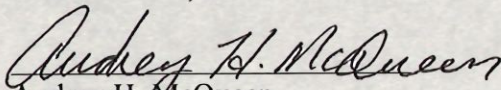
Section 6. SEVERABILITY

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 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 Catron 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 18th day of March 2026.

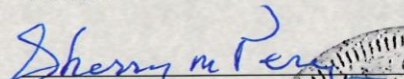
BOARD OF COUNTY COMMISSIONERS


Buster Floyd Green
Commissioner, District I


Audrey H. McQueen
Chair, District II

Haydn Forward
Vice-Chair, District III

Attest:


Sherry M. Perez, County Clerk

