

SANTA FE COUNTY  
ORDINANCE NO. 2006-7

AN ORDINANCE AMENDING ORDINANCE NO. 2006-4 TO  
ALLOW THE SANTA FE COUNTY FIRE DEPARTMENT  
CHIEF (OR DESIGNEE) TO ISSUE BURN PERMITS UNDER  
CERTAIN CIRCUMSTANCES AND SUBJECT TO CERTAIN  
CONDITIONS

**THE BCC HEREBY ORDAINS AS FOLLOWS:**

1. Ordinance No. 2006-4 is hereby amended by replacing the existing Section 6 with the following text:

“6. **Burn Permits.** Notwithstanding anything in this ordinance to the contrary, open fires and open burns conducted in strict conformance with a burn permit issued by the Santa Fe County Fire Department Chief (“Fire Chief”) or his designee in accordance with this section shall not be unlawful.

A.) **Burn Permit Application.** A person desiring a burn permit during the effective period of this ordinance shall submit an application to the Fire Chief or designee at least two (2) weeks before the requested burn date(s). The application shall be on a form prescribed by the Fire Chief and contain the following information:

- 1.) The legal description of the property on which the burn is to occur.
- 2.) Sufficient evidence of the property owner’s consent to the proposed burn.
- 3.) A detailed description of the proposed burn, including, but not limited to, the following:
  - a.) the proposed time(s) and date(s) of the burn;
  - b.) the purpose of the proposed burn;
  - c.) the incendiary materials and/or pyrotechnics that will be used in the burn;
  - d.) a description of the area in which the burn will occur as well as the area within 200 yards of the proposed burn area, including photographs of the area;
  - e.) a description of the type and amount of all fuels (e.g., fire wood, vehicles, buildings, etc.) to be involved with or consumed in the proposed burn, including photographs; and
  - f.) a description of all fuels (e.g., grasses, trees, hay, etc.) present within 200 yards of the proposed burn.
- 4.) A description of the safety precautions to be taken by the applicant to ensure that the burn does not get out of control. If the applicant proposes to provide the necessary fire suppression forces itself, the description of safety precautions shall include a description of the number, training, experience, and apparatus of the fire suppression personnel who will be

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on-site before any burning occurs and who will remain on-site until the Fire Chief or designee verifies that the fire is extinguished. Alternatively, the applicant may state that it desires to have the Santa Fe County Fire Department provide fire suppression apparatus and personnel, the costs for which will be borne by the applicant.

5.) An estimate of the value of the personal and real property at risk in the area within one half mile of the burn.

6.) A contract in which the applicant agrees to defend, indemnify, and hold harmless County and its Elected Officials, agents, and employees from any losses, liabilities, damages, demands, suits, causes of action, judgments, costs or expenses (including but not limited to court costs and attorneys' fees) resulting from or directly or indirectly arising out of any permitted burn.

7.) A water conservation and reuse plan that contains (i) a description of the steps the applicant will take to minimize the use of potable water in conjunction with the proposed burn; (ii) an estimate of the amount of potable water the applicant intends to bring to the burn site for possible use in conjunction with the proposed burn; (iii) a description of how potable water that is brought to the burn site but not actually used in conjunction with the burn will be put to productive use; and (iv) such other information as may be required by the Fire Chief (or designee) or the Santa Fe County Water Resources Department.

8.) Any other information, representations, and/or disclaimers requested by the Fire Chief or designee.

B.) Burn Permit Application Meeting and Site Inspection. Prior to making a decision on whether to issue a burn permit, the Fire Chief or designee shall have the right to meet with the applicant to discuss their application and to inspect the proposed burn site and surrounding area. The failure of the applicant to attend such meeting or allow such inspection shall be sufficient reason to deny the requested burn permit.

C.) Burn Permit Conditions. Upon concluding that the proposed burn, as modified during any discussions with the applicant, does not create an unacceptable risk to life, environment, or property, the Fire Chief or designee shall issue a burn permit that:

1.) Describes in detail the approved burn, including, but not limited to, the fuel to be consumed, incendiary and/or pyrotechnic devices and material to be used, the area in which the burn is to be conducted, and the time(s) and date(s) of the proposed burn.

2.) Describes the safety precautions the permit holder must take. If fire suppression apparatus and personnel are to be supplied by the Santa Fe County Fire Department, the permit must also include an estimate of the cost for such services and payment requirements.

3.) States that the burn permit is without force or effect unless the Fire Chief or designee gives on-site approval on burn day, such approval to be contingent upon:

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- a.) verification that site conditions remain as they were described in the application and at the time of the pre-permit on-site inspection (if any);
  - b.) verification that the required safety precautions have been taken; and
  - c.) verification that weather conditions (e.g., humidity and relative humidity levels, wind speed and direction, etc.) are such that it is reasonably safe for the burn to proceed.
- 4.) Sets forth insurance requirements, including the requirements (i) that Santa Fe County be a named, additional insured on all applicable policies and (ii) that certificates of insurance be provided to the Fire Chief or designee on burn day prior to the giving of on-site approval.
- 5.) Sets forth the permit holder's water conservation and reuse plan, which must be approved by both the Fire Chief (or designee) and the Santa Fe County Water Resources Department Director (or designee).
- 6.) Such other conditions as the Fire Chief or designee determine are necessary or appropriate to protect life and property.

D.) Violation of Burn Permit Conditions. Each violation of a burn permit condition shall be deemed to be a separate offense, subject to the penalties set forth in this Ordinance."

2. This Ordinance shall take effect thirty (30) days after it is duly recorded by the Santa Fe County Clerk.

APPROVED, ADOPTED, AND PASSED THIS 30<sup>TH</sup> DAY OF MAY 2006.

BOARD OF COUNTY COMMISSIONERS

*[Signature]*  
Harry B. Montoya, Chairman

ATTEST.

*[Signature]*  
Valerie Espinoza  
County Clerk

APPROVED AS TO FORM:

*[Signature]*  
Stephen C. Ross  
County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC ORDINANCE  
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I Hereby Certify That This Instrument Was Filed for Record On The 31<sup>ST</sup> Day Of May, A D , 2006 at 14:54 And Was Duly Recorded as Instrument # 1439648 Of The Records Of Santa Fe County

*[Signature]*  
Deputy \_\_\_\_\_ Witness My Hand And Seal Of Office Valerie Espinoza County Clerk, Santa Fe, NM