

VILLAGE OF RUIDOSO

ORDINANCE 2020-10

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES; CHAPTER 42 FIRE PREVENTION AND PROTECTION; ARTICLE III – STANDARDS FOR FIRE SAFETY AND FIRE HANDLING; SECTION 42-42 - OPEN FIRE AND FIRE RESTRICTIONS.

WHEREAS, the Village of Ruidoso has previously adopted an ordinance restricting the use of open fires within Village limits in 2008; and

WHEREAS, the Village of Ruidoso municipal code has not been updated since June 29, 2010; and

WHEREAS, the Village of Ruidoso municipal code Section 42-42 shall be amended to remove and strengthen language pertaining to open fires and fire restrictions to promote the health, safety and welfare of the community by regulations pertaining to such open fires and fire restrictions; and

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 42 Article II is hereby amended by the removal of existing text and addition of new text as follows:

Bold Underline is text that is proposed for adoption. ~~Strike-out~~ is language deleted.

Chapter 42- FIRE PREVENTION AND PROTECTION

ARTICLE III.- Standards for Fire Safety and Fire Handling

Sec. 42-42.- Open fire and fire restrictions

- ~~(a) Open fires are defined for the purpose of this article as any fire which is not fully contained within a structure. Open fires will be allowed to various degrees depending on posted fire danger and fire restrictions (level I normal, level II very high, and level III extreme). The fire chief will post the fire restrictions commensurate with an approved VOR severity plan.~~
- ~~(b) Open fires are only permitted as follows:~~
- ~~(1) Open wood-burning fires are only permitted during normal fire danger (level I) and only if maintained in a constructed fire pit or fire containment device meeting the following requirements:
 - ~~a. The bed of any open fire or fire containment device may not be more than 36 inches in diameter and raised devices must be supported by a solid barrier to keep ash from falling through.~~
 - ~~b. Be surrounded by a six-foot safety radius that contains no combustible materials on the ground or overhead.~~
 - ~~c. Have a sufficient water supply immediately available.~~
 - ~~d. Have been inspected by the fire chief or fire marshal and issued an open fire permit.~~~~
 - ~~(2) Use of a wood-burning portable outdoor fireplace, grill or stove is only permitted during normal fire danger (level I). The unit must meet the following design criteria:~~

- a. ~~Be commercially constructed and have a screen or grate that completely contains flying embers or sparks within the device.~~
 - b. ~~Fully enclose the fire area with either solid barriers or spark-arresting materials. Gaps and holes in spark-arresting materials must not be more than one-fourth-inch.~~
 - c. ~~If the unit is homemade it must be inspected by the fire chief or fire marshal and be issued an open fire permit.~~
- (3) ~~Use of a charcoal or wood briquette grill is permitted only when the fire danger is rated normal (level I).~~
 - (4) ~~Use of gas-operated appliances (gasoline, natural gas or propane) is permitted during levels I and II. During level III, the fire chief or fire marshal may ban use of gas-operated appliances if conditions warrant.~~
 - (5) ~~Open fires conducted while in pursuit of one's profession (welding, hot tar roofing, etc.) will require an open fire permit during level III.~~
 - (6) ~~Unique activities (pep rally bonfire, religious ceremony, prescribed burn, etc.) can be conducted under the provisions of an open fire permit issued by the fire marshal only during level I.~~
 - (7) ~~Smoking outside of an enclosed vehicle or structure is permitted during level I. Permitted smoking areas at businesses may be established via an open fire permit during level II. No outside smoking is permitted during level III.~~
 - (8) ~~The fire chief, with approval of the village manager, may close remote sections of village-owned properties during level III.~~
 - (9) ~~The fire chief retains the power to waive fees associated with any open fire permit as deemed appropriate with nonprofit fund raisers.~~

(a) Open fires are defined, for the purpose of this ordinance, as any visible flame which is not contained within a fully enclosed building. Open fires will be allowed to various degrees depending on posted fire danger, fire restrictions, and permitting.

(1) Open fires are only permitted as follows: Open Fires are only allowed if the following requirements are met and a permit is issued.

(b) Recreational Fire Devices - Recreational fire devices are defined, for the purpose of this ordinance, as any fire pit or device which produces a visible flame or an ember and is intended for the purpose of ambiance, entertainment, or warming for recreation.

(1) Wood Burning Devices

a. Wood-burning fires must be maintained in a commercially constructed and commercially approved fire pit or fire containment device meeting the following requirements:

- 1. Contents must be completely contained - no open front and no open chimney.**
- 2. The bed of any open fire or fire containment device may not be more than 36 inches in diameter.**
- 3. If raised, the device cannot allow embers or ash to fall through to the ground below.**
- 4. Be surrounded by a six-foot safety radius that contains no combustible materials on the ground or overhead.**
- 5. Must be at least fifteen feet from any structure.**

6. Completely covered by a metal screen with holes no larger than one-quarter inch.
7. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.
8. Be immovable and non-portable.
9. Have been inspected by the Fire Chief (or his/her designee) and issued an open fire permit.
10. Have an on-site, valid permit which can be physically produced upon request.
11. Wood burning recreational fires are not allowed on Village of Ruidoso property such as parks, lakes and campgrounds.

(2) Gas Burning Devices

- a. Gas-burning fires must be commercially constructed and commercially approved; meeting the following requirements:
 1. Must be at least fifteen feet from any structure.
 2. Be surrounded by a six-foot safety radius that contains no combustible materials on the ground or overhead.
 3. If permanent, must be installed, inspected and pressure tested by a professional who is licensed to perform such inspections and tests.
 4. Have an easily identifiable and easily operational means to shut the fuel supply off.
 5. Have been inspected by the Fire Chief (or his/her designee) and issued an open fire permit.
 6. Have an on-site, valid permit which can be physically produced upon request.
 7. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.
 8. Gas burning recreational fires are not allowed on Village of Ruidoso property such as parks, lakes and campgrounds.

(3) Outdoor Heating Devices

- a. Patio LP gas devices
 1. Must be commercially constructed, commercially approved, and used according to intended purpose only.
 2. Must be equipped with an anti-tilt safety switch.
 3. Must be at least 18 inches from any combustible materials.
 4. If the device produces any visible flame, the device must adhere to the "Recreational Fire Devices" portion of this ordinance.

b. Electric Heating Devices

- 1. Must be commercially constructed, commercially approved, and used according to intended purpose only.**
- 2. Must be attached directly to a GFCI outlet with no extension cord or multi-outlet power strip.**

c. Wood Burning Heat Devices

- 1. Must adhere to the "Recreational Fire Devices" portion of this ordinance.**
- 2. Wood burning fires are not allowed on Village of Ruidoso property such as parks, lakes and campgrounds.**

(b) Cooking Devices and Appliances

(1) Wood or Charcoal Cooking Devices

a. The unit must meet the following criteria:

- 1. Be at least 36 inches from combustible materials such as house siding or covered decking material.**
- 2. Be commercially constructed and used according to the designed function of cooking only.**
- 3. Have a screen or grate that completely contains flying embers or sparks within the device.**
- 4. Fully enclose the fire area with either solid barriers or spark-arresting materials. Gaps and holes in spark-arresting materials must not be more than one-quarter inch.**
- 5. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.**
- 6. If the unit is homemade it must be inspected by the Fire Chief (or his/her designee) and be issued an open fire permit. This permit must be on-site, valid, and physically produced upon request.**
- 7. Wood and charcoal cooking devices are not allowed on Village of Ruidoso property such as parks, lakes and campgrounds.**

(2) Gas Cooking Devices

a. The unit must meet the following criteria:

- 1. Be at least 36 inches from combustible materials such as house siding or covered decking material.**
- 2. Be commercially constructed, commercially approved, and used according to the designed function of cooking only.**
- 3. Be free from excessive grease.**
- 4. Have an easily identifiable and easily operational means to shut the fuel supply off.**

5. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.
6. Natural Gas cooking devices must be installed, inspected and pressure tested by a professional who is licensed to perform such inspections and tests.

(3) Pellet Burning Devices

- a. The unit must meet the following criteria:
 1. Be at least 36 inches from combustible materials such as house siding or covered decking material.
 2. Be commercially constructed and used according to the designed function of cooking only.
 3. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.

(c) Other uses of fire

(1) Open fires conducted while in pursuit of one's profession (welding, hot tar roofing, driveway sealing, etc.) are allowed as follows:

- a. Have a sufficient water supply (or appropriate extinguishing agent) within 5 feet to immediately extinguish an ignition of vegetation or ordinary combustibles.

(2) Fireworks of any sort are not allowed at any time.

(3) Unique activities (pep rally bonfire, religious ceremony, prescribed burn, etc.) must be inspected by the Fire Chief (or his/her designee) and be issued an open fire permit. This permit must be on-site, valid, and physically produced upon request. Location, amount of combustible material used, water supply and safety survey will all be determined by the Fire Chief or his/her designee.

(4) Smoking outside of an enclosed vehicle or structure is permitted if in accordance with the current State of New Mexico Statutes and not otherwise prohibited by current fire restrictions.

(5) Burning of refuse, construction materials, pine needles, weeds, lawn or the like is prohibited at all times.

(d) Fire Restrictions

The Fire Chief has the authority to set restrictions on outdoor fire pits, outdoor cooking devices, outdoor smoking, fire use as it pertains to one's profession (such as welding), special use fires and all other uses of fire which could contribute to a wildland fire event. These restrictions are based on fire potential as it relates to fuel moisture, wind, and daily temperatures. The restrictions are generally as follows:

(1) Level I

- a. Outdoor cooking is allowed so long as the device meets the criteria as stated in this ordinance.

- b. Permitted outdoor recreational fires are allowed so long as they meet the criteria as stated in this ordinance.
- c. Campfires and any unpermitted recreational fire devices are not allowed.
- d. Outdoor smoking is allowed so long as it meets the criteria of the New Mexico state statutes.
- e. Open fire as it relates to one's profession (such as welding) is allowed so long as it meets the criteria of this ordinance.
- f. Fireworks of any form are prohibited.

(2) Level II

- a. Any cooking or recreational device that uses charcoal or wood are not allowed.
- b. Gas and pellet stoves are allowed so long as they meet the criteria of this ordinance.
- c. Campfires and any unpermitted recreational fire devices are not allowed.
- d. Smoking is not allowed on public or private property, except within an enclosed vehicle or building (unless in areas specifically permitted by the Fire Chief or his/her designee - this permit must be on-site, valid, and physically produced upon request).
- e. Operating a chainsaw or other equipment powered by an internal combustion engine is allowed so long as it is equipped with a spark arresting device and is in effective working order.
- f. Open fires conducted while in pursuit of one's profession (welding, hot tar roofing, driveway sealing, etc.) are allowed by permit only.
- g. All issued fire permits for recreational fire devices and wood burning heat devices are void. Voided fire permits will be valid when fire danger lowers to Level I until they expire.
- h. Fireworks of any form are prohibited.

(3) Level III

- a. All outdoor cooking fires which use charcoal or wood are prohibited.
- b. Gas and pellet cooking devices are allowed with the following requirements so long as they meet the requirements of this ordinance. These must be attended to at all times during use.
- c. All outdoor recreational fires are prohibited.
- d. Campfires are prohibited.
- e. All issued fire permits are void. Voided fire permits will be valid when fire danger lowers to Level I until they expire.
- f. Welding, metal grinding, hot tar roofing, driveway sealing, oxy acetylene metal cutting, and any other work which produces a hot ember or visible flame are not allowed.

g. Operation of a chainsaw or other equipment powered by an internal combustion engine is prohibited from 10:00 a.m. until 6:00 p.m.

h. Outdoor smoking is not allowed.

i. Fireworks of any form are prohibited.

(4) Special Circumstances

a. The Ruidoso Fire Department retains the right to declare any outdoor fire disallowed under special circumstances such as red-flag weather, wind events, or any other condition which would make the responding personnel feel the device is unsafe based on conditions.

(e) Fire Permits

(1) Fire permits will be issued through the Ruidoso Fire Department and are \$200 per permit. Each permit is only valid for one specific device or event. Fire permits are valid for 1 full year or until fire restrictions invalidate said permit. Permits which are deemed invalid due to fire danger will again be valid when fire danger is at Level I. Issued fire permits must be on-site and produced upon request. The Fire Chief retains the power to waive fees associated with any open fire permit as deemed appropriate with non-profit fundraisers. Items requiring a fire permit are:

- a. Any open flame that is not associated with cooking.
- b. Any use of fire that is forbidden under the current fire restriction.

(f) ~~Unauthorized use of fire~~ Violations; Penalties.

Any use of fire that is found to be unauthorized according to this ordinance will be considered “unauthorized use of fire” and will be subject to a \$500 fine. Any person who violates any of the provisions of the codes adopted by this article or fails to comply therewith shall be subject to a misdemeanor and with a maximum penalty of \$500 and 90 days in jail.

Passed, Approved and Adopted this 12th day of January, 2021.

Lynn D. Crawford, Mayor

(SEAL)

Attest: _____
Ronald L. Sena, Village Clerk