

**AMENDMENT TO FIRE PREVENTION
CODE OF COLFAX COUNTY**

ORDINANCE NO. 2007-01

**AN ORDINANCE AMENDING
ORDINANCE NO. 2006-1
AN ORDINANCE ESTABLISHING THE POSITION OF
COLFAX COUNTY FIRE MARSHAL, AUTHORIZING BURN
RESTRICTIONS AND ADOPTING NATIONAL FIRE
SAFETY CODE CONCERNING OPEN FIRES
AND OTHER MATTERS.**

WHEREAS, the Board of Commissioners of Colfax County, New Mexico (County) desires to protect the health, safety and welfare of all persons in Colfax County; and

WHEREAS, the County desires to protect the persons and property located in the unincorporated areas of County from hazardous conditions, through the establishment of the position of Colfax County Fire Marshal; and

WHEREAS, the County desires to protect the persons and property located in the unincorporated areas of County from hazardous conditions, through restrictions on open fires, the issuance of burn permits, and the collection of fees relating to burning in the County; and

WHEREAS, the County believes in best management practices for agriculture that provides for Prescribed burns when necessary; and

WHEREAS, the County desires to protect the persons and property located in the unincorporated areas of County from hazardous conditions, through the adoption and enforcement of provisions of the National Fire Safety Codes, Uniform Fire Code, 2003 Edition, NFPA 1; and

WHEREAS, the New Mexico Environment Department has issued its air quality regulation for open burning (10.2.60 NMAC), effective December 31, 2003, which provides, in part, that

permits for open burning from the Environmental Department are no longer required as part of the permitting process; and

WHEREAS, the County desires to adopt and enforce portions of the National Safety Codes to guide its enforcement activities; and

WHEREAS, the County desires to require all persons within the unincorporated areas of Colfax County to acquire a County issued permit prior to commencing open burning in the County; and

WHEREAS, it is necessary to provide a penalty for the violation of this ordinance, and

WHEREAS, County has adopted Ordinance 2006-1, and the County desires to amend such ordinance to permit its District Fire Chiefs to issue permits required in such ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COLFAX COUNTY, NEW MEXICO that:

A. Section 3. of Colfax County Ordinance 2006-1 is hereby amended as follows:

SECTION 3. PERMITS.

Permits authorizing burning within Colfax County may be issued by the Fire Marshall or the District Fire Chief or Chiefs for the location where the applicant proposes to ignite such fire. The County District Fire Chief of the district in which the permit in question is to be issued shall coordinate with the County Fire Marshal's office or the Colfax County Manager's Office. The application, permit and permit fee for burning within the County shall be in the form and in the amount that the Board of Commissioners of Colfax County, New Mexico shall authorize and establish by resolution.

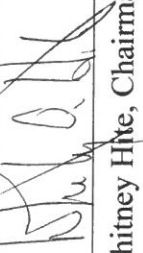
All of the remaining terms and provisions of Colfax County Ordinance 2006-1 shall remain in full force and effect, unaffected by this amendment.

B. The Board of Commissioners of Colfax County, New Mexico does hereby declare that it is necessary for the public peace, health and safety that this ordinance amending Colfax County Ordinance 2006-1 take effect immediately after passage, and therefore this ordinance shall take effect when it is recorded in the book kept by the county for that purpose and authenticated by the signature of the county clerk.

NOW, THEREFORE, by virtue of the power vested in us as duly elected members of the Board of County Commissioners of Colfax County, New Mexico, under the Laws of the State of New Mexico, we do hereby approve, ratify, adopt and promulgate this ordinance amending the "Fire Prevention Code of Colfax County, No. 2006-1" and authorize and direct the Colfax County Clerk to file, record and publish such ordinance as required by law.

Done in open meeting this 27th day of April, 2007.

BOARD OF COMMISSIONERS
OF COLFAX COUNTY, NEW MEXICO



Whitney Hie, Chairman



Jim Maldonado, Vice Chairman



William H. Conley, Commissioner



ATTEST:



Rayetta Trujillo, Clerk of the Board