



**EMERGENCY ORDINANCE 2026-03-01**  
**RESTRICTING OPEN AND CONTROLLED BURNS**  
**IN THE UNINCORPORATED AREAS OF GUADALUPE COUNTY**

**WHEREAS**, the Board of County Commissioners of Guadalupe County held a public hearing on March 19, 2026, at 9 a.m. at the in the Pecos Theater Meeting Room, 219 South Fourth Street, Santa Rosa, NM 88435 to consider imposing restrictions on open and controlled burns; and,

**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**, the danger of brush fires, grass fires, forest fires and structure fires in the State of New Mexico and especially Guadalupe County and the surrounding jurisdictions is high; 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 New Mexico State Forestry that severe drought conditions affect the unincorporated areas of Guadalupe County; and,

**WHEREAS**, the Board of County Commissioners provides and declares a moratorium on open and controlled burning as detailed herein within the unincorporated area of the County; and,

**WHEREAS**, the possibility of fire situations will severely tax current local, state and federal resources; and,

**WHEREAS**, the Board of County Commissioners finds that there exists a danger to the public health, safety, and welfare of Guadalupe County.

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

### **Section 1. Findings.**

The Board of County Commissioners hereby declares that Guadalupe County is suffering from severe drought conditions and high fire hazard, which represents a significant immediate threat to the peace, safety, health, and welfare of Guadalupe County.

### **Section 2. Prohibited Buring**

The following types of open burning shall be prohibited unless a permit is obtained from their jurisdiction's Fire Chief:

- A. **Campfires** (defined as a fire set for cooking, warming, or ceremonial purposes, not more than three feet in diameter by three feet high, with a five-foot radius cleared of combustible material);
- B. **Open fires**;
- C. **Open burning**, including cropland, rangeland, debris burning, slash piles, prescribed burning, or weed burning, is prohibited except under the following conditions:
  - i. The cropland is irrigated;
  - ii. Burning is planned and monitored;
  - iii. Adequate personnel are present;
  - iv. Burn area is secured at end of daily operations; and
  - v. Dispatch is notified each day prior to ignition and state/local guidelines (including 20.2.60.111 NMAC) are followed;
- D. Any other smoke-producing material creating a fire hazard.

### **Section 3. Repeal of Previous Ordinances**

This Ordinance hereby replaces, repeals, and supersedes all previous ordinances and proclamations regulating open fires and fireworks in Guadalupe County.

### **Section 4. Effective Date and Duration**

Pursuant to NMSA 1978, Section 4-37-9(C) (1997), this Ordinance shall take effect immediately upon passage. It may be repealed by the Board or upon a written finding by the County Manager that conditions have improved and the Ordinance is no longer necessary.

### **Section 5. Enforcement**

The Guadalupe County Sheriff's Department and any other qualified law enforcement agency may enforce this Ordinance

### **Section 6. Permits**

The respective County fire chiefs may issue burn permits for controlled fires within their respective jurisdictions (excluding campfires) between 8:00 a.m. and 10:00 a.m., and for campfires at any time, if determined safe. Permits may include conditions and may be revoked at any time based on atmospheric and safety considerations.

### **Section 7. Penalties**

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

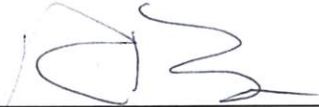
**Section 8. Severability**


If any part of this Ordinance is held to be invalid, the remainder shall not be affected. It is the express intent of the Guadalupe County Board of County Commissioners to enact all provisions separately and independently.

**APPROVED, ADOPTED, AND ORDAINED THIS 19<sup>TH</sup> DAY OF MARCH 2026.**

**GUADALUPE COUNTY BOARD OF COMMISSIONERS**

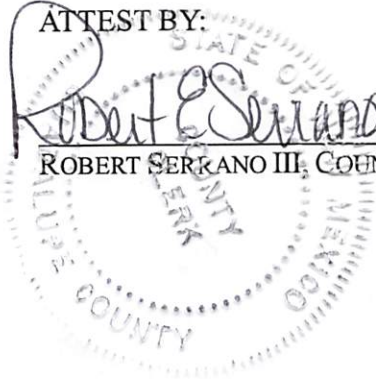
\_\_\_\_\_  
RICKY A. CHAVEZ, COMMISSIONER  
DISTRICT I

  
\_\_\_\_\_  
DR. RANDAL W. BROWN, CHAIRMAN  
DISTRICT II

  
\_\_\_\_\_  
ALBERT E. CAMPOS, JR., VICE-CHAIRMAN  
DISTRICT III

ATTEST BY:

  
\_\_\_\_\_  
ROBERT SERRANO III, COUNTY CLERK



1  
The undersigned Clerk of the Court of Sessions for the County of New York, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the Court of Sessions for the County of New York.

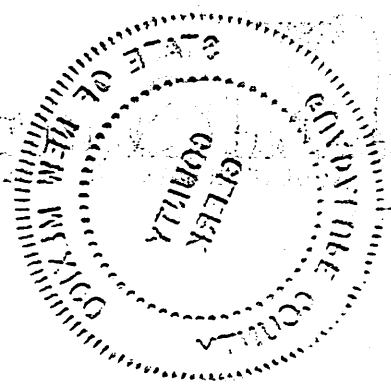
Witness my hand and the seal of the Court of Sessions for the County of New York, at New York, this 1st day of January, 1901.

*[Signature]*  
Clerk of the Court of Sessions for the County of New York

*[Signature]*  
Clerk of the Court of Sessions for the County of New York

*[Signature]*  
Clerk of the Court of Sessions for the County of New York

*[Signature]*



GUADALUPE COUNTY FIRE DEPARTMENT

APPLICATION AND PERMIT FOR OPEN BURNING PURSUANT TO EMERGENCY  
ORDINANCE 2026-03-01

Permit No. \_\_\_\_\_

Date Issued: \_\_\_\_\_

Permit Expiration: \_\_\_\_\_

**I. Applicant Information**

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email (if available): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Burn Location (physical address or legal description):

\_\_\_\_\_

**II. Type of Burn (check all that apply)**

Campfire (no larger than 3' diameter by 3' high, cleared area 5' around)

Rangeland or Cropland Burn

Debris or Slash Pile

Prescribed Burn

Weed Burning

Other (describe): \_\_\_\_\_

**III. Burn Details**

Date(s) of Burn: \_\_\_\_\_

Time Window for Burn:  8:00 a.m. to 10:00 a.m.  Other: \_\_\_\_\_

Estimated Size of Area or Material to be Burned: \_\_\_\_\_

Personnel On-Site to Monitor Burn: \_\_\_\_\_

Water Source/Fire Suppression Equipment Available: \_\_\_\_\_

Has Dispatch been notified?  Yes  Will notify prior to ignition

**IV. Conditions of Permit**

- Burn may only occur during weather conditions deemed safe by the Fire Chief.
- Permit holder is responsible for ensuring adequate personnel and equipment are present.
- Burn area must be secured at the conclusion of the operation.
- Applicant must follow all applicable local, state, and federal air quality standards including 20.2.60.111 NMAC.
- This permit is revocable at any time at the discretion of the Fire Chief.
- The permit is valid only for the dates and location listed above.

**V. Acknowledgment of Penalties**

**NOTICE:** Pursuant to Section 7 of Guadalupe County Ordinance 2025-\_\_\_\_, any violation of the burn restrictions or failure to comply with the terms of this permit may be deemed a misdemeanor offense and is punishable by a fine of up to \$300 and/or 90 days in jail.

**Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\_\_\_\_\_

*FOR OFFICIAL USE ONLY*

\_\_\_\_\_

Approved

Denied

Revoked

**Fire Chief Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Conditions/Comments:**

\_\_\_\_\_

\_\_\_\_\_