

**VILLAGE OF TAOS SKI VALLEY
ORDINANCE 04-2**

**AN ORDINANCE RELATING TO OPEN FIRES, FIREWORKS
AND THE USE OF PUBLIC PROPERTY; REGULATING THE
USE OF FIREWORKS AND OPEN FIRES AND PROHIBITING THE
USE OF OPEN FIRES DURING PERIODS WHEN THE FIRE CHIEF
FINDS THAT THE FIRE DANGER IS HIGH; PROVIDING A PENALTY AND
REPEALING ORDINANCE 97-2.**

WHEREAS, the continued health, safety and general welfare of the citizens and visitors of the Village of Taos Ski Valley are of primary concern; and

WHEREAS, the ultimate protection of the Village of Taos Ski Valley's associated critical resources ensures its year-round economic well-being; and

WHEREAS, the Village of Taos Ski Valley is situated in a National Forest and is dependent on the natural beauty of the surrounding area as an attraction to year-round visitors to the area; and;

WHEREAS, the danger of fire in the National Forest is always present and is, during dry times, very high; and

WHEREAS, the destruction of the buildings in the Village or the destruction of the surrounding National Forest would create significant safety and health hazards and would devastate the Village's economy; and

WHEREAS, the Village of Taos Ski Valley has a compelling interest in minimizing the hazards of fire to its residents and visitors and has selected means narrowly tailored to this end:

BE IT ORDERED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY THAT:

1. Possession and Sale of Fireworks:

It is unlawful to manufacture, sell, offer to sell, own, possess or discharge any aerial fireworks device or ground audible device within the Village limits of the Village of Taos Ski Valley, without first obtaining a permit from the Village fire chief. During periods of extreme fire danger, the fire chief may refuse to issue any such permit

a. For purposes of this ordinance, an aerial fireworks device is any device that, upon ignition, propels itself or an insert more than eight feet into the air; and

b. For purposes of this ordinance, a ground audible device is any fireworks intended to function on the ground that produce an audible effect. This includes but is not limited to firecrackers of any type and size, cherry bombs, M-80s, and other exploding devices and any device producing a loud report, whistle or shriek.

2. Public Parks, Streets, Alleys and Sidewalks

It is unlawful to intentionally cause, create, tend or allow an open fire of any type, or display or discharge any fireworks of any kind, including but not limited to firecrackers, cherry bombs, M-80s, Roman candles, sky rockets, torpedo bombs, or any other type of pyrotechnic device in or on any municipally owned property including buildings, parking lots, parks, recreation areas, streets, alleys, avenues, sidewalks, curbs, gutters or public grounds. Barbeque fires in an approved barbeque container are allowed without a permit, unless, during a period of extreme fire danger, the Village fire chief prohibits their use.

3. Open Fire

a. Any person desiring to burn trees, limbs, branches or other wood-based product, in an open fire, must first obtain a burning permit from the fire chief. Such fires must have appropriate hand tools and a method for extinguishing the fire close at hand. The burning of construction waste, trash or other non-wood-based products in open fires is prohibited.

b. The fire chief may refuse to issue any permit for an open fire during periods of extreme fire danger in the Village. During such a period, the fire chief may also ban any open flame or spark that emanates more than four inches from its source.

c. The majority of ski area property managed by Taos Ski Valley, Inc. is under the jurisdiction of the United States Department of Agriculture Forest Service, and that ski area maintenance periodically requires the open burning of vegetation; and that ski area maintenance burning will remain under the continued jurisdiction of the USDA Forest Service. However, for broad based public safety, these burnings should only take place after communication with the fire chief of the Village of Taos Ski Valley.

4. Appeal

Any person aggrieved by a denial of a permit or a ban may appeal the fire chief's action

to the Village Council. Such appeal shall be in writing, shall be filed with the Village Clerk no later than two (2) business days after the denial or the imposition of the ban and will be decided at or before the next regularly scheduled council meeting. Any ban that is appealed shall remain in effect during the pendency of an appeal.

5. Public Display

The Village Fire Chief may, on application, allow any municipal or civic organization to conduct an officially supervised and controlled fireworks display by a licensed and bonded fireworks display contractor in connection with any public celebration.

6. Severability

Should any section or subsection or clause of this ordinance be found to be in violation of state statute or other law or otherwise unenforceable, that section, subsection or clause shall be deemed severed and the remaining sections shall remain in full force and effect.

7. Penalties

The penalties for any violation of this ordinance shall be a fine or not more than \$500.00 and imprisonment for not more than ninety (90) days or both.

8. Repealing 97-2

Ordinance 97-2 is hereby repealed.

PASSED, APPROVED AND ADOPTED this 5th day of August, 2003.

ATTEST:

Clerk-Treasurer

Vote: For ____ Against ____