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TORRANCE COUNTY

ROAD EXCAVATION ORDINANCE NO. 98-2

AN ORDINANCE REGULATING PROCEDURES FOR DISTURBING AND REPAIRING COUNTY PROPERTY AND RIGHTS OF WAY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO:

SECTION 1. TITLE

This ordinance shall be known as the Torrance County Road Excavation Permit Ordinance.

SECTION 2. GENERAL POLICY

- A. It shall be unlawful for any person to make any excavation, cut, trench, tie-in to an existing county road, place an aerial crossing under (15') fifteen feet high and any line carrying 110 volts or higher, or remove material from any county road or right-of-way without first applying for and securing a permit from the Torrance County Road Department and complying fully with all the provisions of this ordinance.
- B. All utility construction and road restoration shall be in accordance with Torrance County specifications.
- C. Should any conflict exist between the provisions of this ordinance and other applicable laws, the most stringent regulations shall apply.

SECTION 3. EXCAVATION, DRIVEWAY PERMITS, FEES AND APPROVALS

- A. The permit must be applied for and approved. Once the permit is issued, it will be valid for fifteen (15) working days at which time it will expire. Upon written request a permit may be extended at no extra charge.
- B. The permit applications must be accompanied by a fee of \$50.00 for the first (60') sixty feet and an additional cost of (.06) six cents each additional foot, for any of the purposes set forth in Section 2, paragraph A. Fees are to be collected by the Torrance County Road Department Office and deposited with the County Treasurer in the County Road Fund. Torrance County is not required to obtain a permit for any of its activities.

SECTION 4. PERMIT WARRANTY AND RESTRICTIONS

- A. The permittee is required to correct incomplete or defective materials and workmanship performed under each permit.
- B. The permittee must restore the road sub-base and surface to its original condition. Upon failure of the permittee to do so within (48) forty-eight hours after notice from the County and the County has not granted an extension of time, the County may cause to have such work done and the cost charged to the permittee.

SECTION 5. REQUIREMENTS

- A. The permittee prior to making any excavation or road cut, shall adequately light the area at night with safety flares, blinking lights, etc. A barricade and lighting will be maintained until all work has been completed.
- B. Facilities shall be installed at least 36 inches below the ground surface.
- C. Ditches paralleling county roads shall not be open for more than forty eight (48) hours without notifying the County Road Department.
- D. The permittee shall remove all rubbish, excess rock, earth and other debris resulting from excavation work immediately on completion.
- E. All trenches and ditches will be backfilled and compacted every ten inches (10") from the bottom of the cut to the ground surface.
- F. Backfill and compaction inspections shall to the extent practical be made by the County.

SECTION 6. COST

The cost for restoration of the road surface shall be borne by the permittee.

SECTION 7. ROAD CUT WARRANTY

Any person, including a utility company making any excavation or road cut is required to correct defective materials and workmanship performed for a period of two (2) years from the date the work under such permit was completed.

SECTION 8. CLEANUP

Each permittee must thoroughly clean up from the public place all rubbish, excess earth, rock and other debris resulting from any excavation or road cut work. All cleanup operations at the location of such cuts are to be accomplished at the expense of the permittee. Failure to complete cleanup may cause the county to have such work done, and the permittee shall pay for such reasonable costs.

SECTION 9. NON-COMPLIANCE BY PERMITTEE

In the event a permittee fails to comply with the requirements of this Ordinance, the County Road Department may issue written notice of non-compliance and conduct a hearing. Based on the findings of the hearing, the County Road Department is authorized and empowered to suspend, cancel or withdraw any permit issued to the permittee. Within ten business days of the written decision, the permittee may appeal the decision to the Board of County Commissioners by filing written notice with the County Manager.

SECTION 10. PENALTY

In addition to any other liabilities imposed by law, any person who shall violate the provision of this ordinance may, upon conviction be punished by a fine of not more than \$300.00 or by imprisonment for a period not to exceed ninety (90) days, or both, at the discretion of the Judge.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective on the 10 day of July, 1998.

PASSED, APPROVED AND ADOPTED, THIS 10 DAY OF June 1998.

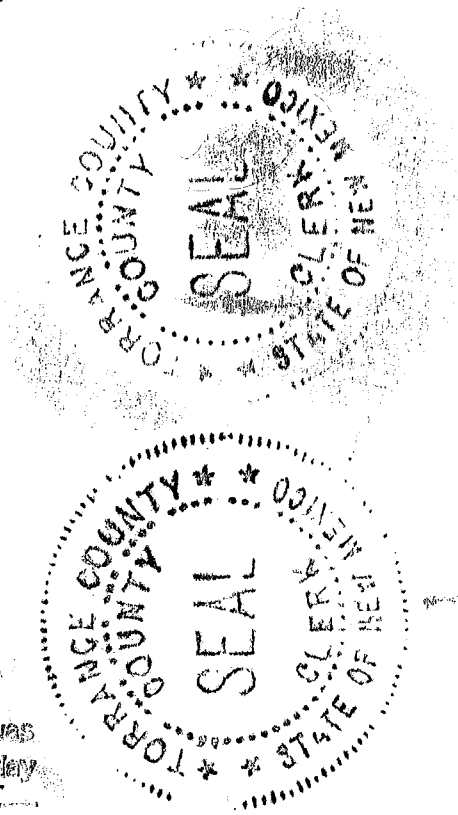
Torrance County Board of Commissioners

Bill R. Williams
Bill R. Williams, Chairman

Rodger Rayner
Rodger Rayner, Member

Chester Riley, Jr.
Chester Riley, Jr.

Linda A. Taylor
County Clerk



STATE OF NEW MEXICO
COUNTY OF TORRANCE
I hereby certify that this instrument was first for record on the 23 day of July A.D., 1998 at 8:31 o'clock A.M and duly recorded in Book 281 at page 1079-1081
Linda A. Taylor
County Clerk, Torrance Co., N.M.
1081