

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE 2010-____

AN ORDINANCE AMENDING ORDINANCES 2009-5, 2003-1 AND 1994-2 TO PROHIBIT ROAD CUTS EXCEPT UNDER CERTAIN CIRCUMSTANCES; TO INCREASE FEES FOR ROAD CUT PERMITS; TO ELIMINATE THE REQUIREMENT OF A FEE FOR ABOVE-GROUND FACILITIES; CLARIFYING CONSTRUCTION STANDARDS; AND REPEALING CERTAIN PROVISIONS OF ORDINANCES 2009-5, 2003-1 AND 1994-2

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE, NEW MEXICO that:

Section One. Section Three of Ordinance 2009-5 ("Amendment to Fee Structure"), which amends Section 10 ("Fees") of Ordinances 2003-1 and 1994-2, shall be and hereby is amended to read as follows:

"Section 10. Fees.

"A. Application Fee. A non-refundable application fee, in the amount of Four Hundred dollars (\$400.00), shall accompany each application for a permit.

"B. Permit Fee.

"1. Below-ground Facilities. When a below-ground facility is authorized pursuant to this Ordinance, a fee shall be charged for each permit issued, as follows:

"\$90.00 per linear foot in pavement;

"\$12.50 per linear foot in gravel; and

"\$12.50 per linear foot for boring or jacking.

"2. Above-ground Facilities. Deleted."

Section Two. Section Five of Ordinance No. 2009-5 ("Amendment to the New Pavement Fee and Liquidated Damages") and Section 17 ("New Pavement Fee and Liquidated Damages") of Ordinances 2003-1 and 1994-2, shall be and hereby are repealed.

Section Three. Section Six(B) ("Excavations, Road Cuts or Boring") of Ordinance 2003-1 shall be and hereby is amended to read as follows:

“B. Unless otherwise specifically permitted herein, installation of buried facilities crossing a paved county road shall be performed only by boring or jacking under the roadway. Installations by open cut of the pavement structure are not permitted on a road that has been constructed less than five (5) years from the date of the application. An installation utilizing an open cut of the pavement structure may be permitted on roads more than five (5) years old only where boring or jacking is not feasible due to the soil conditions or where pavement structure is aged, deteriorated or in generally poor condition. An application for installation of buried facilities through an open cut of the pavement structure on roads more than five (5) years old shall be considered in an individual case-by-case basis and only when the reasons for the cut are substantiated by the permit applicant.”

Section Four. A new paragraph (8) is added to Ordinance No. 2003-1, Subsection 6(D), as follows:

“(8) The minimum depth of cover on top of the utility shall be three (3) feet.”

Section Five. Section 7 ("Restoration of Road Cuts, Paragraph A ("Compaction") is amended to read as follows:

"Any person holding a road cut permit shall undertake to restore each road cut, in accordance with the standards required by the County's Public Works Department. The County's Public Works Department may require flowable fill in certain circumstances. Certified nuclear density test results must be submitted to the Public Works Department within five (5) working days of completion of said work. Flow capacity and /or existing flow capacity shall not be altered without the written approval of the Public Works Director. For any person who does not submit compaction test results to the County in a form and with results acceptable to the County, such person shall not be issued any future permits under this Ordinance until the person complies with this Ordinance, and the County may take such other actions as it deems necessary to assure compliance with this Section. The Public Works Director may waive the compaction tests for plow trenching only, provided the utility company demonstrates a method and operation of compaction acceptable to the Public Works Department."

Section Six. Saving Clause. If any of the sections, subsections, paragraph, sentences, clauses or phrases of this Ordinance are, for any reason, held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be hereby affected since it is the express intent of the County Commission to pass each section, subsection, paragraph, sentences, clauses or phrase separately.

PASSED, APPROVED, and ENACTED on this _____ day of _____, 2010 by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

Harry B. Montoya, Chair

Attest:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney