

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE 2009- 5

AN ORDINANCE AMENDING ORDINANCE NOS. 2003-1 AND 1994-2 TO INCREASE FEES FOR ROAD CUT PERMITS, EXTENDING WARRANTIES AND MAKING CLARIFYING CHANGES; REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 2003-1 AND 1994-2

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

Section One. Amendment to Permit Requirements.

Section 5(A) ("Permit Application") of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby is amended with the following language transferred from Section 10 of Ordinance Nos. 1994-2 and 2003-1:

"Section 5. Permit

"A. Permit Application.

"1. Every person desiring to make a road cut, bore or utilize public right of a way is required to obtain a permit. The applicant must be licensed and bonded, or the applicant must be a utility company or an agent for the utility company. In extenuating circumstances where the applicant is a private party or not licensed, bonded or a utility company, the applicant shall be required to comply with guidelines established by the Public Works Department. The person shall make written application on forms provided and approved by the Public Works Director prior to the performance of any road cut work or activity on public property. County staff has five days to review and process submitted applications. Except for the Public Works Division of the Growth Management Department, Department, which is not required to obtain a permit for any of its projects, all other County departments shall be required to obtain a permit."



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
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I Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of June, 2009 at 09:25:06 AM And Was Duly Recorded as Instrument # 1566374 Of The Records Of Santa Fe County

Deputy Marcella [Signature])
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Section Two. Amendment to Lineal Foot Requirements.

Section 5(D) ("Permits, Length of Road Cut; Number of Road Cuts, Use of Right of Way") of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby is amended, as follows:

"Section 5. Permits

"D. Length of Road Cut; Number of Road Cuts, Use of Right of Way

"By issuing a road cut permit, the County authorizes the cutting or excavation of a road or right of way by approved methods described in the New Mexico Standard Specifications for Public Works Construction, and only for the single road cut specified on the permit."

Section Three. Amendment to Fee Structure.

Section 10 ("Fees") of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby is amended, as follows:

"Section 10. Fees.

"A. Application Fee. A non-refundable application fee in the amount of two hundred dollars (\$200.00) shall accompany each application for a permit.

"B. Permit Fee.

"1. Below-ground Facilities. A fee shall be charged for each permit issued pursuant to this Ordinance, based upon the lineal feet of right of way to be used by the applicant, as set forth in Table A.

TABLE A

WIDTH AND DEPTH	FEE PER LINEAL FOOT
Up to 36" in width and up to 48" in depth	.10 per lineal foot
Any greater width and depth	.15 per lineal foot

"2. Above-ground Facilities. A fee shall be charged for each permit issued pursuant to this Ordinance based upon the lineal feet of right of way to be used by the applicant. The fee shall be one hundred fifty dollars (\$150.00) for the first 90 lineal feet, and \$1.50 per lineal foot thereafter.

"C. Use of Funds. Sixty seven percent (67%) of fees collected pursuant to this Ordinance shall be designated to the County General Fund and thirty three

percent (33%) shall be designated to a road maintenance fund for repair of roadways."

Section Four. Amendment to the Road Cut Warranty.

Section 11 ("Road Cut Warranty") of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby is amended, as follows:

"Section 11. Road Cut Warranty.

"Any person or facility owner including a utility company making a road cut shall be required to correct defective materials and workmanship performed under each road cut permit for a period of Five (5) years from the date the work performed under such permit is completed."

Section Five. Amendment to the New Pavement Fee and Liquidated Damages.

Section 17 ("New Pavement Fee and Penalty") of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby is amended, as follows:

"Section 17. New Pavement Fee and Liquidated Damages.

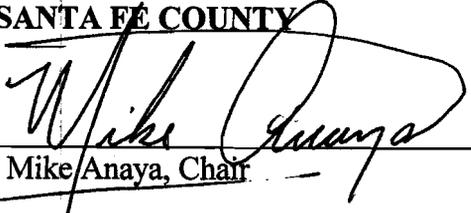
"Any person, facility owner or utility excavating or cutting into new pavement less than five years old shall pay a fee of ten dollars (\$10) per square foot as liquidated damages to offset the impact of cutting the new pavement, which frequently leads to failure of new roadways installed by the County."

Section Six. Partial Repeal of Ordinance Nos. 1994-2 and 2003-1.

Section 5(A), Section 5(D), Section 10, Section 11, and Section 17 of Ordinance Nos. 1994-2 and 2003-1 shall be and hereby are repealed and replaced with the amendatory language provided in this Ordinance.

PASSED, APPROVED AND ENACTED this 26th day of May 2009, by the Board of County Commissioners of Santa Fe County.

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

By: 
Mike Anaya, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, Santa Fe County Clerk

Approved As To Form:

Stephen C. Ross
Stephen C. Ross, County Attorney



SFC CLERK RECORDED 06/11/2009