

80-6-6

STATE OF NEW MEXICO
County of Grant
I hereby certify that this instrument
was filed for record on the 22
day of August A.D. 1980
at 12:13 o'clock P. M. and duly
recorded in book 204 of the records
of Co. Ordinance
at page 57-69
Witness my hand and seal of office
County Clerk, Grant Co., N.M.
Alvin P. Hulse Deputy

GRANT COUNTY

ROAD EXCAVATION ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSION OF THE COUNTY OF GRANT

SECTION I. TITLE

This Ordinance will be known as the Grant County Road Excavation Permit Ordinance.

SECTION II. GENERAL POLICY

A. It shall be unlawful for any person to make any excavation, pavement cut, tie-in to existing County Road, place aerial crossing under 15 ft. high, and line carrying 110 volts, or remove pavement from any County street or road right-of-way without first applying for and securing a permit from the Grant County Road Department, complying fully with all of the provisions of this Ordinance.

B. All utility construction and road restoration shall be in accordance with the Grant County Specifications and Standard Drawing Adopted by Grant County Resolution No. _____ dated _____. Copies shall be made available to applicants at the Grant County Road Department.

C. Should any conflict exist between the provisions of this Ordinance and other applicable laws the most stringent regulation shall apply.

SECTION III. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations will have the meaning given herein.

1 When not inconsistent with the context, words used in the present tense include
2 future; words used in the plural number include the singular; and words in the
3 singular include the plural.

4 A. "Applicant" means any person required to apply for a permit.

5 B. "County" means that portion of the geographic limits of Grant County
6 lying outside the boundaries of all incorporated municipalities.

7 C. "Emergency" means any situation necessitating excavation or entrance
8 into a substructure opening for the purpose of locating trouble or making re-
9 pairs in a facility when circumstances are such that delay in correcting the
10 problem would present a substantial threat of injury to persons or property.

11 D. "Excavation" means a hole, trench, ditch, or depression in a public
12 place resulting from the removal or moving the pavement, dirt, or other ma-
13 terial by a person, except a substructure opening.

14 E. "Facility" means any pipe, pipeline, tube, main service vent, vault,
15 conduit, pole, pole line, anchor, cable, structure or object of any kind or
16 character whether enumerated herein or not which is or may be lawfully con-
17 structed, left, placed or maintained upon, along, across, under, or over any
18 public place.

19 F. "Person" means any individual, estate, trust, receiver, cooperative
20 association, club, corporation, franchised utility company, firm, partner-
21 ship, joint venture, syndicate or other entity, but excluding county agencies.

22 G. "Public place" means all property owned or maintained by the County
23 including but not limited to streets, highways, alleys, places, sidewalks,
24 plazas, parks, easements, right-of-ways, curbs, and drainage ways.

25 H. "Right-of-way" means any County land or other place, property or
26 interest therein, usually in a strip, acquired for or devoted to transportation
27 purposes.

28 I. "Road Superintendent" means that person duly appointed or acting as

1 the County Engineer of Grant County.

2 J. "Substructure" means any facility located below the surface of any
3 public place already in place.

4 K. "Substructure opening" means an opening into a lawful substructure,
5 the top of which is flush with the adjoining surface of a public place and
6 which is so constructed as to permit frequent openings without injury or dam-
7 age to a public place and without removal of pavement, dirt, or other material.

8 SECTION IV. EXCAVATION, DRIVEWAYS, PERMITS AND APPROVALS
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10 A. Except as hereinafter provided in this Section, and in section V. of
11 this Ordinance, no person may commence any excavation in any County street or
12 road right-of-way and drive ways, unless a permit for such excavation is first
13 obtained from the County. The permit will be valid for 15 working days, at
14 which time it will expire. Construction commenced after the expiration date
15 shall be in violation of this Ordinance, unless a written request for exten-
16 sion of the termination date has been filed and approved by the Road Super-
17 intendent.

18 B. A permit shall be required for excavation of a substructure opening.

19 C. A permit shall be required for aerial crossing of County right-of-ways
20 when under 15 ft. high from surface or line carrying more than 110 volts.

21 D. A permit shall be required to tie-in to existing County Road. No
22 permit shall be required for structures, such as: mail boxes, signs, placed
23 so as not interfere with County shoulder blade work.

24 E. No permit is required for excavation made pursuant to a construction
25 contract for road or highway construction issued by the New Mexico State High-
26 way Department to licensed and bonded contractors.

27 F. No permit is required to run a service line when the service line
28 does not cross a right-of-ways. Same for aerial crossings.

1 G. The attached Utility Installation Detail Drawing, incorporated here-
2 in by reference, shall assist the determination of whether a permit is required.

3 H. No permit is required for entry into an excavated substructure
4 opening, unless the substructure is located where a traffic hazard can
5 exist.

7 SECTION V. EXCAVATION IN EMERGENCY

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9 In the event of an emergency, excavation may be commenced without first
10 obtaining a permit, provided that the person making the emergency excavation
11 files such application for permit as required by this Ordinance during the
12 first working day immediately following the date of commencement of excava-
13 tion.

15 SECTION VI. APPLICATION

16
17 Every person required to obtain a permit by this Ordinance must make
18 application therefore to the County Road Superintendent or his designated re-
19 presentative.

20 A. The application shall state:

- 21 1. The name, telephone number, address, and place of business of
the applicant;
- 22 2. A description of the location and dimensions of the proposed ex-
cavation, including a plan view of the proposed project;
- 23 3. The purpose of the facility to be installed therein and for whom
work is being performed;
- 24 4. Approximate date of proposed work and estimated length of
time to complete the work, including backfilling and removal
25 of all obstructions, materials and debris, and the restoration
of the surface. A duly issued permit shall be the authority
26 of the applicant to excavate in the public place for which the
permit is granted. Normally, a permit will be issued with-
in two (2) working days after application.

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SECTION VII. LIABILITY

All required to apply for permit under this Ordinance shall provide a certificate of insurance satisfactory to the County showing that he has such insurance as will protect him from claims or damages because of bodily injury, including death, to his employees and all other; and from claims for damage to property, any or all of which may arise out of or result from his operations, including completed operations, in connection with the making of an excavation or the intering into a substructure opening, whether such operations be by himself or by any subcontractor or anyone directly or indirectly employed by him. This insurance shall be written for not less than the following limits of liability:

	<u>EACH PERSON</u>	<u>EACH OCCURRENCE</u>
Bodily Injury or Death	\$100,000	\$300,000
Property Damage	\$100,000	\$300,000

Certificates of insurance shall provide that the County be given ten (10) days written notice in advance of cancellation. Any public utility company having a net worth in excess of ten million dollars(\$10,000,000.00) is not required to comply with the requirements of this Section if it furnishes to the County a statement that the company's net worth exceeds ten million dollars (\$10,000,000.00) and that it is either self-insured or carries liability insurance.

SECTION VIII. EXCAVATION 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 street sub-base and surface to its original condition. Upon failure of the permittee to do so within twenty-four (24) hours after notice from the County the County may cause to have such work

1 done, and the cost thereof charged to the permittee.

2 C. The permittee must take appropriate measures to maintain (during the
3 entrance into a substructure opening or performance of excavation work) safe and
4 adequate passage of vehicle and pedestrian traffic as required by the County.

5 D. In the event the permittee causes damage to existing utilities (and
6 for this purpose, pipe coating or other encasement or devices are considered a
7 part of the utility), the owners must be notified immediately, and the damage
8 repaired or paid for by the permittee. Further, the permittee is responsible
9 for the proper installation of any diversion or ponding devices necessary for
10 protection of property and structures, and shall be responsible for repair or
11 payment of damages caused to property or structures by permittee's failure to
12 properly provide such devices.

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14 SECTION IX. CONSTRUCTION REQUIREMENTS

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16 A. The permittee prior to making any excavation or paving cut, shall ad-
17 equately light the area at night with safety flares, blinking lights etc. in
18 compliance with the Uniform Traffic Code of the State of New Mexico. The barri-
19 cade and lighting will be maintained by the permittee until all work, except for
20 the replacement of paving, has been furnished.

21 B. After completing the ditch, trench or excavation, the permittee shall
22 install all facilities at least 36 inches below the road surface, or deeper if
23 necessary to meet the more stringent requirements of other governmental agencies.
24 All parallel and lateral depths shall be minimum of 36 inches beneath the ground
25 surface.

26 C. Ditches paralleling county roads shall not be left open for more than
27 24 hours without first notifying County Road Department.

28 D. All material excavated must be piled and maintained so as not to en-

1 danger the public. In order to expedite flow of traffic or to keep dirt and

2 dust from spreading or flying, the permittee shall use guards or other methods

3 and/or shall water the excavation material. The permittee shall remove all rub-

4 bish, excess earth, rock and other debris resulting from excavation work imme-

5 diately upon completion of backfilling as required by Section X. upon failure to

6 do so within 24 hours after notice from the County, the County may do so and

7 charge the cost thereof to the permittee.

8 F. In the event grade changes are made in the county road that necessi-

9 tates relocation of any installation, permittee, upon receiving written notice

10 from the County Road Department, will contact the Road Department to coordinate

11 relocation of his facilities. Relocation shall be done by the permittee within

12 a reasonable time (usually 60 days), and at his own expense, except where other

13 funds may be available to reimburse utility relocation expense.

SECTION X. BACKFILLING

17 Unless specifically exempted in writing, any person who trenches or ex-

18 cavates within a public place for any purpose whatsoever is required to backfill

19 the trench or excavation as follows:

20 A. All trenches and ditches will be backfilled and compacted. All ex-

21 cavations outside the roadway shoulder and slopes shall be compacted to a density

22 equal to the surrounding undisturbed soil. Excavations on the shoulder or in the

23 traffic area shall be compacted to density of 95 percent maximum density accord-

24 ing to ASTM T-180. Field determination methods will be used to reduce costs.

25 B. In all trenches and excavation, the material used in backfilling must

26 consist of the original, excavated material or other material in finely-divided

27 form, free from large lumps, large stones, rocks, pieces of old concrete, or

28 asphalt pavement or large wet or gummy masses, and must be placed compacted in

(7)

1. Layers or lifts from the bottom of the trench or excavation. Compaction to be 95% maximum density according to ASTM, T-180. Note field test methods.

C. Backfill and compaction inspections shall, to the extent practical, be made by the County.

D. In the event the compacted backfill fails to meet the density requirements of this Section when tested, or otherwise fails as evidenced by settlement of the trench or excavation, the County may order the faulty backfill material removed, replaced and recompact to the required density specified herein; and the County may also order the replacement of all pavement destroyed or damaged as the result of the backfill failure settlement. The cost incurred by the County shall be paid by the permittee.

SECTION XI INSPECTIONS

A. The County may make such inspections as are reasonably necessary in the enforcement of this Ordinance.

B. Acceptance or approval of ditching excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claim against the permittee for incomplete or defective workmanship or materials. The presence of a representative of the County during the performance of the work does not relieve the permittee of his responsibilities hereunder.

SECTION XII. FEES

A. The fee will cover the permit, plan checking, and inspection. The Road Department will pay for any laboratory tests required by the Department. B. The amount of the permit fee shall be computed as follows: 1. There shall be a minimum fee for each permit in the amount of \$20.00.

1 C. Payment shall be made in the form of a cashier's check, money order,
2 or draft made payable to the Grant County Treasurer.

3 D. The County reserves the right to waive the fees on aerial crossings,
4 providing the crossing does not effect the right-of-way or in anyway interfere
5 with normal traffic and/or county equipment.

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7 SECTION XIII. DOUBLE FEES

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9 Where work for which a permit is required is started prior to obtaining a

10 permit, the fees specified above shall be doubled, but the payment of such dou-
11 ble fees shall not relieve any persons from full compliance with the require-
12 ments of this Ordinance in the execution of the work nor from any other pen-
13 alties provided by law. Except in an emergency case but subject to a \$20.00

14 fee.

15
16 SECTION XIV. PENALTY

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18 In addition to any other liability imposed by law, any person who shall

19 violate the provision of this Ordinance may, upon conviction, be punished by a
20 fine of not more than \$300.00 or by imprisonment in the County Jail for a pe-
21 riod not to exceed ninety (90) days, or to both such fine and imprisonment in
22 discretion of the judge. Each day of violation shall be considered a separate
23 offense.

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25 SECTION XV. SEVERABILITY

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27 If any part or application of this Ordinance is held invalid, the remain-
28 der of its provisions applicable to other situations or persons shall not

1 be affected.

2
3 SECTION XVI. SUSPENSION OR CANCELLATION OF PERMIT

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5 The County is authorized and empowered after a hearing to suspend, cancel,
6 or withdraw any permit issued by the County for the performance of any work not
7 being done in compliance with this Ordinance.

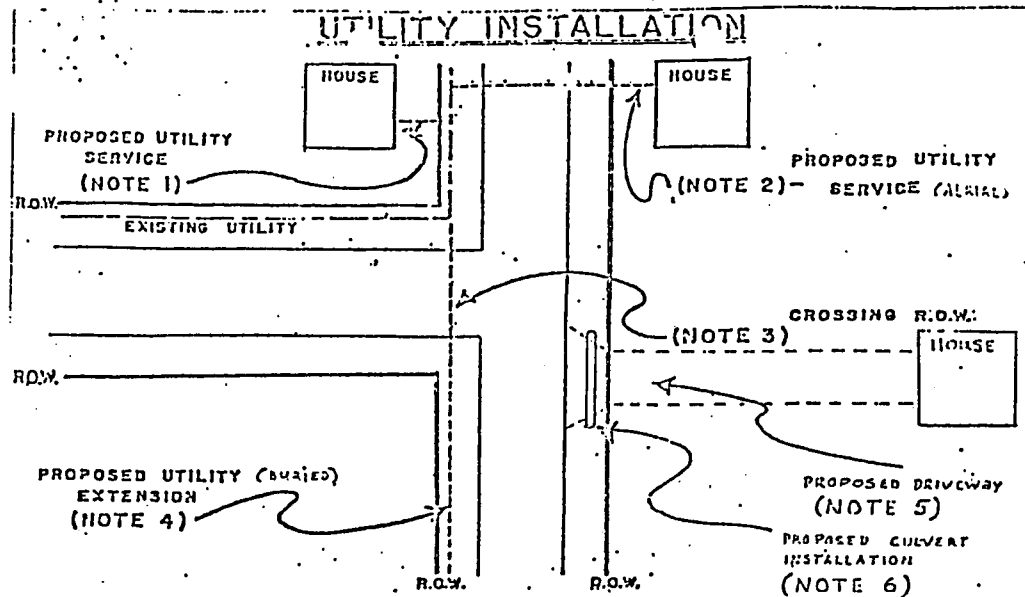
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9 SECTION XVII. VARIANCES

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11 A. Variances will be considered should problems arise concerning com-
12 pliance by the permittee with this Ordinance.

13 B. A request for variance must be submitted to the Road Department in
14 writing, and set out the problems encountered and justification for granting
15 the request.

16
17 SECTION XVIII. APPEALS

18
19 In the event any applicant is aggrieved by the refusal of the Road Super-
20 intendent to grant any permit pursuant to Section XVI, the applicant may, with-
21 in 10 days of the denial, suspension, or revocation of the permit, appeal the
22 decision of the Road Superintendent to the Board of County Commissioners by
23 timely filing written notice of appeal in the office of the County Clerk.



- NOTE 1**
Service Line (intermediate pole, meter line, water, gas etc.) does not cross Right of way, then a permit is not required.
- NOTE 2**
Service Line crosses Right of Way, permit required. Applies to aerial also.
- NOTE 3**
Utility installation crosses Right of Way, permit required.
- NOTE 4**
Utility installation parallels Right of Way, permit required.
- NOTE 5**
Drive-way tied to existing County Road (right of way) permit required.
- NOTE 6**
Proposed culvert installation within County Right of Way, permit required.

88.

GRANT COUNTY ROAD DEPARTMENT
1602 West Market Street
Silver City, N.M.
538-2561

APPLICATION FOR INSTALLATION OF UTILITY FACILITIES WITHIN OR ON
GRANT COUNTY ROADS AND/OR RIGHT OF WAY

Permit application will be made out in triplicate along with two (2) copies of
proposed work location. Construction must be started prior to permit expiration
or permit will be void.

PERMIT # _____

DATE ISSUED _____

AMOUNT PAID \$ _____

EXPIRATION DATE _____

NAME _____
(person, corp. utility co. etc.)

TELEPHONE # _____

ADDRESS _____
number street city state

LOCATION OF PROPOSED JOB _____

FOR WHOM & FOR WHAT PURPOSE IS WORK BEING PERFORMED? _____

(indicate type - water, gas telephone etc.)

APPROXIMATE STARTING DATE _____

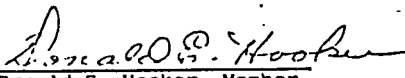
ESTIMATED COMPLETION DATE _____

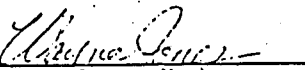
APPROVAL:
SUPERINTENDENT _____
CONTROL _____

Please use the diagram below to show location of proposed work. State width,
depth & length of opening.

The Grant County Board
of Commissioners


L. E. Morrison, Chairman


Donald E. Hooker, Member


Wayne Jones, Member

ATTEST:

Roxie R. Kennedy
County Clerk & Recorder