

80-6-6

STATE OF NEW MEXICO  
County of Grant  
I hereby certify that this instrument  
was filed for record on the 23  
day of August A.D. 1978  
at 12:12 o'clock P.M. and duly  
recorded in book 204 of the records  
of Co. Ordinances  
as to

1 GIANT COUNT

2 ROAD EXCAVATION ORDINANCE

3 County Clerk, Grant Co. N.M.  
- Alfred E. Shuster Deputy

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

**SECTION I. TITLE**

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

## SECTION II. GENERAL POLICY

12       4. It shall be unlawful for any person to make any excavation, pavement  
13 cut, tie-in to existing County Road, place aerial crossing under 15 ft. high,  
14 and line carrying 110 volts, or remove pavement from any County street or road  
15 right-of-way without first applying for and securing a permit from the Grant  
16 County Road Department, complying fully with all of the provisions of this  
17 . . . . .

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

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

SECTION TIT. DEFINITIONS

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

11

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, planes, 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

9  
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-way. 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        II. No permit is required for entry into an excavated substructure  
4 opening, unless the substructure is located where a traffic hazard can  
5 exist.

## SECTION V. EXCAVATION IN EMERGENCY

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.

## SECTION VI. APPLICATION

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  
of all obstructions, materials and debris, and the restoration  
of the surface. A duly issued permit shall be the authority  
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.

1                   SECTION VII. LIABILITY

2  
3     All required to apply for permit under this Ordinance shall provide a  
4     certificate of insurance satisfactory to the County showing that he has such in-  
5     surance as will protect him from claims or damages because of bodily injury, in-  
6     cluding death, to his employees and all other; and from claims for damage to  
7     property, any or all of which may arise out of or result from his operations,  
8     including completed operations, in connection with the making of an excavation  
9     or the entering into a substructure opening, whether such operations be by him-  
10    self or by any subcontractor or anyone directly or indirectly employed by him.  
11    This insurance shall be written for not less than the following limits of li-  
12    ability:

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

15    Certificates of insurance shall provide that the County be given ten (10)  
16    days written notice in advance of cancellation. Any public utility company  
17    having a net worth in excess of ten million dollars (\$10,000,000.00) is not re-  
18    quired to comply with the requirements of this Section if it furnishes to the  
19    County a statement that the company's net worth exceeds ten million dollars  
20    (\$10,000,000.00) and that it is either self-insured or carries liability insur-  
21    ance.

22                   SECTION VIII. EXCAVATION PERMIT WARRANTY AND RESTRICTIONS

23

24    A. The permittee is required to correct incomplete or defective materi-  
25    als and workmanship performed under each permit.

26    B. The permittee must restore the street sub-base and surface to its  
27    original condition. Upon failure of the permittee to do so within twenty-four  
28    (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.

13

14                    SECTION IX. CONSTRUCTION REQUIREMENTS

15

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 to the public. In order to expedite flow of traffic or to keep dirt and  
 2 dust from spreading or flying, the permittee shall use guarda or other methods  
 3 and/or shall make the excavation material. The permittee shall remove all rub-  
 4 bish, excess earth, rock and other debris resulting from excavation work same-  
 5 dialetly 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 E. In this event grade changes are made in the county road that necessitate  
 9 lateral 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.  
 14  
 15 SECTION X. BACKFILLING  
 16  
 17 Utilities specifically exempted in writing, any person who trenchers 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 ASSTO T-180. Field determination methods will be used to reduce costs.  
 25 B. In all trenches and excavations, 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 gumy masses, and must be placed compacted in

28. The amount of the permit fee shall be computed as follows:

27. B. The amount of the permit fee shall be computed as follows:

26. Separation will pay for any laboratory tests required by the department.

25. A. The fee will cover the permit, plan checking, and inspection. The road work does not relieve the permittee of his responsibility hereunder.

24. SECTION XI. FEES

23.

22.

21.

20. The presence of a representative of the County during the performance of the liaison against the permittee for incomplete or defective workship of materials.

19. Correlation of surface by the County does not prevent the County from assessing

18. Acceptance or approval of ditching excavation, backfilling, and casting

17. A. The County may make such inspections as are reasonably necessary in the accomplishment of this ordinance.

16.

15. A. The County may make such inspections as are reasonably necessary in the

14. SECTION XI. INSPECTIONS

13.

12.

11. County shall be paid by the permittee.

10. As the result of the backfill failure settlement, the cost incurred by the

9. The County may also order the replacement of all pavement destroyed or damaged

8. removed, replaced and replaced to the required density specified herein; and

7. of the trench or excavation, the County may order the faulty backfill material

6. contents of this Section which tested, or otherwise fails as evidenced by settlement

5. D. In the event the compacted backfill fails to meet the density requirement

4. made by the County.

3. C. Backfill and compaction inspections shall, to the extent practical, be

2. layers or lifts from the bottom of the trench or excavation. Compaction to the

1. 95% maximum density according to ASID, T-180. Note field loss multiples.

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dec of its provisions applicable to other situations or persons shall not  
If any part or application of this ordinance is held invalid, the remain-  
offense.  
dilection of the judge. Each day of violation shall be considered a separate  
period not to exceed ninety (90) days, or to both such fine and imprisonment in  
fine of not more than \$300.00 or by imprisonment in the county jail for a pe-  
violate the provision of this ordinance may, upon conviction, be punished by a  
In addition to any other liability imposed by law, any person who shall  
SECTION XIV. PENALTY

SECTION XIV. PENALTY

fee.  
attics provided by law. Except in an emergency case but subject to a \$20.00  
months of this ordinance in the execution of the work nor from any other pen-  
ble fees shall not receive any payment from full compensation with the require-  
permit, the fees specified above shall be doubled, but the payment of such dou-  
where work for which a permit is required is started prior to obtaining a  
SECTION XIII. DRAFT FEES

SECTION XIII. DRAFT FEES

with normal traffic and/or county equipment.  
providing the crossing does not effect the right-of-way or in anyway interfere  
D. The County reserves the right to waive the fees on certain crossings.  
or draft made payable to the Grant County Treasurer.  
C. Payment shall be made in the form of a cashier's check, money order,

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.

8

9 SECTION XVII. VARIANCES

10

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 cancellation of the permit, appeal the  
22 decision of the Road Superintendent to the Board of County Commissioners by  
23 timely filing writ . . . notice of appeal in the office of the County Clerk.

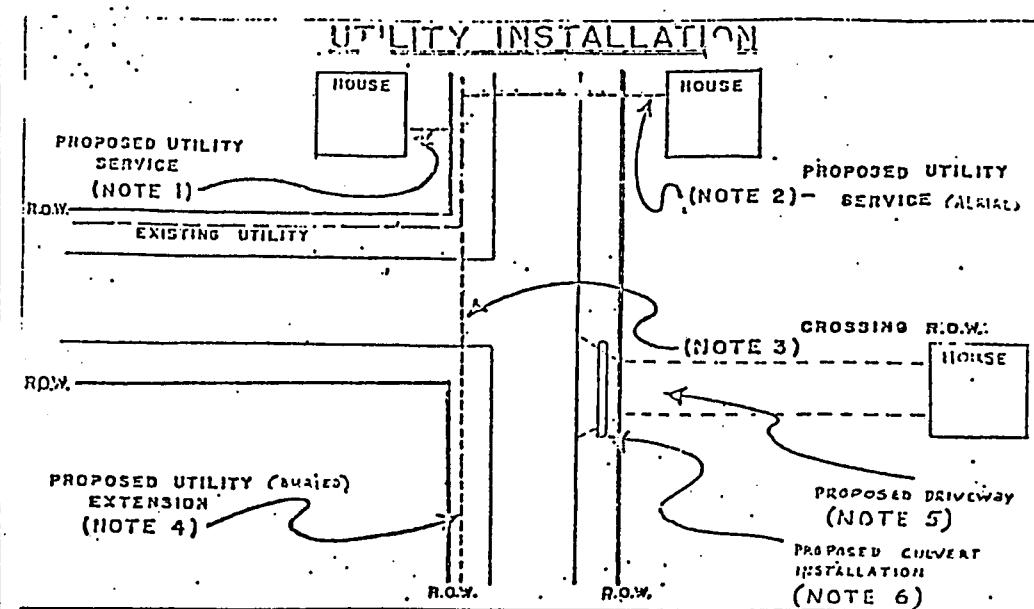
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**NOTE 1**

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 \_\_\_\_\_

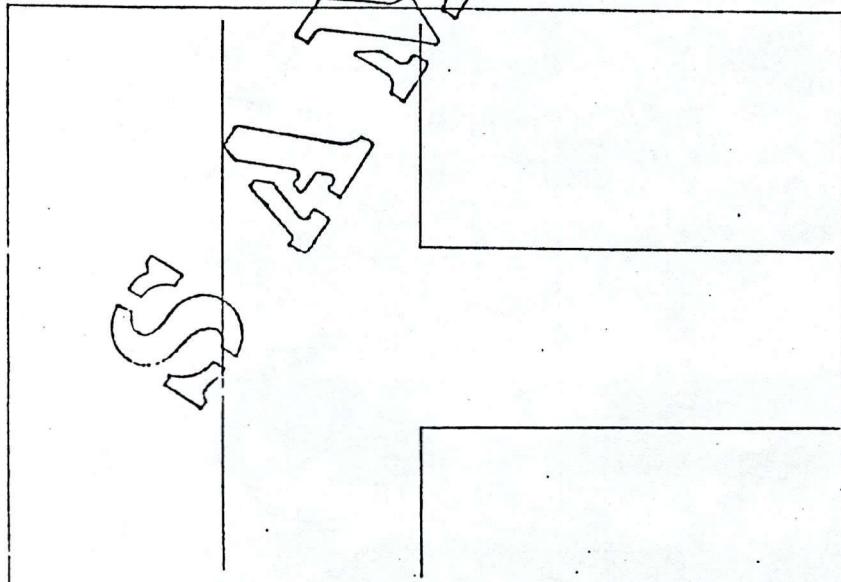
FOR WHOM & FOR WHAT PURPOSE IS WORK BEING PERFORMED?  
\_\_\_\_\_  
\_\_\_\_\_  
(indicate type - water, gas telephone etc.)

APPROXIMATE STARTING DATE \_\_\_\_\_

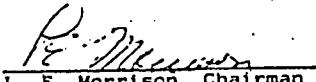
APPROVAL:	
SUPERINTENDENT	
CONTROLLER	

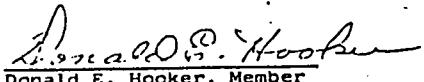
ESTIMATED COMPLETION DATE \_\_\_\_\_

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

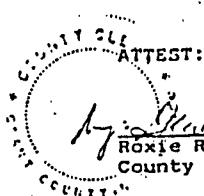


The Grant County Board  
of Commissioners

  
L. E. Morrison, Chairman

  
Donald E. Hooker, Member

  
Wayne Jones, Member



  
Roxie R. Kennedy  
County Clerk & Recorder