

KATHY M. TRUJILLO
County Administrator
(505) 445-2906

GARY E. MCQUEARY
Financial Officer
(505) 445-2906

BARBARA CASTILLO
County Clerk
(505) 445-5551

Colfax County **Board of Commissioners**

JOE M. GALLEGOS
Chairman
645 North 2nd Street
Raton, New Mexico 87740
(505) 445-3687

FRANK CIMINO, JR.
Vice-Chairman
1345 South 4th Street
Raton, New Mexico 87740
(505) 445-5282

MARIETTA G. SHELL
Member
Route 1, Box 9B
Springer, New Mexico 87747
(505) 483-2720

P.O. Box 1498
Raton, New Mexico 87740
Phone: (505) 445-9661

COLFAX COUNTY **ROAD EXCAVATION ORDINANCE NO: 1999-2**

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

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLFAX
COUNTY, New Mexico:

SECTION 1. TITLE

This ordinance shall be known as the Colfax 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 Colfax County Road Department or Colfax County Commission Office and complying fully with all the provisions of this ordinance.

B. All utility construction and road restoration shall be in accordance with Colfax County specifications, as set forth herein or adopted from time to time by resolution of the Board of Commissioners of Colfax County, New Mexico.

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 thirty (30) 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 Colfax County Road Department Office and deposited with the County Treasurer in the County Road Fund. Colfax County is not required to obtain a permit for any of its activities.

- C. In addition to the permit fee, a performance bond in the amount of \$500.00 for each excavation or construction site shall be paid prior to the issuance of a permit to secure compliance with the County specifications for repair and restoration of the right of way. Upon satisfactory completion of the repair and restoration of the County right of way, the performance bond shall be refunded. Fees are to be collected by the Colfax County Road Department Office and deposited with the County Treasurer in the County Road Fund. In the event the County right of way is not repaired or restored in accordance with County specifications, the County shall make such repairs and restoration at permittee's expense. Any portion of the performance bond in excess of the County's reasonable costs incurred in making repairs and restoration shall be refunded to permittee; however, the permittee shall be liable for any reasonable costs incurred by the County in making repairs and restoration of the County right of way which exceed the amount of the performance bond.

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 within fifteen (15) days after notice of non-compliance, unless the County has granted an extension of time.. Upon failure of the permittee to make such restoration following notice of non-compliance and determination of non-compliance following a hearing, as provided below, the County may cause to have such work done and the cost charged to the permittee, subject to the permittee's right to appeal as provided below.

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. The County shall make backfill and compaction inspections.

SECTION 6. COST

The cost for restoration of the road sub-base and 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 clean up 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. The permittee may appeal the decision to the Board of County Commissioners by filing written notice of appeal with the County Manager within ten (10) business days of the date of such written findings and decision..

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 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 6th day of MAY, 1999,
PASSED, APPROVED AND ADOPTED, THIS 6th DAY OF APRIL,
1999.

BOARD OF COMMISSIONERS
COLFAX COUNTY,

Marietta G. Shell

MARIETTA G. SHELL – CHAIRPERSON

Johnny S. Volpato

JOHNNY S. VOLPATO – VICE-CHAIRMAN

James B. Marchetti

JAMES B. MARCHETTI – MEMBER

ATTEST:

Barbara Castillo

BARBARA CASTILLO CLERK OF THE BOARD

