

**ADOPTION OF REVISION #3  
TO ORDINANCE #44, CHAVES COUNTY  
RIGHT-OF-WAY USE PERMIT ORDINANCE**

**SECTION VII – 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 done, and the cost thereof charged to the permittee.
- C. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County.
- D. In the event that the permittee causes damage to the existing utilities (and for this purpose, pipe coating or other encasement or other devices are considered a part of the utility). The owners must be notified immediately, and the damage repaired or paid for by the permittee. Further, the permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by permittee's failure to properly provide such devices.
- E. The permittee shall keep all roadways and right-of-ways usable and in safe condition. All traffic control plans and construction signing shall be reviewed and approved by the Road Operations Director and shall be in accordance with the MUTCD (Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration).

**SECTION VIII – CONSTRUCTION REQUIREMENTS**

- A. The permittee prior to making any excavation or paving cut, shall adequately barricade the area to be excavated and shall comply with the Uniform Traffic Code of the State of New Mexico.
- B. All material excavated must be piled and maintained so as to not endanger the public. In order to expedite the flow of traffic or keep dirt and dust from spreading or flying the permittee must use guards or other methods and/or shall water the excavated material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from the excavation work immediately upon completion of backfilling as required by Section VII. Upon failure to do so within twenty-four (24) hours after notice from the County may do so and charge the cost to the permittee.
- C. In the event grade changes are made in the County road or the County right-of-way is widened or realigned which necessitates relocation of any installation, permittee upon receiving written notice from the County, will contact the Road Department to coordinate relocation of his/her facilities. The relocation shall be done by the permittee within a reasonable time (usually sixty (60) days) and at his/her own expense. If the permittee is unable or refuses to comply, the County may cause the work to be done with the permittee paying the cost thereof.

D. The County will endeavor to give the applicants sufficient notice of any proposed construction or maintenance work on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any cable, pipeline or any tile line belonging to the permittee, in order that the permittee may arrange to protect his lines.

E. The permittee will comply with the New Mexico "One Call System" and will have a log number given by "One Call" for underground utilities location on a project site during all construction work resulting from this permit.

F. The permittee agrees to give the County at least four (4) days notice of its intention to start construction on the County right-of-way. Said notice shall be in writing to the County Road Superintendent.

G. The depth requirements for all trenching and excavating shall be as follows:

1. Gas lines shall be a minimum of four (4') feet in depth from the lowest point within the County right-of-way.
2. Water lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
3. All other lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
4. Exceptions to the minimum depths may be authorized by the Road Superintendent or his representative.

H. All trenching and excavations under County roadways shall be sleeved.

#### **SECTION X – 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.

C. The permittee or his/her representative, subcontractor, shall have a copy of the permit on site at all time during construction for review by the Road Superintendent or his representative.

#### **SECTION XI – FEES**

A. The fees will cover the permit, plan checking, and inspection.

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

1. There shall be a minimum fee for each permit in the amount of \$50.00. This includes one installation up to ten feet long, off of the traveled roadway.
  2. Each additional foot of underground installation in a County maintained right-of-way shall be calculated as follows (based on project total feet):
    - a. ~~First 1,000 feet~~ 0 feet to 1,000 feet maximum at \$0.50 per foot.
    - b. ~~1,001 feet to 2,000 feet~~ 0 feet to 2,000 feet maximum at \$0.40 per foot.
    - c. ~~2,001 feet to 5,000 feet~~ 0 feet to 5,000 feet maximum at \$0.30 per foot.
    - d. ~~5,001 feet to 10,000 feet~~ 0 feet to 10,000 feet maximum at \$0.20 per foot.
    - e. Over 10,000 feet at \$0.10 per foot.
    - f. Installations in a non-maintained right-of-way shall not be assessed an additional fee in excess of the minimum permit fee.
  3. Each additional foot of aerial installation at \$0.10 per foot.
  4. Each excavation of a non-paved, maintained roadway at \$120.00 each.
  5. Each jacking and boring under a maintained roadway at \$50.00 each.
  6. Each excavation of a paved roadway at \$1,100.00 each.
- C. Payment shall be made in the form of a check, money order, or draft made payable to Chaves County Road Fund.
- D. The County reserves the right to waive the fees on aerial crossing provided the crossing does not effect the right-of-way.
- E. The County reserves the right to waive fees for entry into a substructure opening.
- F. The County reserves the right to waive or amend any of the foregoing fees on a case by case basis.