

VILLAGE OF RUIDOSO

ORDINANCE 2023-04

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCE; CHAPTER 74 STREETS SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III- EXCAVATION, DIVISION 1-GENERALLY, SECTION 74-62-PERMITS REQUIRED AND APPENDIX A IN CONJUNCTION WITH CHAPTER 74; COMPLIANCE WITH DIVISION AND TERMS OF PERMIT TO AMEND AND STRENGTHEN LANGUAGE:

WHEREAS, the Governing Body of the Village of Ruidoso is updating the Streets, Sidewalks and Other Public Places ordinance within the Village of Ruidoso; and

WHEREAS, the Governing Body of the Village of Ruidoso has determined that these amendments are necessary; and

WHEREAS the Governing Body of the Village of Ruidoso conducted a duly advertised public hearing to consider this ordinance on (Date).

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Village of Ruidoso that Section 74-62 Permits Required; Compliance with Division and Terms of Permit and Appendix A is hereby amended by the addition of new text and modification, or deletion of existing text as follows:

Bold Underline is text that is proposed for adoption. Strike-out is language deleted.

Chapter 74 -STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE III.-EXCAVATION

DIVISION 1-GENERALLY

SECTION 74-62- PERMITS REQUIRED; COMPLIANCE WITH DIVISION AND TERMS OF PERMIT

Sec. 74-62. Permit required; compliance with division and terms of permit.

(a) It shall be unlawful for any person or utility franchise to tunnel under or to make any excavation in any street, alley or other compacted traveling surface within the limits of the village without having obtained a permit and paying the restoration fee as required in this division, or without complying with the provisions of this division, or in violation of or variance from the terms of any such permit. For purposes of this section, "street, alley or other compacted traveling surface" shall be defined as any paved all-weather, dust-free surface, including, but not limited to, chip seal, hot mix asphalt and cold mill.

(b) Village utility crews will also be required to obtain permits and comply with this division. Since the cost of backfill, compaction and patching is included in the regular tap fees, village departments will not be required to pay the permit fee.

(c) Excavation and backfill will be allowed without a permit provided it is at least one foot off the traveled roadway. Notification to the street department of any excavation within the right-of-way is required.

(d) Every effort shall be made to minimize cuts across paved all-weather surfaces. Utility extensions, as much as is possible, should run laterally along the roadway, consolidating multiple extensions into a single cut or tunnel.

(e) Public utilities which pay the village a franchise fee will be required to acquire a permit for cuts within the paved surfacing of roadways without charge, with applicable payment of the restoration fee.

(f) Driveways

(1) No person shall pave or concrete an existing driveway without first obtaining a permit from the Village Street Department.

(2) All new driveways shall be permitted through the Village Street Department.

(3) New driveway construction shall meet all requirements as follows:

a. Any driveway that requires a culvert shall have an 18-inch culvert or greater depending on the expected amount of storm run-off.

b. The first culvert shall be paid for and installed by the homeowner. Culverts must shall be installed on the flow line within the existing drainage ditch. Any future maintenance and replacement will be done by the Village Street Department as needed.

c. Any culvert installed in a newly constructed driveway shall be compacted on the sides and top of the culvert to prevent collapsing and shall have end protection, for example concrete, stone, or railroad ties to prevent the ends from being damaged.

d. Homeowners will be responsible for storm water and erosion control off their driveway to keep debris off the roadway.

(Code 1985, § 8-5-1; Ord. No. 99-08, 5-25-99; Ord. No. 2000-14, 9-12-00)

APPENDIX A - FEES, FINES AND PENALTIES^[1]

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES			
Street cut, excavation and backfill and driveway permits:			
(1)	Paved surfaces:		
	Minimum fee	150.00*	
	Restoration fee	75.00	per square yard
(2)	Outside paved surface (within 1 foot of paved surface):		
	Minimum permit fee	150.00*	
	Restoration fee	10.00	per square yard
	Note: "paved surface" is defined in section 74-62(a) .		
	* Public utility franchise companies do not pay this fee.		
(3)	* Future Driveways to be paved or concreted	50.00	

Passed, Approved and Adopted this ____ day of _____, 2023.

Lynn D. Crawford, Mayor

SEAL

ATTEST:

Jini Turri, Village Clerk