Requirements and Procedures for New contractors

- Have a complete application
- Have a certificate of insurance from a reputable Insurance company
- Have a $10,000 payment and performance surety bond issued from a reputable Insurance company
- Have a traffic control plan attached to the permit
- Have a copy of your business license and contractor's license
- Have a map of the city's historic district if work is in historic area
- Have a compaction test done if digging, trenching or boring
- Permit fees are $200.00
- Email Completed Application to: **CompleteStreetsAccessPermits@santafenm.gov**

The fees have to be paid at City Hall at the cashier's window (M-F 8a-5p) or Parking Cashiers (T/Th 8:30a-12p or 1p-4:30 pm). An invoice is attached to the approved permit. We cannot supply a receipt at our office for the payment of your permit.

Thank You-

City of Santa Fe Complete Streets Division
737 Agua Fria
Santa Fe, N.M. 87501

Revised 3/15/2019

CITY OF SANTA FE
STREETS & DRAINAGE
MAINTENANCE DIVISION

PERMIT #

1-800-321-2537
NM ONECALL (BLUESTAKE)

RIGHT-OF-WAY EXCAVATION & RESTORATION PERMIT

The undersigned hereby makes application to the City of Santa Fe Streets & Drainage Maintenance Section (SDM) to perform work, as described below, within a public place and agrees to abide by all City ordinances, regulations and instructions pertaining to advance notification, traffic control, safety, archaeological monitoring, excavation, backfill and surface restoration. The undersigned understands that he is responsible for furnishing traffic control in accordance with the Manual on Uniform Traffic Control Devices. Failure to comply with the Manual on Uniform Traffic Control Devices will void this permit. The undersigned agrees that all concrete work within any of the Historic Districts shall be a pre-approved non-gray color. SDM reserves the right to have non-compliant concrete redone at the permitee's expense. The applicant is duly licensed by the City of Santa Fe to do the work herein contemplated and agrees to render the City of Santa Fe harmless from any loss or liability by reason of injury to persons or property occasioned or caused by the work herein contemplated

[Print all information legibly. Illegible or incomplete permit applications will not be processed]

1 APPLICATION DATE: _____ 2 APPLICATION TYPE: ☐ ROUTINE ☐ EMERGENCY

3 APPLICANT/PRIMARY CONTRACTOR: _____ LICENSE NUMBER: _____

Bonding Company: _____ Insurance Company: _____ Exp. Date: _____

4 MAILING ADDRESS: _____ Phone or Cell # _____

EMAIL ADDRESS: _____

Contractor: _____ License Number: _____

Material Testing Lab: _____ Subcontractors (Others): _____

5 ACTUAL LOCATION OF WORK /STREET ADDRESS IF DIFFERENT: _____

STREET SURFACE TYPE TO BE CUT OR REMOVED: ☐ ASPHALT ☐ CONCRETE ☐ DIRT ☐ GRAVEL ☐ SIDEWALK

NEW PAVEMENT PENALTY APPLICABLE? ☐ YES ☐ NO

6 DESCRIBE IN DETAIL WORK TO BE COMPLETED: _____

7 UTILITY TYPE: ☐ N/A ☐ Water ☐ SAS ☐ Storm ☐ Gas ☐ Electric ☐ Cable TV ☐ Telecom ☐ Wireless Telecom

8 UTILITY PROVIDER: _____ ☐ FRANCHISEE ☐ UNDERGROUND ☐ AERIAL ☐ SMALL WIRELESS

9 ESTIMATED DIMENSIONS: _____ (Length) _____ (Width) _____ (Area)

ACTUAL DIMENSIONS: _____ (Length) _____ (Width) _____ (Area)

10 ESTIMATED WORK SCHEDULE: (INCLUDE SURFACE RESTORATION) _____ (Begin) _____ (End)

ACTUAL START DATE: _____

FULL ROAD CLOSURE REQUIRED? _____

11 APPLICANT: _____ (PRINT NAME) _____ (SIGNATURE)

PERMIT ISSUE/APPROVAL DATE: _____ PERMIT APPROVED BY: _____

FEE CALCULATION		shaded areas for office personnel only
Permit	$ 200.00 (11001.42120)	• Each excavation is limited to 200' unless otherwise approved by the SDM Inspector. • For New Utility Construction an approved Archaeological Clearance Permit is required for underground utility projects greater than: ◦ 60 LF if any work occurs within the Historic Downtown Archaeological Review District ◦ 550 LF in all other areas of the City *Per City of Santa Fe Land Use Ordinance Chapter 14-3.13 (4) • A Small Wireless Permit is required for any small wireless pole or collocation • Primary contractor is responsible for quality of work and warranty work if needed. • Please include an exhibit indicating where street cut is to be made. Show measurements including those from center of manhole where possible. Note all appropriate information such as name of street(s), size and approximate location of excavation, location of sidewalk or drainage.
New Pavement Penalty	$ (11001.43115)	
Other	$	
Other	$	
TOTAL	$	PERMIT FOR ANY WORK THAT IS NOT ENTITLED BY FRANCHISE NOT VALID WITHOUT A RECEIPT

STREET CUT LICENSE

Section 5 of City ordinance 1998-32 (Street Cut and Restoration Ordinance) **reads as follows:**

License Required. --Any person, other than a franchised utility company, desiring to make a street cut in any public place in the City shall first obtain a street cut license from the city. No person other than a franchised utility company shall be issued a street cut license until the provisions required for a license in this ordinance are completed. A franchised utility company shall be deemed to hold a license by virtue to its franchise relationship with the City. When the application is approved and signed by the director, the application shall constitute a license."

License requirements set out by the ordinance are as follows:

1. a completed application (see below);
2. a certificate of insurance from a reputable insurance company licensed to do business in the State of New Mexico establishing that the applicant is insured against bodily or personal injury to any person other than the applicant's employees and against liability for damages;
3. a $10,000 payment and performances surety bond issued by a reputable bonding company licensed to do business in the state and acceptable to the City;
4. A written certification that the applicant has read and understands the contents of the Street Cut and Restoration Ordinance.

In filing the application, the applicant shall certify that the applicant is qualified to perform the work as required in the Street Cut and Restoration Ordinance. A current construction license issued by the State of New Mexico in the specialty concerned shall be acceptable evidence of qualification.

Application Date: _____

Applicant Name: _____

Business Address: _____

_____

_____

Local Business Phone: _____

Insurance Carrier: _____

Insurance Expiration Date: _____

Surety Bond Company: _____

Bond Expiration Date: _____

CERTIFICATION

I, _____ have been provided with a copy of the City of Santa Fe's
(Printed name) **(Title)**
Street Cut and Restoration Ordinance. I have read and understand its contents. I am qualified to perform work as required in the Street Cut and Restoration ordinance and am duly licensed in the State of New Mexico and am doing business under license number _____.

_____
Applicant Signature

Approved: _____
Streets & Drainage Maintenance Section Supervisor

C:word-form/pj/prodcedur.doc

Bond Number_____

CITY OF SANTA FE

STREET CUT SURETY BOND

That we, _____ , as Principal, and _____, as Surety, are held and firmly bound into the City of Santa Fe NM or to any of its officers, for the use of any persons, firm, or corporations with whom such Principal shall hereafter contract, in the penal sum of Ten thousand and no/100 ($10,000.00), good and lawful money of the United States of America, well and truly to be paid, and for payment of which we and each of us hereby bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by the presents.

The Conditions of this obligation are such that

Whereas, the.above named Principal desires to engage in the business of pouring, constructing, building, repairing and rebuilding curbs, gutters, sidewalks and driveways in the Oty of Santa Fe, NM, and has applied to the City Engineer of said City for a license to do such work.

Now therefore, if said Principal shall, during its continuance of said license, indemnify and save harmless the City of Santa Fe, NM, and any person, firm or corporation with whom the Principal has contracted, from any and all damages of every character arising from, or caused directly or indirectly, from Imperfect or inadequate work done by said Principal and maintain said work in good and workmanlike state of repair for and during a period of one (1) year from and after its completion and acceptance by the City of Santa Fe, NM, then this obligation shall be null and void, otherwise to remain in full force and effect; provided however, this bond is executed by the Surety on the condition ttiat its liability shall be limited by and subject to the conditions and provisions herein contained.

Successive actions may be brought on this bond for successive breaches of its conditions or any of them; provided, however, that th sum total of all liability of the Surety on any one or all of such actions shall not exceed the sum ofTen Thousand Dollars.

The liability of the Surety under this bond, if not canceled as hereinafter provided, shall cease and terminate of its own force and effect one year from the date hereon, saving and except for the maintenance of the work performed previous to the date of termination, for which work the liability of the Surety from maintenance shall continue for one year from and after the date of the completion and acceptance of said work by the City, but no lonser.

The Surety may terminate its liability under the bond at any time by giving the City of Santa Fe, NM, five (5) days written notice of the surety's intention to do so, and from and after said date the surety will no longer be liable for any subsequent act, save and except as to maintenance as hereinabove provided.

23-2 EXCAVATIONS, STREET CUTS AND RESTORATION.

23-2.1 Short Title.

This section will be known as the "Street Cut and Restoration Ordinance."

(Ord. #1988-2, § 2)

23-2.2 Purpose.

The purpose of this section is to establish permit fees, inspection fees and restoration penalties and to define responsibilities and standards of performance for all persons performing street cuts in public places and performing excavation in public rights-of-way or other property.

(Ord. #1988-2, § 3)

23-2.3 Definitions.

As used in this section:

Applicant means any person, other than a franchised utility company, required by this section to apply for a street cut license or a street cut permit to make a street cut.

Business day means a normal full eight-hour business day for the city of Santa Fe.

Compaction and restoration standards means those standards set forth in the "New Mexico Standard Specifications for Public Works Construction 1987" - issued by the New Mexico Chapter of the American Public Works Association as it may be amended from time to time.

Director means the public works director of the city of Santa Fe or their designated representative.

Emergency means any situation or condition existing in which there is an interruption or disruption of gas, electric, water, or telecommunications service to one (1) or more customers being served by a franchised utility company or any situation or condition in which there is a danger of serious bodily injury or property damage.

Excavation means the act of make a hole, trench, or ditch which penetrates through or under the surface in a public right-of-way or other public property resulting from the removal of dirt or other material.

Franchised utility company means any person, entity, or corporation which is a public utility within the meaning of the New Mexico Public Utility Act, Section 62-3-1 et seq. NMSA 1978 or subject to the jurisdiction of the New Mexico State Corporation and has a franchise ordinance with the city of Santa Fe. It also includes an independent contractor that has entered into a contract with the franchised utility company to perform the street cut or excavation when the independent contractor is performing services for the franchised utility company. In order to be considered a franchised utility company independent contractor within the meaning of this term the franchised utility company must file a notification with the director of the name, business address, business telephone number and the responsible individual for the independent contractor.

Governmental agency project means any street cuts undertaken by a franchised utility company for or on behalf of a project initiated by the city, county, state, or federal government or any of its agencies or instrumentalities and includes all action taken by the franchised utility company to further the governmental agency project.

License means the written form approved by the director which is a prerequisite to the issuance of any street cut permit.

Permit means the written form approved by the director in which a person describes the street cut which will be performed in a public place and in which are contained any special conditions required of the person by the city in the execution of the work.

Permittee means a person that has received a street cut permit from the director.

Person means any individual, estate, trust, receiver, cooperative association, club, corporation, franchised utility company, firm, partnership, joint venture, syndicate or other entity.

Public place means all property owned, maintained or controlled by the city of Santa Fe used as highways or streets, paved or unpaved or any curb, gutter, sidewalks, plazas or other paved or concrete surfaces.

Public right-of-way or *other public property* means all the county of Santa Fe or the state of New Mexico, for the use of the public alleys, bicycle paths, pedestrian or equestrian paths, ways, places, parks, non-surfaced easements, rights-of-way or other unpaved or unsurfaced property.

Right-of-way intersection means an intersection of two (2) or more highways or streets or other public thoroughfares or six hundred feet (600') whichever is greater.

Street cut means:

A. The act of cutting a hole, trench, ditch in or through the surface of a public place;

B. The act of drilling, boring or tunneling under or jacking up the surface of a public place having a paved or concrete surface.

Substructure means any manhole, valve, box, test box, vent, or other similar facility located below the surface of any public place.

Substructure opening means an opening into a lawful substructure, the top of which is approximately flush with the adjoining surface of a public place and which is so constructed as to allow frequent opening without injury or damage to a public place and without removal of pavement, dirt or other material.

Traffic standards means those standards set forth in "The Manual of Uniform Traffic Control Devices for Streets and Highways - Part VI" as issued and revised by the Federal Highway Administration and the "New Mexico Manual and Specifications for a Uniform Systems of Traffic Control Devices" and the "Uniform Traffic Ordinance of the city of Santa Fe" as it may be amended from time to time.

(Ord. #1988-2, § 4; Ord. No. 2023-7 , Exh. A)

23-2.4 License required.

Any person, other than a franchised utility company, desiring to make a street cut in any public place in the city shall first obtain a street cut license from the city. No person, other than a franchised utility company, shall be issued a street cut license until the provisions required for a license in this section are completed. A franchised utility company shall be deemed to hold a license by virtue of its franchise relationship with the city. When the application is approved and signed by the director, the application shall constitute a license.

(Ord. #1988-2, § 5)

23-2.5 Information required in license.

The applicant must submit the following information to obtain a license:

A. A completed application form containing the signature and title, if any, of the applicant;

B. A certificate of insurance issued by a reputable insurance company licensed to do business in the state and acceptable to the city in accordance with subsection 23-2.7 of this section;

C. A payment and performance surety bond in the amount of ten thousand dollars ($10,000.00) issued by a reputable bonding company licensed to do business in the state and acceptable to the city. The bond is to insure completion of all phases of the work, payment of costs incurred by city agencies if required to complete work which the applicant fails or refuses to complete in a timely fashion and to insure completion of any corrective work required by this section;

D. A certification in writing that the applicant has read and understands the contents of this section.

Licensing requirements outlined above shall be kept current. The certificate of insurance and the payment and performance surety bond will be reviewed periodically by the city and no street cut permit shall be issued unless the insurance and bonding policies are in effect. There is no cost for such license, and the license remains valid as long as the required insurance and surety bond are effective.

(Ord. #1988-2, § 6)

23-2.6 Acceptance of license constitutes acceptance of terms and conditions of section.

By submitting the application and accepting the license issued by the city the applicant agrees to the following:

A. Execute a certification that the applicant is qualified to perform work as required in this section;

B. Timely complete all work required by this section and covered by the street cut permit;

C. Complete any specific item within three (3) business days after written notice is given by the city unless the project is of such a magnitude that it cannot realistically be completed in that time;

D. Allow the city to complete the work specified in the street cut application and street cut permit and bill the applicant if the work is not completed within the time allotted above;

E. Perform any special conditions required of the permittee by the city in the execution of the work;

F. Repair or correct defective materials and/or workmanship which occurs within a period of two (2) years from the date of acceptance of such work by the city.

(Ord. #1988-2, § 7; Ord. #2004-41 § 1)

23-2.7 Liability insurance or self-insured.

A. No person, other than a franchised utility company, shall make a street cut or enter a substructure opening or perform work until a certificate of insurance to the city establishing that such person is insured against bodily injury or personal injury to any person other than the employee of the permittee and against liability for damages, other than the work itself, because of injury to or destruction of tangible property, including loss of use resulting therefrom, with the limits.

Each such certificate shall provide that the city be given at least thirty (30) calendar days notice of cancellation in writing by the insurance company.

B. A franchised utility company shall at all times maintain insurance or at its sole option self-insure against all risks and perils set forth above for the limits of liability set forth above.

(Ord. #1988-2, § 8)

23-2.8 Permit application.

A. Every person, required to obtain a street cut permit by this section must either be licensed or must be a franchised utility company. The person shall make written application on forms provided by the city prior to the performance of any work. The written application shall state:

(1) The name and title of the person;

(2) The business telephone number of the person;

(3) The business mailing address and principal place of business of the person;

(4) An estimate of the location and dimensions of the installation or removal for which the street cut is to be made;

(5) The purpose of the facility and the estimated beginning and end dates of the period which will be required to complete such work, including backfilling said street cut, removing all obstructions, material and debris and restoration of the surface.

B. A franchised utility company is authorized to cut a public place without obtaining a street cut permit for the purpose of raising or lowering a substructure opening to meet grade changes brought about by city maintenance, repairs or resurfacing or for the installation, reinstallation or removal of a street light or utility pole, provided the raising or lowering a substructure opening occurs within two (2) calendar weeks of the planned starting date for the paving overlay project or major street restoration.

C. A franchised utility company is authorized to obtain a single street cut permit in those situations in which the franchised utility company makes separate street cuts within the same right-of-way intersection as part of the same franchised utility company project.

D. The approved permit shall be the grant of authority for the permittee to occupy the public place as described in the permit. Normally this permit will be issued within two (2) business days after filing the application not including the day the application is filed.

E. The street cut application when approved and signed by the director, constitutes a street cut permit.

F. The permittee, other than franchised utility company, shall begin work at the site indicated in the street cut permit within three (3) business days from the date the permit is issued, unless the city extends that period due to weather conditions. Should no work be started at the work site within the three-day period and the city has not granted a time extension, the permit shall be null and void, with no reimbursement of fees. The applicant shall obtain a new permit, including payment of the permit fees before any work is started. After a street cut is commenced, the permittee shall perform with diligence all work covered by the street cut permit and shall promptly complete work and restore the public place.

G. A franchised utility company shall begin work at the site indicated in the street cut permit within three (3) business days from the date set in the permit for commencement of construction unless the city extends that period due to weather conditions or other conditions beyond the control of the franchised utility company. Should no work be started at the work site within the three-day period and the city has not granted a time extension, the permit shall be null and void, with no reimbursement of fees.

H. In the event of an emergency, street cuts may be made by a franchised utility company without first obtaining a street cut permit therefor, provided that each franchised utility company so making an emergency street cut shall file their application for a street cut permit within two (2) business days after the city is open for business.

I. A franchised utility company is authorized to file its application for a street cut permit and all supporting data for a street cut for all projects except major projects through the use of a telecopy machine located in the city offices in accordance with procedures set up between the director and the franchised utility company.

(Ord. #1988-2, § 9)

23-2.9 Licensee street cut permit and approvals.

A. No person, other than a franchised utility company, shall make any street cut in a public place unless the person holding a street cut license obtains a street cut permit from the city.

B. No franchised utility company shall make any street cut in a public place until the franchised utility company obtains a street cut permit from the city except in an emergency. In the event of an emergency the franchised utility company shall proceed with the street cut immediately and thereafter file a street cut application within two (2) business days after the city is open for business.

C. Construction methods for installation in which boring, tunneling, or jacking under a public place are involved require specific prior approval of the city.

(Ord. #1988-2, § 10)

23-2.10 Street cut permit fees, restoration penalties; exemptions.

A. Effective July 1, 2011, a street cut permit fee of two hundred dollars ($200.00) shall be charged for each street cut permit issued. A separate permit shall be required for each street cut as defined in subsection 22-2.3 SFCC 1987. A single repair project may consist of multiple street cuts.

B. Restoration penalties provided for in this section shall be twenty dollars ($20.00) per square foot of resurfaced area.

C. After acceptance or approval by the city of the work completed under the permit, a property owner residing on the property for which the work was completed may apply to the streets division for reimbursement of the fee provided that all dwelling units on the property are occupied by a household earning less than eighty percent (80%) of the area median income as certified by a nonprofit affordable housing organization, under contract with the city, or otherwise qualified organization.

(Ord. #1988-2, § 12; Ord. #2004-41, § 3; Ord. #2006-9, § 2; Ord. #2011-12, § 2)

23-2.11 Billing and payment of street cut fees, inspection fees and restoration penalties.

A. All persons, except a franchise utility company, shall pay the street cut permit fee and any restoration penalties incurred at or prior to the time of the issuance of the street cut permit. The streets and drainage division may approve an alternate payment schedule for larger projects such as utility reconstruction projects provided that such schedule is approved prior to issuance of the street cut permit.

B. A franchise utility company shall be billed on a monthly or quarterly basis as determined by the city for all street cut permits issued the previous billing period and all restoration penalty fees incurred for the previous billing period. The billings shall be made in accordance with a billing procedure established by the city.

(Ord. #1988-2, § 12; Ord. #2004-41, § 3; Ord. #2006-9, § 2)

23-2.12 Restoration of street cuts.

A. Any person holding a street cut permit shall undertake to restore each street cut in accordance with the compaction and restoration standards required by this section. This shall include both the backfilling of the street cut and the restoration of the surface.

B. When a licensee resurfaces a public place with concrete or asphalt and the air temperature or moisture content is below the minimum standards contained in the compaction and restoration standards or the weather conditions are such that the licensee is unable to resurface the public place within seven (7) business days after the city's acceptance of the density tests as required under this section, the licensee shall immediately check with the director or the director's designee concerning how and when the public place shall be resurfaced. The director may require that the licensee cold patch the street cut on a temporary basis. The licensee shall restore the surface of the street cut in accordance with the compaction and restoration standards required by this section.

C. When a franchised utility company resurfaces a public place with concrete or asphalt and the air temperature or moisture content is below the minimum standards contained in the compaction and restoration standards or the weather conditions are such that the permittee is unable to resurface the public place under compaction and restoration standards, the permittee shall cold patch the street cut. Thereafter, the next spring, or sooner if weather allows, the permittee shall remove the cold patch and restore the surface of the street cut in accordance with the compaction and restoration standards required by this section.

D. Any franchised utility company making a street cut is required to perform its own compaction tests and submit a certificate of compaction to the city within five (5) business days after the compaction test is made. The compaction shall be performed by a certified employee of the franchised utility company or by an independent laboratory approved by the city. The certification shall include the street cut permit number if one is assigned by the city, a description of the location of the street cut and of the place or places where the compaction was tested, the individual certified to perform the compaction test, the company performing the compaction test and a certification that it met the compaction and restoration standards setting forth the compaction levels.

E. The city may perform all necessary compaction tests in connection with street cuts for any person, other than a franchised utility company unless the city delegates that to an independent laboratory approved by the city.

F. Cost for restoration of the pavement surface shall be borne by the permittee.

G. If a permittee, other than a franchised utility company, makes a street cut that is not resurfaced by the permittee within seven (7) business days after the city's acceptance of the compaction and density tests and the city has not granted an extension of time due to weather conditions or other circumstances beyond control of the permittee, the city may resurface the street cut and bill the permittee for the cost, including city administrative costs.

H. If a franchised utility company makes a street cut that is not resurfaced by the franchised utility company within seven (7) business days after compaction and the city has not granted an extension of time due to weather conditions or other circumstances beyond control of the company, the city may resurface the street cut and bill the franchised utility company for the cost, including city administrative costs.

I. It shall be the responsibility of the permittee restoring the public place to keep the street cut safe for pedestrian and vehicular traffic until the pavement surface has been restored.

J. Any time periods cited in this section may be extended by the city due to weather conditions or other circumstances beyond the control of the permittee.

K. Acceptance or approval of street cut work or backfilling does not prevent the city from asserting a claim against the permittee for incomplete or defective workmanship or materials if discovered within two (2) years of restoration of the surface.

L. When permits are issued for work on arterials, collectors, the downtown area or other important streets, such streets shall be patched with temporary asphalt or approved bridging across the street cut at the end of each working day and opened to traffic unless other procedures are approved in advance by the city.

(Ord. #1988-2, § 13; Ord. #2004-41, § 4)

23-2.13 Street cut warranty and restrictions.

A. Any person, including a franchised utility company making a street cut, is required to correct defective materials and workmanship performed under each street cut permit for a period of two (2) years from the date the work performed under such permit is completed.

B. The city shall not accept any private street for maintenance in which the asphalt or concrete pavement layer has been cut by a street cut unless the street cut and restoration has been accomplished in accordance with the provisions of the Street Cut and Restoration Ordinance of the city of Santa Fe.

(Ord. #1988-2, § 14)

23-2.14 Street cut restoration penalties.

A. Street cut permits shall not be normally issued for a street or portion of a street which has been newly constructed, reconstructed or received major restoration where the surface is surfaced with concrete or asphalt or to be surfaced with concrete or asphalt or similar material or where there has been pavement overlay occurring within the past five (5) years of the city's acceptance of the construction, reconstruction, restoration or paving overlay.

B. When work is absolutely necessary and a street cut is made after acceptance of the street for maintenance by the city of Santa Fe, a restoration penalty shall be assessed upon completion of the work for which the specific street cut permit was issued; provided however, that a permit shall be issued to a franchised utility company and the franchised utility company shall be billed in accordance with the provisions of this section.

C. The amount of the restoration penalty shall be at the rate set forth in this section.

D. The city shall give the franchised utility company six (6) months prior written notice, and twelve (12) months' notice where possible, of any new construction, reconstruction, major restoration or paving overlay. This will allow the franchised utility company the opportunity to make any street cuts necessary prior to the construction or reconstruction of the public place. In the event the city fails to provide the franchised utility company the six-month advance notice required herein the franchised utility company shall not be obligated to pay any restoration penalty for making the street cut.

E. No restoration penalty shall be applicable where the city has not given the required six (6) months prior written notice of the new construction, reconstruction, renovation or pavement overlay.

F. The restoration penalty may be waived by the city if imposition of the penalty would be unfair and the restoration of the pavement surface by the permittee is deemed adequate.

G. The restoration penalty does not apply when the work performed does not cut the pavement surface, provided that the requirements of the Street Cut and Restoration Ordinance of the city of Santa Fe are followed.

(Ord. #1988-2, § 15; Ord. #2004-41, § 5; Ord. #2006-9, § 3)

23-2.15 Routing of traffic.

A. During the entrance into a substructure opening or performance of street cut work, the person making the street cut must take appropriate measures to maintain traffic conditions as near normal as practicable at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the public.

B. The city may require a person making the street cut to notify various public agencies and the public of proposed work prior to issuance of a permit or prior to commencement of the proposed work.

C. Warning signs must be placed near each street cut or substructure opening being entered so as to give adequate warning to vehicular and pedestrian traffic both night and day and cones or other approved devices must be placed to channel traffic. The traffic controls, including but not limited to, the number, type, size and location of the signs shall be done in accordance with the traffic standards set forth in this section.

D. The person making a street cut shall place a visible sign at each end of the construction area which is visible from a distance and sets forth the name of the person making the street cut, or in the case of a franchised utility company, the name of the company together with a business telephone number to handle calls from the motoring public.

(Ord. #1988-2, § 16)

23-2.16 Clearance of vital structures.

Work under the provisions of this section must be performed and conducted so as to not interfere with access to fire hydrants, fire stations, fire escapes and all other vital structures or equipment designated by the city.

(Ord. #1988-2, § 17)

23-2.17 Maintenance of traffic and pedestrian flow.

The person must maintain safe and adequate passage of vehicle and pedestrian traffic on all streets and at all street intersections as required by the latest manual of uniform traffic control devices (MUTCD) published by the United States department of transportation-federal highway administration and in conformance with this section. When a street has been closed or detoured because of a street cut, the traffic engineer must be notified prior to removal of barricades and other traffic control devices. Relocation of the facilities of a franchised utility company shall be governed by the provisions of that franchise.

(Ord. #1988-2, § 18; Ord. #2004-41, § 6)

23-2.18 Permittee's obligation to protect franchise utility company and city property.

The permittee must, at their own expense, support and protect all utilities which may be in any way affected by the street cut work and do everything necessary to support, sustain and protect them under, over, along or across said work. Before commencing a street cut, the permittee shall know the location of all utilities in or near the area of the street cut. The permittee is required by state law to use the services of the New Mexico One Call System, Inc. for location of existing utilities. In the event said utilities are damaged, including damage to pipe coating or other encasement devices, the utility owner must be notified immediately and the damage repaired by the utility. The permittee shall pay the utility for all costs associated with the repair. The permittee must also protect the street cut from surface water flows by appropriate diversions or ponding devices.

(Ord. #1988-2, § 19; Ord. #2004-41, § 7; Ord. No. 2023-7 , Exh. A)

23-2.19 Protection of adjoining property.

The permittee must at all times and at their own expense preserve and protect from injury any adjoining property, by taking suitable measures for that purpose. Where in the protection of such property, it is necessary to enter upon private property for the purposes of taking appropriate protection measures, the permittee must, unless otherwise provided by law, obtain permission from the owner of such private property. The permittee must at their own expense shore up and protect all building, walls, fences or other property that may be damaged during the progress of the street cut work and be responsible for all damages on private property resulting from their failure to properly protect and carry out such work. The permittee may not remove, even temporarily, any trees or shrubs which exist in any public place without first obtaining written permission from the city.

(Ord. #1988-2, § 20; Ord. No. 2023-7 , Exh. A)

23-2.20 Care of excavated material.

All materials excavated and piled adjacent to the street cut or in any public place must be piled and maintained so as to not endanger the public and those working in the excavation and so as to cause as little inconvenience as possible to those persons using the public place and adjoining property. All material excavated must be laid completely along the side of the street cut and kept trimmed so as to cause as little inconvenience as is reasonably possible to vehicle and pedestrian traffic. Excavated materials may not be used as a barricade. In order to expedite flow of traffic or to keep dirt and dust from spreading or flying, the permittee shall use guards or other methods and/or shall water the excavated material. Traffic markings removed as a part of the street cut shall be replaced by the permittee with materials similar to those originally in place and in a manner satisfactory to the traffic engineer, or the traffic markings may be replaced by the city at the permittee's expense.

(Ord. #1988-2, § 21)

23-2.21 Cleanup.

Each permittee must thoroughly clean up from the public place all rubbish, excess earth, rock and other debris resulting from street cut excavation work. All cleanup operations at the location of such street cuts are to be accomplished at the expense of the permittee and are to comply with subsection 23-2.15 of this section. During the progress of work or immediately after completion of such work, the permittee shall cleanup and remove all refuse, dirt and unused materials of any kind resulting from said work. Upon failure to do so within twenty-four (24) hours after having been notified in writing, the city may cause to have such work done, and the cost thereof charged to the permittee.

(Ord. #1988-2, § 22)

23-2.22 Protection of water course.

The permittee must maintain all gutters, easement crossing and related drainages water free and unobstructed for the full depth and width or provide adequate substitutes for any such water course as are blocked by the street cut.

(Ord. #1988-2, § 23)

23-2.23 Breaking through pavement.

A. The use of pavement breakers which endanger existing structures or other property shall be prohibited.

B. Saw-cutting of concrete may be required when the nature of the job or condition of the street warrants. When required, the depth of the cut must be at least one-third (⅓) the total thickness of the pavement up to a maximum depth of three inches (3").

C. Sections of sidewalks or curbs and gutters are to be removed to the nearest expansion joint, score line or saw cut edge. Sidewalk cuts parallel to the street shall normally require removal of the entire sidewalk unless the sidewalk width is in excess of four feet (4'), unless other methods are approved in writing by the city.

D. Unstable pavement must be removed over the caveins and the subgrade is to be treated in the same manner as the main street cut.

E. Pavement edges must be trimmed to a vertical face and neatly aligned with the center line of any trench. All cuts shall be parallel or perpendicular to the street except for drop inlet connection lines.

F. The permittee is not required to repair damage existing prior to the street cut, unless the cuts leave small floating sections that may be unstable; in which case the permittee must remove such sections and backfill such areas as well as the area of the street cut.

(Ord. #1988-2, § 24)

23-2.24 Excavation in public right-of-way or other public property.

A person, other than a franchised utility company, shall only excavate in a public right-of-way or other public property after obtaining a street cut permit and the excavation is done in accordance with the provisions required for a street cut.

A franchised utility company is authorized to excavate in a public right-of-way or other public property after giving the director and the director of the city department having jurisdiction over the public right-of-way or other public property advance written notice of the franchised utility company's intent to excavate. After the excavation the franchised utility company shall immediately backfill the excavation, return the soil to a compaction at least equal to or better than the compaction adjacent to the excavation as shown by a certified compaction test to be maintained on file in the office of the franchised utility company. The franchised utility company shall return the surface of the land to its original condition insofar as reasonably practical.

(Ord. #1988-2, § 25)

23-2.25 Trenches in pipe laying.

At the issuance of the permit the city may limit the maximum length of open trench possibilities at any time. No pavement shall be scored or otherwise marked for removal in excess of the area described in the permit.

(Ord. #1988-2, § 26)

23-2.26 Urgent work.

If, in the judgment of the director, traffic conditions, safety or convenience of the traveling public, or the public, or the public interest require that street cut work be performed speedily, the director may, at the time the permit is granted, require prompt completion of street cut work in the shortest time possible.

(Ord. #1988-2, § 27)

23-2.27 Noise, debris and working hours.

Each permittee must conduct and carry out street cut work in such manner as to avoid unnecessary inconvenience and annoyance to the public and occupants of neighborhood property and in compliance with the City Noise Ordinance.

(Ord. #1988-2, § 28)

23-2.28 Preservation of survey monuments.

Any survey monument set for the purpose of locating or preserving the lines of the street, property subdivision, precise survey reference point, or a permanent survey, or a permanent survey bench mark within the city may not be removed or disturbed without first obtaining permission in writing from the city. Permission to remove or disturb such monuments, reference points or bench marks will be granted only upon condition that the person applied for such permission pay all expenses incident to the proper replacement of the monument.

(Ord. #1988-2, § 29)

23-2.29 Inspection.

The city may make such inspections as are reasonably necessary in the enforcement of this section.

(Ord. #1988-2, § 30)

23-2.30 Advance notice of improvements.

The city shall inform the public a minimum of two (2) weeks prior to any proposed street or sidewalk improvements, except in emergency circumstances, in order that the public may install other facilities prior to the city making such street or sidewalk improvements. It is the responsibility of the person installing other facilities to install necessary substructures in advance of the city's improvements whenever possible.

(Ord. #1988-2, § 31)

23-2.31 Noncompliance by permittee.

In the event a permittee fails to comply with the requirements of this section, the city may issue written notice of noncompliance and conduct a hearing. Based on the findings of the hearing, the director is authorized and empowered to suspend, cancel or withdraw any license or permit issued by them to the permittee. Within ten (10) business days of the director's written discussion, the permittee may appeal the director's determination to the governing body by filing written notice with the city manager.

(Ord. #1988-2, § 32; Ord. No. 2023-7 , Exh. A)

23-2.32 Penalty.

Any person violating the provisions of the Street Cut and Restoration Ordinance shall, upon conviction, be punished according to subsection 1-3.1 SFCC 1987.

(Ord. #1988-2, § 33)

14-3.13 ARCHAEOLOGICAL CLEARANCE PERMITS

(A) **Purpose and Intent**

[RESERVED]

(B) **Applicability**

(1) Historic Downtown Archaeological Review District

In this district, an archaeological clearance *permit* shall be required:

(a) Prior to issuance of a *buildingpermit* for projects with gross *lot* coverage of two thousand five hundred (2,500) square feet or more involving new construction, parking *lots* and/or *alterations* .

(b) Prior to issuance of a *gradingpermit* for projects with two thousand five hundred (2,500) square feet or more in gross *lot* coverage.

(c) For all *city* projects over two thousand five hundred (2,500) square feet in gross *lot* coverage.

(d) For *alterations* , if the ground is dug up, graded, or otherwise disturbed.

(e) No archaeological clearance *permit* is required for a demolition *permit* except as follows: For demolition requests for *structures* which are more than seventy-five years old and which are part of a project requiring an archaeological clearance *permit* , staff for the Archaeological Review Committee shall issue a report to the historic districts review board as set forth in Section 14-3.14. The report shall state whether demolition will damage possible archaeological *artifacts* . If the Board determines that damage may occur, then it may refer the case to the Archaeological Review Committee requesting that requirements for an archaeological clearance *permit* be met before a demolition *permit* is issued.

(2) River and Trails Archaeological Review District

In this district, an archaeological clearance *permit* shall be required prior to approval of the final *development* plan or *plat* for the following projects:

(a) All annexations, rezonings, subdivisions, planned unit *developments* , or other *development* requiring approval by the Planning Commission, having over two acres, or having any part lying within the area identified as the Santa Fe Trail.

(b) All *city* projects over two (2) acres in size.

(c) All *city* park projects over one (1) acre in size.

(3) Suburban Archaeological Review District

In this district, an archaeological clearance *permit* shall be required prior to approval of the final *development* plan or *plat* for the following projects:

(a) All annexations, rezonings, subdivisions, planned unit *developments* , or other *development* requiring approval by the Planning Commission, having over ten (10) acres

(b) All *city* projects over two (2) acres in size.

(c) All *city* park projects over one (1) acre in size.

(4) Utility Mains

An archaeological clearance *permit* is required for new construction of sewer mains or main lines of other utilities such as telephone lines, gas lines, and fiber optics, including the entire construction easement:

(a) With an extension of sixty (60) feet or more if the main is in the historic downtown archaeological review district;

(b) With an extension of five hundred fifty (550) or more if the main is in the river and trails or suburban archaeological review district.

(5) Exemptions

(a) *Applicants* who are requesting archaeological approval from federal agencies are exempted from requirements of the Archaeological Review Districts Ordinance, except that *applicants* must submit evidence to *city* staff of the *application* to the federal agency. In addition the applicant shall submit to *city* staff the *reconnaissance* report and other reports made to the federal agencies.

(b) *Applicants* requesting a *lot* split subdivision are exempted from the requirement of archaeological review districts and for archaeological clearance *permits* .

(c) In the river and trails or suburban districts, *applicants* with inheritance transfer subdivisions are also exempted.

(d) *Applicants* whose land is in areas where archaeological *reconnaissance* , *excavation* , or other treatment has previously been completed, are exempted from the *reconnaissance* , *excavation* , or other treatment as required, upon submitting evidence for such work to *city* staff. An exemption from any one requirement for a clearance *permit* does not exempt the *applicant* from other requirements of the Archaeological Review Districts Ordinance.

(e) In the historic downtown district, no clearance *permit* is required for projects for which a construction *permitapplication* was made before September 30, 1987. In the river and trails and suburban districts, no clearance *permit* is required for projects for which *application* has been made for review by the Planning Commission before September 30, 1987. (Ord. No. 2012-11 § 7)

(6) Environmental Assessments or Impact Statements

All environmental assessment or impact statements produced by or for the *city* for *city* projects shall include an archaeological element containing as a minimum, an archaeological *reconnaissance* as required for the archaeological review districts in which the project is located.

(C) **Procedures**

(1) Pre-Application Conference

Prior to submission of any *application* for an archaeological clearance *permit* , an *applicant* shall request a pre- *application* conference, to be conducted pursuant to Section 14-3.1(E).

(2) Initiation of Building Permit

Application for an archaeological clearance *permit* is considered to be initiation of *application* for a *buildingpermit* .

(3) Hearings; Notice

The Archaeological Review Committee shall make all determinations at a public hearing. The *applicant* shall be notified and staff shall post the preliminary committee agenda at City Hall at least seven days in advance of the meeting.

(4) Procedures for Historic Downtown District

The *applicant* shall meet the following procedures before an archaeological clearance *permit* is issued for projects in the historic downtown archaeological review districts:

(a) Reconnaissance

Reconnaissance shall be completed by an archaeologist, hired by the *applicant* , meeting the professional qualifications set forth in Section 14-2.7(E). *Reconnaissance* requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, the *reconnaissance* shall consist of:

(i) Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;

(ii) Visual examination of the *property* for evidence of *archaeological features* , *artifacts* or *culturally altered landscapes* at least seventy-five years old. A sample of surface *artifacts* shall be recovered; and

(iii) Test *excavations* encompassing a minimum of two percent of the total *lot* area. At least eighteen (18) square feet shall be dug by hand after which further *excavations* may be made by mechanical equipment. *Excavations* shall proceed to a depth where no *archaeological features* or *artifacts* are encountered, or until the maximum depth to which *excavations* can be safely made.

(b) Reconnaissance Report

Upon the completion of the *reconnaissance* , a *reconnaissance* report shall be submitted by the *applicant* to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.

(c) Review and Decision by Committee

At a hearing the Committee shall review the *applicant'sreconnaissance* report and vote to approve or disapprove the recommended *significance* status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance *permit* and the *building* or *gradingpermit* .

(i) If the project site is determined by the Committee not to be *significant* , then no further treatment is required and an archaeological clearance *permit* shall be issued.

(ii) If the project site is determined by the Committee to be *significant* and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is required and an archaeological clearance *permit* shall be issued.

(d) Treatment

If the project site is determined by the committee to be *significant* and to contain further potential data, then the recommended treatment shall be reviewed and shall include the following procedures:

(i) If additional surface remains exist, then additional collections shall be made; and/or

(ii) If subsurface *cultural remains* do exist then the test pits shall be expanded, *artifacts* shall be collected, and an *excavation* shall be made of *archaeological features* such as hearths, living surfaces, or other non-portable *cultural remains* . In addition further archival research shall be conducted concerning human occupation and the land use of the project site; or

(iii) The site shall either be treated as a *public or private open space* or shall be treated in such a way that no subsurface disturbance takes place. The procedure is intended as an

alternate to paragraph (ii) above. The choice of alternatives is made by the *applicant* . The committee may recommend but not require that one alternative rather than another be chosen.

(iv) Following implementation of the treatment plan, a treatment report is required containing a description of the collection, *excavation* , research, and other procedures, and a summary of the findings. The report shall be submitted by the *applicant* to and approved by the committee before an archaeological clearance *permit* is issued. A final report is due within one year of the date of the issuance of the clearance *permit* . Upon request of the archaeologist, the committee may grant a one-year's extension.

(v) A mapped and written record shall be kept by *city* staff of all surveyed areas and test *excavations* .

(e) Maximum Funding Limit

In the historic downtown archaeological review districts, in no case shall the *applicant* be required to spend more than one percent of the valuation of the *property* shown on the *buildingpermit* in providing reports and other information requested by the Archaeological Review Committee.

(f) Maximum Time for Excavations and for Excavation of Significant Sites

In the historic downtown archaeological review district, in no case shall the archaeologist be required to spend more than 15 eight hour equivalent days in carrying out test *excavations* , or an additional 20 eight hour equivalent days in carrying out additional *excavation* of *significant* sites.

(5) Procedures for River and Trails Area, Suburban Area, and Utility Mains

The following procedures shall be met before an archaeological clearance *permit* is issued to an *applicant* in the archaeological review districts for the river and trails district, the suburban district, or a utility main.

(a) Reconnaissance

Reconnaissance shall be completed by an archaeologist, hired by the *applicant* , meeting the professional qualifications set forth in the Archaeological Review Districts Ordinance. *Reconnaissance* requiring archaeology dealing with historic period sites shall be completed by a person qualified as a historical archaeologist and as a historian. The *reconnaissance* shall consist of:

(i) Archival research and analysis of land titles, historic maps, ARMS files and other existing data; and

(ii) Visual examination of the *property* for evidence of *archaeological features* , *artifacts* , or *culturally altered landscapes* at least seventy-five years old. Linear transects at intervals not exceeding twenty-five (25) feet shall be walked. If a sample of surface *artifacts* is recovered during *reconnaissance* , then the archaeologist in charge of the *reconnaissance* shall inform the *propertyowner* of the desirability of permanently storing the *artifacts* in a statewide repository such as the museum of New Mexico.

(b) Reconnaissance Report

Upon the completion of the *reconnaissance* , a *reconnaissance* report shall be submitted by the *applicant* to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.

(c) Committee Review and Decision

The Committee shall review the *reconnaissance* report and vote to approve or disapprove recommended *significance* status on an *archaeological site* by site basis and, if required, the recommended treatment of archaeological resources. The Committee's determination for treatment shall be a condition of approval for the archaeological clearance *permits* . Treatment shall be completed before approval by the Planning Commission of the final *development* plan or *plat* . For phased projects, treatment shall be completed before approval of the final *development* plan or *plat* for the phase in question.

(d) Treatment

(i) No further treatment is required if the *archaeological site* is determined by the Committee not to be *significant* , and an archaeological clearance *permit* shall be issued.

(ii) If the *archaeological site* is determined by the Committee to be *significant* and to contain potential data then the recommended treatment shall be reviewed and shall meet the following:

A. A sample of surface *artifacts* shall be collected; and

B. If there is reason to believe that subsurface remains do exist, then test *excavations* shall take place. At least eighteen (18) square feet shall be dug by hand, after which further *excavations* may be made using mechanical equipment. *Excavations* shall proceed to a depth where no *archaeological features* or *artifacts* are encountered, or until the maximum depth to which *excavation* can be safely extended.

C. In addition, further archival research shall be conducted concerning human occupation and the land use of the site; or

D. Surface *artifacts* shall be collected and documented. The site shall alternatively be treated as a *public or private open space*, park or greenbelt or shall be treated in such a manner that no subsurface disturbance takes place. The choice of alternatives is made by the *applicant* . The committee may recommend but not require that one alternative rather than another be chosen.

(iii) Following implementation of the treatment plan, a treatment report is required containing a description of the collection, *excavation* , research, and other procedures, and a summary of the findings. The report shall be submitted to and approved by the committee before an archaeological clearance *permit* is issued and before approval of the final *development* plan by the Planning Commission. A final report is due within one year of the date of the issuance of the clearance *permit* . Upon the request of the archaeologist, the committee may grant a one-year's extension.

(iv) A map and written record shall be kept by *city* staff of all surveyed areas and test *excavations* .

(e) River and Trails and Suburban Area: Funding Limit

(i) In the river and trails area, in no case shall the *applicant* be required to spend more than three thousand dollars ($3,000) dollars plus one hundred dollars ($100) per acre for the treatment of an *archaeological site* .

(ii) In the suburban area, in no case shall the *applicant* be required to spend more than four thousand dollars ($4,000) plus one hundred dollars ($100) per acre for the treatment of an *archaeological site* .

(iii) The definition of treatment of an *archaeological site* is as set forth in this chapter. The procedures for treatment are set forth in Subsection (5)(d) above.

(iv) The dollar amounts of the cost ceiling shall be reviewed on an annual basis and updated for cost-of-living increases.

(6) Procedures for Santa Fe Trail

(a) The tracks of the Santa Fe Trail are shown on the map located in the *city* planning and land use department and incorporated herein by reference.

(b) For *development* within such an area as set forth by Subsection (a) above, the *applicant* is required to submit a *reconnaissance* report which identifies on an aerial map of at least a scale of one inch equals four hundred (400) feet the precise location of the tracks, and which recommends measures for the on-site preservation of the tracks. The committee shall approve the *reconnaissance* report before the issuance of an archaeological clearance *permit* .

(c) In no case shall the tracks of the Santa Fe Trail be disturbed by the *development* , except upon the approval of the archaeological review districts committee. Criteria for approval by the Committee for allowing disturbance of the tracks shall be as follows:

(i) The tracks have been mapped and photographed and such information has been provided to *city* staff; and

(ii) The portion of the tracks to be disturbed is ten percent or less of the total square footage of tracks on the *applicant's* site; or

(iii) The square footage of the tracks constitutes more than sixty percent of the total square footage of the *lot* and preservation of all of the tracks would constitute a "taking" of the *lot* .

(7) Appeals

Any aggrieved *person* may appeal a final action of the Archaeological Review Committee to the *governing body* pursuant to Section 14-3.17.

(D) **Other General Provisions**

(1) Ownership of Artifacts

All *artifacts* discovered as a result of a *reconnaissance* or further treatment, with the exception of human remains, are the property of the *propertyowner* . *Propertyowners* are encouraged to donate *artifacts* to the museum of New Mexico or a similar repository.

(2) Human Remains

(a) If human remains are discovered, compliance with Section 18-6-11.2 NMSA 1978 is required in addition to the requirements of this section. *Persons* making the discovery shall contact the *city* police department to ensure compliance with state law and the *city* planning and land use department to ensure compliance with *city* law.

(b) If the human remains are determined to be prehistoric, or from the historical period and older than seventy-five years, then the site is considered to be *significant* . In this case, a treatment plan and report for the remains, meeting the requirements of this section shall be approved by the Archaeological Review Committee.

(c) Any treatment plan dealing with human remains shall include consideration of local Native American or other religious concerns, if applicable.

(d) If the remains represent an unplatted cemetery from the historical period, they may not be disturbed unless a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

(3) Unexpected Discoveries

(a) Any *cultural remains* that are discovered during construction activities shall be reported to *city* staff. Construction activities shall immediately cease within the area of the discovery for a maximum of twenty-four hours from time of discovery. Sunday hours may not be included in the twenty-four hour time period. No construction activity shall continue that in any way endangers the *cultural remains* . Every effort should be made by the *city* to prevent unnecessary construction delays. Designated *city* staff and one archaeologist from the Archaeological Review Committee shall visit the site and shall determine the archaeological *significance* and the data potential of the site. If the site is determined to be *significant* and to have data potential, then:

(i) Designated *city* staff and one archaeologist from the Archaeological Review Committee shall determine a buffer area in which construction activities shall temporarily cease; and

(ii) The *propertyowner* shall present a treatment plan to the committee for their approval. The treatment plan shall meet the requirements of Subsections (C)(4) or (5) above, depending on the archaeological district in which the discovery is located pursuant to Sections 18-6-11 and 18-6-11.1 NMSA 1978 as amended.

(b) Failure to report such finds can result in a suspension of construction *permits* .

(c) If human remains are discovered, *city* officials must be contacted. If remains are determined to be deposited less than seventy-five years ago, determination of jurisdiction will be made by the New Mexico Office of the Medical Investigator. If the remains are determined to be prehistoric or isolated burials of early historical age, consultation with the Archaeological Review Committee shall be undertaken to identify an appropriate treatment plan. This treatment plan shall indicate consideration of local Native American or other religious concerns, if applicable. If the remains represent an unplatted cemetery, they may not be disturbed less a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended. (Ord. No. 2013-16 § 16)

(4) Emergency Actions

Nothing in this Section 14-3.13 shall be construed as preventing or delaying emergency actions as needed to protect human health or well being, or public or private *property* . However, if *cultural remains* are uncovered or disturbed as a consequence of such emergency actions, the disturbed *remains* will be treated as unexpected discoveries in accordance with Subsection (D)(3) above once a state of emergency has ceased to exist.

(5) Archaeological Fund and Projects

(a) An archaeological fund shall be established to receive revenue from construction *permits* , the general fund and other sources.

(b) The Archaeological Review Committee may recommend expenditure of money from this fund for the following projects:

(i) Additional analysis or other treatment of a site of citywide *significance* when the funding limit for treatment of a site as set forth in this section has been reached;

(ii) Additional analysis or other treatment of a site designated as an "unexpected discovery" by the Archaeological Review Districts Ordinance, when the funding limit for treatment of a site as set forth in this section has been reached and the site is determined to have citywide *significance* ;

(iii) Analysis of *artifacts* from a site of citywide *significance* collected prior to adoption of the Archaeological Review Districts Ordinance; or

(iv) Archaeological surveys or studies of a citywide scope.

(c) For the purpose of this section, citywide *significance* means:

(i) An outstanding example of a certain category of site or of a type not adequately documented; or

(ii) A site associated with a person or event of special historical *significance* to Santa Fe.

(E) **Approval Criteria / Archaeological Significance**

Sites identified as *significant* shall be those that have yielded or may be likely to yield information important in the study of prehistory or history. These shall be those:

(1) With *cultural remains* that are more than seventy-five years old; and

(2) With *cultural remains* that are directly associated with events or developments that have made an important contribution to local history or prehistory; or

(3) With *cultural remains* that are directly associated with the lives of persons *significant* in local history; or

(4) Areas where a high frequency, *density* , diversity or a substantial number of prehistoric *cultural remains* are present; or

(5) Areas having *cultural remains* known to rarely occur in the Santa Fe area; or

(6) Any site containing human remains over seventy-five years old.

(Ord. #2020-22 , § 16)