

### **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**

**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). A ticket is attached to the 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**

**[www.santafenm.gov/public-works/engineering-division/traffic-engineering-section](http://www.santafenm.gov/public-works/engineering-division/traffic-engineering-section)**

# 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 permittee'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: \_\_\_\_\_ ACTUAL DIMENSIONS: \_\_\_\_\_

(Length) (Width) (Area) (Length) (Width) (Area)

10 ESTIMATED WORK SCHEDULE: \_\_\_\_\_ ACTUAL START DATE: \_\_\_\_\_

(INCLUDE SURFACE RESTORATION) (Begin) (End)

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	\$ 11001.421200	<ul style="list-style-type: none"> <li>Each excavation is limited to 200' unless otherwise approved by the SDM Inspector.</li> <li>An approved Archaeological Monitoring Plan is required for underground utility projects greater than:               <ul style="list-style-type: none"> <li>60 LF if any work occurs within the Historic Downtown Archaeological Review District</li> <li>550 LF in all other areas of the City</li> </ul> </li> <li>A Small Wireless Permit is required for any small wireless pole or collocation</li> <li>Primary contractor is responsible for quality of work and warranty work if needed</li> <li>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.</li> </ul>
New Pavement Penalty	\$ 11001.431150	
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 1998-52 (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 of 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 performance 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, \_\_\_\_\_ (Printed name) \_\_\_\_\_ (Title) have been provided with a copy of the City of Santa Fe's 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: \_\_\_\_\_  
Street & Drainage Maintenance Section Supervisor

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 **City 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 that 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 the sum total of all liability of the Surety on any one or all of such actions shall not exceed the sum of Ten 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 longer.

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.

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*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:

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- 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)

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### 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.



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- 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)

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### **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.

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- 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)

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### **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)

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### **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.

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- 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 ( $\frac{1}{3}$ ) 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)

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### **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)