VILLAGE OF EAGLE NEST
BUILDING PERMIT APPLICATION
INFORMATION SHEET

IT IS MANDATORY*, before construction, to obtain a approved Building Permit from
the Planning and Zoning Commission of the Village of Eagle Nest. (*Village of Eagle Nest
Ordinance No. 1983-10, Section 2 – BUILDING PERMIT REQUIRED)

SUBMISSION REQUIREMENTS

Building permit applications and all documentation MUST be submitted by the
Thursday prior to the regularly scheduled meeting of the Planning and Zoning Commission.
Late or incomplete applications will not be considered until the following month or until
complete.

The Planning and Zoning Commission meets the second Wednesday of each month,
October through April at 6:00 pm. During the months of May through September, meetings are
held the second and fourth Wednesdays of each month at 6:00 pm. All meetings are held in the
Council Chambers at Village Hall.

The Planning and Zoning Commission is an advisory board. After review of Building
Permit Application, the Planning Zoning Commission shall include their recommendations on
the agenda at the next regularly scheduled meeting of the Village Council, where final
review/approval will be given.

CONTENTS OF BUILDING PERMIT APPLICATION PACKET

- Fees for Zoning Permits – Resolution 2013-25
- Ordinance 1983-10
  o Section 3, Exempted Work
  o Section 4, Permit Classifications
- Ordinance 1983-03
  o Section 6, Establishment of Zones
  o Section 7, Structure Height
  o Section 8, Set-backs
  o Section 10, R-L Zone, E – Minimum Dwelling Size
- Ordinance 1990-04
  o Section 2, Manufactured Housing and Mobile Homes
- Planning and Zoning Checklist of Required Documentation
- Planning and Zoning Permit Application Form
- Site Inspection Authorization
- State of New Mexico – Multi-Purpose State Building Application & Instructions
- New Mexico Regulation & Licensing Dept. – Homeowner’s Responsibilities Form
- Examples of Plans (to be submitted)
- Encroachment Permit Application (Ordinance 2009-05 & Resolution 2009-24)
VILLAGE OF EAGLE NEST

DEFINITIONS OF REQUIRED DOCUMENTATION:

SITE PLAN – To be scaled 1” = 20’. The site plan must show both existing and proposed structures, parking, traffic circulation and any storage tanks. All shall be dimensional to the property boundary and corners.

CONSTRUCTION PLANS – To be scaled ¼” = 1’. The construction plans must show ground floor plans; additional floor plans, if any; four (4) exterior elevations (north, south, east and west), including finished grade levels; utility plan showing proposed water, sewer and electrical hookups to existing lines; detailed wall section including foundation; landscaping and exterior lighting plan.

Applicants for a multi-family housing: Plans must include the total number of units, total square footage of each unit, total number of square feet of living space for the project, total number of parking spaces, and the total number of lots committed to the plan.

The issuance or granting of a Building Permit by the Village of Eagle Nest, or approval of plans and specifications, does not constitute approval of any violation of any of the provisions of State Building Codes or of Municipal Ordinances.

EXPIRATION OF BUILDING PERMIT:

Every Building Permit issued by the Village of Eagle Nest shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of issuance. The Village Council may extend the time for action by any permittee holding an expired permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Building Permits may be extended one time for a period not exceeding 180 days.

COMPLETION OF CONSTRUCTION:

Construction shall be completed within one year from the date of the Building Permit issuance, or from the date of issuance of an extension to commence construction. Application for an extension of completion of construction may be made in writing prior to expiration of the Building Permit.

CHANGES IN PLANS OR CONSTRUCTION:

The construction shall adhere to the submitted, approved plans. Any proposed change, or deviation there from during construction, must be approved in advance by the Planning and Zoning Commission. Active or passive knowledge and/or consent by the Commission, or their representatives does not constitute the necessary approval of such changes or deviations.
VILLAGE OF EAGLE NEST

APPEALS OF REJECTED BUILDING PERMIT APPLICATIONS:

Any applicant whose application is rejected by the Planning and Zoning Commission may appeal to the Village Council at their regularly scheduled meeting. The Village Council will hear the appeal and also the recommendation from the Commission and will either approve or uphold the Commission’s decision.

WATER AND/OR SEWER TAP APPLICATION:

Although an approved Application for Water and/or Sewer Services is not required for submission of a Building Permit Application, it is advisable to apply at this time.

STATE BUILDING PERMITS:

The permit issued by the Village of Eagle Nest is not a State of New Mexico Building Permit. A State Building Permit must be obtained from the Construction Industries Division of the State of New Mexico. You can obtain information about applying for a State Building Permit from the Village Clerk’s office.

SUBMIT ALL MATERIALS TO: Eagle Nest Village Clerk
P.O. Box 168
Eagle Nest, NM 87718
(575) 377-2486
(575) 377-2487 fax
VILLAGE OF EAGLE NEST

RESOLUTION NO. 2013-25

"A RESOLUTION ESTABLISHING FEES FOR ZONING PERMITS WITHIN THE JURISDICTIONS OF THE VILLAGE OF EAGLE NEST, NEW MEXICO."

WHEREAS, Eagle Nest Zoning Ordinance No. 1990-9, "Building Permit Ordinance, Amendment No. 1" and Ordinance No. 1995-2, "Building Permit Ordinance, Amendment No. 2", provide for the establishment of Zoning Permit Fees by Resolution:

THEREFORE, BE IT RESOLVED, in a Regular Council Meeting, April 16, 2013, that the Governing Body of the Village of Eagle Nest adopted the following fees for the issuance of a Zoning Permit:

1. Classification "A":
   Buildings or construction of less than 1000 square feet.
   Residential $75.00
   Commercial $100.00
   Buildings or construction of 1000 square feet.
   Residential $100.00
   Commercial $150.00
   Each additional 100 square feet greater than 1000 square feet.
   Residential $10.00
   Commercial $15.00

2. Classification "B":
   Miscellaneous Structures or Construction
   Residential $10.00
   Commercial $10.00

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF APRIL, 2013, IN EAGLE NEST, NEW MEXICO BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED.

RICHARD A. CORDOVA, MAYOR

ATTEST:

LYNDA PERRY, MUNICIPAL CLERK/ADMINISTRATOR
VILLAGE OF EAGLE NEST

Ordinance 1983-10 – Building Permit Ordinance

Section 3: Exempted Work. A Building Permit shall not be required for the following:

A. One-story detached accessory buildings used as tool and storage sheds, playhouse, and similar uses, provided the projected roof area does not exceed 120 square feet.

B. Fences not over six feet (6’) in height which do not block sunlight.

C. Platforms, walks and driveways not more than thirty inches (30”) above grade and not over any basement or story below and requiring the installation of culverts or other devices which will effect drainage.

D. Paving or graveling of existing driveways or parking lots.

E. Painting, Papering and similar finish work.

F. Signs.

G. Window awnings on residential dwelling units supported entirely by an exterior wall and projecting not more than 54 inches.

H. Prefabricated plastic, metal or fiberglass swimming pools accessory to residential dwelling units when the pool walls are entirely above the adjacent grade and do not require foundation or exterior supports of any kind.

I. Propane tanks being moved or placed.

J. Trailers being moved or placed in an approved mobile home or Recreational Vehicle Park.

K. Solar heating and/or cooling devices.

L. Interior remodeling which does not change the occupancy of the building.

M. Repairs to the exterior of an existing building or structure, provided no excavation is required. This shall apply only to those buildings and structures which conform to zoning codes; but shall not apply to buildings or structures which have been grandfathered or for which “Certifications of Non-Conformance” have been issued.
VILLAGE OF EAGLE NEST

N. Porches and decking, whether attached or unattached, to existing buildings and structures in residential zones only which do not require excavation and do not exceed a floor area of 120 square feet.

O. Television receiving antenna projecting not more than ten feet (10’) above the height of the building. (This does not apply to satellite receiving and/or transmitting devices. See Section 4.A.5)

Exemptions from the permit requirements of this Ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of State Codes or Municipal Ordinances.

Section 4: Permit Classifications. All work for which a Building Permit shall be required shall be, for the purpose of this Ordinance, separated into two classes or categories as following:

A. Permit Class “A”. Permit Classification “A” shall include, but not be limited to, the following:
   1. New construction.
   2. Structural alterations.
   3. Interior remodeling or repair work which alters occupancy.
   4. Additions to existing buildings and structures, unless specifically exempted herein.
   5. The permanent placement of accessory items, buildings, or structures which are not specifically exempted herein: satellite receiving and/or transmitting antennas, extending more than ten feet (10’) above height of building [Ordinance 1990-09 – Amendment #1]
   6. Temporary or permanent motion picture, television and/or theater sets and scenery.

B. Permit Class “B”. Classification “B” shall include, but not be limited to, the following:
   1. Fences six feet (6’) and higher.
   2. Fences under six feet (6’) in height which block sunlight.
   3. Platforms, walks and driveways more than thirty inches (30”) above grade.
   4. Platforms, walks and driveways less than thirty inches (30”) above grade which are over any basement or story below or which require the installation of culvert or other device which will effect drainage.
   5. Retaining walls.
   6. Satellite receiving and/or transmitting antenna, television and/or radio receiving and/or transmitting antenna extending more than ten (10) feet above height of building and/or more than four (4) feet across in diameter. [Ordinance 1995-02 – Amendment #2]
Section 6. Establishment of Zones:

[A. For the purposes of this Ordinance, as it now exists or may be amended, the areas within the municipal limits of the Village of Eagle Nest are divided into the following listed zones, or use-districts;

1. Residential – Low Density (R-L) Zone
2. Commercial – One (C-1) Zone
3. Residential Mobil Home and Temporary or Over-night Recreational Vehicle (RTR) Zone
4. Residential – High Density (R-H) Zone 1985-04 Amendment #7
5. Planned Unit Development Zone
6. Agricultural and Open Space zone (AG) 1988-02 Amendment #9
7. Special Use Zone (SU) 2015-02]

Section 7. Structure Height:

A. **R-L Zone.** Height shall not exceed thirty (30) feet from existing grade to the peak of roof.
B. **C-1 Zone.** Height shall not exceed forty (40) feet from existing grade to peak of roof.
C. **RTR Zone.** Height shall not exceed forty (40) feet from existing grade to peak of roof.
Mobile homes and R.V.s shall not exceed fifteen (15) feet from existing grade to peak of roof.

Section 8. Set-Backs: Set-backs from adjoining property lines, streets or alleys shall be as follows. Set-back requirements shall include rooflines, deck lines, awnings, porches, pools, tanks and outbuildings. The set-backs are for R-L, C-1 and RTR Zones.

A. Seven (7) feet on the side.
B. Ten (10) feet street side on a corner lot.
C. Ten (10) feet on the back.
D. Twenty-five (25) feet on the front facing the street.

The terms ‘side, ‘back’ and ‘front’ are used to give conventional directions of buildings and shall be determined case by case.

Section 10. R-L Zone: E. Minimum Dwelling Size. Minimum single family dwelling unit size shall be 800 square feet. [864 square feet – 1990-03 Amendment #10]
VILLAGE OF EAGLE NEST

Ordinance 1990-04 – Manufactured Housing and Mobile Homes
Amendment #1

Section 2. Manufactured Housing and Mobile Homes Ordinance:

A. As used in the Manufactured Housing and Zoning Act [3-21A-1 to 3-21A-8 NMSA 1978] ‘manufactured housing’ means a manufactured home or modular home that is a single-family dwelling with a heated area of at least eight hundred sixty-four (864) square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit’s construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978) and with the regulations made pursuant thereto relating to ground level installation and ground anchors.
VILLAGE OF EAGLE NEST
PLANNING & ZONING PERMIT APPLICATION CHECKLIST

1. Applicant's Name: ________________________________

2. Type Structure Proposed: _____ SINGLE FAMILY; _____ MULTI-FAMILY; _____ COMMERCIAL

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>HAVE THE FOLLOWING BEEN SUBMITTED?</td>
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<tr>
<td>PLANNING AND ZONING COMMISSION DOCUMENTS AND FEE</td>
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<tr>
<td>A. Village of Eagle Nest - Zoning Permit Application Form and Fee</td>
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<tr>
<td>B. Village of Eagle Nest - Site Inspection Authorization Form</td>
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<tr>
<td>C. Two (3) copies of site plan - One copy for Village and Two copies for State CID</td>
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<tr>
<td>(1) Drawn to scale of 1&quot; = 20'</td>
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<tr>
<td>(2) Parking and traffic circulation indicated and dimensioned to property boundaries and corners</td>
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<td>(3) Existing structures and storage tanks indicated and dimensioned to property boundaries and corners</td>
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<tr>
<td>(4) Proposed construction and storage tanks indicated and dimensioned to property boundaries and corners</td>
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<tr>
<td>D. Two (3) sets construction plans - One set for Village Office and Two sets for State CID</td>
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<td>(1) Drawn to scale of 1/4&quot; = 1'</td>
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<tr>
<td>(2) Ground floor plan indicated</td>
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<td>(3) Second and third floor plans indicated</td>
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<td>(4) Four (4) exterior elevations (north, south, east, west) including finished grade levels for each elevation</td>
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<tr>
<td>(5) Utility plan showing proposed water and sewer hookups to existing lines</td>
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<tr>
<td>(6) Utility plan showing proposed electrical hookups to existing lines</td>
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<td>(7) Detailed wall section including foundation</td>
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<td>E. If Application is for Multi-Family, are the following indicated?</td>
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<tr>
<td>(1) Total number of units</td>
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<td>(2) Square footage each unit</td>
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<tr>
<td>(3) Total number of square feet of living space for project</td>
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<tr>
<td>(4) Number of parking spaces</td>
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<tr>
<td>(5) Number of lots committed to plan</td>
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<tr>
<td>(6) Utility plan showing proposed water, sewer and electric hookups to existing lines for each unit</td>
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<tr>
<td>F. State of New Mexico - Multi-Purpose State Building Application</td>
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<tr>
<td>G. New Mexico Regulation &amp; Licensing Dept - Homeowner's Responsibilities Form (if Applicable)</td>
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VILLAGE OF EAGLE NEST APPLICATIONS AND FEES

| A. Village of Eagle Nest Water and Sanitation Information Sheet (Attached) |
| B. Village of EN Water Works Department Service & Connection Fees Information Sheet (Attached) |

The following fees may be applicable - Go to THE Village Office for Copies of Forms and to Pay Fees

| A. Water Works Department - Application for New Water and/or Sewer Service |
| B. Village of EN Water and Sanitation - New Account Form for Water/Sewer/Garbage Utilities |
| C. Payment of Fee's - (Water / Sewer / Impact Fees) and (Utility Deposit) |
| D. Village of Eagle Nest Encroachment Permit Application - $10 fee |

Encroachment Permit may include - Driveway Access, Culver Installation, Street Cut, Curb/Gutter/Sidewalk/Cut, Off Street Parking, and Other
VILLAGE OF EAGLE NEST
Planning and Zoning Permit Application

PLEASE PRINT OR TYPE

OWNERS NAME_________________________________________ DATE_________________

ADDRESS_____________________________________________ HOME PHONE____________

CITY, STATE, ZIP_______________________________________ WORK PHONE____________

PROJECT LOCATION_____________________________________
(By street address or similar description that will readily identify and definitely locate the proposed building or work)

SUBDIVISION____________________________________________ BLOCK___________ LOT(S)____

TYPE OF CONSTRUCTION (Check One):

_____ New Construction (Type: _____ Single Family _____ Multi-Family _____ Commercial)

_____ Structural Alteration (Type of Work)

_____ Change in Occupancy – Current Occupancy

Proposed Change________________________________________

_____ Addition to existing building or structure with no change in occupancy

_____ Other (Explain)_____________________________________

DATE CONSTRUCTION TO BEGIN_________________________ COMPLETION DATE________

VALUATION AT COMPLETION $___________________________

FOR NEW CONSTRUCTION STRUCTURAL ALTERATIONS AND ADDITIONS TO EXISTING STRUCTURES, COMPLETE ITEMS 1 THROUGH 7:

1. Area Basement_________________________ Sq. Ft.   Ground Floor_________________________ Sq. Ft.
   Second Floor_________________________ Sq. Ft.    Third Floor_________________________ Sq. Ft.

2. Foundation_______________________________________

3. Floor Joist Size_________________________ Exterior Wall Stud Size____________________

4. Roof Decking Material____________________ Roof Finish Material____________________

5. Number of Rooms_________________________ Number of Baths________________________

6. Types of Heating_________________________________

Page 1 of 2
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<thead>
<tr>
<th>TYPE</th>
<th>THICKNESS</th>
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<tr>
<td>Insulation:</td>
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<tr>
<td>Ceiling:</td>
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<tr>
<td>Floor:</td>
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<tr>
<td>Outside Wall:</td>
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FOR MULTI-FAMILY DWELLINGS COMPLETE ITEMS 1 THROUGH 4:

1. Total Number Living Units ____________________________________________

2. Square Footage Per Unit _____________________________________________

3. Square Feet of Living Space for Project: _____________________________

4. Number of Parking Spaces for Project: ________________________________

CONTRACTOR: (Company Name) ____________________________________________

(Company Address) ____________________________________________________

SUBCONTRACTORS:  

<table>
<thead>
<tr>
<th>Company Name</th>
<th>NM License #</th>
<th>EN Bus. Lic. #</th>
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<tbody>
<tr>
<td>Electrician</td>
<td>____________</td>
<td>______________</td>
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<tr>
<td>Plumber</td>
<td>____________</td>
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<tr>
<td>Driveway</td>
<td>____________</td>
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ARCHITECTURAL PLANS:  

Prepared by: __________________________________________________________

Address: ____________________________________________________________ Phone

I, THE UNDERSIGNED, AFFIRM COMPLIANCE OF THIS STRUCTURE WITH CURRENTLY EXISTING STATE AND MUNICIPAL BUILDING AND SAFETY CODES. I UNDERSTAND I MUST BEGIN CONSTRUCTION WITH 180 DAYS AFTER APPROVAL AND CONSTRUCTION MUST BE COMPLETED WITHIN 1 (ONE) YEAR AFTER APPROVAL. I ALSO AFFIRM I AM THE OWNER OF THE PROPERTY.

SIGNED: ____________________________  (Property Owner)

DATE: _______________________________
VILLAGE OF EAGLE NEST, NEW MEXICO

SITE INSPECTION AUTHORIZATION

The Planning and Zoning Commission of the Village of Eagle Nest, New Mexico reserves the right to inspect the property hereinafter described, for the purposes of establishing compliance with Village of Eagle Nest Ordinance No. 1983-3, Section 8, Setbacks, for any property requesting a building permit within the limits of the Village of Eagle Nest.

Two (2) site inspections will be made by a member of the Planning and Zoning Commission. The first site inspection will be made upon receipt of the Building Permit Application and the second inspection will be after the initial start of construction.

DESCRIPTION OF PROPERTY TO BE INSPECTED:

____________________________________________________  BLOCK #    LOT(S) #
____________________________________________________
EAGLE NEST, NEW MEXICO

____________________________________________________

NAME OF PROPERTY OWNER

____________________________________________________

I, __________________________________________________, owner of the above described property, authorize the Planning and Zoning Commission to perform two (2) site inspections at the above described property to establish compliance with the Village of Eagle Nest ordinances.

I acknowledge that a member(s) of the Planning and Zoning Commission will take measurements and confirm all measurements as stated on the site plan included in the application for building permit.

Persons conducting site inspections will identify themselves to any persons on the site.
Multi-Purpose State Building Application

State of New Mexico
Albuquerque Office 5200 Oaklank Ave., NE
Regulation and Licensing Department
I-25 @Alameda Albuquerque, New Mexico 87113
Las Cruces Office 505 S. Main St, Ste 150
Construction Industries Division
P.O. Box 939 Las Cruces, New Mexico 88004-0939
Santa Fe Office 2550 Cerroitos Road
Santa Fe, New Mexico 87505

Date Issued: ____________________________  Processed By: ____________________________

Received By: Mail (A / R)  Paid By: Cash Receipt #: Check #: Total Fees $  
Walk – In (A / R)  Cash Receipt #: Check #: Balance Due $  

Please check the appropriate type for which you are applying:

☐ Building Permit  ☐ Residential  ☐ Commercial  ☐ Electrical Review Only  ☐ Mechanical/Plumbing Review Only
Type of Construction:  I  II  III  IV  V  A  B
Total Sq Ft. ______________________________________
Occupancy Group:  A  B  E  F  H  I  M  R  S  U  Valuation / Sign Contract __________
Division: 1  2  3  4  5

Description of Work:

☐ New Construction  ☐ Addition  ☐ Alterations/Repairs  ☐ Re-Roof  ☐ Foundation Only  ☐ Demolition  ☐ Renew Permit #
☐ Wood  ☐ Masonry  ☐ Adobe  ☐ Rammed Earth  ☐ Alternative Material
☐ Metal / Steel (required Engineer STAMPED)  ☐ Baled Straw (required Architectural  ☐ Other: (required Architectural
foundation & structure drawings STAMPED)  STAMPED)

PLEASE PROVIDE THE FOLLOWING INFORMATION (Refer to the BUILDING PERMIT GUIDE or call for addition information):

Parcel No. and/or Project Address: (must provide physical address) Nearest City/Town/Village to project Zip Code County

Subdivision Name:  Lot Number Township Range Section
Provide Written Directions to the project site:

__________________________________________________________________________

Contractor Information:

Company Name:  NM State License Number
Address-No. & Street/PO Box/Rural Route  City  State  Zip Code  Phone

Property Owner or Homeowner Information:

Name:  
Address-No. & Street/PO Box/Rural Route  City  State  Zip Code  Phone

Design Professional Information:

Professional Name or Firm:  NM State License Number
Address-No. & Street/PO Box/Rural Route  City  State  Zip Code  Phone

PLEASE READ AND SIGN THE FOLLOWING: (Contractors or Homeowner)
I hereby acknowledge by my signature below that I have read this application and state that the above is correct. I agree to comply with the requirements of the New Mexico Building Code. I waive my right to require any inspector to possess a search warrant before they enter the premises to inspect the building covered by this permit. However, I waive this right only on the following conditions: The inspector must be approved by the Construction Industries Division and this inspection must be made at reasonable times for purpose of determining whether the work of building or structure on the premises complies with the New Mexico Building Code. I understand that the issuance of this permit shall not prevent the Construction Industries Division from requiring compliance with the provisions of the New Mexico Building Code.

X ____________________________  Date: ____________________________

PLANING/ZONNING APPROVED BY:  Signature: ____________________________  Date: ____________________________

FLOOD PLAIN APPROVED BY:  Signature: ____________________________  Date: ____________________________

PERMIT APPROVED BY:  Signature: ____________________________  Date: ____________________________

UPC APPROVED BY:  Signature: ____________________________  Date: ____________________________

NEC APPROVED BY:  Signature: ____________________________  Date: ____________________________

OFFICIAL USE ONLY

Revised 4-13-12
BUILDING PERMIT GUIDE FOR RESIDENTIAL CONSTRUCTION

WHEN BUILDING PERMITS ARE REQUIRED
(New Mexico Residential Code 106.1)

Except as specified in IRC, Section 105.2, no building or structure regulated by this code shall be erected, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a permit has first been obtained from the building official.

WHEN BUILDING PERMITS ARE NOT REQUIRED
(New Mexico Residential Code 105.3)

A building permit shall not be required for the following:

1. One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
5. Sidewalks and drives no more than 30 inches above adjacent grade and not over any basements or story below.
6. Painting, papering, slinging, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 34 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 sq. ft. in area, that are not more than 30" above grade at any point, are not attached to a dwelling and do not serve the exit door required by section R311.4.
11. Any work not otherwise regulated by a specific provision of the NMRC.

NOTE: Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

SEPTIC TANK PERMIT

Obtain a PERMIT TO MODIFY OR INSTALL AN INDIVIDUAL LIQUID WASTE SYSTEM form from your local New Mexico Environment Department Office. Call 1-800-219-6157 for the nearest location.

PERMIT APPLICATION DATA

To obtain a building permit, the applicant shall fill out an APPLICATION for STATE BUILDING PERMIT form. Applicant must list property owner's name and address, contractor's company name, address and license number (if applicable), architect's name, address and license number (if applicable), specific use of building, county in which the project is located, project address, nearest city/town/village, legal description, written directions to the site, description of work, construction material, and total square footage. The qualifying party for the licensed contractor requesting the permit or the homeowner requesting a homeowner construction permit must sign the application.

The homeowner must also read and note the HOMEOWNER'S RESPONSIBILITIES FORM, FOR BUILDING A HOME OR FOR ALTERATIONS, REPAIRS OR IMPROVEMENTS TO A HOME WITH A HOMEOWNER'S PERMIT form. A homeowner's permit may not be used to permit a project where a GB-2 or GB-98 contractor is acting as a general contractor on the project. Any contractor acting as a general contractor on a project where there is a homeowner's permit must obtain a building permit for its work, and shall be held responsible for any work performed at this site. Further, licensed subcontractors will be held responsible for their work, which also must be permitted separately. A homeowner may not perform electrical, plumbing or mechanical work unless the homeowner applies for and passes the required CIC exam for such work. Call (505) 476-4700 for information on the homeowner electrical and plumbing permits process.

ZONING APPROVAL

Your project may be located in an area requiring zoning approval from a city or county zoning authority. You must obtain zoning approval and signature on the APPLICATION FOR STATE BUILDING PERMIT before applying to this office for the building permit. Contact the Construction Industries Division for zoning requirements in your area.

VALUATION AND FEES

- Valuation of your project is based CID Rules New Mexico Administrative code 14.5.5.10. The project does need the signed contract between the project owner and contractor. If you are applying for a homeowner construction permit, the Division will calculate the valuation based on estimated value schedules in our office. The fee, which covers plan review, the permit notice and required inspections, is based on the valuation amount. Our office will calculate the valuation and fee for you. If you are mailing the application and plans to your nearest CID office, call any of the offices listed above for the fee prior to mailing.

PLAN SUBMISSION

Two complete sets of plans at 1/4" = 1'-0" minimum with dimensions, on at least 8 1/2" x 11" paper is required and will provide the following information:

1. SITE PLAN. Show proposed new structures and any existing buildings or structures on site, including existing adjacent structures within 10 feet of any adjacent property lines, and north arrow. Show property lines with dimensions, all streets, easements and setbacks. Show all water, sewer, electrical points of connection, proposed service routes and existing utilities on the site. Show general drainage and grading information.
2. FOUNDATION PLAN. Indicate size, location and depth below grade of all footings, piers, and stem walls. If necessary, provide a geotechnical report, including soil-bearing capacity for the proposed structure at the site.
3. FLOOR PLAN. Show all floors including basement. Label all the rooms and provide overall dimensions. Show all doors and windows. Provide door and window schedules. Locate smoke detection systems.
4. FLOOR & ROOF FRAMING PLANS. Show size, spacing and spans of joints, girders, rafters, beams and headers. Specify grade and species of all wood members. All wood trusses must be engineered and pre-manufactured. The sealed truss engineer specifications must be submitted with the drawings when applying for permit. The manufacturer's instructions on placement and attachment of all wood trusses must be at the job site for the building inspector's review.
5. DETAILS. Include typical interior and exterior wall sections showing floor, wall and ceiling type, size, spacing and insulation required by the Model Energy Code. Show footing and foundation depth and dimensions; detail anchor bolt size and spacing, and spacing and steel reinforcement in masonry, concrete footings and stem walls. Show stair details showing dimensions of rise and run of steps, handrail location, guardrail spacing, headroom, etc. Show fireplace details and section showing masonry reinforcement; if using pre-fabricated unit, the manufacturer's installation instructions must be at the job site for the building inspector's review.
6. TOTAL SQUARE FOOTAGE. List the heated, garage, carport, covered porch and patio square footage on your plans. The total floor area square footage must be listed on the APPLICATION for STATE BUILDING PERMIT.
7. ENERGY CONSERVATION CODE. A package complying with the 2009 New Mexico Energy Conservation Code requirements must be submitted with the permit request.

SPECIAL CONDITIONS

1. ADDITIONS. In addition to the above requirements, the floor plan shall depict the addition and show all proposed additions and existing structures that will adjoin the addition. Provide distances on all sides of the addition to property lines and existing structures. Ensure that an existing sleeping room's sole means of egress to the exterior is not blocked by the addition.

Revised 4/11/2012 Building Permit Guide for Residential Construction Page 1 of 2
2. ALTERATION/REPAIR. When performing alterations and repairs to an existing residence without performing structural changes, two sets of lists outlining work to be performed and materials to be used will be accepted in lieu of the above requirements. If you suspect this work will entail the handling of asbestos containing materials, call the Air Pollution Control Bureau at 1-800-224-7009 prior to commencing alterations and repairs for additional information.

3. RELOCATED RESIDENCE. When relocating an existing residence to a new site, the structure will be considered new construction and must comply with all current applicable codes. Submittal shall reflect all the requirements listed under PLAN SUBMITTAL above.

4. DEMOLITION. Two site plans identifying the structure(s) to be demolished will be accepted in lieu of the above requirements. If you suspect this work will entail the handling of asbestos containing materials, call the Air Pollution Control Bureau at 1-800-224-7009 prior to commencing alterations and repairs for additional information.

5. ALTERNATIVE METHODS AND MATERIALS. Utilizing alternative methods and materials (other than masonry, wood frame, adobe and rammed earth construction) requires submission of the CERTIFICATION FOR ALTERNATIVE METHODS AND MATERIALS form with the application for state building permit. The certification shall be recorded with the county clerk's office in the county where your project is located.

REQUIRED INSPECTIONS To request an inspection e-mail us at CID.Inspections@state.nm.us or call 505-222-9813 or 877-243-0979

1. FOUNDATION INSPECTION. To be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with approved nationally recognized standards; the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. CONCRETE SLAB or UNDER-FLOOR INSPECTION. To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

3. FRAME INSPECTION. To be made after the roof, all framing, fire blocking and bracing is in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

4. WEATHER-RESISTIVE BARRIER INSPECTION. To be made after installation of the appropriate weather-resistant barrier and before such barrier is covered.

5. FINAL INSPECTION. To be made after finish grading and the building is completed and ready for occupancy. Final electrical, plumbing and mechanical inspections must be conducted prior to final general construction inspection. The Construction Inspector will issue the Certify of Occupancy to the contractor after approving final general construction inspection.

6. OTHER INSPECTIONS. In addition to the called inspections specified above, the Construction Inspector may make or require other inspections of any construction work to ascertain compliance with provisions of the New Mexico Building Code and other laws, which are enforced by the code enforcement agency. The licensed plumber and electrician performing the work under the appropriate permits are responsible for coordinating plumbing, mechanical and electrical inspections.

WHEN PROFESSIONAL SEALS ARE NOT REQUIRED

(New Mexico Residential Code 106.1)

The requirement for plans and specifications to be prepared by an architect and/or engineer shall not be required of the following unless, at the discretion of the building official, exception is not in the best interest of public safety or health:

A. Single-family dwelling not more than two stories in height.
B. Multiple dwellings not more than two stories in height containing not more than four dwelling units of wood-frame construction and provided this paragraph is not construed to allow a person who is not an architect to design multiple clusters of four dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

C. Garages or other structures not more than two stories in height, which are appurtenant to buildings described in paragraphs A or B of this Section.

D. Alterations to buildings or structures that present no unusual condition or hazards or change in occupancy.

WHEN PROFESSIONAL SEALS ARE REQUIRED

The Construction Industries Division requires, as provided under Section 14.5.2.10 B, NMAC, plans and specifications for the following construction methods be prepared and sealed by a New Mexico Registered Architect or Structural Engineer:

1. Construction utilizing steel studs, structural steel members (red iron) and/or steel pipe.
2. All prefabricated, premanufactured and component structures.
3. Residential construction utilizing a wood foundation.
4. All retaining walls over three feet in height measured from the bottom of the footing to the top of the wall.
5. A second story addition to an existing first story (unless proof of previous CID approval shows current construction will support additional second story load).
6. Residential construction utilizing an alternate material, design or method in construction.

CERTIFICATE OF OCCUPANCY

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certification of occupancy as provided.

APPLICABLE CODES

The Construction Industries Division currently enforces the following codes:

- 2009 New Mexico Commercial & Residential Building Code
- 2009 International Building Code
- 2009 National Residential Code
- 2009 Solar Energy Code (IAPMO)
- 2009 NM Energy Conservation Code
- ICC/ANSI A117.1-2003
- 2009 New Mexico Plumbing and Mechanical Code
- 2009 Uniform Mechanical Code (IAPMO)
- 2009 Uniform Plumbing Code (IAPMO)
- 2009 Uniform Swimming Pool, Spa and Hot Tub Code
- 2011 New Mexico Electrical Code
- 2011 National Electrical Code
- 2008 National Electrical Safety Code
- Liquefied Petroleum Gas Standards
  - 2011 NFPA 58
  - 2008 NFPA 921
  - 2009 NFPA 54
  - 2010 NFPA 52
  - 2011 NFPA 1192

CONSTRUCTION INDUSTRIES DIVISION WEB SITE

CID has developed a new information web site with “view only” information at www.rid.state.nm.us/cid. This site includes information of interest to consumers, business and the regulated community.

CONTRACTOR LICENSE LOOK-UP

A license “view only” web site has been developed at public.psecoms.com. This site includes the names, addresses and telephone numbers of licensed contractors and their license classification. It also includes information on licensing and required qualifications for license examination.

MANUFACTURED HOMES

Contact the Manufactured Housing Division, located within the CID office, at 505-476-4770 for guidance on additions, alterations and repairs to manufactured homes.
HOMEOWNER'S RESPONSIBILITIES FOR ANY TYPE OF ALTERATION OR CONSTRUCTION MADE TO A RESIDENTIAL BUILDING

A Homeowner's Permit carries serious responsibilities and is not appropriate for everyone. Please read each of the following statements. If you agree with a statement and your answer to it is "yes", then place a check mark in the appropriate box. If you do not answer, "yes" to every statement, you should seriously reconsider applying for a Homeowner's Permit.

After marking each item and signing this form in the presence of a Notary Public, you are required to submit this checklist with your Building Permit application package. This signed checklist will be kept on record with the permit application as proof of your assumption of the risks and liabilities associated with a Homeowner's Permit. Call or visit your State or local office as to other required submittals.

Check the appropriate box:
- I plan to build a single-family home that will be owned and occupied by myself.
- I plan to alter, repair or make improvements to a home owned and occupied by me.
- I plan to build or improve a free-standing storage building 200 sq ft or more located on my residential property

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I certify that I have read the above statements and understand the requirements and responsibilities that accompany a Homeowner's Permit, and I agree to be bound by all applicable codes, law, rules, regulations, requirements and responsibilities. I understand I cannot perform any electrical, mechanical or plumbing work under this permit, if I hire a licensed contractor to do any portion of this project, the contractor will apply for his own permit for this portion of the work. I understand I am required to substantiate my construction knowledge to the satisfaction of the Division.

X

Homeowner Signature (must be signed before a notary witness)

NOTARY
Sworn to before me this ___________ of
__________________________, 20___

__________________________
Notary witness signature

My Commission Expires: ____________

NOTE: This signed copy is to be attached to the Homeowner's Permit application. A photocopy is to be given to the homeowner named above.
SITE PLAN

LIST ALL STREETS OR ROADS THAT BORDER YOUR PROPERTY
4" thick (min.) poured concrete slab, 3,000 p.s.i. w/ 6" x 6" - 10 - 10 w.w. mesh.

2. FOUNDATION PLAN. Indicate size, location and depth below grade, pf all footing, piers, and stem walls. If necessary provide a geotechnical report, including soil bearing capacity, for the proposed structure at that site.
SEE FRAMING

R-38

1/2" gyp. bd.
dbl. top plate

2 X 6 frame wall
16° o. c. w/ R-19
insulation

7/8" - 3 coat stucco over
17 ga. w.w.mesh, 1/2" sheathing w/ wind
bracing at corners &
every 25 linear ft.

4' (min) conc.
5/8 x6-10/10 w.w.mesh (typ)

1/2' x 10' c. b. at 6' 0"
o.c. & 12' from corners.

4"(min.) base

1" perim. insul. (min. R-
4.)

(2)-4 cont. w/ 18" (min.) splices.
ENCROACHMENT PERMIT APPLICATION

APPLICATION FEE: $10.00

DATE _____/_____/_____

UPON VILLAGE OF EAGLE NEST RIGHTS-OF-WAY

Encroachment permit application must include contact number and site plan showing encroachment area. If these requirements are not included, the permit application will be returned to applicant. The undersigned being property owners or their representatives within the Village of Eagle Nest do hereby apply to the Village of Eagle Nest for a permit to encroach upon the Village rights of way for the construction of the following:

(CHECK ALL THAT APPLY).

A. Driveway Access – (Attach map of Driveway location in relation to roadway and your lot).
B. Culvert Installation – (Attach map).
C. Street Cut – (Attach drawing of the area to be cut and the dimensions).
   1. Trench
   2. Pit
   3. Bore
D. Curb/Gutter/Sidewalk/Cut
E. Other (Explain)
F. Off Street Parking

LOCATION OF ENCROACHMENT:

Subdivision: __________________________ Lot: ________ Block: ________

Street Address: __________________________

Estimated size of excavation: ____________________________________________

(Amount of pipe required for driveway)

Type of compaction equipment to be used: __________________________________

Start Date ____________ Completion Date ____________

FEE RECEIVED $______ DATE ______ RECEIPT # ________ CHECK # ________

☐ FEE WAIVED

I (we) the undersigned applicant(s) agree to maintain the drainage ditch alongside the road by means of an open swale (ditch) or metal pipe across the encroachment (i.e. driveway, etc.) if applicable. It is further agreed that the existing roadway cross-section (or planned design, if the road is not yet completed) will be maintained and under no circumstances will the encroachment (i.e. driveway, etc.) protrude into the road surface, raising or lowering the road profile or altering its surface.

We further agree to abide by the following specifications:

Driveway entrance will be of a maximum width of 24’ in which case a 30’ metal pipe culvert will be used to maintain the roadside drainage if an acceptable open swale (ditch) is not permitted. The minimum driveway width will be 16’ in which case a 20’ metal pipe culvert will be used. Two feet of culvert is to extend on both sides of driveway. If driveway is not perpendicular to the roadway, additional length of metal pipe will be required.

The metal pipe shall be 18” minimum diameter metal (16 gauge). Driveway widths are to be measured at the top surface of the driveway from hinge point to hinge point. Driveways will be permanently marked by the placement of one marker at each end of the pipe or swale. Said markers shall be placed on the outside (i.e. private property side – not roadway side) of the pipe or swale and shall be a minimum of 4’ high above the ground surface.

VILLAGE OF EAGLE NEST  PO BOX 168  EAGLE NEST, NM 87718  575-377-2486
The granting of this permit pertains to the encroachment only, without comment or responsibility, as to the adequacy of the encroachment by the Village of Eagle Nest.

I (we) understand that the granting of this permit is conditioned upon the commencement of construction of the encroachment within twelve (12) months after the date shown below and the completion of the facility within twelve (12) months of the commencement date of construction, and that a deposit is required to make sure that the work done is to Village specifications, (amount of deposit is to be determined by the Public Works Director) subject to property owner’s continual maintenance thereafter of the encroachment, at the property owner’s expense in a manner satisfactory to the Village of Eagle Nest. Street cuts are only allowed between the dates of May 1 and October 15 unless the Public Works Department approves other arrangements. Should this schedule or requirement not be met, this permit terminates immediately. Any removal and/or replacement of the encroachment, or modification thereof other than normal maintenance, requires an additional permit for that purpose. (See attached copies of ordinances and resolutions pertaining to streets).

Owner/builders must provide proof of liability insurance; contractors must provide proof of liability insurance, business license, contractor’s license and workers compensation. The applicant further agrees to assume responsibility for locating the following utilities prior to commencement of the excavation: 1) Telephone – Qwest, 2) Electric – Kit Carson, 3) Water/Sewer – Village of Eagle Nest, 4) TV Cable – Comcast. The applicant assumes responsibility for all traffic control and will provide adequate barricades to prevent accidents and facilitate traffic flow. Any road closure requires Village approval prior to closure. If it becomes apparent that traffic is to be re-routed the applicant shall call the Public Works Department at to time and place of excavation and detour plan for routing traffic prior to re-routing.

**APPLICANT(S)**

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**NAME OF CONTRACTOR/PERSON RESPONSIBLE FOR COMPLYING WITH ENFORCEMENT SPECIFICATION, IF OTHER THAN APPLICANT:**

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Please do not write below this line

Estimated cost to repair Village property $ ____________________________

Deposit required $ ____________________________

PERMIT GRANTED: (effective date) ____________________________

PERMIT DENIED: (effective date) ____________________________

Signature of Public Works Director: ____________________________

Attachments: (indicate none or describe) ____________________________

VILLAGE OF EAGLE NEST   PO BOX 168   EAGLE NEST, NM 87718   575-377-2486
VILLAGE OF EAGLE NEST
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
VILLAGE OF EAGLE NEST, NEW MEXICO, that the following ordinance
entitled "Encroachment of Village Rights of Way and Easements" be adopted.

ORDINANCE 2009-05
"ENCROACHMENT OF VILLAGE RIGHTS OF WAY AND EASEMENTS"

"AN ORDINANCE REPEALING ORDINANCE 1999-04 "UNDERGROUND
UTILITIES" IN ITS ENTIRETY AND ADOPTING A RIGHT-OF-WAY
ENCROACHMENT ORDINANCE FOR THE VILLAGE OF EAGLE NEST, NEW
MEXICO." SOME OF THE PROVISIONS OF THE OLD ORDINANCE ARE
DATED AND INADEQUATE AND THE NEW ORDINANCE ADDRESSES ALL
OF THE DEFICIENCIES OF THE OLD ORDINANCE. RESOLUTION 2009-24
ESTABLISHES A FEE SCHEDULE FOR THE ENCROACHMENT OF VILLAGE
RIGHTS OF WAY AND EASEMENTS.

PASSED, APPROVED AND ADOPTED this 15th day of September
2009, by a vote of 4 for and 0 against.

VILLAGE COUNCIL, EAGLE NEST, NEW MEXICO

Billie J. Odum
BILLIE J. ODUM, MAYOR

Forrest Thompson, Councillor
FORREST THOMPSON, COUNCILOR

Jamie McCaslin
JAMIE MCCASLIN, COUNCILOR

Richard Cordova, Councillor
RICHARD CORDOVA, COUNCILOR

Doug Strong, Councillor
DOUG STRONG, COUNCILOR

ATTEST:

Lynda Perry, Clerk/Administrator
LYNDA PERRY, CLERK/ADMINISTRATOR
VILLAGE OF EAGLE NEST

RESOLUTION 2009-24

"A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE ENCROACHMENT OF VILLAGE RIGHTS OF WAY AND EASEMENTS"

WHEREAS the Village of Eagle Nest has adopted a Right-of-Way Encroachment Ordinance establishing procedures that allow contractors and private utility providers to encroach upon and do work in the Village rights of way and easements; and

WHEREAS said work is required to be indemnified by a security deposit; and

WHEREAS the amount of the security deposit is dependent on the type of construction and the type of road where said encroachment work may occur.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Village of Eagle Nest, that the following fee schedule for security deposits shall apply to all encroachment work within the Village rights of way and easements.

- Paved Roads - $8.00 Cubic Foot plus $200.00 per square yard of asphalt to the existing thickness, but not less than 3 inches.
- Gravel Roads - $8.00 Cubic Foot
- Unimproved Roads and Easements - $2.00 Cubic Foot
- Curb & Gutter - $50.00 Lineal Foot
- Landscape, Driveway Apron and Sidewalks - $300.00 Square Yard
- Right of Way or Major Control Monuments - $500.00 or Actual Cost by Licensed Surveyor if Greater
- Encroachment Permit Fee - $10.00

PASSED, APPROVED and ADOPTED by the governing body at its meeting of September 15, 2009, by a vote of ___ in favor and ___ opposed.

Billie J. Odum, Mayor

Lynda Perry, Clerk/Administrator
RIGHT-OF-WAY ENCROACHMENT

Section 1. Purpose
The purpose of this ordinance is to define policies and procedures that will insure that all trenching, excavating, boring or any other type of encroachment done in, under or over Eagle Nest’s rights-of-way, is done in a safe manner, and once the encroachment is completed, insures that the right-of-way is reconstructed to Village specifications.

Section 2. Definitions
Construction – New construction, reconstruction, alteration, excavation, boring, sidewalks, curb and gutter, or work of any kind within the public way which results in the physical alteration of the public right of way.

Contractor – A person, partnership, or corporation who is duly registered as a professional engineer or general contractor according to the New Mexico statutes, who is hired by the landowner, developer, or utility company and is empowered to act as his agent.

Driveway – A private access road used by persons residing, employed, or otherwise using or visiting the location at which said driveway is located and enters a public right-of-way.

Driveway Apron - An access constructed across a public right-of-way which connects a street, roadway, sidewalk or recreational trail to adjacent property so that no portion of the public right-of-way is blocked after access has been gained to the adjacent property.

Easement – An acquired or granted right from a property owner or developer for specific use by the general public, a corporation or certain person(s).

Encroachment Permit – A permit issued to a private party, corporation, or utility company for the purpose of excavating a trench, pit, or boring, under, or within a Village right-of-way for the installation of utility lines, conduits or drainage structures.

Flow Line – The transition point between the gutter and the face of the curb. Where no curb exist, the flow line will be considered the edge of the outside traveled lane.

Grade – The rate or percent of change in slope, either ascending or descending from or along the roadway. It is measured along the centerline of the roadway.

Graveled Road – a roadway that is constructed with compacted sub-grade and base course
Inspector – The authorized representative of the Village Public Works Department assigned to make detailed inspections for contract performances, standards and contract compliance.

Paved Road – a roadway that is constructed with compacted sub-grade, base course, and asphalt or chip seal.

Right-of-way – Land area, property or interest therein, usually a strip, acquired for or devoted to transportation and or for utility purposes which are acquired by the Village, County, state, or Federal government for public use.

Security Deposit – A security bond, letter of credit, or some other instrument of financial guarantee of infrastructure improvements.

Substantial Completion – The time when the work has progressed to the point where it is sufficiently complete so that it, or a specified part, can be utilized for the purpose for which it is intended.

Unimproved Road – a right-of-way which is unimproved, does not met Village roadway standards and has not been accepted for maintenance by the Village.

Utility Line – May include water, wastewater, natural gas, propane gas, electricity, telephone, television cable, or fiber optic lines.

Village – The Village of Eagle Nest, New Mexico, a New Mexico municipal corporation.

Section 3. Permit Required.
It shall be unlawful for any person, other than an officer or employee of the Village in the course of his employment, to make, cause or permit any construction in, on, under or within a Village right-of-way unless such person shall have first obtained an encroachment permit from the Village of Eagle Nest Public Works Department and unless such construction is performed in conformity with the permits and the terms and provisions of this ordinance. Encroachment permits are required for but not limited to the following type of construction activities;

- Utility installation
- Driveways
- Parking pads or structures contiguous to the right of way
- Drainage structures

Any work done in a Village right of way or easement without an approved Encroachment Permit will be subject to the provisions of Section 10 of this ordinance.
3.1 Exceptions. The Electric Power Company and the Telephone Company holding franchise agreements with the Village are exempted from this provision in emergency situations where public health, safety, or welfare is at risk.

Section 4. Types of Security Deposits.
In addition to a permit fee, the applicant shall make a security deposit sufficient to insure that the roadway is repaired to pre-construction condition. Security deposits may be made by irrevocable letter of credit, performance bond, cash deposit, cashier's check, or other acceptable security approved by the Finance Department and in the amount determined by the Village Fee Schedule. Section 6 of this ordinance shall be used to determine the amount to be deposited with the Village prior to the issuance of a development permit, building permit or encroachment permit.

4.1 Deposit Hold Time. The period of time that the Village will hold the security deposit will be a function of the type of road upon which the construction was done.

A. Paved Road. The security deposit will be held for twelve (12) months from the date of substantial completion of work covered by the encroachment permit. Paved roadway work also includes curb & gutter, sidewalks, driveway aprons, and valve collars.

B. Gravel Road. The security deposit will be held for six (6) months from the date of substantial completion of work covered by the encroachment permit.

C. Unimproved Road and/or Easements. The security deposit will be held for three (3) months from the date of substantial completion.

4.2 Exceptions. The Electric Power Company and the Telephone Company holding franchise agreements with the Village are exempted from this provision where the franchise agreement have existing provisions to guarantee work performed in the Village right-of-way.

Section 5. Terms of Security Deposit.
5.1 Public Utilities. Any public utility operating within the village may, at its option, elect to make a one time performance deposit to apply to all utility installations within the Village and submit a letter of performance on road restoration in accordance with the provisions of this ordinance that is acceptable to the Village Administrator.

5.2 Refund of Deposits. The Public Works Director shall be contacted to inspect the right-of-way restoration work prior to work beginning. At the end of
the deposit hold time, a final inspection will be performed by the Public Works Director to determine that the quality of the work is still acceptable. He will then authorize the refund of the security deposit unless the work has not been completed to Village specifications. If the contractor completes all construction activities without call for appropriate inspection(s), the Public Works Director may order the security deposit be held for an additional period of time to determine acceptability of the work performed.

5.3 Deficiency of deposit demand. If, after issuance of a right-of-way encroachment permit, a deposit is determined to be less than sufficient to pay all restoration costs, the contractor shall pay the Village an amount equal to the deficiency as determined by reference to the Village Fee Schedule.

5.4 Failure to perform. If the contractor fails or refuses to complete or correct any deficiencies noted by the Village, the Village may initiate legal action to recover the amount of money necessary to complete the restoration work. Until the restoration deficiencies are corrected or monies to finish all restoration are paid, no subsequent or additional permits shall be issued to the contractor. The remedies herein are in the alternative and are not exclusive

Section 6. Deposit Formulas.
The security deposit for all encroachment work done in Village right of ways or easements is set by the Village of Eagle Nest Resolution 2009-24 and will be based on type of construction.

6.1 Paved Roads: cubic foot of excavated materials.

6.2 Gravel Roads: cubic foot of excavated materials.

6.3 Unimproved Roads and Utility Easements: cubic foot of excavated materials.

6.4 Curb and Gutter: lineal foot

6.5 Sidewalks, Driveway Aprons, Landscaping: square yard

6.6 Right of Way or other Major Control Monuments: Actual cost by licensed surveyor.

Section 7. Utility Installation Requirements
Utility installations are to be coordinated among each utility company to insure that roadway surface penetrations are minimized. When a first penetration is required for a given right-of-way segment, all utilities able to use that penetration for current or subsequent utility requirements shall do so, thereby preventing the need for future penetrations in that right-of-way segment.
7.1 The Village of Eagle Nest requires that all utility lines must be located prior to any excavation or boring as per NMSA Chapter 63, Article 14.

7.2 All utility installations must be performed by a licensed contractor and installed according to Federal, State and Local codes.

7.3 The clustering of electric meters is prohibited within the Village of Eagle Nest right of ways or in single family residential areas. Clustering is defined as three or more electric meters either individually installed or ganged. One duplex or 2 gang electric meter pedestal is acceptable.

7.4 Contractors responsible for construction activities necessitating initial right-of-way encroachment shall cause that required coordination and subsequent utility installations be executed.

7.5 The Director of the Department of Public Works shall review and approve coordinated utility installation plans required by this ordinance.

Section 8. Restoration Procedures.

All restoration of permitted right of way or easement encroachments shall be done in accordance with the following guidelines.

8.1 Excavated material may be replaced in the trench so long as it does not contain any

   vegetative material and the moisture content is sufficient and not excessive so as to

   obtain optimum compaction. Backfill must be in lifts of no more than 8" to 12".

8.2 In all paved roads the sub grade must be compacted in lifts of no more than 8" to 12".

   The last 6" of fill must be compacted base course and the final 6" shall be asphalt or

   concrete of an approved mix design.

8.3 In all improved gravel roads the sub grade must be compacted in no more than 8" to 12" lifts and the last 6" must be compacted base course.

8.4 All material excavated from the encroachment and not replaced in the trench must be removed from the site so as not to leave any non base course, asphalt, or concrete material on top of the roadway.
8.5 Final grade and smoothness shall be consistent with Village road standards and be approved by the Department of Public Works inspection.

Section 9. Traffic Control.
Traffic control shall be the responsibility of the contractor performing the work and shall provide for the safety of the traveling public and work site personnel. One lane of traffic shall remain open at all times. In the event that road closure is absolutely necessary, 24 hour advance notice shall be given to the Public Works department, Police Department, and Fire and EMS Departments.

Section 10. Violations And Penalties.
10.1 Penalty: Failure to comply with a valid order from the Village shall constitute a petty misdemeanor within the meaning of New Mexico Statutes Annotated 30-1-6c, and, upon a finding of a violation of this section, the person, firm or corporation committing the violation may be punished by the Municipal Court in accordance with NMSA 3-17-1c. Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per day basis for each day that the violation is maintained.

10.2 In addition or as an alternative to such fine and or imprisonment, the Village may seek other remedies provided in law or equity including but not limited to damages, injunctions, mandamus, or abatement.