

## Chapter 94

### STREETS AND SIDEWALKS

§ 94-1. Construction permit required.

§ 94-2. Application for permit.

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bond.

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs by Ord. No. 90 (Ch. 15, Art. 2, of the 1996 Village Code). Amendments noted where applicable.]

#### GENERAL REFERENCES

Subdivision of land — See Ch. 100.

Zoning — See Ch. 130.

#### § 94-1. Construction permit required.

No person shall construct, reconstruct, repair, alter, grade, or make any changes in any sidewalk, curb, driveway, street or alley of the Village or dig or make excavations therein, without first obtaining a permit from the Village Clerk/Treasurer.

#### § 94-2. Application for permit.

Any person desiring a permit required by § 94-1 shall file with the Clerk/Treasurer an application on a form to be furnished by the Village showing:

- A. Name and address of applicant.
- B. Name and address of the person who will do the work.
- C. Plan showing the details of the proposed work.
- D. Estimated cost of the job.
- E. Time of commencement and estimated date of completion of the work.

#### § 94-3. Filing fee.<sup>1</sup>

A fee, as set from time to time by resolution of the governing body, shall be paid to the Village Clerk/Treasurer for each application received for a permit required by § 94-1.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 94-4. Consideration of application; bond.**

Upon receipt of an application for a permit required by § 94-1, the Village Clerk/Treasurer shall refer the same to the Street Superintendent, who is designated as the inspector, and who shall make an inspection of the proposed work, and determine the propriety and feasibility thereof, and whether or not the estimated cost is in a sufficient amount to cover the proper completion of the project. If he determines in the affirmative, he shall so state in writing, endorsed upon the application form. Should the application be disapproved by the inspector and appealed before the governing body, the governing body has the right to consider the application appeal for a period of 30 working days before giving the approval or disapproval to the application. In any case the applicant shall, before undertaking such work, file with the Village Clerk/Treasurer a corporate bond or a bond with not less than two sureties, at the discretion of the Clerk/Treasurer, such sureties to be property owners within the Village, in a sum of at least twice the estimated cost of the proposed work, guaranteeing prompt, faithful, skillful and workmanlike performance, and that the work will endure in good condition, the length of time as the premises would have, had said work not been done. Should the proposed work, in the opinion of the inspector, appear hazardous to the public, he shall also require a comprehensive corporate indemnity bond conditioned to save the Village harmless from all claims for damages or injury to persons or property by reason of such project. The provisions of this section may be waived upon a showing of good cause.

**§ 94-5. Failure to complete project.**

In case a permittee under this chapter shall fail to complete any project within the time stated in his application or within a reasonable time thereafter, or shall fail to construct the same of good and suitable materials, or in a workmanlike manner, the Village may complete or reconstruct the same, together with all costs of enforcement, including reasonable attorneys' fees.

**§ 94-6. Restoration of public way.**

Upon the refilling of an excavation, the excavator shall restore the public way to its prior condition. If the excavator fails to do so, the excavator will be charged the reasonable value thereof.

**§ 94-7. Protection of public.**

All persons making excavation covered by this chapter within the Village shall mark the same in such a manner as to assure the safety of vehicular and pedestrian traffic, and such warnings shall be clearly visible both day and night.