

VALENCIA COUNTY, NEW MEXICO

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VALENCIA COUNTY ORDINANCE

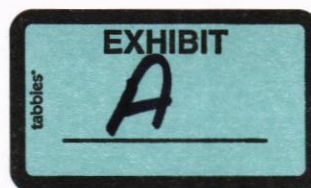
ORDINANCE 2021-04

Removal of Inactive, Broken or Replaced Utility Poles Ordinance

Adopted by the Board of County Commissioners

On October 20, 2021

Effective on November 20, 2021



VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE No

REMOVAL OF INACTIVE, BROKEN OR REPLACED UTILITY POLES ORDINANCE

WHEREAS, the Valencia County Board of County Commissioners met upon notice of a regular meeting, duly published, at the Valencia County Administrative Offices, 444 Luna Avenue, Los Lunas, New Mexico 87031, on October 20, 2021; and,

WHEREAS, public utilities place poles on the highways, streets, roads and rights-of-way of Valencia County to facilitate the delivery of electric, telephone, cable television, and other telecommunications services to the residents of Valencia County; and,

WHEREAS, NMSA 1978 § 67-2-2 (1915) requires that the public highways in the unincorporated part of the County "are to be maintained and kept in repair by the respective counties in which they are located"; and,

WHEREAS, the County finds and determines that, pursuant to Section 67-2-2 (1915), it has the authority to regulate its highways, streets and roads and rights-of-way to protect the public; and,

WHEREAS, the County finds and determines that utility poles are damaged from time to time; and,

WHEREAS, the County finds and determines that public safety can be compromised when utility lines and equipment remain affixed to utility poles that are weathered or otherwise damaged; and,

WHEREAS, the County finds and determines when a new pole is installed, a utility's delay in removing lines and equipment from the old pole also delays the removal of the pole itself, which causes a proliferation of aesthetically unpleasant double poles along highways, streets, roads, and rights-of-way, as well as obstructing the paths of pedestrians; and,

WHEREAS, the County finds and determines that the interest of the public is best served by cooperation and communication between public utilities and the County Commission; and,

WHEREAS, the Board of County Commissioners adopts this Ordinance as an exercise of its statutory general welfare powers pursuant to NMSA 1978, Section 4-37-1 (1975).

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

ARTICLE I. REMOVAL OF INACTIVE, BROKEN OR REPLACED UTILITY POLES

This Ordinance may be cited as the "Removal of Inactive, Broken, or Replaced Utility Ordinance."

ARTICLE II. AUTHORITY

The Removal of Inactive, Broken, or Replaced Utility Poles Ordinance is enacted pursuant to the statutory authority conferred upon counties to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants (NMSA 1978 Section 4-37-1 (1975)).

ARTICLE III. PURPOSE

3.1 The purpose of the Removal of Inactive, Broken or Replaced Utility Poles Ordinance is to protect the public safety by having weathered or otherwise damaged utility poles removed, to improve the aesthetics of the County, and to keep clear pedestrian paths throughout the County, by requiring a utility's prompt removal of plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment and terminals have been removed.

ARTICLE IV. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

DANGEROUS/DAMAGED POLE

Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE POLE

Any old utility pole which is attached or in close proximity to a new utility pole.

PERSON

Any natural person or any firm, partnership, association, corporation, company or organization of any kind.

PLANT

The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television, or other telecommunications service.

PUBLIC UTILITY

Any corporation, authority or other entity that provides electric, telephone, cable television, or other service, including telecommunications service, to the residents of Valencia County.

DEPARTMENT

The Code Enforcement Department, and its authorized representatives, including the planning and zoning manager, code enforcement officers, the emergency services personnel, and the animal control manager.

UTILITY POLE

A column or post used to support service lines for a public utility.

WRITTEN NOTIFICATION/WRITTEN NOTICE