

Sec. 82-6. Barricading and traffic control devices ordinance.

- (a) *Necessity of barricading permit.* A barricading permit shall be required for any construction or other activity affecting the traffic flow of any nature in the Bernalillo County rights-of-way and/or public roadway.
- (b) *Barricading permit requirements.* No person, contractor, or corporation shall be issued a barricading permit until the following items are completed:
- (1) A barricading permit application and proposed traffic control plan is submitted by the applicant a minimum of 72 hours in advance of proposed construction or other activity start date, and such application is approved by the Bernalillo County public works director, or his/her designee, or the traffic engineer.
 - (2) All applicable barricading fees are paid prior to the issuance of a barricading permit.
 - (3) For any construction affecting Bernalillo County rights-of-way and/or public roads, a performance bond naming Bernalillo County as the beneficiary in the amount of \$15,000.00 shall be submitted with the application to be placed on file. This bond is to insure compliance with the requirements of the Section VI of the Manual of Uniform Traffic Control devices and the American Traffic Safety Services Association (ATSSA), and this section.
 - (4) The individual, corporation, contractor, and/or entity, public or private responsible for the installation of the construction control devices shall be ATSSA certified or equivalent, and shall submit copies of certificates or certification number to the Bernalillo County traffic engineer or his/her designee.
 - (5) A signature on the application shall indicate that the applicant has read and understands the requirements of this section.
- (c) *Emergency repairs.* In an event an emergency repair is necessary, the person, party, corporation, company or entity affecting the Bernalillo County rights-of-way and/or public roads, shall contact the Bernalillo County public works director, or his/her designee, or the traffic engineer via telephone indicating the nature of the emergency and estimated time for repair. The person, party, corporation, company, and/or entity shall immediately secure the work zone area to insure that public safety is not jeopardized, and shall then immediately proceed with the standard barricading permit application procedure as soon as is possible.
- (d) *Penalties; fines for noncompliance.* The applicant shall not be permitted to block or otherwise interfere with traffic except as indicated in the approved traffic

control plan. If it is determined that the applicant is not in compliance with the approved traffic control plan, notification will be issued to the applicant or designated agent identifying the corrective action necessary. The applicant shall be allowed a maximum of four hours to complete the corrective action. Failure to complete the corrective action as approved by the Bernalillo County public works director, or his/her designee, or the traffic engineer within this time period shall result in an order to cease work (red tag), action against the performance bond at twice the rate of the typical barricading fees for that particular application, and legal action against the applicant.

(e) *Permit fees.* All permit fees applicable to this section are as identified in the Bernalillo County resolution entitled "Permit Fees for Barricading and Traffic Control Devices."

(f) *Changes; revisions; modifications.* In the event that a modification to the original traffic control plan is necessary, approval from the county public works director, or his/her designee, or the traffic engineer is required prior to implementation. Additional fees for subsequent review will be required. Application and barricading fees are subject to review and change on a periodic basis.

(g) *Penalty for failure to comply with permit application process or failure to obtain a permit.* Any individual, corporation, contractor, and/or entity, public or private who violates any of the provisions of this section, or fails to comply with any of its provisions or requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or imprisonment for a period not exceeding 90 days, or both fine and imprisonment for each day the violation occurs. Any violation continuing for a period of 15 days after conviction shall be prosecuted and treated as a separate offense.

(Ord. No. 95-12, § I--VII, 9-19-95)