

**TOWN OF RED RIVER  
ORDINANCE 2008-03**

**AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR CONSTRUCTION AND EXCAVATION ON STEEP SLOPES; AMENDING TOWN OF RED RIVER ORDINANCE 2000-5 RELATING TO THE REGULATIONS FOR PLANNING AND ZONING, ARTICLE 5 "BUILDING PERMIT" AND ARTICLE 6 "DEFINITIONS"; PROVIDING FOR PENALTY AND AN EFFECTIVE DATE THEREOF.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF RED RIVER, NEW MEXICO:**

**SECTION 1. AMENDMENTS**

- A. Ordinance 2000-5, Article 5 "Building Permit" is hereby amended by adding Sub-Section K which shall read as follows:**

**PRIOR TO SUBMISSION, ALL BUILDING PLANS FOR CONSTRUCTION ON A STEEP SLOPE SHALL INCLUDE A LICENSED ENGINEER'S APPROVAL OF THE PLANS FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING SITE IN RELATION TO FOOTINGS, FOUNDATIONS, CONSTRUCTION MATERIALS AND METHODS, EROSION AND DRAINAGE. ALL APPLICATIONS FOR BUILDING PERMITS ON A STEEP SLOPE SHALL BE SUBMITTED FOR APPROVAL TO THE PLANNING AND ZONING COMMISSION.**

- B. Ordinance 2000-5, Article 6. Definitions. is hereby amended to include the following:**

**STEEP SLOPE – Any natural slope that has a grade of 25% or greater.**

**NATURAL SLOPE – The grade of the ground surface prior to any grading, excavation or filling.**

**SECTION 2. RULES AND REGULATIONS FOR BUILDING AND EXCAVATION ON STEEP SLOPES.**

- 1) Steep slope regulations shall apply to the site of any structure, dirt work, excavation, drainage or grading of any road or property.**
- 2) No excavation, grading, road and/or driveway construction or other dirt work shall commence until a steep slope excavation permit is obtained from the Town of Red River. Application for such permit will require an engineer's approval of plans for the design and construction of the building site in relation to drainage, ground stability and erosion.**

**The application shall include:**

- a. a topographical map based on five (5) ft. contour intervals of the current site.**
- b. the proposed changes to the natural topography.**
- c. plans for prevention of materials and excessive run-off from the site going down slope on to other properties. No work shall commence until such preventative measures are in place.**

- 3) Where the volume of earth to be moved on any building lot exceeds 1,000 cubic yards, a soil engineering report shall be submitted and approved and shall include the soil type, classification, permeability, and erosion potential. The report shall be prepared by a licensed New Mexico engineer.
- 4) If the natural slope judged by the Town's Planning and Zoning Administrator to be close to the 25%, a topographical survey may be required to provide proof the slope grade is less than 25%.
- 5) On any steep slope site where the natural slope has been disturbed or cut, an uphill retaining system must be provided and approved by an engineer.
- 6) All building plans submitted for construction on a steep slope shall require a licensed engineer's review and approval in relation to footings and foundations, construction materials and methods, erosion and drainage prior to being submitted. This shall apply to any new construction or excavation on steep slopes regardless of any prior subdivision approval or lot division.
- 7) Driveways shall not exceed a 15% grade and shall not have an inside turning radius of less than fifteen (15) ft.
- 8) All provisions of the steep slope rules and regulations shall apply to steep slope areas of any new subdivision.
- 9) The Planning & Zoning Commission shall review and approve or disapprove each application for a building permit on a steep slope. The Commission shall give due consideration to, but is not bound by, any recommendation by the Planning and Zoning Administrator. Before approving a building permit on a steep slope, the commission shall consider the way in which any proposed retaining structures blend with the style and aesthetics of the town and other buildings that surround the proposed construction.

**SECTION 3. SEVERABILITY**

If any part or provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such part or provision shall be determined to be severable and such decision shall not affect the remainder of this Ordinance.

**SECTION 4. PENALTY**

For any violation of this Ordinance, there shall be a fine of not more than \$500.00 and imprisonment of not more than ninety days, and each and every day of a violation of this Ordinance constitutes a separate offense punishable as a separate offense.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after passage and publication as provided by law.

**PASSED, APPROVED AND ADOPTED THIS 22<sup>TH</sup> DAY OF JULY, 2008 AT TOWN HALL IN RED RIVER, NEW MEXICO.**

**ATTEST:**

**TOWN OF RED RIVER**

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**JUDY BRUNSON**  
**MUNICIPAL CLERK**

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**LINDA CALHOUN**  
**MAYOR**