



**NMFMA Model Community Ordinance**

**for**

**the Placement of Manufactured Homes**

February 2008

## **About the NMFMA Model Manufactured Home Ordinance**

The New Mexico Floodplain Managers Association is a professional organization with an objective of training community floodplain managers and providing tools to help them do their jobs. We are concerned that some New Mexico communities may not be providing the protection they should to residents who have manufactured homes installed in identified flood hazard areas.

As of February 1, 2008, 86 New Mexico communities participate in the National Flood Insurance Program (NFIP). New Mexico communities with identified flood hazards are required to participate in the NFIP under §3-18-7, NMSA 1978, and to adopt a floodplain management regulation that complies with the minimum standards of the NFIP.

NFIP minimum standards require that a community ensure that all development within its identified flood hazard areas be protected from flooding. The community must also keep records, including the flood elevation where the building is located and the elevation of the finished floor of the building, for all new and remodeled structures, including manufactured homes. In order to join the NFIP, and to continue to participate in the NFIP, each of these communities had to adopt a floodplain management ordinance and resolve to enforce all provisions of that ordinance.

In New Mexico, the Manufactured Housing Division (MHD) of the New Mexico Regulation and Licensing Department (NMRLD) is responsible for all aspects of construction of manufactured homes, and MHD issues permits for placement of manufactured homes throughout New Mexico. Communities are not allowed to regulate any aspect of construction. However, a community may regulate the placement of manufactured homes to ensure that their placement is in compliance with other community regulations, including the community's floodplain management ordinance.

This model ordinance includes the minimum regulatory language necessary for an NFIP community to comply with its floodplain management ordinance.

Although this document was written as a stand-alone ordinance, the language could be included in a community's building code, zoning ordinance, or other land use ordinance. The floodplain management ordinance is probably not a good place for the language, because it only regulates development in identified flood hazard areas. The community must review all manufactured home placements in order to determine if they are in an identified flood hazard area.

If your community has not already developed a regulatory mechanism to ensure that all development, including manufactured homes, is reviewed for compliance with your floodplain management ordinance, we encourage adoption of this model ordinance.

This model ordinance is promoted by the NMFMA as the minimum requirement for NFIP participation. However, other things can also be accomplished by adding other features to this model. Attached are actual manufactured home placement ordinances in effect in Taos and Chaves Counties. Community officials are encouraged to examine these ordinances and consider their merits.

**[COMMUNITY NAME]**  
**MANUFACTURED HOME PLACEMENT PERMIT**  
**ORDINANCE NO. [XX]**

An ordinance providing for the establishment of a system of local approval, inspection, and collection of fees for permitting and regulating the placement of manufactured homes in [Community].

**WHEREAS**, the health and welfare of the residents of [Community] requires the regulation of the placement of structures within [Community]; and

**WHEREAS**, Section 3-17-6, NMSA 1978 provides that a municipality may adopt by ordinance the conditions, provisions, limitations, and terms of building codes; and

**WHEREAS**, Section 3-18-7, NMSA 1978 provides that a municipality with identified flood or mudslide hazard areas shall by ordinance prescribe standards for constructing, altering, installing or repairing buildings and other improvements under a permit system within a designated flood or mudslide hazard area; and

**WHEREAS**, Section 4-37-1, NMSA 1978 provides all communities powers necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of [Community] and its habitants; and

**WHEREAS**, the [County Commission or City/Town/Village Council] of [Community] have determined the need to more specifically address the placement of manufactured homes within the flood hazard areas of [Community];

**NOW, THEREFORE BE IT ORDAINED** by the [County Commission or City/Town/Village Council] of [Community], that Ordinance Number [XX] is adopted and enacted as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the [Community] MANUFACTURED HOME PLACEMENT ORDINANCE (MHPO).

**SECTION 2. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to regulate the placement and installation of manufactured homes, thereby promoting the protection of the health, safety and welfare of the residents within [Community] by:

- 2.1. Preventing injury, or loss of life resulting from improper placement of manufactured homes; and,
- 2.2. To ensure compliance with all [Community] regulations and ordinances.

**SECTION 3. AUTHORITY**

This Ordinance is enacted pursuant to the authority granted to the [County Commission or City/Town/ Village Council] of [Community] by New Mexico State Law, §§3-17-6, 3-18-7 and 4-37-1, NMSA 1978, for the purpose of promoting the health, safety, morals and general welfare

of the public. This Ordinance shall support and enhance the section of the New Mexico Administrative Code (NMAC), better known as the Manufactured Housing Division Rules and Regulations, 14.12.2, NMAC incorporated herein by reference in their entirety except as provided for in this Ordinance.

#### **SECTION 4. JURISDICTION**

This Ordinance shall apply to all [*areas of Community*]/[*unincorporated areas of County*].

#### **SECTION 5. RULES AND DEFINITIONS**

5.1 Rules: In the construction of this Ordinance, the following rules shall be observed unless the construction would be inconsistent with the manifest intent of this Ordinance:

5.1.1 Words and phrases shall be construed according to the context and the approved usage of the language, but technical words and phrases and such other as may have acquired peculiar and appropriate meaning in law shall be construed according to such meaning.

5.1.2 Words importing the singular number may be extended to several persons or things, words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.

5.1.3 In computing time, the first day shall be excluded and the last included unless the last falls on Saturday, Sunday, or a holiday in which case, the time prescribed shall be extended to include the whole of the following business day.

5.1.4 The words "shall" and "will" are mandatory and "may" and "should" are permissive or directory.

5.2 Definitions

**LEGAL NON-CONFORMING USE:** A manufactured home that was legally placed on a parcel of land within [*Community*] prior to the effective date of this Ordinance. This does not, however, constitute an exemption from any law or requirement that was in effect at the time of installation.

**MANUFACTURED HOME:** A movable or portable housing structure over thirty-two feet in length or over eight feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. "Manufactured home" does not include recreational vehicles or modular or premanufactured homes, built to Uniform Building Code standards, designed to be permanently affixed to real property. "Manufactured home" includes any movable or

portable housing structure over twelve feet in width and forty feet in length which is used for nonresidential purposes. (60-14-2.M NMSA 1978)

**MODULAR HOME:** A standardized factory fabricated, transportable building module designed and constructed in accordance with the International Residential Code, and intended to be placed on a permanent foundation. A modular home requires a Building Permit for installation.

## **SECTION 6. MANUFACTURED HOME PLACEMENT PERMIT**

- 6.1. The Manufactured Home Placement Permit (MHPP) is hereby established.
- 6.2. Prior to the movement/placement of any manufactured home within [Community], the manufactured home owner or authorized representative must make application for a MHPP from [Community].
- 6.3. Issuance of a MHPP will require that a manufactured home located or placed in [Community] shall comply with all ordinances and regulations in force in [Community].
- 6.4. The MHPP must be displayed on the property until all requirements of this Ordinance have been met.
- 6.5. MANUFACTURED HOME CERTIFICATE OF COMPLIANCE (MHCC). Upon completion and verification of all inspections and requirements of this Section and any other applicable part of this Ordinance for manufactured homes, a MHCC shall be signed by [Community] and a copy shall be provided to the owner/occupant.
- 6.6. OCCUPANCY COMPLIANCE. No manufactured home unit shall be occupied until and unless the MHCC has been signed by [Community] noting any exceptions and/or conditions and specifying dates for compliance.

## **SECTION 7. PROHIBITIONS**

- 8.1. It shall be unlawful for any person to transport a manufactured home from any location to any site within [Community] without first receiving from the owner of the manufactured home a copy of a MHPP from [Community]. Any home transported into [Community] shall comply with the provisions of this Ordinance. This article does not apply to the moving of a manufactured home from a site within [Community] to a site outside of [Community] if properly permitted.
- 8.2. All provisions of 14.12.2 NMAC, Manufactured Housing Division Rules and Regulations shall be in force and any violation not covered by this Ordinance or not under the jurisdiction of [Community] will be reported to the New Mexico Manufactured Housing Division.

## **SECTION 8. LEGAL NON-CONFORMING USE**

- 8.1. A legal non-conforming manufactured home use shall be allowed to continue even though such use does not conform with the provisions of this Ordinance until the unit is

moved from its original location. Replacement manufactured home units must comply with the provisions of this Ordinance.

- 8.2 Additions or expansions to a legal non-conforming manufactured home shall be allowed only upon compliance with the 2006 New Mexico Residential Building Code. Normal repairs and renovation shall be allowed, but may be subject to permits and/or inspection.

## **SECTION 9. VARIANCES**

Every property owner within [Community] shall have the right to apply to the [County Commission or City/Town/Village Council] of [Community] for a variance from this Ordinance when the property owner can show an exceptional situation or condition relating to the property such that the strict enforcement of this Ordinance would constitute a hardship as defined by this Ordinance.

## **SECTION 10. APPEAL**

- 10.1. Any person aggrieved by a decision of the [ordinance administrator] may appeal to the [County Commission or City/Town/Village Council] of [Community] within ten (10) days after the date of the action of the [Community]. [County Commission or City/Town/Village Council] of [Community] shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

- 10.2 Any person aggrieved by a decision of the [County Commission or City/Town/Village Council] of [Community] may appeal to the District Court within thirty (30) days after the date of the action of the [County Commission or City/Town/Village Council].

## **SECTION 11. FEES**

Any person applying for a MHPP or a variance shall pay the fee prescribed by the [County Commission or City/Town/Village Council] of [Community].

## **SECTION 12. ADMINISTRATION AND APPLICATION**

This Ordinance shall be administered and enforced by the [Community Floodplain Administrator] or designee who is hereby authorized to issue citations under this Ordinance.

## **SECTION 13. PENALTIES FOR VIOLATION**

Any violation of this Ordinance shall be subject to a penalty fine not to exceed \$300.00 or imprisonment for up to ninety (90) days or both, for each infraction.

## **SECTION 14. EFFECTIVE DATE**

The [County Commission or City/Town/Village Council] of [Community] declare that this Ordinance is necessary for the public peace, health and safety and will, therefore, take effect immediately upon its recordation by the County Clerk pursuant to Section 4-37-9 C, NMSA 1978.

# **TAOS COUNTY ORDINANCE 2007-7**

## **ADOPTING A STANDARD OF REQUIREMENTS FOR THE TRANSPORTATION, PLACEMENT AND REPAIR OF MANUFACTURED HOMES WITHIN THE COUNTY OF TAOS, NEW MEXICO WITH AN EMERGENCY CLAUSE TO TAKE EFFECT IMMEDIATELY UPON ITS RECORDING WITH THE COUNTY CLERK**

**WHEREAS**, the placement of manufactured homes must be regulated, and standards for installation and placement on real property must be established in order to promote the public health, safety, and general welfare of the citizens of Taos County.

**NOW, THEREFORE BE IT ADOPTED** by the Taos County Board of Commissioners as follows:

### **SECTION I. SHORT TITLE**

This Ordinance shall be known as the Taos County MANUFACTURED HOME PLACEMENT ORDINANCE.

### **SECTION II. PURPOSE AND INTENT**

The purpose and intent of this ordinance is to regulate the placement and installation of manufactured homes, thereby promoting the protection of the health, safety and welfare of the communities within Taos County, and to provide an acceptable environment for all residents of Taos County by:

- A. Preventing injury, or loss of life resulting from fire, contamination, external hazards, substandard construction, or dilapidated structures; and,
- B. Protecting individuals from hazards associated with substandard utility connections; and,
- C. Protecting the surrounding residents, structures, property and the environment.
- D. To ensure compliance with Taos County Land Use Regulations.

### **SECTION III. AUTHORITY**

This ordinance is enacted pursuant to the authority granted to the Taos County Commission by New Mexico State Law, §4-37-1, NMSA 1978, for the purpose of promoting the health, safety, morals and general welfare of the public. This Ordinance shall support and enhance the section of the New Mexico Administrative Code (NMAC), better known as the Manufactured Housing Division Rules and Regulations, 14.12.2, NMAC and the Department of Public Safety Regulations 18.19.8 incorporated herein by reference in their entirety except as provided for in this Ordinance.

### **SECTION IV. JURISDICTION**

This Ordinance shall apply in all areas of Taos County, and within the jurisdictional boundaries of a municipality or a recognized sovereign government whose governing body, by ordinance or resolution, agrees to such regulations.

### **SECTION V. DEFINITIONS**

**MANUFACTURED HOME** - A manufactured home is defined as any structure designed for residential use that is transported on its own chassis or similar detachable trailer device, having a measurement of more than thirty-two (32) feet in length and eight (8) feet or more in width and is placed on a permanent or non-permanent foundation. Furthermore, such dwellings are regulated by the U.S. Department of Housing and Urban Development (HUD) and are labeled as such.

Manufactured home shall also mean any home that is transportable in more than one section. For the purposes of this ordinance; MANUFACTURED HOME AND MOBILE HOME shall have the same meaning. Furthermore this definition shall apply to owned, leased or rented homes. A modular home is not a manufactured home or mobile home, and the construction thereof, is not regulated by the U.S. Department of Housing and Urban Development (HUD) or this ordinance.

MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) - The Taos County Planning & Zoning Department and/or the appropriate state agency shall authorize by permit only the transportation and installation (placement) of a manufactured home. Said permit shall not be issued until all zoning requirements set forth in the current TAOS COUNTY ORDINANCE 2005-10 LAND USE REGULATIONS have been met.

## **SECTION VI. SALES, TRANSPORTATION, AND INSTALLATION (PLACEMENT) AND REPAIR**

- A. Pursuant to 14.12.2.15,16 & 17, NMAC, only licensed DEALERS, BROKERS, REAL ESTATE BROKERS, SALESPERSONS, INSTALLERS, and REPAIRMEN licensed in the State of New Mexico may sell, place and repair manufactured homes within the County of Taos.
1. Any person who in any manner acts as a dealer in the transaction of more than one manufactured home in any consecutive 12-month period is required to be licensed as a dealer.
  2. Any person who in any manner engages in brokerage activities for more than one manufactured home in any consecutive 12-month period is required to be licensed as a manufactured home broker.
- B. After the effective date of this ordinance, the owner of any manufactured home, titled, or untitled, with the sole intention of installing said manufactured home to be used for residential purposes, shall obtain a MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) from the Ordinance Administrator or designee of the Taos County Commission **PRIOR** to installation of the home. This section shall also apply to such units which are specifically manufactured for commercial purposes, are manufactured to meet National Manufactured Housing Construction and Safety Standards, but do not meet the requirements of the International Building Code.
- C. Transportation of Manufactured Homes is governed by Sections 66-7-401 through 66-7-416 NMSA 1978 and Title 18, Chapter 19 Part 8 issued by the Department of Public Safety. These Department of Public Safety Regulations, The transportation, delivery and set-up of manufactured homes shall be allowed only during daylight hours and allowed only if properly permitted. The movement of manufactured homes is restricted in accordance to Department of Public Safety regulations that are entitled and read in part as follows:

### **“18.19.8.34**

#### **MOVEMENT RESTRICTED DURING NON-DAYLIGHT HOURS, WEEKENDS AND HOLIDAYS**

Movement after sunset or before sunrise on weekdays and Saturdays, or movement at any time on Sundays or on legal holidays shall not be permitted, unless all guidelines in accordance with 18.19.8.32 NMAC are being met. When considering whether a move can be permitted during non-daylight hours or on Sundays or legal holidays, the department will consider the following:

- A. the size and/or weight of the vehicle or load to be permitted;
  - B. the route to be traveled;
  - C. the safety to the overall motoring public;
  - D. advice of the state highway and transportation department officials or law enforcement officials concerning various aspects of the move; and
  - E. any other consequence of allowing or not allowing the move during such times.
- [10/14/92, 9/15/98; 18.19.8.34 NMAC - Rn, 18 NMAC 19.8.10.25, 9/14/00; A, 1/30/2004]



**18.19.8.35 LEGAL HOLIDAYS UPON WHICH SPECIAL PERMIT MOVEMENTS ARE PROHIBITED:**

A. Unless expressly specified on the special permit, movement is prohibited on the following legal holidays:

- (1) New Year's day;
- (2) Memorial day;
- (3) Independence day;
- (4) Labor day;
- (5) Thanksgiving day; and
- (6) Christmas day.

B. The department may designate other holidays on which movement will also be prohibited. When any of these holidays falls on or is observed on a day other than a Monday or Saturday, movement restrictions shall run from sunset of the day preceding such holiday to sunrise of the day following such holiday. When the holiday falls on or is observed on a Monday, movement is prohibited after sunset of the preceding Saturday until sunrise on the following Tuesday unless otherwise permitted in writing by the department or unless otherwise specified on the special permit. When the holiday falls on or is observed on a Saturday, movement is prohibited after sunset of the preceding Friday until sunrise on the following Monday unless otherwise permitted in writing by the department or unless otherwise specified on the special permit.

[10/14/92, 9/15/98; 18.19.8.35 NMAC - Rn, 18 NMAC 19.8.10.26, 9/14/00]

**18.19.8.36 INCLEMENT WEATHER:** Special permits may restrict movement during inclement weather to direct movement to the nearest point of safety.

[10/14/92, 9/15/98; 18.19.8.36 NMAC - Rn, 18 NMAC 19.8.10.27, 9/14/00]

**SECTION VII. PERMITTING**

1. Prior to the movement/placement of any manufactured home within Taos County, the manufactured home owner or authorized representative must make application for a MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) from the Ordinance Administrator or designee of the Taos County Commission. The application for this permit shall be subject to the same land use restrictions and requirements as a single family residence, as outlined in the current TAOS COUNTY ORDINANCE 2005-10, LAND USE REGULATIONS except for the following:
  1. There shall be a minimum setback of 20 feet from any property line.
  2. There shall not be a separate detached structure built within 20 feet of a manufactured home, nor shall a manufactured home be placed within 20 feet of any other structure.
    - i. A detached structure is any structure not permanently attached to a manufactured home, to include additions (occupied or non-occupied), decking, fencing, ramps, roofing, or other permanent attached modification.
    - ii. Any structure to be permanently attached to a manufactured home must be approved by the NM Manufactured Housing Division and must also adhere to current TAOS COUNTY LAND USE REGULATIONS
2. Mobile home parks shall be subject to the restrictions and requirements of the current TAOS COUNTY ORDINANCE 2005-08, TAOS COUNTY SUBDIVISION REGULATIONS
3. Prior to any MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) being issued, the owner, or owner representative shall affirm, and present proof that all utility connections shall, at a minimum, meet the requirements of 14.12.2 NMAC and the International Building Code, if applicable for approved non-residential use, prior to any permit being issued by a licensed New Mexico inspector, and shall include the following:

1. Adequate operational electrical services (meters, risers, connections, etc.) designed for individual use are present and properly installed.
  2. Adequate operational LP gas or Natural gas services (meter or tank, risers, connections, etc.) designed for individual use are present and properly installed.
  3. Individual connection to a water well or community water/well system approved by the Office of the State Engineer
  4. Adequate sewer or septic systems designed for individual or community use are present and properly installed and approved by the New Mexico Environment Department (NMED).
  5. The manufactured home is properly supported on permanent or non-permanent foundations with additional tie-downs or anchoring if required, pursuant to 14.12.2 NMAC.
  6. In the case where more than one manufactured home occupies one lot, the aforementioned requirements shall apply to EACH manufactured home.
4. Within 120 days of placement, the manufactured home shall be skirted with treated wood, vinyl, or masonry. The skirting must be installed in such a way so as not to create a fire hazard, or harbor rodents or refuse.
  5. The MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) must be displayed on the property until all requirements listed above have been met.
  6. MANUFACTURED HOME CERTIFICATE OF COMPLIANCE. Upon completion and verification of all inspections and requirements of this Section and any other applicable part of this ordinance for manufactured homes, a Certificate of Compliance shall be signed by the Ordinance Administrator or designee of the Taos County Commission and a copy shall provided to the owner/occupant.
  7. OCCUPANCY COMPLIANCE. All manufactured home units shall not be occupied until and unless the Manufactured Housing Installation and Transport Permit (MHTIP) has been signed, noting any exceptions and/or conditions, specifying dates for compliance with any noted exceptions and the Ordinance Administrator or designee of the Taos County Commission has issued a Manufactured Home Certificate of Compliance.

## **SECTION VIII. PROHIBITIONS**

- A. It shall be unlawful for any person to transport a manufactured home, from any location within Taos County, or any location outside of Taos County, to any site within Taos County without receiving from the owner of the manufactured home a certified copy of an approved MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) from the Ordinance Administrator or designee of the Taos County Commission. Any home transported into Taos County shall comply with the provisions of this Ordinance. This article does not prevent the moving of a manufactured home from a site within Taos County to a site outside of Taos County if properly permitted.
- B. Transportation, delivery and set-up of manufactured homes shall be allowed only pursuant to Department of Public Safety Regulations 18.19.8.
- C. Homes manufactured prior to 1976 shall not be permitted without inspection and approval for occupancy by the State of New Mexico, Manufactured Housing Division.
- D. Any manufactured home not constructed to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976), are prohibited from being transported and reset within Taos County. Such homes shall not be removed from property except to be disposed of by the proper authority.
- E. No aftermarket fireplaces, solid-fuel burning stoves, and LP Gas/Natural Gas heating devices shall be installed without permission of the County or designee, and must be installed according

to manufacturer's installation instructions for use in a manufactured home, pursuant to 14.12.2 NMAC.

- F. Utility connections meant for single residential use shall not be allowed to be installed permanently or temporarily to another manufactured home except under Section IX, below.
- G. Single-wide homes shall not in any way be joined or merged to create one larger unit.
- H. Manufactured homes shall not be used for storage or commercial endeavor unless modified to comply with all requirements of the New Mexico Building Code, the New Mexico NEC Code, and the New Mexico Plumbing/Mechanical Code. **Manufactured homes are constructed to HUD standards only, and do not comply with local state adopted building codes for commercial use.**
- I. All provisions of 14.12.2 NMAC, Manufactured Housing Division Rules and Regulations shall be in force and any violation not covered by this ordinance or not under the jurisdiction of Taos County shall be reported to the New Mexico Manufactured Housing Division.
- J. Manufactured homes that have been abandoned or have been deemed uninhabitable by a qualified State of NM inspector shall be removed and disposed of at the expense of the home owner or land owner.

## **SECTION IX. TEMPORARY SHELTER**

In the event a fire or other natural disaster has designated a residence unfit for human habitation, the temporary use of a mobile home, manufactured home, or recreational vehicle located on the same parcel during rehabilitation or new construction is allowed, subject to the following conditions:

1. Water and sanitary facilities must be provided;
2. A temporary permit is required for use and shall be applied for prior to transporting any mobile home, manufactured home, or recreational vehicle unto the property. Said permit shall not be valid longer than 180 days but may be extended at the discretion of the Ordinance Administrator or designee of the Taos County Commission;
3. The temporary mobile home, or manufactured home must be removed from the property, or recreational vehicle disconnected and vacated upon issuance of a certificate of occupancy for the new or rehabilitated structure.

## **SECTION X. COMPLIANCE**

Owners of manufactured homes currently installed and not in compliance with the provisions of this ordinance shall have 180 days from the date of adoption of this ordinance to comply. In the event that ancillary structures have been placed within 20 feet of existing manufactured homes prior to the adoption of this ordinance, such structures shall be exempt from setbacks and separation requirements in Section VII, A.

In the event that compliance will bring undue hardship to the elderly, special needs populations, or impoverished, a temporary or permanent variance may be obtained from the ordinance administrator.

## **SECTION XI. FEES**

Fees for the MANUFACTURED HOME PLACEMENT PERMIT shall coincide with the fees charged for single family residences. Fees for obtaining necessary permits or installation fees, property taxes or solid waste fees are the sole responsibility of the applicant and proof of installation and/or permitting must be supplied with the zoning clearance application and be in accordance with the current fee schedule adopted by the Taos County Board of Commissioners.

## **SECTION XII. ADMINISTRATION AND APPLICATION**

This Ordinance shall be administered and enforced by the Taos County Planning Department Director or designee and/or the Taos County Sheriff who are hereby authorized to issue citations under this Ordinance.

**SECTION XIII. PENALTIES FOR VIOLATION**

Any violation of this Ordinance shall is subject to a penalty fine not to exceed \$300.00 or imprisonment for up to ninety (90) days or both the fine and imprisonment for each infraction.

**SECTION XIV. EFFECTIVE DATE**

The Board of County Commissioners declare that it is necessary for the public peace, health and safety that this ordinance take effect immediately after passage and directs the County Clerk to authenticated and record Taos County Ordinance Number 2007-7. Therefore, this Ordinance shall take effect immediately upon its recordation by the County Clerk pursuant to Section 4-37-9 C, NMSA 1978 Comp.

**PASSED AND ADOPTED THIS \_\_\_\_ day of May 2007.**

**TAOS COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Gabriel J. Romero, Chairman

\_\_\_\_\_  
Elaine S. Montañó  
County Clerk

\_\_\_\_\_  
Charlie I Gonzales, Vice Chairman

Approved as to form:

\_\_\_\_\_  
Daniel R. Barrone, Commissioner

\_\_\_\_\_  
Sammy L. Pacheco,  
County Attorney

\_\_\_\_\_  
Nicklos E. Jaramillo, Commissioner

\_\_\_\_\_  
Joe M. Duran, Commissioner

**Vote Record:**

|              |     |    |         |        |
|--------------|-----|----|---------|--------|
| G. Romero    | Yes | No | Abstain | Absent |
| C. Gonzales  | Yes | No | Abstain | Absent |
| D. Barrone   | Yes | No | Abstain | Absent |
| N. Jaramillo | Yes | No | Abstain | Absent |
| J.M. Duran   | Yes | No | Abstain | Absent |

## P R E F A C E

**THE CHAVES COUNTY MANUFACTURED HOME PLACEMENT PERMIT ORDINANCE NO. 66** was first adopted in September of 2000 and became effective October 13, 2000.

**THE CHAVES COUNTY MANUFACTURED HOME PLACEMENT PERMIT ORDINANCE** is an ordinance of the elected, governing body of Chaves County. Anyone may propose amendments to this Ordinance by contacting the Chaves County Planning and Zoning Department at PO Box 1817, Roswell, NM 88202.

**REVISED EDITION NUMBER 1** creates a new Preface page, removes references to "mobile" homes, clarifies requirements for manufactured home placement permits (MHPPs), updates references to the current building code, revises definitions in Section 3, revises Exhibit A (fee schedule), and makes numbering sequence and formatting adjustments where needed.

## R E V I S I O N S

(Effective Dates)

Original Passage  
Revised Edition Number One

October 13, 2000  
July 1, 2006

CHAVES COUNTY

**MANUFACTURED HOME PLACEMENT PERMIT  
ORDINANCE NO. 66**

An ordinance providing for the establishment of a system of local approval, inspection, and collection of fees for regulating the placement of manufactured homes in Chaves County.

**WHEREAS**, the health and welfare of the residents of Chaves County requires the regulation of the placement, construction, and maintenance of structures within the County of Chaves; and

**WHEREAS**, Section 3-17-6, NMSA 1978 provides that a municipality may adopt by ordinance the conditions, provisions, limitations, and terms of building codes; and

**WHEREAS**, Section 4-37-1, NMSA 1978 provides all counties are granted the same powers as municipalities; and included in this grant of powers are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of Chaves County and its habitants; and

**WHEREAS**, the Chaves County Commissioners have determined the need to more specifically address the placement, construction, and maintenance of Manufactured Homes within Chaves County;

**NOW, THEREFORE BE IT ORDAINED** by the Board of County Commissioners of Chaves County, New Mexico, that Ordinance No. 66, Revision No. 1 is adopted and enacted as follows:

**SECTION 1 MANUFACTURED HOME PLACEMENT PERMIT**

The Manufactured Home Placement Permit (MHPP) is hereby established and adopted and refers to standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq. (NMFHCSA)

**SECTION 2 APPLICABILITY**

After the effective date of this Ordinance, the owner(s) of property upon which a manufactured home is to be placed shall obtain a MHPP from the Chaves County Planning and Zoning (P&Z) Department prior to placing a manufactured home on the property. This Ordinance applies to all unincorporated areas of Chaves County.

**2.1** All housing units subject to this Ordinance shall, prior to occupancy, be connected to public sewerage or to an on-site liquid waste system (septic system) permitted and approved by the New Mexico Environment Department (NMED) and be connected to a water supply or to a water well permitted by the Office of the State Engineer (OSE).

**2.2** The owner(s) of property upon which a manufactured home is to be placed shall provide to P&Z a copy of a deed or contract, properly recorded, showing ownership and legal description of the property and a plot plan showing the location of all existing structures

situated on the property and the location of the manufactured home on the property in relation to the property lines.

- 2.3 A manufactured home located or placed in a flood-prone area, such as a Special Flood Hazard Area (SFHA) as designated by the National Flood Insurance Program (NFIP) map of Chaves County, or in, on, or over the path of an arroyo, shall comply with the Chaves County Flood Damage Prevention Ordinance.
- 2.4 The MHPP must be placed in a conspicuous place on site that is accessible by the inspector.

### **SECTION 3 DEFINITIONS**

- 3.1 In the construction of this Ordinance, the following rules shall be observed unless the construction would be inconsistent with the manifest intent of this Ordinance:
- 3.1.1 Words and phrases shall be construed according to the context and the approved usage of the language, but technical words and phrases and such other as may have acquired peculiar and appropriate meaning in law shall be construed according to such meaning.
- 3.1.2 Words importing the singular number may be extended to several persons or things, words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.
- 3.1.3 In computing time, the first day shall be excluded and the last included unless the last falls on Saturday, Sunday, or a holiday in which case, the time prescribed shall be extended to include the whole of the following business day.
- 3.1.4 The words "shall" and "will" are mandatory and "may" and "should" are permissive or directory.

#### 3.2 Definitions

**FLOOD INSURANCE RATE MAP (FIRM) OR FLOOD BOUNDARY & FLOODWAY MAP (FHBM):** An official map issued by the Federal Insurance Administrator where the areas within Special Flood Hazards Areas (SFHA) are designated.

**FLOOD PRONE AREA:** An area where a temporary condition of partial or complete inundation of normally dry land results from the unusual and rapid accumulation or runoff of surface waters.

**HARDSHIP – UNNECESSARY** a situation where no reasonable use can otherwise be made of the land

**HARDSHIP – PRACTICAL DIFFICULTY** when the affected property or structure cannot, because of physical limitations or other “practical difficulties”, be used for a permitted use under the applicable zoning classification

**LEGAL NON-CONFORMING USE:** A manufactured home that was legally placed on a parcel of land within Chaves County prior to the effective date of this Ordinance. This does

not, however, constitute an exemption from any law or requirement that was in effect at the time of installation.

**MANUFACTURED HOME:** A movable or portable housing structure over thirty-two (32) feet in length and over eight (8) feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. “Manufactured home” does not include recreational vehicles or modular or premanufactured homes, built to International Residential Code standards, and designed to be permanently affixed to real property.

**MODULAR HOME:** A standardized factory fabricated, transportable building module designed and constructed in accordance with the International Residential Code, and intended to be placed on a permanent foundation. A modular home requires a Building Permit for installation.

**SPECIAL FLOOD HAZARD AREA (SFHA):** An area having special flood, mudslide, and /or flood-related erosion hazards, and shown on an FHBM or FIRM .

**UNINCORPORATED AREA:** Any land in Chaves County that does not lie within the limits of the City of Roswell, the Town of Dexter, the Town of Hagerman, or the Town of Lake Arthur.

## **SECTION 4 STANDARDS**

- 4.1** Manufactured home units shall not be joined together, side by side or stacked, to form a single or multi-family dwelling unit unless designed and factory manufactured specifically for that purpose. The joining process on any other such units which are joined together may be required to be certified by a New Mexico Licensed Engineer. A building permit issued by the Chaves County Building Inspector shall be required to ensure conformance with the regulations of the Construction Industries Division for a new dwelling and with the NMED Liquid Waste Disposal Regulations.
- 4.2** All additions to manufactured homes shall require a building permit issued by the Chaves County Building Inspector, and shall conform to the regulations of the Construction Industries Division and with the NMED Liquid Waste Disposal Regulations.
- 4.3** All manufactured homes to be used as storage units shall require a permit from the Chaves County Planning and Zoning Department.
  - 4.3.1** Storage units shall not be used for human occupancy.
- 4.4** All manufactured homes shall be skirted on all sides .



## **SECTION 5 LEGAL NON-CONFORMING USE**

Any documented, legal non-conforming manufactured home may be removed from the site and replaced with another manufactured home only in accordance with the installation requirements of this Ordinance.

- 5.1** A legal non-conforming manufactured home use shall be allowed to continue even though such use does not conform with the provisions of this Ordinance unless the unit is moved from its original location.
- 5.2** Additions or expansions to a legal non-conforming manufactured home shall be permitted only upon compliance with the provisions of this Ordinance. Normal repairs and renovation shall be permitted, but may be subject to permits and/or inspection.

## **SECTION 6 SITE PERMIT REQUIREMENTS**

It shall be unlawful:

- 6.1** for the owner of any property in the unincorporated areas of Chaves County to place a manufactured home on that property without first obtaining an approved MHPP from Chaves County P&Z.
- 6.2** for any person to transport a manufactured home to its installation site without first receiving from the property owner(s) a copy of the MHPP.
- 6.3** for any person to install, connect, or be instrumental in assisting in the installation of any electrical service, gas service, water service, or liquid waste system to any premises in the unincorporated area of Chaves County in violation of this Ordinance.

## **SECTION 7 SAFETY**

Requirements relating to the safety of the citizens of Chaves County shall be imposed. Roofs shall be kept clear of tires, debris, and other objects.

## **SECTION 8 VARIANCE**

Every property owner within the unincorporated areas of Chaves County shall have the right to apply to the Chaves County Commissioners for a variance from this Ordinance when the property owner can show an exceptional situation or condition relating to the property such that the strict enforcement of this Ordinance would constitute a hardship as defined by this Ordinance.

## **SECTION 9 APPEAL**

- 9.1** Board of County Commissioners Any person aggrieved by a decision of the County Zoning Director may appeal to the Board of County Commissioners within ten (10) days after the date of the action of the Zoning Director. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

**9.2** District Court Any person aggrieved by a decision of the Board of County Commissioners may appeal to the District Court within thirty (30) days after the date of the action of the Board.

**SECTION 10 FEES**

Any person applying for a MHPP or a variance shall pay the fee prescribed by the Board of Chaves County Commissioners. The Fee Schedule is attached hereto as Exhibit A and can be amended or modified by resolution without amending this Ordinance.

**SECTION 11 ENFORCEMENT**

The Chaves County Planning and Zoning Department shall enforce this Ordinance.

**11.1** Any person violating or failing , neglecting, or refusing to comply with the provisions of this Ordinance shall be punished by a fine not to exceed three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both.

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**BOARD OF CHAVES COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
Richard C. Taylor, Chairman

\_\_\_\_\_  
Alice Eppers, Vice-Chairman

\_\_\_\_\_  
Harold Hobson, Member

\_\_\_\_\_  
Michael A. Trujillo, Member

\_\_\_\_\_  
Dorrie Faubus-McCarty, Member

**ATTEST:**

\_\_\_\_\_  
Rhoda C. Coakley  
County Clerk

**EXHIBIT A**

**Fee Schedule**

|  |          |
|--|----------|
| MHPP in an approved manufactured home park<br>or manufactured home subdivision ..... | \$35.00  |
| MHPP on an approved parcel of land in Chaves County .....                            | \$45.00  |
| Variance .....   | \$100.00 |
| Appeal.....  | \$100.00 |