

CHAVES COUNTY

MANUFACTURED/
MOBILE HOME
PLACEMENT
PERMIT
ORDINANCE

EFFECTIVE DATE
OCTOBER 13, 2000

ORDINANCE 66

REVISION NO. 1
EFFECTIVE DATE JULY 1, 2006

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.

REVISIONS

(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 it's 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

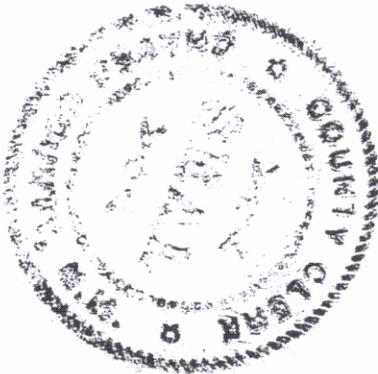
The Chaves County Planning and Zoning Department shall enforce this Ordinance.

- 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.

EXHIBIT A

Fee Schedule

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



State of New Mexico }
 County of Chaves } SS
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and recorded in book 553 page 1131
 Rhoda C Coakley County Clerk
Deborah Taylor Deputy

RCPT #275978 Fee: N/C
 Chaves County Commissioners
 Keep on File