TAOS COUNTY
ORDINANCE NO. 2007-7

ADOPTING A STANDARD OF REQUIREMENTS FOR THE PLACEMENT OF MANUFACTURED HOMES WITHIN THE COUNTY OF TAOS, NEW MEXICO

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. More specifically, Sections 14.12.2.38, 14.12.2.60 and 14.12.61 of 14.12.2, NMAC

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.

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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.

MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) - A permit issued by the Taos County Planning & Zoning Department, authorizing 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 14.12.2.17, 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.

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, delivery and set-up of manufactured homes shall be allowed only during daylight hours and allowed only if properly permitted.

SECTION VII. PERMITTING

A. 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

B. Mobile home parks shall be subject to the restrictions and requirements of the current TAOS COUNTY ORDINANCE 2005-08, TAOS COUNTY SUBDIVISION REGULATIONS

C. 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:

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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.

D. 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.

E. The MANUFACTURED HOME TRANSPORT AND INSTALLATION PERMIT (MHTIP) must be displayed on the property until all requirements listed above have been met.

F. 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.

G. 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 Section 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.

B. Transportation, delivery and set-up of manufactured homes shall be allowed only during daylight hours and allowed only if properly permitted.

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 waiver 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.

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SECTION XII. ADMINISTRATION AND APPLICATION

This Ordinance shall be administered by the Taos County Planning Department or designee of the Taos County Commission.

SECTION XIII. PENALTIES FOR VIOLATION

Any violation of this Ordinance shall is subject to a civil penalty of up to $1,000.00 or imprisonment for up to ninety (90) days or both for each infraction.

SECTION XIV. EFFECTIVE DATE

This ordinance shall take affect and be in full effect and be in full force immediately upon its adoption by the Board of County Commissioners.

PASSED AND ADOPTED THIS ____ day of _____, 2007.

TAOS COUNTY BOARD OF COMMISSIONERS:

_____
Gabriel J. Romero, Chairman

_____
Charlie I Gonzales, Vice Chairman

_____
Daniel R. Barrone, Commissioner

_____
Nicklos E. Jaramillo, Commissioner

_____
Joe M. Duran, Commissioner

_____
Elaine Montano
County Clerk

Date:_____

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**

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