

**SAN JUAN COUNTY, NEW MEXICO  
MANUFACTURED HOME PLACEMENT PERMIT ORDINANCE  
ORDINANCE NO. 69**

**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 SAN JUAN COUNTY.**

**WHEREAS**, the health and welfare of the residents of the unincorporated areas of San Juan County requires the regulation of the placement of structures within San Juan County; and

**WHEREAS**, NMSA 1978, Section 3-17-6 (1965) provides that a municipality may adopt by ordinance the conditions, provisions, limitations, and terms of building codes; and

**WHEREAS**, NMSA 1978, Section 3-18-7 (1975) provides that a county or 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**, NMSA 1978, Section 4-37-1 (1975) 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 San Juan County and its inhabitants; and

**WHEREAS**, the Board of County Commissioners of San Juan County has determined the need to more specifically address the placement of manufactured homes within the flood hazard areas of the unincorporated areas of San Juan County.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of San Juan County that Ordinance No. 69 is adopted and enacted as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the San Juan County Manufactured Home Placement Ordinance (MHPO).



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San Juan County, NM FRAN HANHARDT



## **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 the unincorporated areas of San Juan County by:

- 2.1 Preventing injury or loss of life resulting from improper placement of manufactured homes; and
- 2.2 To ensure compliance with all San Juan County regulations and ordinances.

## **SECTION 3. AUTHORITY**

This Ordinance is enacted pursuant to the authority granted to the Board of County Commissioners of San Juan County by New Mexico State Law, NMSA 1978, Sections 3-17-6, 3-18-7, and 4-37-1, 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, NMAC 14.12.2, incorporated herein by reference in their entirety except as provided for in this Ordinance.

## **SECTION 4. JURISDICTION**

This Ordinance shall apply to all unincorporated areas of San Juan 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 Word 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 the unincorporated areas of San Juan 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 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 current New Mexico construction codes, 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. (NMSA 1978, Section 60-14-2(M) (1988))

**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 County 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 the unincorporated areas of San Juan County, the manufactured home owner or authorized representative must make application for a MHPP from the San Juan County Floodplain Administrator.
- 6.3 Issuance of a MHPP will require that a manufactured home located or placed in the unincorporated areas of San Juan County shall comply with all ordinances and regulations in force in the unincorporated areas of San Juan County.
- 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 the San Juan County Floodplain Administrator, 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 the San Juan County Floodplain Administrator, noting any exceptions and/or conditions and specifying dates for compliance.

## **SECTION 7. PROHIBITIONS**

- 7.1 It shall be unlawful for any person to transport a manufactured home from any location to any site within the unincorporated areas of San Juan County without first receiving from the owner of the manufactured home a copy of a MHPP from San Juan County. Any home transported into the unincorporated areas of San Juan County shall comply with the provisions of this Ordinance. This Section does not apply to the moving of a manufactured home from a site within San Juan County to a site outside of San Juan County if properly permitted.
- 7.2 All provisions of NMAC 14.12.2 , Manufactured Housing Division Rules and Regulations, shall be in force, and any violation not covered by this Ordinance or not under the jurisdiction of San Juan County 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 to 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 current New Mexico construction codes. Normal repairs and renovation shall be allowed, but may be subject to permits and/or inspection.

## **SECTION 9. VARIANCES**

Every property owner within the unincorporated areas of San Juan County shall have the right to apply to the Board of County Commissioners of San Juan County 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 determined by the Board of County Commissioners.



**SECTION 10. APPEAL**

- 10.1 Any person aggrieved by a decision of the Floodplain Administrator may appeal to the Board of County Commissioners of San Juan County within ten (10) days after the date of the action of the Floodplain Administrator. The appeal shall in writing, shall state the basis for the appeal, and shall be delivered to the San Juan County Executive Officer. The Board of County Commissioners of San Juan County shall appoint a hearing officer who shall take the evidence and report to the Board of County Commissioners. The Board of County Commissioners shall consider the report of the hearing officer within forty-five (45) days after receipt of the notice of appeal.
- 10.2 Any person aggrieved by a decision of the Board of County Commissioners of San Juan County may appeal to the District Court within thirty (30) days after the date of the action of the Board of County Commissioners.

**SECTION 11. FEES**

Any person applying for a MHPP or a variance shall pay the fee prescribed by the Board of County Commissioners of San Juan County.

**SECTION 12. ADMINISTRATION AND APPLICATION**

This Ordinance shall be administered and enforced by the 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.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of April, 2008.

**BOARD OF COUNTY COMMISSIONERS  
OF SAN JUAN COUNTY, NEW MEXICO**

By: \_\_\_\_\_

Tony Atkinson, Chairman

**ATTEST:**

*Fran J. Hanhardt*  
\_\_\_\_\_  
Fran J. Hanhardt, County Clerk  
By: *Danya Shelby deputy*

