STATE OF NEW MEXICO
COUNTY OF EDDY
ORDINANCE NO. O-16-87

EDDY COUNTY MANUFACTURED HOME
PLACEMENT ORDINANCE

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 Eddy County.

WHEREAS, the health and welfare of the residents of Eddy County requires the regulation of the placement, construction, and maintenance of structures within the County of Eddy; 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 Eddy County and its inhabitants; and

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

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Eddy County, New Mexico, that Ordinance No. O-16-87 is adopted and enacted as follows:

Section 1. Short Title

1.0 This Ordinance shall be known and may be cited as the, “Eddy County Manufactured Home Placement Ordinance.”

Section 2. Authority

2.0 This Ordinance is adopted pursuant to the authority granted to Eddy County under NMSA 1978, Section 4-8-1 et seq.

Section 3. Applicability

3.0 After the effective date of this Ordinance, the owner(s) of property upon which a manufactured home is to be placed shall obtain a Permit from Eddy County prior to placing a manufactured home on the property. This Ordinance applies to all properties located in the unincorporated areas of the County.
3.1 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).

3.2 The owner(s) of property upon which a manufactured home is to be placed shall provide to the Eddy County Manager or designated Agent, a copy of a deed or contract, properly recorded and free of any lien, 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.

3.3 A manufactured home located or placed in an Area of Special Flood Hazard as designated on a Flood Insurance Rate Map (FIRM), shall comply with the Eddy County Flood Plain Management Ordinance.

3.4 The permit must be placed in a conspicuous place on site that is accessible by the inspector.

Section 4. Definitions

4.0 For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a) “Agent” means a person that has been given authority to act on behalf of the Eddy County Commission in the administration of this ordinance.

b) “Area of Special Flood Hazard (ASFH)” is the land in the floodplain within Eddy County subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBA). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined to Zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A.

c) “Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

d) “Floodplain or Flood-Prone Area” means any land area susceptible to being inundated by water from any source.

e) “Hardship-unnecessary” a situation where no reasonable use can otherwise be made of the land.
f) “Legal Non-Conforming Use” a manufactured home that was legally placed on a parcel of land within Eddy 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.

g) “Manufactured Home” means 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 that may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or maybe two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. Includes any movable or portable housing structure over twelve feet in width and forty feet in length that is used for nonresidential purposes. "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.

h) “Perimeter Enclosure” self-venting enclosure built in accordance with the Manufactured Housing Act, NMAC 14.12.5

i) “Permit” an official document or certificate issued by the County, as appropriate, authorizing performance of a specified activity.

Section 5. Standards

5.0 Manufactured home units shall not be joined together, side by side or stacked, to form a single or multi-family dwelling unit, unless it is 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 New Mexico Construction Industries Division and/or the respective municipal government department, should their jurisdiction apply, shall be required to ensure conformance with the regulations of the Construction Industries Division.

5.1 All additions to manufactured homes shall require a building Permit issued by the New Mexico Construction Industries Division and/or the respective municipal department, should their jurisdiction apply, and shall conform to the regulations of the said division/department and with the NMED Liquid Waste Disposal Regulations and the Eddy County Liquid Waste Ordinance.
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5.2 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.

5.3 Storage units shall not be used for human occupancy without a variance approval from the Eddy County Board of Commissioners.

5.4 All manufactured homes shall contain a perimeter enclosure.

Section 6. Legal Non-Conforming Use

6.0 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.

6.1 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.

6.2 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 7. Site Permit Requirements

7.0 It shall be unlawful for the owner of any property in the unincorporated areas of Eddy County to place a manufactured home on that property without first obtaining an approved permit from the County.

7.1 It shall be unlawful for any person to transport a manufactured home to its installation site without first receiving from the property owner(s) a copy of the approved permit.

7.2 It shall be unlawful 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 manufactured home that has not been issued a permit in conformance with this ordinance.
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Section 8. Safety

8.0 Requirements relating to the safety of the citizens of Eddy County shall be imposed.

Section 9. Variance

9.0 Every property owner within the unincorporated areas of Eddy County shall have the right to apply to the Eddy County Board of 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 10. Appeal

10.0 Board of County Commissioners: Any person aggrieved by a decision of the County Code Enforcement Officer may appeal to the Board of County Commissioners within ten (10) days after the date of the action of the Code Enforcement Officer. The Board of County Commissioners shall hear the appeal and render a decision within thirty (30) days after receiving the notice of appeal.

10.1 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 11. Fees

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

Section 12. Enforcement

12.0 Any failure to comply with a requirement or regulation of this Ordinance shall constitute a violation of this ordinance.

12.1 Pursuant to NMSA 1978 Section 4-37-3 and 4-37-4, violation of this Ordinance may be enforced through the issuance of a citation by the Agent of the County.
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12.2 Pursuant to NMSA 1978 Section 30-22-1, any person who shall knowingly obstruct, resist or oppose any Agent of the County or any duly authorized person serving or attempting to serve or execute any process of this ordinance, upon conviction thereof, shall constitute a violation of this ordinance.

12.3 In addition to the violations set forth above, the County may seek an order from any court of competent jurisdiction within the County requiring a violator to perform, or refrain from performing, certain conduct related to this Ordinance.

Section 13. Repealer

13.0 All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are repealed by this Ordinance but only to the extent of that inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

Section 14. Severability

14.0 If any section, subsection, clause, phrase or portion of these regulations is, for any reason, held invalid or unconstitutional by any government agency or court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Eddy County Board of Commissioners in an open public meeting in Carlsbad, Eddy County, New Mexico on this 18th day of October, 2016.

EDDY COUNTY BOARD OF COMMISSIONERS

Royce O. Pearson, Commission Chairman

ATTEST

Robin Van Natta, County Clerk
REQUEST FOR MANUFACTURED HOME PLACEMENT PERMIT

Request No.______________________________ Date Issued______________________________

Name of Property Owner ________________________________

Mailing Address ______________________________________

Phone Number ________________________________________

Signature of Owner ____________________________________

Manufactured Home:

Use (check one)   ☐ Residence   ☐ Storage

Name of Owner ________________________________________

Mailing Address ______________________________________

Property Address ______________________________________

Legal Description of Property ____________________________

Parcel Number ________________________________________

Make/Model __________________________________________

Serial Number ________________________________________

Year _______ Size _______ Color _______ Number of Bedrooms _____

Electric Service Provider: ______________________________________

Required Documents:

☐ Recorded Deed or Contract
☐ Site Plan (See Site Plan Requirements)
☐ Fees and Taxes Paid (Eddy County Assessor)
☐ Septic Permit (NM Environment Department)
☐ Permit to Install Septic (if septic has not been installed, septic permit will need to be submitted following install)
☐ Address and Flood-plain Pre Determination Certificate (Eddy County)
☐ Manufactured Housing Permit (NM Regulations and Housing Division/Manufactured Housing Division)
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Do not write below the line – For county administration only

Department Approval ________________________________
Date ______________
Date of Inspection Request __________________________
Date and Time of Inspection __________________________

PLACE THIS PERMIT ON THE OUTSIDE OF THE FRONT DOOR GLASS AND CALL
575-887-9511 EXT. 2602 FOR INSPECTION IMMEDIATELY AFTER PLACEMENT.

Eddy County Manufactured Home Placement Site Plan Requirements

The following items must be marked on the site plan

☐ Length and Width of property all sides
☐ Distance from all building to property line
☐ Length, width and purpose of all buildings on the property
☐ Location of Driveway
☐ Name of all bordering streets and roads
☐ Arrow indicating North
☐ Placement of septic tank
☐ Utility easement
☐ Driveway

Site Plan Sample:

*Use 8.5 x 11 paper for site plan*
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EXHIBIT A

Fee Schedule

MHPP place on an approved Parcel of land within Eddy County  $35.00
Variance Request  $100.00
Appeal  $100.00
Late Fee – applied to MHPP price if permit is requested after placement  $65.00
Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Danny Fletcher, being first duly sworn, on oath says:

That he is the Publisher of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county, that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the print notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

October 2, 2015

That the cost of publication is $823.93 and that payment thereof has been made and will be assessed as court costs.

Subscribed and sworn to before me this 2 day of October 2015.

My commission Expires on

Notary Public
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 New Mexico Construction Industries Division and the respective municipal government department, should their jurisdiction apply, shall be required to ensure compliance with the regulations of the Construction Industries Division.

5.1 All additions to manufactured homes shall include all building permits issued by the New Mexico Construction Industries Division and the respective municipal government department, should their jurisdiction apply, and shall conform to the conditions of the said division department and with the permission of the New Mexico Building Code, the New Mexico OCC Code, and the New Mexico Plumbing/ Mechanical Code.

5.2 Storage units shall not be used for human occupancy without a variance from the Eddy County Board of Commissioners.

5.3 Storage units shall be used for human occupancy without a variance from the Eddy County Board of Commissioners.

5.4 Smaller manufactured homes shall be used for human occupancy without a variance from the Eddy County Board of Commissioners.

5.5 The construction of manufactured homes requires the construction of an additional manufacturing area or a manufactured home on any previously existing manufactured home.
Affidavit of Publication

State of New Mexico

County of Eddy:

Danny Scott:

being duly sworn says that she is the

Publisher

of the Artesia Daily Press, a daily newspaper of General

circulation, published in English in Artesia, said county

and state, and that the above attached

Legal Ad

was published in a regular and entire issue of the said

Artesia Daily Press, a daily newspaper duly qualified

for that purpose within the meaning of Chapter 167 of

the 1957 Session Laws of the state of New Mexico for

1 consecutive week/day on the same

day as follows:

First Publication: October 2, 2016

Second Publication

Third Publication

Fourth Publication

Fifth Publication

Sixth Publication

Subscribed and sworn before me this

4th day of October, 2016

Notary Public, Eddy County, New Mexico

[Signature]