

**LEA COUNTY  
ORDINANCE NO. 2019-XXX**

**MANUFACTURED HOME PLACEMENT ORDINANCE**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYTEM OF  
LOCAL APPROVAL, INSPECTION, AND COLLECTION OF FEES FOR  
PERMITTING AND REGULATING THE PLACEMENT OF MANUFACTURED  
HOMES IN LEA COUNTY**

**SECTION 1. SHORT TITLE**

This Ordinance will be known as the 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 the unincorporated areas of Lea 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 Lea County regulations and ordinances.

**SECTION 3. AUTHORITY**

This Ordinance is enacted pursuant to the authority granted to the Board of County Commissioners of Lea County by NMSA 1978, Sections 3-17-6, 3-18-7, and 4-37-1, for the purpose or promoting the health, safety, morals, and general welfare of the public. This Ordinance shall support and enhance the section of Housing Division Rules and Regulations, NMAC 14.12.2, incorporated herein by reference in its entirety except as otherwise provided for in this Ordinance.

**SECTION 4. APPLICABILITY**

This Ordinance shall apply to all unincorporated areas of Lea 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 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 In computing time, the first day shall be excluded and the last included unless the last day falls on Saturday, Sunday, or a holiday, in which case the time prescribed shall be extended to the following business day.

## 5.2 Definitions:

5.2.1 **LEGAL NON-CONFORMING USE:** A manufactured home that was legally placed on a parcel of land within the unincorporated areas of Lea 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.

5.2.2 **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 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).

5.2.3 **DEALER:** A manufactured home dealer is any person engaged in the business of buying for resale, selling or exchanging manufactured homes or offering manufactured homes for sale, exchange, or lease-purchase to consumers. No person shall be considered a dealer unless engaged in the sale, exchange, or lease-purchase of two or more manufactured homes to consumers in any consecutive twelve-month period. Dealer does not include persons appointed or acting under any of a court, public officers while performing their duties as such officers, or finance companies, banks, or other lending institutions covering sales of repossessed manufactured homes.

5.2.4 **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/Movement Permit (MHPMP) is hereby established.

6.2 Prior to the movement/placement of any manufactured home within the unincorporated areas of Lea County, the manufactured home owner or authorized representative shall make application for a MHPMP from the Lea County Environmental Department.

- 6.3 Issuance of an MHPMP will require that a manufactured home located or placed in the unincorporated areas of Lea County complies with all ordinances and regulations in force in the unincorporated areas of Lea County.
- 6.4 The MHPMP 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, the Lea County Environmental Department will issue a signed MHCC 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 Lea County Environmental Department, 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 Lea County without first receiving from the owner of the manufactured home a copy of an MHPMP from Lea County. No manufactured home shall be transported within or into the unincorporated areas of Lea County without compliance with the provisions of this Ordinance. This Section does not apply to the moving of a manufactured home from a site within Lea County to a site outside of Lea County if properly permitted.
- 7.2 It shall be unlawful for any person to occupy or maintain a manufactured home or recreational vehicle that does not comply with the County Floodplain Management Ordinance.
- 7.3 It shall be unlawful to place, maintain, or occupy a manufactured home without an underpinning or skirting. The underpinning or skirting shall form a continuous wall that extends around the perimeter of the manufactured home with a minimum twenty-four inch by twenty-four inch access panel. Newly placed and installed manufactured homes shall have skirting installed within 30 days after the placement and installation of the manufactured home.
- 7.4 All provisions of NMAC 14.12.2, Manufactured Housing Division Rules and Regulations, shall be in full force, and any violation not covered by his Ordinance or not under the jurisdiction of Lea County will be reported to the New Mexico Manufactured Housing Division.
- 7.5 All the provisions of Section 7 apply to owners, dealers, setters, contractors, and movers of manufactured homes, except where excluded by other provisions of this Ordinance.

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

- 8.1 A legal non-confirming manufactured home use will 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 will 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 Lea County may apply to the Board of County Commissioners of Lea 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 Environmental Department may appeal to the Board of County Commissioners of Lea County within ten (10) days after the date of the action of the Environmental Department. The appeal shall be in writing, shall state the basis for the appeal, and shall be delivered to the County Manager for Lea County. The Board of County Commissioners of Lea County will appoint a hearing officer who will take the evidence and report to the Board of County Commissioners, the Board of County Commissioners will consider the report of the hearing officer within forty-five (45) days after receipt of this notice of appeal.

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

## **SECTION 11. FEES**

Any person applying for an MHPMP or a variance shall pay the fee prescribed by the Lea County Environment Department.

## **SECTION 12. ADMINISTRATION AND APPLICATIONS**

This Ordinance shall be administered and enforced by the Lea County Environmental Department or designee which 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 \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Rebecca Long (District 2), Chair  
Voted: Yes No Abstain

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Dean Jackson (District 1), Vice Chair  
Voted: Yes No Abstain

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Gary G. Eidson (District 3), Member  
Voted: Yes No Abstain

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Jonathan Sena (District 4), Member  
Voted: Yes No Abstain

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Richard Don Jones (District 5), Member  
Voted: Yes No Abstain

**ATTEST:** Keith Manes  
**LEGAL** Lea County Clerk

**APPROVED AS TO FORM AND  
SUFFICIENCY:**

By: \_\_\_\_\_  
Kelli Williams, Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney