

## NOTICE

During the regular meeting on July 12, 2017 at 9:00 a.m. the Torrance County Commission will hold a Public Hearing to consider an ordinance concerning the illegal transportation of mobile homes into and within Torrance County. To wit: AN ORDINANCE ADDRESSING THE SAFETY, PUBLIC HEALTH, AND OTHER REGULATORY CONCERNS RAISED BY MOBILE HOMES AND OTHER MANUFACTURED HOUSING BEING BROUGHT INTO AND TRANSPORTED WITHIN THE COUNTY WITHOUT A DEVELOPMENT PERMIT HAVING BEEN PREVIOUSLY ACQUIRED FOR SUCH HOUSING.

During the regular meeting on July 12, 2017 at 9:00 a.m. the Torrance County Commission will hold a Public Hearing to consider an ordinance concerning dilapidated housing within Torrance County. To wit: AN ORDINANCE ADDRESSING THE SAFETY, PUBLIC HEALTH, AND OTHER CONCERNS RAISED BY DILAPIDATED HOUSING.

Copies of the proposed ordinances will be available for review at public libraries and senior centers in the Torrance County area.

AN ORDINANCE ADDRESSING THE SAFETY, PUBLIC HEALTH, AND OTHER REGULATORY CONCERNS RAISED BY MOBILE HOMES AND OTHER MANUFACTURED HOUSING BEING BROUGHT INTO AND TRANSPORTED WITHIN THE COUNTY WITHOUT A DEVELOPMENT PERMIT HAVING BEEN PREVIOUSLY ACQUIRED FOR SUCH HOUSING.

WHEREAS, the Torrance County Board of Commissioners finds there is an ongoing problem of mobile homes and other manufactured or prefabricated housing brought into Torrance County or transported within Torrance County to be placed on land within the jurisdiction of Torrance County without a necessary development permit having been acquired for such housing.

WHEREAS, the Torrance County Board of Commissioners finds that this practice is being fostered and encouraged by certain sellers of mobile homes.

WHEREAS, the Torrance County Board of Commissioners finds that the current regulatory and criminal deterrents are not sufficient to restrict this practice.

NOW, THEREFORE BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the “UNLAWFUL TRANSPORTATION OF MOBILE HOMES IN TORRANCE COUNTY ORDINANCE,” and shall be referred to herein as “this Ordinance.”

SECTION 2: AUTHORITY

This Ordinance is enacted pursuant to the authority granted to counties under NMSA 1978, §§ 4-37-1 through -13 (1975, as amended 2003).

SECTION 3: INTERPRETATION AND CONFLICT

The regulations provided herein are held to include minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, abrogate, or annul any other valid ordinances. Where the provisions of this Ordinance conflict with other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control. Where this Ordinance imposes greater restrictions than those imposed by other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control.

SECTION 4: DEFINITIONS

- A. Word Construction – Masculine pronouns include the feminine form thereof, and words used in the singular include the plural form thereof.

- B. Reference to Other Ordinances – Unless otherwise defined herein, words used in this Ordinance have the same definitions as set forth in the Torrance County Solid Waste Ordinance, as amended, and Torrance County Zoning Ordinance, as amended from time to time. In the event of a conflict of definitions, the definition set forth in the Torrance County Zoning Ordinance shall control.
- C. Definitions – The following definitions apply to this Ordinance:
  - a. “Installed” means erected, placed, attached, installed, or constructed.
  - b. “Manufactured Housing” means a structure partially assembled elsewhere than where it is intended to be ultimately installed and used as a dwelling unit.
  - c. “Mobile Home” means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a moveable dwelling unit for connection to permanent utilities.

SECTION 5: UNLAWFUL TRANSPORTATION OF MOBILE HOMES

- A. No person shall transport any mobile home or manufactured housing into Torrance County or within Torrance County for the purpose of installing that mobile home or manufactured housing on land within the jurisdiction of Torrance County unless a Development Review Permit has been acquired for the installation of that mobile home or manufactured housing.
- B. No person shall transport any mobile home or manufactured housing into Torrance County or within Torrance County for the purposes of transferring possession of said mobile home or manufactured housing unless a Development Review Permit has been acquired for the installation of that mobile home or manufactured housing.
- C. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed THREE HUNDRED DOLLARS (\$300.00) and/or NINETY (90) days in jail for each separate offense.

SECTION 6: ENFORCEMENT AND ADMINISTRATION

The Zoning Officer has the authority to conduct inspection of mobile homes and manufactured housing (installed or uninstalled). The Zoning officer shall carry an identification card provided by the County during all inspections. The Zoning Officer shall provide for on-site inspections and other relevant information that may be requested by the Board of County Commissioners or the Zoning Commission as necessary to carry out the purpose of this Ordinance.

SECTION 7: SEVERABILITY

If any article, subsection, paragraph, sentence, clause, phrase, provision, or any portion thereof of this Ordinance is, for any reason, held to be unconstitutional, invalid, or void, the remainder of this Ordinance shall not be affected because it is the express intention of the Torrance County Board

of Commissioners to pass each article, section, subsection, paragraph, sentence, clause, phrase, and provision, and every part thereof, separately and independently.

**SECTION 8: EFFECTIVE DATE**

This Ordinance shall be recorded and authenticated by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty (30) days after the Ordinance has been recorded.

AN ORDINANCE ADDRESSING THE SAFETY, PUBLIC HEALTH, AND OTHER CONCERNS RAISED BY DILAPIDATED HOUSING.

WHEREAS, the Torrance County Board of Commissioners finds there is an ongoing problem of constructed dwellings, mobile homes, and other manufactured or prefabricated housing that is unsuitable for habitation being placed or maintained on land within the County.

WHEREAS, the Torrance County Board of Commissioners finds that the current regulatory and criminal deterrents are not sufficiently clear to restrict this practice.

NOW, THEREFORE BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the “DILAPIDATED HOMES ORDINANCE,” and shall be referred to herein as “this Ordinance.”

SECTION 2: AUTHORITY

This Ordinance is enacted pursuant to the authority granted to counties under NMSA 1978, §§ 4-37-1 through -13 (1975, as amended 2003).

SECTION 3: INTERPRETATION AND CONFLICT

The regulations provided herein are held to include minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, abrogate, or annul any other valid ordinances. Where the provisions of this Ordinance conflict with other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control. Where this Ordinance imposes greater restrictions than those imposed by other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control.

SECTION 4: DEFINITIONS

- A. Word Construction – Masculine pronouns include the feminine form thereof, and words used in the singular include the plural form thereof.
- B. Reference to Other Ordinances – Unless otherwise defined herein, words used in this Ordinance have the same definitions as set forth in the Torrance County Solid Waste Ordinance, as amended.
- C. Definitions – The following definitions apply to this Ordinance:
  - a. “Dilapidated” means, in the case of constructed housing, not in compliance with minimal residential standards applicable to constructed homes; and, in the case of

Mobile Homes and/or Manufactured Housing, not in compliance with minimal residential standards applicable to Mobile Homes and/or Manufactured Housing.

- b. "Manufactured Housing" means a structure partially assembled elsewhere than where it is intended to be ultimately installed and used as a dwelling unit.
- c. "Mobile Home" means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a moveable dwelling unit for connection to permanent utilities.

#### SECTION 5: UNLAWFUL DILAPIDATED HOMES; PENALTY

- A. No person shall permit any dilapidated dwelling, mobile home, or manufactured housing to remain upon the property.
- B. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed ONE THOUSAND DOLLARS (\$1,000.00) and/or ONE HUNDRED EIGHTY (180) days in jail for each separate offense.

#### SECTION 6: ENFORCEMENT AND ADMINISTRATION

The Sheriff, or his designated Code Enforcement Officer, has the authority, upon issuance of a warrant, to inspect and enter any property where he has reasonable cause to suspect that a violation of this Ordinance has occurred.

#### SECTION 7: SEVERABILITY

If any article, subsection, paragraph, sentence, clause, phrase, provision, or any portion thereof of this Ordinance is, for any reason, held to be unconstitutional, invalid, or void, the remainder of this Ordinance shall not be affected because it is the express intention of the Torrance County Board of Commissioners to pass each article, section, subsection, paragraph, sentence, clause, phrase, and provision, and every part thereof, separately and independently.

#### SECTION 8: EFFECTIVE DATE

This Ordinance shall be recorded and authenticated by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty (30) days after the Ordinance has been recorded.