

Date: June 10, 2014

City of Rio Communities, New Mexico

Ordinance No: 2014-21

BUILDING AND CONSTRUCTION

APPROVED, ADOPTED AND SIGNED this 10th day of June 2014 by the Governing Body of the City of Rio Communities.

Mark Gwinn, Mayor

City of Rio Communities

ATTEST:

Mary Lee Serna, Mayor Pro Tem

City of Rio Communities

Date: June 10, 2014

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CHAPTER 7 BUILDING AND CONSTRUCTION

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- SECTION 1 BUILDING CODE**
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7-1-1 PERMITTING AUTHORITY

Pursuant to NMSA 1978, Section 3-18-6(A)(4), the City of Rio Communities “may by ordinance: have exclusive enforcement over permits issued by the municipality when enforced by an approved inspector.”

7-1-2 UNIFORM BUILDING CODE

The Uniform Building Code of the International Conference of the Building Officials, 1982 Edition and subsequent revisions and amendments thereto as adopted by the state of New Mexico, pursuant to the Construction Industries Licensing Act, (Section 60-13-1, NMSA 1978), is adopted in its entirety (with noted exceptions as referenced herein) as the Building Code for the City of Rio Communities, hereafter the “City”.

SECTION 2 CODE ADMINISTRATION

7-2-1 INSPECTIONS

7-2-2 FEE SCHEDULE

7-2-3 PERMITS

7-2-4 VIOLATIONS AND PENALTIES

7-2-1 INSPECTIONS

The City may require the same inspections that are required under the Construction Industries Licensing Act and rules and regulations issued under the Uniform Building Code.

7-2-2 FEE SCHEDULE

The City shall administratively adopt a fee schedule for inspections and the issuance of permits. See Appendix B for Fee Schedule.

7-2-3 PERMITS

The City shall require a permit to be secured before the commencement of any construction, installation, alteration, repair or addition to or within any building, structure or premises, except:

- A. Minor repairs, replacement of lamps, the connection of portable electrical equipment to suitable receptacles that are permanently installed, minor repairs or replacement of, or to, faucets, tap jets or connection of portable equipment to suitable connections or inlets that have been permanently installed; or
- B. Installations of temporary wiring for testing electrical equipment or apparatus; installation of temporary fixtures or devices for testing fixtures, equipment, apparatus or appliances; or
- C. Installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire; or
- D. Installation or work that is done after regular business hours or during a holiday when immediate action is imperative to safeguard life, health or property, provided such person making the installation or performing the work applies for a permit covering the installation or work not later than the next business day.

7-2-4 VIOLATIONS AND PENALTIES

Any person who violates Section 6-1-4 or who fails to call for an inspection required under Section 6-1-2 shall be subject to a fine not to exceed five-hundred dollars (\$500) or by imprisonment not exceeding ninety days (90) or to both such fine and imprisonment.

SECTION 3 DEMOLITION AND REMOVAL OF DANGEROUS STRUCTURES

7-3-1 AMENDMENTS AND ADOPTIONS

7-3-1 AMENDMENT AND ADOPTIONS

Herein adopted by the City for the purpose of establishing regulations for the protection of the public health and safety of its residents, the Uniform Code For The Abatement Of Dangerous Buildings, Chapter 15.20, International Building Code, 1997 Edition, do save and accept at length the same, except such portions as are identified herein deleted, modified or amended. From the date on which this ordinance is adopted, the provisions set forth shall be controlling within the limits of the City.

- A. In all instances in the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, where the term “board of appeals” appears or is referenced, the terms shall be amended and substituted with the term “the Commission.”
- B. Chapter 8 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition is amended by deletion in its entirety.

SECTION 4 MOVING BUILDINGS AND STRUCTURES

- 7-4-1 REQUIRED LICENSE**
- 7-4-2 REQUIRED BOND**
- 7-4-3 REQUIRED PERMIT**
- 7-4-4 SEVENTY-TWO HOUR PENALTY FEE**
- 7-4-5 TRANSIENT FEE**
- 7-4-6 LIABILITY**
- 7-4-7 COMPLIANCE**
- 7-4-8 DAMAGE TO UTILITIES AND PROPERTY**
- 7-4-9 VIOLATION**

7-4-1 REQUIRED LICENSE

Before engaging in the act of moving or removing any building, home, structure or parts thereof located within the City, to another location, whether within or without the City and upon any street, public way or alley located within or without the limits of the City, the person, business, firm or corporation shall submit an application to the City Clerk for a license to conduct such an act.

7-4-2 REQUIRED BOND

Before the issuance of any such license, the applicant shall file with the Clerk Treasurer a bond payable to the City in the sum of five-hundred dollars (\$500) in such form and with such sureties as shall be approved by the City or its administrative

personnel, conditioned upon the applicant's compliance with the requirements of this Article and all other ordinances of the City that are now or may hereafter be adopted that are pertinent to the City's business, and further conditioned upon applicant's indemnifying and saving harmless the City against any and all liability for damages, costs or expenses arising in any manner and in favor of any person, business, firm or corporation by reason of the act by applicant of moving or relocating any building, home or structure within or through the confines of the City.

7-4-3 REQUIRED PERMIT

Any person, business, firm or corporation being the owner of any building, house, structure or parts thereof that is intended to be moved upon any street, other public way or alley within the City shall first apply for and obtain a permit from the City Clerk, and such permit shall be conditioned by the City Clerk upon the performance by the owner or his agents with such reasonable requirements as may be deemed necessary for the protection of the property of the City and the inhabitants thereof. Such requirements shall include:

- A. The name of the properly licensed person, business, firm or corporation contracted to move the building, house, structure or parts thereof, and
- B. A description of the current construction materials of the building, house, structure, or parts thereof; and
- C. The present location and use of the building, house, structure, or parts thereof; and
- D. The proposed new location of the building, house, structure, or parts thereof, accompanied by a diagram that details the new lot or tract and any other building, house, structure or any obstruction located upon the new lot or tract; and
- E. A diagram of the proposed route to be traversed by the moving or relocation of the building, house, structure or parts therefor; and
- F. The proposed date, time and anticipated duration for moving or relocating the building, house, structure or parts thereof.

7-4-4 SEVENTY-TWO (72) HOUR PENALTY FEE

No building, house, structure or parts thereof that are being moved under authority of the provisions of this Article shall be allowed to stand upon any public street, public way or alley located within the City for more than seventy-two (72) consecutive hours, A penalty fee of fifty dollars (\$50) shall be assessed against any person, business, firm or corporation for each seventy-two (72) hours or portion thereof that any building,

house, structure or parts thereof shall remain standing upon any street, public way or alley located within the limits of the City.

7-4-5 TRANSIENT FEE

A transient fee of twenty-five dollars (\$25) shall be charged to any person, business, firm or corporation who moves any building, house, structure or parts thereof upon any street or public way that is not intended to be located within the City limits, but is only being transported through the City's streets or public thoroughfares.

7-4-6 LIABILITY

Any person, business, firm or corporation issued a license under the provisions of Section 4-6-1 and a permit under Section 4-6-3 to move any building, house, structure or parts thereof shall be responsible and liable to the City for any damage or injury caused to its property by any act in connection with the moving or relocating of any such physical structure. Furthermore, any failure by any person, business, firm or corporation to adjust any damage to the City or to any of the inhabitants thereof shall result in the vesting in the proper City authorities, the right to refuse the issuance of any future license to such person, business, firm or corporation, together with authority to deny the issuance of a permit under Section 4-6-3 to any person, firm or corporation for the moving of any building, house, structure or parts thereof when such contemplated moving is to be done by a party failing to comply with the foregoing provisions of this section.

7-4-7 COMPLIANCE

No license or permit shall be granted under this Article until the mover has complied with all ordinances and regulations of the City that expressly concern the moving or removal of any building, house, structures or parts thereof within, through or without the City limits.

7-4-8 DAMAGE TO UTILITIES AND PROPERTY

Nothing in any license or permit granted by this Article shall be construed as authorizing the holder thereof to break, damage, modify or remove any utility, telegraph, telephone or electric light pole, line or wire or in any way damage, cut or trim any tree, or disturb the ground or soil or other property of any owner or owners thereof.

7-4-9 VIOLATION

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished at the discretion of the court, by a fine not exceeding five-hundred dollars (\$500) or by imprisonment for a period not to exceed three (3) months or both.

SECTION 5 DRAINAGE PLAN AND DRAINAGE REGULATIONS

- 7-5-1 PURPOSE**
- 7-5-2 DRAINAGE PLAN GENERALLY**
- 7-5-3 DRAINAGE PLAN CRITERIA**
- 7-5-4 DRAINAGE PLAN FEES**
- 7-5-5 DRAINAGE PLAN SUBMISSION**
- 7-5-6 CERTIFICATION**
- 7-5-7 INTERPRETATIONS AND CONFLICTS**
- 7-5-8 VIOLATIONS AND PENALTIES**

7-5-1 PURPOSE

The regulations, restrictions and requirements of this Article are intended to promote the general health, safety, convenience and welfare of the residents of the City that preserve the quality of life, secure from flood and other dangers and conserve and stabilize the value of property.

7-5-2 DRAINAGE PLAN GENERALLY

A comprehensive drainage plan shall be required under the following circumstances.

- A. For any commercial or industrial development within the City municipal limits or within the City’s extraterritorial zoning jurisdiction:
 - 1. A drainage plan will be required for subdivisions within the City limit or within the City planning and platting jurisdiction for any subdivisions containing four or more lots.
 - 2. For a subdivision less than four lots within the City limits or within the City planning and platting jurisdiction, the Commission will review the proposed development and determine whether a drainage plan will be required. See Addendum B for Fee Schedule.

7-5-3 DRAINAGE PLAN CRITERIA

- A. Each area must retain on site, one hundred percent (100%) of the storm water generated by the one-hundred year flood produced from a twenty-four (24) hour storm.
- B. At no time shall discharge be allowed that will prove to be detrimental to the existing drainage system.

C. No more than fifty percent (50%) of any front setback shall be used for storm water retention purposes. Street frontage retention areas shall maintain a maximum of a six to one (6:1) slope unless otherwise approved.

7-5-4 DRAINAGE PLAN FEES

The fee for all required drainage plans shall be three hundred fifty dollars (\$350.00) for the first five (5) acres of land within a project, plus ten dollars (\$10.00) per acre for each acre in excess of five acres in each project. The fee shall be paid to the City Clerk at the time the drainage plan is submitted for review.

7-5-5 DRAINAGE PLAN SUBMISSION

A. For all proposed commercial and industrial development, a comprehensive drainage plan shall be submitted at the time a building permit is requested. No building permit shall be issued until the drainage plan has been approved by the Commission.

B. For all proposed subdivisions, a comprehensive drainage plans shall be submitted along with materials submitted for preliminary plat approval. No preliminary plat approval shall be granted until the drainage plan has been approved by the Commission.

7-5-6 CERTIFICATION

Any finished drainage construction project shall submit a complete set of “as-built” drawings that have been reviewed and signed by a professional engineer, registered and licensed to practice in New Mexico, before final acceptance by the City.

7-5-7 INTERPRETATIONS AND CONFLICTS

The provisions of this Article shall be understood to be minimum requirements necessary to fulfill the intent and purpose of this Article and are not intended to interfere with, abrogate or annul any easement, covenant or other valid ordinance.

7-5-8 VIOLATIONS AND PENALTY

Any person violating any of the provisions of this Article shall, upon conviction, be subject to a fine not exceeding five-hundred dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days or both such fine and imprisonment. Any violation that continues for a period of fifteen (15) days after conviction shall be prosecuted and treated as a repeated offense.

**SECTION 6 FLOOD DAMAGE PREVENTION
(CODIFIED FROM AND COMPLIANT WITH VALENCIA COUNTY CHAPTER 153)**

- 7-6-1 STATUTORY AUTHORIZATION (153.001)**
- 7-6-2 FINDINGS OF FACTS (153.002)**
- 7-6-3 STATEMENT OF PURPOSE (153.003)**
- 7-6-4 METHODS OF REDUCING FLOOD LOSSES (153.004)**
- 7-6-5 DEFINITIONS (153.015)**
- 7-6-6 LANDS TO WHICH THIS CHAPTER APPLIES (153.030)**
- 7-6-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD (153.031)**
- 7-6-8 ESTABLISHMENT OF DEVELOPMENT PERMITS (153.0320)**
- 7-6-9 COMPLIANCE (153.033)**
- 7-6-10 ABROGATION AND GREATER RESTRICTIONS (153.034)**
- 7-6-11 INTERPRETATION (153.035)**
- 7-6-12 WARNING AND DISCLAIMER OF LIABILITY (153.036)**
- 7-6-13 DESIGNATION OF FLOODPLAIN ADMINISTRATOR (153.050)**
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- 7-6-15 PERMITTING PROCEDURES (153.052)**
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- 7-6-17 PROVISIONS FOR FLOOD HAZARD REDUCTION: GENERAL STANDARDS (153.065)**
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- 7-6-19 STANDARDS FOR SUBDIVISION PROPOSALS (153.067)**
- 7-6-20 STANDARDS FOR AREAS OF SHALLOW FLOODING AO & AH ZONES (153.068)**
- 7-6-21 FLOODWAYS (153.069)**
- 7-6-22 SEVERABILITY (153.070)**
- 7-6-23 CERTIFICATION (153.071)**
- 7-6-24 PENALTIES (153.099)**

7-6-1 STATUTORY AUTHORIZATION (153.001)

A. The Legislature of the State of New Mexico has in Statutes Amended (NMSA) 1978 Section 3-18-7, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

B. Therefore, the City of Rio Communities does ordain as follows.

7-6-2 FINDINGS OF FACT (153.002)

A. The flood hazard areas of Rio Communities are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for

flood protection and relief, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

7-6-3 STATEMENT OF PURPOSE (153.003)

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.

7-6-4 METHODS OF REDUCING FLOOD LOSSES (153.004)

In order to accomplish its purposes, this chapter uses the following:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve these uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

7-6-5 DEFINITIONS (153.015)

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. This flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for A, AE, AH, A1 – A30, V1 – V30, OR VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A. A non-basement building:

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and
2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
3. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, ELEVATED BUILDING also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
4. In the case of Zones V1-30, VE, or V, ELEVATED BUILDING also includes a building otherwise meeting the definition of ELEVATED BUILDING, even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of National Flood Insurance Regulations 44 C.F.R. § 60.3(e)(5).

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before 1-1-1975, for FIRMs effective before that date. EXISTING CONSTRUCTION may also be referred to as existing structures.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the

pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): 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.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary Floodway Map.

FLOODPLAIN or FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source. See definition of flooding.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM:

- A. Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to

modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding.

- B. That system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes.
- C. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior;
or
2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of the National Flood Insurance Program Regulations, 44 C.F.R. Part 60.3.

MANUFACTURED HOME: A structure transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term MANUFACTURED HOME does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after 12-31-1974, whichever is later, and includes any subsequent improvements to the structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to the structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION: (For other than new construction or substantial improvements under the Coastal Barrier Resources Act, being 16 U.S.C. §§ 3501 et seq. (Pub. L. No. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

- A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed.
- B. The term does not, however, include either:
 - 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
 - 2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE: A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. For full requirements see the National Flood Insurance Program Regulations, 44 C.F.R. Part 60.6.

VIOLATION

- A. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
- B. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program Regulations 44 C.F.R. Parts 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until the time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

7-6-6 LANDS TO WHICH THIS CHAPTER APPLIES (153.030)

The chapter shall apply to all areas of special flood hazard with the jurisdiction of Rio Communities, Valencia County, New Mexico.

7-6-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD (153.031)

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Valencia County, New Mexico and Incorporated Areas dated August 19, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps.

7-6-8 ESTABLISHMENT OF DEVELOPMENT PERMIT (153.032)

A development permit shall be required to ensure conformance with the provisions of this chapter.

7-6-9 COMPLIANCE (153.033)

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. See [Section 7-6-23 \(153.009\)](#) for penalties.

7-6-10 ABROGATION AND GREATER RESTRICTION (153.034)

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restriction conflict. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7-6-11 INTERPRETATION (153.035)

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

7-6-12 WARNING AND DISCLAIMER OF LIABILITY (153.036)

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

7-6-13 DESIGNATION OF FLOODPLAIN ADMINISTRATOR (153.050)

Valencia County is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management.

7-6-14 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR (153.051)

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
- B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
- C. Review, approve or deny all applications for development permits required by adoption of this chapter;
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including the Clean Water Act, 33 U.S.C. § 1251 et seq., which requires a “Section 404 permit,” under 33 U.S.C. § 1344) from which prior approval is required.
- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation;
- F. Notify, in riverine situations, adjacent communities and the state coordinating agency which is New Mexico Department of Homeland Security and Emergency Management (DHSEM) prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- H. When base flood elevation data has not been provided in accordance with [Section 7-6-7 \(153.031\)](#), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of [Section 7-6-17 \(153.065\)](#) et seq.;

1. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community; and
2. Under the provisions of 44 C.F.R. Ch. 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first applies for a conditional FIRM revision through FEMA.

7-6-15 PERMITTING PROCEDURES (153.052)

- A. Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- B. Additionally, the following information is required:
 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria in accordance with [Section 7-6-18 \(153.066\)](#);
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 5. Maintain a record of all the information in accordance with [Section 7-6-14 \(153.051\)](#).

- C. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 10. The relationship of the proposed use to the comprehensive plan for that area.

7-6-16 VARIANCE PROCEDURES (153.053)

- A. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

- C. Any person or persons aggrieved by the decision of the Appeal Board may appeal the decision in the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [Section 7-6-3\(B\)](#) have been fully considered. See also [Section \(153.003\(B\)\)](#). As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach conditions to the granting of variances as it deems necessary to further the purpose and objectives of [Section 7-6-3 \(153.003\)](#).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - 3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1. The criteria outlined in divisions (A) through (I) above are met; and
 - 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**7-6-17 PROVISIONS FOR FLOOR HAZARD REDUCTION:
GENERAL STANDARDS (153.065)**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7-6-18 SPECIFIC STANDARDS (153.066)

In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Sections 7-6-7, 7-6-14](#) or [7-6-19](#) (see also [Sections 153.031, 153.051](#) or [153.067](#)), the following provisions are required:

- A. **Residential construction:** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this division as proposed in [Section 7-6-15 \(153.043\)](#) is satisfied.
- B. **Nonresidential construction:** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this division. A record of the certification which includes the specific elevation (in relation to mean sea level) to which the structures are flood proofed shall be maintained by the Floodplain Administrator.
- C. **Enclosures:** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for

meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than 1 foot above grade; and
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors per state requirements.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of division (D) of this section be elevated so that either:

- a. The lowest floor of the manufactured home is at or above the base flood elevation; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

E. Recreational vehicles

1. Require that recreational vehicles placed on sites within Zones A1- 30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of [Section 7-6-15 \(153.052\)](#) and the elevation and anchoring requirements for manufactured homes in division (D) of this section.
2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

7-6-19 STANDARDS FOR SUBDIVISION PROPOSALS (153.067)

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with [Section 7-6-2 \(153.002\)](#) through [7-6-4 \(153.004\)](#) of this chapter.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of [Section 7-6-8 \(153.032\)](#) and [7-6-15 \(153.052\)](#) and the provisions of [Section 7-6-17 \(153.065\)](#) et seq. of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to [Sections 7-6-7 \(153.031\)](#) or [7-6-14 \(153.051\)](#) of this chapter.

- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

7-6-20 STANDARDS FOR AREAS OF SHALLOW FLOODING: AO/AH ZONES (153.068)

Located within the areas of special flood hazard established in [Section 7-6-8 \(153.031\)](#), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. This flooding is characterized by ponding or sheet flow; therefore, the following provisions apply.

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- B. All new construction and substantial improvements of non-residential structures:
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 - 2. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in [Section 7-6-15 \(153.052\)](#) are satisfied.
- D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

A-6-21 FLOODWAYS (153.069)

Floodways located within areas of special flood hazard established in [Section 7-6-7 \(153.031\)](#) are areas designated as floodways. Since the floodway is an extremely

hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply.

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [Section 7-6-17 \(153.065\)](#) et seq.
- C. Under the provisions of 44 C.F.R. Ch. 1, § 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

7-6-22 SEVERABILITY (153.070)

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

7-6-23 CERTIFICATION (153.071)

- A. It is hereby found and declared by Rio Communities that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this chapter become effective immediately.
- B. Therefore, an emergency is hereby declared to exist, and this chapter, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from its passage and approval.
- C. Effective 5-20-1991 in Los Lunas, Valencia County, New Mexico.

7-6-24 PENALTY (153.099)

No structure of land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five-hundred dollars (\$500.00) or imprisonment for no more than 90 days, or both for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Valencia County, New Mexico from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 7 INTERNATIONAL FIRE CODE

7-7-1 INTERNATIONAL FIRE CODE

Herein the City of Rio Communities for the purpose of establishing regulations for the protection of the public health and safety of its residents, the International Fire Code, 2003 Edition to include Chapters 1 through 45, Appendices A through G and subsequent revisions and amendments thereto is adopted in its entirety from the date on which this Ordinance is adopted. The provisions set forth shall be controlling within the limits of the City.

SECTION 8 MANUFACTURED HOME PLACEMENT

7-8-1 REQUIREMENTS

7-8-2 DEFINITIONS

7-8-3 INSTALLATION

7-8-4 PERIMETER ENCLOSURE

7-8-5 MOBILE HOME PARK

7-8-1 REQUIREMENTS

Issuance of a conditional use, designated use, building or mobile home parking permit authorizes the recipient to commence the approved activity (subject to a building permit being issued), or to make necessary improvements to subdivision. However the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this title have been complied with.

7-8-2 DEFINITIONS

For the purpose of this Article, the following definitions shall apply:

Mobile home: A transportable structure, exceeding eight (8) feet in width and thirty-two (32) feet in length, built on a chassis, regardless of whether the towing tongue has been removed. These units are designed for use as movable dwellings with or without a permanent foundation when connected to required utilities.

Modular home: A factory-fabricated transportable building that is transported on something other than its own chassis and designed to be stand-alone or to be incorporated with similar units at building site into a modular structure. The term is intended to apply to major assemblies that must conform to the local building code, and does not include prefabricated panels, trusses, plumbing and other sub elements that are to be incorporated in a structure at the building site

Manufactured home: A multi-sectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development that has external dimensions of at least twenty-four (24) feet by forty (40) feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. A wall shall be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall shall be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus shall be removed before occupancy.

7-8-3 INSTALLATION

All mobile homes and manufactured housing shall be installed in accordance with regulations promulgated by the Manufacturing Housing Act of New Mexico (60-14-1 et seq. NMSA 1978.) In addition, all mobile homes and manufactured housing in the R-1 or R-2 zone districts shall be placed on a permanent and continuous frost protected perimeter and shall be compatible and harmonious with existing structures in the vicinity. All other mobile homes and manufactured housing shall be skirted within ninety days of placement.

7-8-4 PERIMETER ENCLOSURE

All mobile and manufactured housing shall have a perimeter enclosure that provides weather protection to the volume beneath the principle structure. Perimeter enclosure shall not be load bearing unless engineered to be load bearing by a licensed engineer or the manufacturer.

7-8-5 MOBILE HOME PARK

Mobile home parks are permitted in MH_1 and MH-2 zone district and shall adhere to the following regulations:

- A. An applicant must submit a general development plan for the mobile home park showing approximate location of proposed buildings and mobile homes, lighting

control, protective screening, landscaping, general design of parking both for residents and guests.

- B. The minimum area for mobile home parks shall be two acres.
- C. Maximum density shall be ten mobile homes per acre.
- D. No mobile home shall be located within twenty feet of any other mobile home. Any mobile home shall be at least twenty (20) feet from the right-of-way or easement line of any street and at least ten (10) feet from any property line of the mobile home park.
- E. All private roadways within the mobile home park shall be at least thirty (30) feet wide and shall be dirt and gravel mix, asphalt, concrete or other suitable material approved by the Commission.
- F. No mobile home park shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material and stabilized and anchored in accordance with regulations promulgated by the Manufactured Housing Act of New Mexico (NMSA 1978, § § 60-14-1 to 60-14-18) All mobile homes will be skirted within ninety (90) days of installation.

End of Chapter 7