

SAN JUAN COUNTY, NEW MEXICO
MANUFACTURED HOME PARKS AND RECREATIONAL
VEHICLE PARKS ORDINANCE
Ordinance No. 76

AN ORDINANCE DEFINING MANUFACTURED HOME, MOBILE HOME, RECREATIONAL VEHICLE AND RELATED TERMS; REQUIRING LICENSING OF MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS; ESTABLISHING STANDARDS FOR MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS; PROVIDING TRANSITIONAL PROVISIONS FOR EXISTING MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING THE MANNER OF ENFORCEMENT; AND DECLARING AN EMERGENCY

§1.1. General Provisions 1
§1.2. Definitions 2
§1.3. Allowable Uses 4
§1.4. Specific Use Standards 4
§1.5. Density and Dimensional Requirements 5
§1.6. Site Development Standards 7
§1.7. Park License 11
§1.8. Park Rules or Covenants 12
§1.9. Administrative Appeals 12
§1.10. Nonconformities 14
§1.11. Violations, Enforcement and Penalties 17
§1.12. Severability 18

§1.1. GENERAL PROVISIONS

§1.1.1. Short Title

This ordinance may be referred to as the "Manufactured Home Parks and Recreational Vehicle Parks Ordinance".

§1.1.2. Purpose

This ordinance is to provide for manufactured home parks and recreational vehicle parks and promote conformance with standards established to ensure such parks are suitably developed for the placement and occupancy of manufactured homes or recreational vehicles for residential, household living purposes on rented or leased spaces with the necessary accessory uses and amenities.

§1.1.3. Intent

These regulations are intended to enable the development of unique, well-planned projects incorporating a variety of manufactured and vehicle-based housing for permanent or seasonal occupancy. It is also the intent of this ordinance to provide adequate regulations to preserve the residential character of the development; to prohibit inappropriate and incompatible land uses; and to accommodate existing mobile homes, but restrict the future installation of mobile homes in manufactured home parks.

§1.1.4. Authority, State statutory enabling

This ordinance is adopted under the authority of the following provisions of New Mexico law: N.M.S.A. §4-37-1 (County Ordinances); N.M.S.A. §4-37-3.A (Enforcing County Ordinances); NMSA 1978, § 47-6-1 through § 47-6-29 (County Subdivision); and N.M.S.A. §3-38-1 (Licensing; Business Activities).

§1.2. DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and derivations shall have the meanings given herein.

Accessory building, structure or use: A detached building, structure, or use on the same lot or park space with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

Administrator: See chief executive officer.

Building: Any structure, temporary or permanent, having a roof impervious to weather and a fixed base on a fixed connection to the ground and that is used or built for the shelter or enclosure of persons, animals or property of any kind.

Chief executive officer (administrator): The staff person, designated by the Board of County Commissioners, responsible for administration, interpretation and enforcement of this ordinance. The definition also include other any other agent or employee of the County to whom the administrator reasonably determines to delegate such responsibilities.

Development: Any manmade change to improved or 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 and materials.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, single-family: A building constructed to UBC or IBC standards having accommodations for and occupied exclusively by one household.

Front space boundary or space line: See §1.5.2.E.3.

Front yard: See §1.5.2.E.3.

Home occupation: Any occupation or activity carried on by a member of a household residing on the premises determined in accordance with individual park rules..

Household: Household shall be determined in accordance with individual park rules.

Household living: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

Park space, corner: A park space abutting two or more streets at their intersection.

Park space, double frontage: A park space other than a corner park space, abutting two or more streets.

Space boundary line: A space boundary line separating space from property outside the space.

Space line, side: A boundary other than a front or rear space boundary line.

Space area: See §1.5.2.C.1.

Manufactured home park: Any lot or parcel upon which three or more manufactured or mobile homes, connected to utilities or occupied for dwelling purposes, are located.

Manufactured home: A single-section or multi-section manufactured home or modular home having accommodations for and occupied by a single household with a heated area of at least 720 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto by New Mexico Construction Industry Division. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g). (A modular home built to HUD-code standards is also a manufactured home.)

Mobile home: A movable or portable housing structure larger than 40 feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one household for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

Mobile home park: See manufactured home park.

N.M.E.D.: New Mexico Environmental Department.

Principal building, use or structure: The main use of a park space, or the building or structure in or on which the main use of the park space takes place.

Rear space boundary line: That space boundary line that is most distant from and is most parallel to the space boundary line.

Recreational vehicle: A motor vehicle regulated by the New Mexico Motor Vehicle Division and primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including but not limited to, a travel trailer, camping trailer, truck camper, or motor home. Recreational vehicles may neither exceed a width of 8 feet or a length of 40 feet. A recreational vehicle is not a dwelling unit.

Recreational vehicle park: Any lot or parcel upon which three or more recreational vehicles, connected to utilities or occupied for dwelling purposes, are located.

Park space: That part of a recreational vehicle or manufactured home park rented or used for the exclusive use of the occupants of a single mobile or manufactured home, the accessory parking space, and the required yard or open area around such home.

Rear yard: See §1.5.2.E.5.

Site area: See §1.5.2.C.2.

Side yard: See §1.5.2.E.4.



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§1.3. ALLOWABLE USES

Allowable uses within the boundaries of manufactured home parks and recreational vehicle parks shall include and be limited to the following:

§1.3.1. Principal uses

A. Manufactured home parks

1. Manufactured homes, single-family dwellings, or and mobile homes lawfully installed prior to the adoption of this ordinance shall be permitted.
2. After the adoption of this ordinance, the installation of one manufactured home or single-family dwelling per approved park space shall be allowed; and installation of mobile homes shall be prohibited. No other principal use(s) shall be permitted.
3. Manufactured homes shall comply with the standards of §1.4.2.

B. Recreational vehicle parks

1. One recreational vehicle on each approved park space. No manufactured homes or dwelling units of conventional construction shall be permitted on a park space for living purposes, except as specified below.
2. No manufactured homes or dwelling units of conventional construction shall be permitted on a park space for living purposes, provided that such homes or units may be used:
 - (a) As a park office or manager's residence; or
 - (b) For common facilities such as laundry or recreational room.

§1.3.2. Common and accessory uses

- A. Common uses and other uses accessory to dwelling units, including but not limited to recreation facilities for the use of residents of the park only, management offices, laundry rooms, tenant storage lockers, parking areas, storage sheds, garbage and trash disposal facilities, and home occupations, provided all activities associated with home occupations are conducted indoors by residents of the dwelling, do not involve the storage or parking of more than one commercial vehicle which shall have no more than two axles, and do not result in increased in traffic to and from the dwelling.
- B. The maximum, aggregate floor area of accessory uses on any park space shall be 500 square feet. This provision shall not be interpreted as a limitation on the size of the manager's residence, management office, recreational office or other common park accessory use.

§1.4. SPECIFIC USE STANDARDS

§1.4.1. Recreational vehicles

Recreational vehicles allowed on any recreational vehicle park space shall be licensed and capable of being lawfully operated on New Mexico streets and highways at the time of installation.

§1.4.2. Manufactured homes

Manufactured homes allowed on any manufactured home park space shall be:

- A. Set up and tied down in accordance with the standards set by current building code regulations and the New Mexico Construction Industries Division; and
- B. Fully skirted prior to occupancy with solid and nonporous skirting affixed thereto and approved by the administrator, between the underside of the dwelling unit at its outer edge and anchored around the ground level; each skirt shall include an access panel to the crawl space and to any utility shut-offs.

§1.5. DENSITY AND DIMENSIONAL REQUIREMENTS

§1.5.1. Park standards

| PARK STANDARDS | | |
|---|---------------------------|------------------------|
| Standard | Type of Development | |
| | Recreational Vehicle Park | Manufactured Home Park |
| Area, minimum site (acres) | 1.0 | 2.25 |
| Density, maximum (park spaces per gross acre) ¹ | 22 | 6 |
| Park Space, minimum | | |
| Area (square feet) | 1,200 | 6,000 |
| Width (feet) | 35 | 50 |
| Setback, minimum (required yard) | | |
| Front (feet) | 5 | 25 |
| Side/total (feet) | 3/6 | 8/16 |
| Rear (feet) | 3 | 15 |
| Exterior buffer width (feet) | 10 | 10 |
| Building separation, minimum | 10 | 10 |

Note: ¹ Subject to N.M.E.D. approval.

§1.5.2. Measurement and exceptions

A. General

No park space, even though it may consist of one or more such adjacent park spaces in single ownership, shall be reduced in size so that the required minimum park space area or width, required minimum setback (required yard), minimum building separation, and other requirements of this ordinance are not maintained. This prohibition, however, does not prevent the purchase or condemnation of narrow strips of land for public utilities or right-of-way purposes.

B. Density

Density is calculated as the number of manufactured home or recreational vehicle park spaces per gross acre located within the site. (Specific density in any park is subject to the approval of N.M.E.D.)

C. Area

1. Park space area

- (a) An approved park space.
- (b) Park space area shall be that area included within the park space boundary lines of a single park space.





2. Site area

- (a) A continuous quantity of land to be developed as a single project.
- (b) Site area shall be the total land area contained within the perimeter property lines of a development site.
- (c) A site may include multiple lots or parcels in the same ownership or control.

3. Floor area

Floor area is the gross floor area (GFA) of a building. GFA shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the area of each floor of the structure.

D. Park space width

Park space width is the horizontal distance between the side boundary lines of a park space measured at the point of the minimum front setback.

E. Setbacks (required yards)

1. General

- (a) Every part of every required yard shall be open and unobstructed above the general ground level of the graded park space upward to the sky except as provided or as otherwise permitted in this ordinance.
- (b) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.

2. Types of setbacks (required yards)

There are three types of setbacks (required yards) – front, side and rear.

3. Front setback

(a) Measurement

Front setbacks are measured from the front boundary space line to the closest point of the building or structure. For purpose of this provision, the front boundary space line is the boundary line that abuts the street. Through park spaces must have a front setback on both opposing sides of the park space. Unless otherwise specified on the approved site plan, on corner park spaces, the front park space boundary line shall coincide with the shorter street frontage, and the park space boundary with the longer street frontage shall be the (street) side park space boundary line.

(b) Exceptions

- (1) Uncovered porches and stoops may encroach for a distance of not more than three feet into the front setback and required yard.
- (2) Off-street parking may encroach into the front setback and required yard.

4. Side setback**(a) Measurement**

Side setbacks are measured from the side property line to the closest point of the principal building.

(b) Exceptions

Uncovered porches, stoops and decks may encroach for a distance of not more than six feet into the side setback and required yard.

5. Rear setback

Rear setbacks are measured from the rear space boundary line to the closest point of the building.

F. Exterior buffer**1. General**

(a) Every part of every required buffer shall be open and unobstructed above the general ground level of the graded park space upward to the sky except as provided by §1.5.2.F.3, below.

(b) No part of a required buffer shall be included as a part of a yard or other open space similarly required for any structure or use.

2. Measurement

Exterior buffer width is measured from the site perimeter property line to the closest point any building, structure, land use, park space, or interior street or access.

3. Exceptions

Streets or access that crosses the buffer generally in a perpendicular fashion, utilities and drainage facilities, fences and landscaping, active or passive recreational uses and activities.

G. Building separation**1. Measurement**

The required separation between the closest point on any two buildings located on the same site.

2. Exception

The required separation between any building and an accessory building shall be five feet.

§1.6. SITE DEVELOPMENT STANDARDS**§1.6.1. Site suitability policy**

The County will not approve development under this ordinance if, from adequate investigations conducted by the public agencies concerned, it has determined that in the best interests of the public, the site is not suitable for such development. Lands subject to flooding and lands deemed to be topographically unsuitable shall not be developed for any of the residential occupancies permitted by this ordinance or for other related uses as may increase danger to



health, life, or property, or aggravate erosion or flood hazard, except as specifically allowed by Ordinance #58, Flood Damage Prevention Ordinance. Such lands within a proposed development site shall be set aside for such uses as will not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. (See also the existing home siting ordinance – Ordinance #69, Manufactured Home Placement Permit Ordinance)

§1.6.2. General

The standards of this section shall apply equally to all manufactured home parks and recreational vehicle parks to the extent specified.

- A. The site, including park spaces, structures and all site improvements, shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. To the extent practical, each park space or grouping of park spaces shall be generally sized, spaced and oriented similar to other spaces or groupings of spaces in the park.
- B. Each manufactured home or recreational vehicle shall be located on a park space designated on a site plan as required by the administrator, which shall be approved and filed as part of the approval of a new park established after the effective date of this ordinance and prior to the enlargement of any existing park.
- C. A maximum of one manufactured home or recreational vehicle shall be located on each approved park space.
- D. All park plans are subject to outside agency review, as determined by administrator.

§1.6.3. Access, utilities and services

A. Engineering and construction standards

- 1. All roads, utilities and easements shall be designed and constructed in accordance with the San Juan County Road Policy and the Standard Specifications for Road Construction, except as otherwise specified.

Commentary: The San Juan County Road Policy and the Standard Specifications for Road Construction are available in the office of the administrator.

- 2. Where county engineering standards do not specifically cover a design or construction issue, the administrator shall have the authority to enforce other nationally recognized standards.

B. Water

Water service and hookups shall conform to the minimum standards of New Mexico Environmental Department (N.M.E.D.).

C. Wastewater disposal

- 1. Wastewater disposal services and hookups shall conform to the minimum standards of N.M.E.D.
- 2. Development or construction on parcels within 600 feet of a community wastewater disposal system, which is available for use, must be connected to that community system. The design of such connection shall be approved by the system authority.

D. Solid waste

All disposal of solid waste shall be in accordance with Ordinance #73, Trash and Refuse Disposal and Accumulation Ordinance.

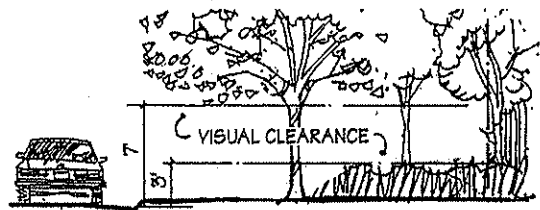
E. Streets and access

1. General

- (a) Internal streets shall have a right-of-way width of at least 45 feet and surface width of 30 feet, and extend from the existing street system as necessary to provide convenient access to each manufactured home park space and to common facilities and uses. A larger right-of-way may be required in accordance with the San Juan County Road Policy depending upon the design of the street and drainage improvements.
- (b) Minimum roadway structural design for interior park streets shall include compacted road base.
- (c) Access to park spaces shall be from an interior street only.
- (d) The maximum width of the entrance(s) to parks from the public street shall be 60 feet. No exterior entrance shall be within 200 feet of another entrance.
- (e) All internal streets shall be privately maintained.

2. Corner setbacks and intersection visibility (safe sight triangle)

- (a) No structure or planting (at mature height) that exceeds three feet in height shall be permitted within a safe sight triangle. Exception are permitted for utility poles, lighting standards, County or state traffic or other County-approved signs, and existing trees if the lower canopy of the trees allow a clear line of sight between three and seven feet above the street grade.
- (b) Corner setbacks for sight distance extend within the area formed by the legs of a triangle whose apex is the point of intersection of the right-of-way lines of the adjacent streets.
- (c) Corner setbacks for sight distance do not apply to the intersection of driveways with other driveways.
- (d) The following minimum corner setbacks, measured in accordance with the requirements of subsection (b), above, shall be required.





| MINIMUM CORNER SETBACKS | |
|-------------------------|-----------------------|
| Intersection Type (x) | Intersection Type (y) |
| | Street |
| Street | 40 feet/40 feet |
| Driveway | 20 feet/ 40 feet |

F. Other utilities and services

Other necessary utilities and services shall comply with the requirements of the service provider.

§1.6.4. Parking, off-street

A. Number of parking spaces required, minimum

1. Manufactured home park: 2 spaces per park space
2. Recreational vehicle park: 1 space per park space

B. Design

Required parking spaces shall have an all weather surface.

C. Location

All required parking shall be located off-street; on the park space it serves.

§1.6.5. Signs

A. Allowed signs

Up to two on-site manufactured home park identification signs may be utilized by each manufactured home park or recreational vehicle park. Such signs may be single- or double-faced. Maximum sign area per face shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for sign illumination. The top of any sign shall not exceed 12 feet in height as measured from the adjacent grade.

B. Exempt signs

Any sign located entirely inside a building and/or not legible from the public right-of-way or from property other than the property on which the sign is located is exempt from the requirements of this subsection.

§1.6.6. Fire hydrants

A fire hydrant shall be provided at a rate of one hydrant for every 750 feet, unless otherwise approved by the San Juan County Fire Marshal.

§1.6.7. Maintenance; owner or manager responsibilities

The park owner or manager shall have the following park maintenance responsibilities set forth below:

A. Compliance with regulations required

Both the owner and operator of any recreational vehicle or manufactured home park shall arrange for the management and supervision of the park so as to enforce or cause compliance with all of the provisions of this section.

B. Repair and maintenance

1. Both the owner and operator of every recreational vehicle or manufactured home park shall be responsible for maintaining in good repair and condition all facilities of the park, and for maintaining the park in a clean, orderly and sanitary condition at all times.
2. All easements, buffers, and public or occupant use areas shall be cared for and kept free from weeds and trash.

C. Obstructions

No part of any recreational vehicle or manufactured home shall obstruct any roadway.

§1.7. PARK LICENSE

§1.7.1. Applicability

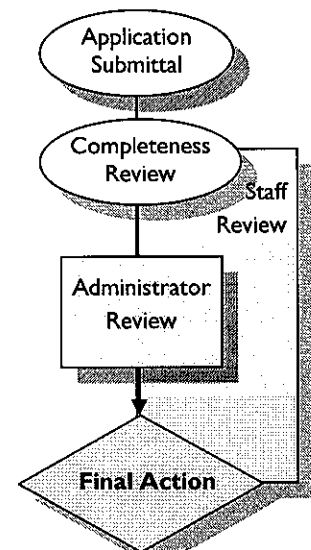
- A. No manufactured home park or recreational vehicle park shall be developed on any lot or site prior to obtaining a park license in accordance with the requirements of this section.
- B. No manufactured or mobile home, or recreational vehicle shall be placed on any park space prior to obtaining a park license in accordance with this section.
- C. Park licenses run with the land. Their status is not affected by changes of tenancy, ownership or management.

§1.7.2. Initiation

An owner of land within the County's jurisdiction, or such owner's duly authorized agent or representative, may submit an application to the administrator for approval of a renewable park license.

§1.7.3. Application requirements

- A. An application for a park license approval shall be in the form and in such numbers as may be specified by the administrator, and shall include sufficient information to demonstrate compliance with the applicable standards. At a minimum, each application shall include the following:
 1. the name of the applicant and owner of the park, the residential address of the applicant and owner, the address of the park, legal description for the site that is the subject of the license, the registered agent of the operator;
 2. A scaled site plan, drawn to a scale of 1"=200' unless otherwise specified by the administrator,
 3. Written approval of the wastewater disposal plan by the N.M.E.D. and any proposed public or semi-public water provider, along with any other necessary supplemental information; and
 4. The application review fee.



- B. No review shall commence until the administrator has determined that the application is complete. Such determination shall be made within seven days of submission.

§1.7.4. Action by administrator

Upon submission of a completed application, the administrator shall review the application for consistency with the approval criteria of §1.9.6 and other applicable requirements. The administrator may schedule the park license for review by County staff and other review agencies, if deemed necessary by the administrator. After such technical review (with or without review by County staff and other review agencies and within 30 days of such submission, the administrator shall determine whether the park license conforms to approval criteria of §1.9.6 and other applicable requirements.

§1.7.5. Approval criteria

- A. No manufactured home or recreational vehicle park license will be approved unless the applicant demonstrates that:
1. An adequate and reliable sanitary sewer service will be provided and that such service has approved by N.M.E.D.;
 2. An adequate and reliable water supply is available from a community or other system; and
 3. The proposal complies with the requirements of this ordinance and other applicable requirements.
- B. Annual renewal of manufactured home and recreational vehicle park licenses shall be subject to determination by the administrator of continued compliance with the requirements of subsection A, above.

§1.7.6. Fees

Application review and annual licensing fees shall be established annually by resolution of the Board of County Commissioners, without need for notice or hearing. The amount of the fee shall be commensurate with the cost of review and administration pursuant to this ordinance.

§1.8. PARK RULES

- A. Each park shall operate and be governed by a set of park rules established by the park owner as necessary to ensure quality of life for residents and continued compliance with county regulations, including but not limited to:
1. The regulations of this ordinance;
 2. The definition of "household" (See §1.2);
 3. The definition of "home occupation" (See §1.2);
 4. San Juan County Ordinance No. 72, Junkyard/Recycling Center, Junked Vehicle, and Junked Mobile Home Ordinance; and
 5. San Juan County Ordinance No. 73, Trash and Refuse Disposal and Accumulation Ordinance.
- B. Park rules shall be posted in the park office at all times.

§1.9. ADMINISTRATIVE APPEALS

§1.9.1. Applicability

Any final decision of the administrator may be appealed within 30 days after the date of the final decision in accordance with this section.

§1.9.2. Initiation

- A. Any person who is adversely affected by a final decision of the administrator may appeal to the Board of County Commissioners.
- B. A notice of administrative appeal shall be submitted in writing and shall be perfected by the filing of a written notice with the County Chief Executive Officer. Such notice shall, at a minimum, sets forth the specific portion or portions of the decision being appealed. A copy of the decision or order being appealed shall be attached to the notice of appeal.

§1.9.3. Notice and hearing

The County shall hold the required hearings within 45 days or the receipt of a notice of appeal.

§1.9.4. Action by administrator

The administrator shall provide the Board of County Commissioners with copies of the notice of appeal and all relevant materials pertaining to the appeal.

§1.9.5. Action by Board of County Commissioners/hearing officer

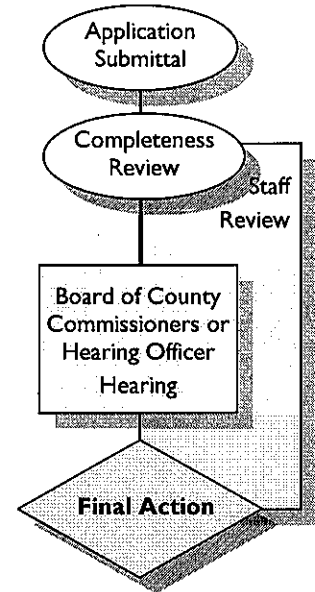
- A. The Board of County Commissioners may approve the appeal, deny the appeal, or continue the appeal. The Board of County Commissioners shall take action on the request within 45 days of the date the appeal was filed.
- B. At the option of the Chairman of the Board of County Commissioners, the Board may chose to designate a hearing officer to hear appeals under this ordinance, with such officer having the same powers and duties as the Board. The determination to refer the matter to a designated hearing officer shall be made within 10 days of the submission of a notice of appeal. If no such referral is made, the appeal shall be considered by the entire Board.

§1.9.6. Approval criteria

The appeal shall consist of a whole record review, and the Board of County Commissioners or designated hearing officer shall only set aside the action of the administrator if it is found to be arbitrary, capricious or an abuse of discretion; not supported by substantial evidence; or otherwise not in accordance with these regulations or other applicable law(s).

§1.9.7. Appellate remedies

Any party to the action in District Court shall have full appellate rights in accordance with the laws of the State of New Mexico and the rules of appellate procedure for the State of New Mexico. Any appeal shall be filed in the 11th Judicial District Court within 30 days after the final order of the hearing officer, or as otherwise specified by State law.



§1.9.8. Effect of the appeal

The filing of an appeal stays all legal proceedings in the matter appealed from, unless the administrator certifies to the Board of County Commissioners that by reason of facts stated a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the District Court, based on the notice; and by the administrator, based on due cause shown.

§1.10. NONCONFORMITIES**§1.10.1. General****A. Applicability**

The regulations of this section govern nonconformities, which are park spaces, uses and structures that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this ordinance

B. Intent

Occasionally, park spaces, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the regulations that apply to the subject property. The regulations of this section are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable regulations). The regulations of this section are also intended to:

1. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing buildings;
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties; and
4. Encourage nonconforming parks to come into conformity with the requirements of the ordinance.

C. Determination of nonconforming status

1. The administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
2. The burden of proving that a nonconformity (as opposed to a violation) exists rests entirely with the subject landowner. Reliable evidence must also be provided by the applicant indicating that the nonconformity has been continuous and that it has not lost its nonconforming status. Examples of reliable evidence include: business licenses; building permits; city or County billing records; utility billing records; and assessment, tax or rental records.
3. The administrator’s decision on nonconforming status determinations may be appealed in accordance with §1.8.B.

§1.10.2. Nonconforming structures**A. Continuation**

The lawful, conforming use of a structure existing at the effective date of this ordinance may be continued, although the structure's size or location does not conform with the density and dimensional Standards, parking standards, or other applicable provisions of this ordinance.

B. Damaged or destroyed

If a nonconforming structure is damaged by calamity natural disaster or other cause, it may not be restored except in conformity with the provisions of this ordinance. A nonconforming structure otherwise damaged or destroyed may only be restored if it still retains more than 50 percent of its pre-damage/destruction value, subject to approval of a park license by the administrator, unless the structure is situated on a substandard park space of record, in which case the provisions concerning substandard park space of record shall apply.

C. Movement

A nonconforming structure, including a manufactured home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this ordinance and other applicable regulations. Further, any subsequent reuse of the park space or spaces on which the nonconforming structure(s) has been moved must comply with the requirements of this ordinance and other applicable County and state requirements. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

D. Enlargements and expansions

A nonconforming structure may not be enlarged or expanded, except that when an existing nonconforming structure encroaches into the otherwise required side yard (setback), additions to that nonconforming structure may also encroach, but no further than the nonconforming structure.

§1.10.3. Nonconforming uses**A. Continuation**

The lawful nonconforming use of a structure or land at the effective date of this ordinance or its subsequent amendment may be continued so long as the then existing use continues, provided that any enlargement or expansion shall be in accordance with requirements of this ordinance.

B. Damaged or destroyed

If a nonconforming use is damaged by calamity natural disaster or other cause, it may not be restored except in conformity with the provisions of this ordinance. A nonconforming use otherwise damaged or destroyed may only be restored if it still retains more than 50 percent of its pre-damage/destruction value, subject to approval of a park license by the administrator.

C. Movement

A nonconforming use, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this ordinance; Ordinance #69, Manufactured Home Placement Permit Ordinance; and other





§1.10.4 Nonconforming park spaces

applicable County and state requirements. Further, any subsequent reuse of the park space or spaces on which the nonconforming structure has been moved must be a lawful use. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

D. Change in use

Once a nonconforming use has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use.

E. Discontinuance of nonconforming use

After a nonconforming use has been discontinued for a period of at least 12 months, it shall not be re-established on the park space.

F. Enlargements and expansions

1. A nonconforming park may not be enlarged or expanded, except with the approval of the Board of County Commissioners and where the Board finds that:
 - (a) The existing park is in substantial compliance with the requirements this ordinance;
 - (b) Water and wastewater disposal services will conform with the minimum standards of New Mexico Environmental Department (N.M.E.D.); and
 - (c) The enlargement or expansion area or portion of the park, including new spaces, roads and services, will conform to all requirements of this ordinance.
2. In approving the expansion of a nonconforming park, the Board may impose conditions on the existing park as necessary to reasonably address deficiencies and to achieve the purpose and intent of this ordinance.

§1.10.4. Nonconforming park spaces

A. Description

1. A nonconforming park space is a lawfully created space, shown on an approved site plan that does not comply with all applicable park space area, park space width, setback or other applicable dimensional standards.
2. A nonconforming space is a lawfully created space, not shown on an approved site plan that does not comply with all applicable space area, space width, setback or other applicable dimensional standards.
3. All nonconforming park spaces are subject to nonconformity determination provisions of §1.10.1.C.

B. Use of nonconforming park space

1. Any nonconforming park space may be used as a building site for a single manufactured or site built dwelling.
2. Nonconforming spaces may not be used for a recreational vehicle or manufactured home, or mobile home site unless and until the nonconformity is eliminated. Park license in accordance with §1.7 and a site plan demonstrating that the space is in compliance with the requirements of this ordinance shall be required prior to the future use of any nonconforming space.

C. Density and dimensional standards

1. Development on nonconforming park spaces must comply with the applicable density and dimensional standards to the extent practical, as determined by the administrator.
2. Nonconforming park spaces may not be adjusted in size or shape to create nonconformity or increase the degree of nonconformity for park space area, park space width, setbacks or other applicable dimensional standards. Park space area or shape adjustments that decrease the extent of nonconformity are allowed.

§1.11. VIOLATIONS, ENFORCEMENT AND PENALTIES**§1.11.1. Violations****A. Violations of conditions**

Violations of conditions imposed as part of a park license pursuant to §1.7 shall constitute violations of this ordinance.

B. Occupancy

No building or site may be occupied until the improvements, construction and installations comply with this ordinance and any conditions imposed as part of the park license.

C. Inspection

The administrator may inspect buildings, sites, improvements, construction and installations for the purpose of determining compliance with this ordinance and any conditions imposed as part of a development approval. The administrator shall promptly investigate and take action on complaints regarding ordinance violations.

§1.11.2. Enforcement**A. Notice of violation**

Where provisions of this ordinance are being violated, the administrator shall send the owner or the owner's designee, via certified mail, notice of the violation, setting forth the action necessary to correct the violation. The notice shall require discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or the taking of any action authorized by this ordinance to ensure compliance with or to prevent violations of its provisions.

B. Citations

The administrator shall have the authority to issue citations for the violation of this ordinance and to seek the issuance of a court order on behalf of the County or a warrant.

1. Timing of citations

The administrator has the authority to issue citations for violations of this ordinance seven days after mailing of the notice of violation in compliance with §1.11.2.A.

2. Content of citation

The citation shall specify what code violations form the basis for the citation and shall set forth the penalty, a fine of up to \$300 per day.





§1.11.3. Penalties and remedies

A. Violations of this ordinance

In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have violated any provision of this ordinance, shall be punished by a fine of up to \$300. Each day on which this ordinance is violated shall constitute a separate violation of this ordinance.

B. Development approvals, permits and licenses

1. No application for building permit or other development approval shall be processed for any property with an existing violation, unless the application addresses the ordinance violation.
2. The County may initiate revocation, withdrawal or suspension of any prior development approval, permits and licenses via the same process required for such approvals, permits and licenses; and may withhold or prohibit any additional development by owner or in which owner holds an interest until such time as the violations set forth in the citation are cured; and require proof of compliance with this ordinance prior to issuance of a certificate of occupancy; and such other penalties as are permitted by law.

C. Utility connections

Any water, sewer, electric, or gas utility that connects service to individual parcels before the landowner has received a park license pursuant to this ordinance may be fined a civil penalty of up to \$500. The administrator may require that any utility connected in violation of this section, and of NMSA 1978, § 47-6-27.2, be disconnected.

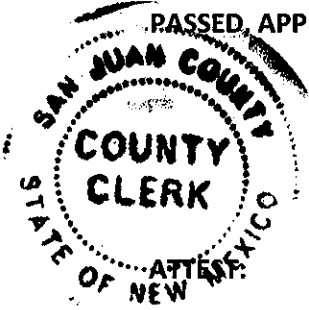
§1.12. SEVERABILITY

The provisions of this ordinance are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ordinance or any part hereof are inapplicable had been specifically exempted therefrom.

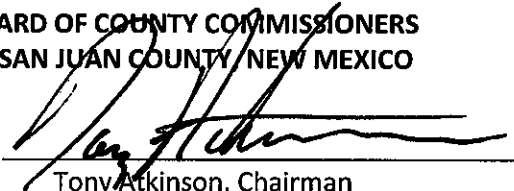
§1.13. EMERGENCY CLAUSE AND EFFECTIVE DATE

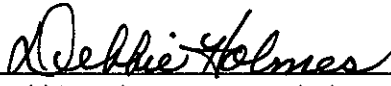
Because of the urgent need for this Ordinance, the Board of County Commissioners declares that it is necessary for the public peace, health, and safety that this Ordinance take effect immediately after passage when it is recorded in the book kept by the County for that purpose and authenticated by the signature of the County Clerk.

PASSED, APPROVED AND ADOPTED this 6th day of December, 2011.



BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO

By: 
Tony Atkinson, Chairman


Debbie Holmes, County Clerk