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**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 183**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
ESTABLISHING STANDARDS FOR AGE, CONDITION, AND INSTALLATION OF
MULTI-SECTION MANUFACTURED HOMES.**

WHEREAS, the City of Elephant Butte, New Mexico (the “City) is a legally and regularly created, established, organized and existing municipality under the laws of the State of New Mexico; and

WHEREAS, multi-section manufactured home construction is regulated by the National Manufactured House Construction and Safety Standards Act of 1974 and New Mexico State Statute 3-21A-3 *Manufactured housing; permissible regulations* which prohibits other governing bodies in the State from excluding multi-section manufactured homes from specific use districts where site-built, single family homes are permissible; and

WHEREAS, New Mexico State Statute 3-21A-3 *Manufactured housing; permissible regulations* authorizes governing bodies, such as the City of Elephant Butte, to regulate manufactured housing to require that it meets all requirements other than original construction requirements of other single-family dwellings that are site-built homes in the same specific-use district and to further require that such manufactured housing be consistent with applicable historic or aesthetic standards; and

WHEREAS, the City’s intends to adopt multi-section manufactured home standards consistent with New Mexico State Statutes and which define a maximum age for permitted multi-section multi-section manufactured homes in all zones within the City limits. This provides the City with a proper standard for installation that is pleasing to the eye and an improvement to the overall community aesthetics; and

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte that the following addition to Chapter 155 Zoning be made in order to reinforce the City’s public safety and welfare and to protect the rights of the citizens of Elephant Butte:

§ 155.038 MULTI-SECTION MANUFACTURED HOMES

(A) Multi-Section Manufactured Home Installation Standards.

- (1) **Purpose and Intent:** The City of Elephant Butte encourages the installation of well-constructed, aesthetically-pleasing multi-section manufactured homes in the Districts in which they are permitted. The City realizes that most such installations will be more or less permanent and will provide a permanent housing source for residents of the City. Therefore, proper standards are created for multi-section manufactured home installation, which are pleasing to the eye and lend to the improvement of the overall community. The purpose is to present minimum standards for the installation of multi-section manufactured homes in appropriate Districts.

- 46 (2) **For all Districts:** Multi-section manufactured homes must be installed upon a
47 foundation consistent with the New Mexico Manufactured Housing Division
48 Regulations (NMAC §§ 14.12.5.1 – 14.12.5.18) as now adopted and hereafter
49 amended.
50
- 51 (3) **Wheels to Be Removed:** Since Multi-section manufactured homes are considered
52 to be permanent housing units, the City requires that the wheels of the multi-
53 section manufactured home, if present, shall be removed during the installation
54 process.
- 55 (4) **Foundation Perimeter Wall.**
- 56 a. The term “Foundation Perimeter Wall” as used in the City Code is synonymous
57 with the State Manufactured Housing Division’s term “Perimeter
58 Enclosurement.”
- 59 b. Within thirty (30) days of installation of a multi-section manufactured home,
60 the multi-section manufactured home must be outfitted with a foundation
61 perimeter wall between the foundation and flooring.
- 62 c. The foundation perimeter wall shall consist entirely of either masonry or
63 concrete.
- 64 (5) **Damaged Units:** The City will not allow damaged multi-section manufactured
65 homes to be installed within the City limits.
- 66 (6) **Maintenance:** All multi-section manufactured homes shall meet all existing City
67 Codes related to proper appearance and maintenance of buildings and properties.
- 68 (7) **Standards:** All multi-section manufactured homes installed within the City shall
69 be built or constructed according to the standards adopted by the State (*see* NMSA
70 1978, § 3-21A-3; NMAC § 14.12.1.10).
- 71 (a) Additionally, all manufactured housing units that are installed at any
72 location within the City limits shall not be twenty (20) years or older at
73 the time of installation. Any unit to be used for non-residential purposes
74 shall meet all NMBC standards and shall be in full compliance with
75 requirements for access to the disabled as required by NMAC § 14.12.1.
- 76 (8) **Other Constructed Improvements.** All porches, patios, permanent steps,
77 accessory buildings, additional to a multi-section manufactured home and any
78 other constructed improvements shall be required to comply with the New Mexico
79 Building Code, New Mexico Construction Industries Division, and the zoning
80 permit obtained in accordance with City ordinances.
- 81 (9) **Other Requirements.** All other requirements not covered herein shall be as
82 required by the State Manufactured Housing Act and Regulations.
- 83

84 (10) **Amendment to the Term “Manufactured Home”.**

85 (a) To ensure consistency with the State Manufactured Housing and Zoning
86 Act, (NMSA 1978, §§ 3-21A-1 – 3-21A-8), the term “Manufactured
87 Home” and its accompanying definition found in City Code Sections
88 155.005 and 155.077 and are hereby amended to read as follows:

89 **“Multi-Section Manufactured Home.** A manufactured home or modular
90 home that is a single-family dwelling with a heated area of at least thirty-
91 six by twenty-four feet and at least eight hundred sixty-four square feet
92 and constructed in a factory to the standards of the United States
93 department of housing and urban development, the National Manufactured
94 Housing Construction and Safety Standards Act of 1974 and the Housing
95 and Urban Development Zone Code 2 or the Uniform Building Code, as
96 amended to the date of the unit’s construction, and installed consistent
97 with the Manufactured Housing Act and with the rules made pursuant
98 thereto relating to permanent foundations.”

99 (b) To further ensure consistency the State Manufactured Housing and Zoning
100 Act, the term “Modular Home or Housing Unit” and its accompanying
101 definition found in City Code Section 155.077 are hereby repealed.

102 (11) **Repeal and Replace.**

103 (a) All City ordinances and resolutions inconsistent herewith are hereby
104 repealed and replaced.

105 (b) All references to “manufactured home” within the City Code are hereby
106 replaced with the term “multi-section manufactured home” in order to
107 ensure consistency with State Manufactured Housing and Zoning Act
108 (NMSA 1978, §§ 3-21A-1 – 3-21A-8).

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110 **PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Elephant**
111 **Butte, New Mexico, this _____ day of _____, 2021.**

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ATTEST:

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Rani Bush
Clerk-Treasurer

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Edna Trager
Mayor