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**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 201**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
ESTABLISHING STANDARDS FOR AGE, CONDITION, AND INSTALLATION OF
MOBILE 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, NMSA 1978, Section 3-21-1 allows municipalities to regulate the aesthetics of structures within the municipality for its welfare (*see Temple Baptist Church v. Albuquerque*, 1982-NMSC-055, ¶ 22); and

WHEREAS, the City intends to adopt mobile home standards not inconsistent with State Law and which define the maximum age and proper installation standards for permitted mobile homes in all zones within the City limits in order to promote pleasing aesthetics for the community.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte that the following provisions are added to Chapter 155 Zoning:

§ 155.039 MOBILE HOMES

(A) Mobile Home Installation Standards.

- (1) **Purpose and Intent:** The City of Elephant Butte encourages the installation of well-constructed, aesthetically-pleasing mobile 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 mobile 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 mobile homes in appropriate Districts.
- (2) **For all Districts:** Mobile homes must be installed upon a foundation consistent with the New Mexico Manufactured Housing Division Regulations (NMAC §§ 14.12.5.1 – 14.12.5.18) as now adopted and hereafter amended.
- (3) **Wheels to Be Removed:** Installed mobile homes are considered to be permanent housing units and the City requires that the wheels of the mobile home, if present, shall be removed during the installation process.
- (4) **Foundation Perimeter Wall.**
 - a. The term “Foundation Perimeter Wall” as used in the City Code is synonymous with the State Manufactured Housing Division’s term “Perimeter Enclosurement.”

43 b. Within thirty (30) days of installation of a mobile home, the mobile home must
44 be outfitted with a foundation perimeter wall between the foundation and
45 flooring.

46 c. The foundation perimeter wall shall consist entirely of either masonry or
47 concrete.

48 (5) **Damaged Units:** The City will not allow damaged mobile homes to be installed
49 within the City limits.

50 (6) **Maintenance:** All mobile homes shall meet all existing City Codes related to
51 proper appearance and maintenance of buildings and properties.

52 (7) **Standards:** All mobile homes installed within the City shall be built or
53 constructed according to the standards adopted by the State (*see* NMAC §
54 14.12.1.10).

55 (a) Additionally, all mobile homes that are installed at any location within
56 the City limits shall not be twenty (20) years or older at the time of
57 installation. Any unit to be used for non-residential purposes shall meet
58 all NMBC standards and shall be in full compliance with requirements
59 for access to the disabled as required by NMAC § 14.12.1.

60 (8) **Other Constructed Improvements.** All porches, patios, permanent steps,
61 accessory buildings, additional to a mobile home and any other constructed
62 improvements shall be required to comply with the New Mexico Building Code,
63 New Mexico Construction Industries Division, and the zoning permit obtained in
64 accordance with City ordinances.

65 (9) **Other Requirements.** All other requirements not covered herein shall be as
66 required by the State Manufactured Housing Act and Regulations.

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69 **PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Elephant**
70 **Butte, New Mexico, this _____ day of _____, 2022.**

71
72
73 _____
74 Edna Trager
75 Mayor

76 ATTEST:

77
78 _____
79 Rani Bush
80 Clerk-Treasurer