

CIBOLA COUNTY
ORDINANCE NO. 11-1

CIBOLA COUNTY BUILDING, LAND USE, DEVELOPMENT AND
PERFORMANCE STANDARDS AND GROUNDWATER PROTECTION
ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CIBOLA
COUNTY, its governing board, that Cibola County Regulations be and are adopted as follows:

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**CIBOLA COUNTY BUILDING, LAND USE, DEVELOPMENT AND PERFORMANCE
STANDARDS, AND GROUNDWATER PROTECTION**

ORDINANCE 11-1

AN ORDINANCE FOR THE ESTABLISHMENT OF A SYSTEM OF LOCAL INSPECTION, PLAN REVIEW, APPROVAL, AND COLLECTION OF FEES FOR ALL BUILDING PERMITS ISSUED ON BEHALF OF THE STATE OF NEW MEXICO CONSTRUCTION INDUSTRIES DIVISION, AND TO PROVIDE FOR COORDINATED INSPECTION AND REVIEW OF ALL CONSTRUCTION ACTIVITIES, UTILITY INSTALLATION, AND MOBILE/MANUFACTURED HOME INSTALLATION, AND FOR INSPECTION WITHIN CIBOLA COUNTY, AND TO PROVIDE FOR THE PREVENTION OF UNSIGHTLY CONDITIONS IN CIBOLA COUNTY, AND THE SCREENING OF SALVAGE YARDS, AND THE SETTING OF STANDARDS FOR THE MAINTENANCE AND REPAIR OF ALL PROPERTY, BUILDINGS AND OTHER STRUCTURES WITHIN CIBOLA COUNTY, AND THE ABATEMENT OF NUISANCES CAUSED BY NON-COMPLIANCE WITH THE STANDARDS SET OUT IN THIS ORDINANCE, AND FOR THE PROVISION OF STANDARDS FOR THE USE AND DEVELOPMENT OF LANDS IN CIBOLA COUNTY, FOR THE PROTECTION OF GROUND WATER AND OTHER NATURAL RESOURCES AND FOR THE PROVISION OF PENALTIES, CIVIL REMEDIES, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the health, safety and welfare of the residents of Cibola County require the regulation of the erection, construction, maintenance, enlargement, moving, removal, conversion, occupancy, equipment, use, height, demolition, alteration, and repairs, of all buildings and/or structures, to include sites, installation, set up, maintenance, alteration, and repairs, etc. of all mobile homes and manufactured homes within Cibola County; and

WHEREAS, the Cibola County Board of Commissioners finds that the unsightly and unhealthy conditions caused by littering, the improper disposal and dumping of refuse, the dumping of refuse upon public rights of way and public lands, the poor maintenance and repair of property, including buildings and other structures, and the proliferation of unscreened salvage yards result in a significant detriment to the health, safety, and prosperity of Cibola County and its residents; and

WHEREAS, the Cibola County Board of Commissioners deems it necessary and desirable to prescribe standards to help maintain property values and the property tax base in Cibola County, and to provide an aesthetically pleasing community; those are necessary to supplement voluntary anti-litter and beautification measures to abate unsightly and unhealthy accumulations of debris and trash including waste tires; and

WHEREAS, the repair and refurbishment of manufactured or mobile homes in close proximity to federal, state, or paved county roads is a visual blight on the landscape of Cibola County, discouraging revenue producing economic development.

WHEREAS, the Cibola County Board of Commissioners finds it necessary and desirable to prescribe regulation to guide the future growth and development of the County and to protect natural resources in accordance with the Cibola County Comprehensive Plan.

WHEREAS, the protection of groundwater supplies as well as the surface environment has become a critical issue in the past ten (10) to fifteen(15) years. It will become more critical as greater development pressures are

put on the County's natural resources, particularly water supplies. These water concerns are also directly related to minimum lot size.

The State Engineer's Office has developed a formula to help determine a minimum lot size that either will be adequate to ensure that the water supply will not be contaminated by septic system effluent, or a lot size calculated using aquifer parameters that determine water availability. That formula is:

$$MLS=W/A$$

where MLS is the minimum lot size in acres

W is the water withdrawal required per lot in acre feet per year, and

A is the water available expressed in acre feet per acre per year.

The water available (A) is calculated based on the water in storage (S)

$$S=(AC)(SY)(ST)(RL)(RC)$$

AC is the size of the tract in acres

SY is the specific yield expressed as a decimal percent

ST is the saturated thickness in feet of the water bearing formation

RL is the reliability factor expressed as a decimal percent to reflect uncertainties about aquifer performance

RC is the recovery factor expressed as a decimal percent that reflects how much of the water in storage may be practically recovered.

The water in storage (S) is converted to water available (A) using the life expectancy (Y) of the aquifer in the following formula: $A=[S/(AC)(Y)]$.

These formulae were applied to several of the old platted

ARTICLE 1. GENERAL PROVISIONS

Section 1.1. Short Title

This ordinance shall be known and may be cited as the "Cibola County Land Use and Development Ordinance" and shall be referred to elsewhere as "this Ordinance".

Section 1.2. Jurisdiction

This Ordinance shall govern all buildings, structures, manufactured homes, mobile homes, recreational vehicles, salvage yards, properties, and generally all use and development, within the County, but not within the boundaries of municipalities.

Section 1.3. Interpretation and Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid ordinance or statute. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

Section 1.4. Meaning of Terms for Cibola County Planning Director, Cibola County Planner, County Planning Director, County Planner

Wherever the terms "Cibola County Planning Director", "County Planning Director", "Cibola County Planner", or "County Planner" appear in this Ordinance, they shall be read and understood as including any other person or position authorized by the County Manager or the County Commission to administer or otherwise carry out the requirements of this Ordinance.

Section 1.5. Disclosure Required of all Sellers of Property in Cibola County

Any person, as defined in this Ordinance, who, in any manner and by any means, advertises or promotes the sale of any undeveloped property in Cibola County, or engages in any manner or by any means in the sale of any undeveloped property in Cibola County, shall include in the advertisement or promotion in the Cibola County Planning Department pamphlet describing the provisions of Cibola County Ordinance 11-1. This pamphlet shall also identify all sections that pertain to "grandfathered" or allowance of non-conforming uses. For purposes of this Article 1.5., undeveloped property shall mean any real estate that has no dwelling thereon for residential purposes.

ARTICLE 2. DEFINITIONS

Acceptable

- a. accepted by the N.M. State Building Official, with respect to matters set out in this Ordinance;
- b. accepted by the authority as set out in a) or b) of this definition, with respect to matters under the National Fire Protection Association, Fire Protection Code; and
- c. accepted by the appropriate staff member of Cibola County with the respect to the standards set out in this Ordinance.

Accessory Building or Use	A detached subordinate building or structure, or a subordinate use, the use of which is incidental to and customarily found in connection the principal building or use, located on the same lot or site as the principal building or use, provided such accessory building or use is not used for human habitation.
Addition	An extension or increase in floor area or height of a building or structure
Advanced Liquid Waste System	Means any process of wastewater treatment that removes a greater amount of contaminants (nitrogen reducing system as defined and approved by the NM Environment Department Wastewater Technical Advisory Committee) than is accomplished through primary treatment; advanced treatment may include physical or chemical processes.
Agriculture	An agricultural use or activity requires a tract containing five (5) or more contiguous acres in active, current use for the production of farm crops for sale and profit, including vegetables, fruit, cotton, grain, and other crops and the processing of crops to the generally recognizable minimum level of marketability and storage thereof on the premises; the open range grazing of livestock or irrigated pasture for grazing livestock; animal and poultry husbandry, dairy operations, floriculture and horticulture, and accessory uses customarily incidental to agricultural activities. Provided further that agriculture does not include commercial slaughter houses, meatpacking plants, fertilizer yards, or other similar animal related uses.
Agricultural Building	A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
Alter or Alteration:	Any change, addition or modification in construction occupancy of a building or structure.
Approved	With respect to materials and types of construction, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
Baled Tire or Tire Bale	A method of volume reduction of waste tires, whereby whole or cut tires are compacted into a bundle and then banded together to form a tire bale. Baled tires shall not be considered processed

tires and shall be defined as solid waste, unless they are incorporated into some beneficial use project.

Basement

A story with more than fifty percent (50%) of its perimeter below grade.

Beneficial Use

Also described as the secondary use of waste tires means the use or application of waste tires or processed tires in a manner that provides a benefit to an end-user and that does not pose a threat to the environment or to public health and safety. Use of waste tires or processed tires primarily as a means for land disposal shall not be considered a beneficial use.

Boarding House

A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Building

Any structure used or intended for supporting or sheltering any use of occupancy.

Building, Existing

A building erected prior to the adoption of the IBC, NMBC, or one for which a building permit has been issued.

Building Official

The officer, or official, or inspector or other designated authority charged with the administration and enforcement of any Code, or the building official's duly authorized representative.

Burial

Means the process of interring human remains.

Camp Trailer

See Recreational Vehicle

CCBO

Cibola County Building Official; see also Inspector and Building Official.

Cemetery

Means a place dedicated to and used and intended to be used for the permanent interment of human remains.

Certificate of Occupancy

A completion certificate issued to the property owner by the CCBO or a New Mexico State Building Official prior to use or occupancy of a building, residence or structure, evidencing the fact that the required levels of construction and/or installation, have been met.

Certificate of Compliance

A completion certificate issued to the property owner by the CCBO or a New Mexico State Building Official evidencing the fact that the requirements of this ordinance as set forth in Article 6, Property Standards, have been met, or the requirements of

Article 4, for the installation of manufactured homes have been met.

Cluster System	An advanced wastewater collection and treatment system under some form of individual or common ownership and management that provides treatment and dispersal/discharge of wastewater from one or more dwelling units or buildings, usually not more than ten (10) dwelling units or buildings, but less than an entire community.
CID	Construction Industries Division
Code	A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law, any adopted uniform code pertaining to construction activities.
Code Enforcement Officer	The person designated by Cibola County to enforce various County codes or ordinances.
Community Liquid Waste System	A liquid waste system or sewerage system, publicly or privately owned and operated, including collection and treatment facilities constructed to serve one or more lots.
Community Water System	A water system or utility, publicly or privately owned, that relies on surface and/or groundwater diversions other than wells permitted by the State Engineer under Section 72-12-1 NMSA, and that consists of common storage and/or distribution facilities operated for the delivery of water to multiple service connections. A community water supply system shall have sufficient water rights to serve all lots within the community. A community water system shall include mutual domestic water associations established in accordance with New Mexico law.
Contiguous	Refers to adjacent parcels sharing a boundary line or separated only by a road, right-of-way, or easement.
County	County of Cibola
County Commission	The Board of County Commissioners of Cibola County
County Flood Plain Manager	The official, officer, or person certified by the New Mexico Flood Plain Managers' Association and authorized by Cibola County to administer and enforce the Cibola County Flood Plain Ordinance.
Cut Tire	A waste tire from which the tire face, tread, or sidewall has been cut or removed for beneficial use. A cut tire shall consist of pieces greater than 18 inches on any one side.

Development	The use of any land; the carrying out of any building activity including construction, reconstruction, conversion or enlargement of any building or structure, the making of any material change in the use, or intensity of use, or appearance of any building, structure, or land; the establishment of commercial parking lot or the dividing of land into lots, blocks, or parcels, including the construction of roads, the installation of water, sanitary sewer and storm water management facilities or other utilities.
Dormitory	A room for sleeping; a large room containing numerous beds; a residence hall providing rooms for individuals or groups usually without private baths.
Dwelling	Any building or portion thereof, which is designed or used exclusively for residential purposes.
Dwelling Unit	A room or group of rooms for the domestic use of one or more individuals living as a single, independent housekeeping unit, occupied or intended for occupancy by one household or family with cooking (not more than one kitchen), eating, sleeping, living and sanitary facilities.
Dwelling Unit, Accessory	<p>A self contained living quarter attached to, or detached from, or under the same roof as the main or principal dwelling, located on the same site as the main or principal dwelling created by:</p> <ul style="list-style-type: none"> a). the conversion of an existing single family dwelling; or b). the construction of an addition to an existing single family dwelling; or c). the construction of a detached structure which is subordinate to the main or principal dwelling. <p>The gross floor area of any such accessory dwelling unit shall be no larger than 50% of the gross floor area of the original main or principal dwelling.</p>
Dwelling, Apartment or Dwelling Multiple	A building or portion thereof that contains three (3) or more dwelling units, and for purposes of this Ordinance, includes residential condominiums.
Dwelling; Single Family	A building designed for occupancy by no more than one family.
Dwelling; Two Family	A building designed for occupancy by no more than two families.
Means of Egress:	A doorway, hallway, corridor, exterior passageway or balcony, lobby, stair, ramp, or other facility or combination thereof, provided for the unobstructed passage or the unobstructed escape of persons from a building, dwelling unit, room or contained

open space, to a public street, lane, yard or other open space protected from fire exposure from the building at grade level. Egress includes exits and access to exits as defined by the International Building Code or the New Mexico Building Code.

End User	An industry, utility, business, entity or individual that receives whole waste tires or processed tires and uses them for a raw material in a manufactured product, for energy recover, or other beneficial use. A tire processor shall not be considered an end user.
Family	One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding house, dormitory, lodging house, or hotel, as herein defined.
Fire Marshall	The Cibola County Fire Marshall or person discharging the duties of Fire Marshall.
FPC	Fire Protection Code
Flood Hazard Boundary Map	An official map issued by the Federal Emergency Management Agency, where the areas within special flood hazards are designated.
Flood Prone Area	An area where a temporary condition of partial or complete inundation of normally dry land results from the unusual and rapid accumulation or runoff of surface waters.
Footing	That portion of the foundation of a structure that spreads and transmits loads directly to the soil or piles.
Freight Trailer	Means any trailer, semi-trailer or pole trailer drawn by a truck tractor or road tractor, and any trailer, semi-trailer or pole trailer drawn by a truck that has a gross vehicle weight of more than twenty-six thousand pounds, but freight trailer does not include manufactured homes, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight.
Grade Level	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
Grave	Includes a lot, plot or burial space and means a space of ground used for, or intended to be used for, the permanent interment of human remains.

Gross Vehicle Weight	Means the weight of a vehicle without load, plus the weight of any load thereon.
Habitable	As applied to any form of housing, such as manufactured homes, site built homes, or mobile homes, means that there are no known defects, damage or deterioration to the home which creates a dangerous or unsafe situation or condition. All plumbing, heating and electrical systems are in safe working order and must meet all applicable codes.
Hotel	A building used as an abiding place of more than twenty (20) persons, who are lodged with or without meals for compensation.
Homeowners Association	An entity which must incorporate under the laws of the State of New Mexico and be in good standing thereon in order to have standing to receive official notice of land use and subdivision proceedings and to participate as corporate entities in such proceedings.
Human Remains or Remains	Means the body of a deceased person, regardless of its stage of decomposition, and cremated remains.
Immediate Family Members	Husband, wife, father, stepfather, mother, stepmother, brother, step-brother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step-grandson, granddaughter, step-granddaughter, nephew and niece, whether related by natural birth or adoption.
IBC	International Building Code
IRC	International Residential Code
Inspector	The Cibola County Building Inspector or the Code Enforcement Officer or a person duly delegated by the Cibola County Building Inspector or the Code Enforcement Officer, or a person instructed or requested by the Cibola County Building Inspector or the Code Enforcement Officer to provide a written report with respect to any matter set out in this Ordinance.
Interment	Means the disposition of human remains by entombment, inurnment or burial.
Junked Mobile Home	Any abandoned, disassembled, dismantled, uninhabitable, severely damaged or wrecked mobile home.
Junked Vehicle	Any abandoned, disassembled, dismantled, inoperable or wrecked vehicle.

Jurisdiction	Any political subdivision that adopts the IBC or NMBC for administrative regulation within its sphere of authority.
Litter, to litter or littering	All have the same meaning, namely, the act of placing, discarding, broadcasting, throwing, tossing, or allowing the spreading or broadcasting of refuse to debris onto any property or location or site not officially designated as a solid waste or refuse disposal facility, and shall include all such acts by a person occupying a motor vehicle.
Lodging House	A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons, in contradistinction to hotels open to transients.
Lot	A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings and uses customarily incidental to it.
Lot of Record	A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Cibola County, or a lot described by metes and bounds or by survey plat prepared by a land surveyor licensed in the State of New Mexico, which has been recorded in the office of the County Clerk of Cibola County.
Maintained	To carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a building or structure or property, and maintained shall also mean the grooming of yards.
Maintenance Contract	Means a contract between the system owner and a maintenance service provider in which the maintenance service provider agrees to provide periodic inspections in regard to the operation, maintenance and repair of the system.
Maintenance Service Provider	Means a public entity, company or individual in the business of maintaining liquid waste systems according to manufacturers' specifications.
Manufactured Home	A movable or portable housing structure over 32 feet in length or over 8 feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. Manufactured home does not include recreational vehicles or modular or pre-manufactured homes built to IBC standards,

designed to be permanently affixed to real property. Manufactured home includes any movable or portable housing structure over 12 feet in width and 40 feet in length, which is used for non-residential purposes.

**Manufactured Home
Single Wide**

A manufactured home, as defined in this Ordinance consisting of a complete dwelling unit in one, and only one, transportable section.

Mobile Home Park

Means a parcel of land used for the continuous accommodation of twelve or more occupied mobile homes and operated for the pecuniary benefit of the owner of the land, his agents or lessees. It does not include manufactured home subdivisions or property zoned for such subdivisions.

**Multi Section
Manufactured Home**

A manufactured home or modular home that is a single family dwelling with a heated area of at least thirty six by twenty four feet and at least eight hundred sixty four square feet, 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 International 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 relating to permanent foundations. The multi-section manufactured home is comprised of two or more transportable sections assembled together at the time of installation on a site to form a single dwelling unit.

**MHITP-Manufactured Home
Installation/Transport Permit**

A permit which indicates to the dealer, installer, and consumer that the CCBO, the Code Enforcement Officer, or the County Planner, has determined that the proposed site is suitable for installation of the manufactured home. Notwithstanding the generality of the foregoing, 'suitable' means that the requirements of Article 4 either have been met, or can be met.

Mobile Home

A moveable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family 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 the International Building Code, as amended to the date of the unit's construction or build to the standards of any municipal building code.

Mobile Home and Manufactured Home Inspector	The officer or other designated official charged with the administration and enforcement of applicable codes, or the official's duly authorized representative. For purposes of this Ordinance, the officer shall be the CCBO. In addition to the CCBO, for purposes of inspections and enforcement of regulations in this Ordinance pertaining only to manufactured and mobile homes, the Cibola County Code Enforcement Officer also shall be an inspector.
Modular Home	A standardized factory fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with the International Building Code and intended to be placed on a permanent foundation and requires a building permit for installation.
Multiple Use Building	A building containing both a dwelling unit or units and non-residential use or uses.
Net Acre	The area of a lot, parcel or site, excluding public roads, public parks, school sites, and similar public lands, and any privately owned recreational spaces held in common for the general benefit and use of the residents of a subdivision or community.
NFPA	National Fire Protection Association.
NMBC	New Mexico Building Code
Non-conforming Use	A use which does not conform to current or previous regulations.
Non-conforming Lots	Lots less than one (1) acre in size which will become non-conforming in the context of this Ordinance.
Non-conforming Use, Legal	A use which does not conform to current regulation, but existed legally and in compliance with regulations in effect at the time of establishment of such use which the owner is able to document.
Non-Residential Property	A building or structure or parts thereof not occupied in whole or in part for the purposes of human habitation including the land and premises appurtenant thereto.
Notice of Nuisance	The notice of nuisance issued by any authorized County Employee directed to the owner, occupant or tenant of property in Cibola County setting out the violations and the time limits for abatement of the violations under this Ordinance.
Nuisance	A nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either; a) injurious to public health,

safety or morals, or b) interferes with the exercise and enjoyment of public rights, including the right to use public property.

Occupancy	The purpose that a building, or part thereof, is used or intended to be used.
Officer	The Code Enforcement Officer of Cibola County, the person designated by Cibola County to administer and enforce various codes and ordinances.
Owner	Any person, agent, firm or corporation having a legal or equitable interest in the property.
Parcel	Unit of land capable of being described by location and boundaries and not dedicated for public or common use.
Park Trailer	A recreational vehicle that is primarily designed to provide temporary living quarters for recreation, camping or seasonal use. Built on a single chassis mounted on wheels which has a gross trailer area not exceeding 400 square feet in the set-up mode and is certified by the manufacturer as complying with ANSI A. 119.5.
Permanent Foundation	Is defined as constructed or assembled components, consisting of durable materials (i.e. concrete, masonry, treated wood, or other materials approved under the International Building Code), and are required to be constructed on-site and shall have attachments points to anchor and stabilize the manufactured home. The design of the foundation shall be DAPIA approved (Design Approval Primary Inspection Agencies as the term utilized in the HUD regulation which is included in the Federal Preemption on manufactured homes, and inclusive of on-site installations) or designed by a licensed professional engineer in accordance with the manufacturer's specifications.
Permit	An official document or certificate issued by the building official, County Planner, or other authorized authority, as appropriate, authorizing performance of a specified activity.
Person	Means a natural person including any individual, partnership, company, corporation, firm, association, trust, estate, foundation, state and federal agency, institution, county, town, city, village or municipality or other legal entity, however organized.
Pole Trailer	Means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or be being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes and

structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Processed Tire

A tire that has been processed through grinding, shredding or other means, thereby producing a material that is readily suitable for marketing into product manufacturing, energy recovery, or other beneficial reuse markets. Waste tires that have been compacted, baled, cut, or shredded without a suitable market shall not be considered processed tires and shall be regulated as solid waste.

Property

Any area, plot, or parcel of land in Cibola County, which is under a common ownership or is separately identified for assessment by the Cibola County Assessor's Office. Property shall include land under the ownership of the United States, the State of New Mexico, or any local government or school district entity. This definition is intended to be inclusive and not limiting, and shall therefore include all land within the boundaries of Cibola County, New Mexico, except that the definition of property, and therefore this Ordinance, shall exclude property within the boundaries of the City of Grants and the Village of Milan, and any hereafter incorporated municipality.

Previously approved Subdivision

A subdivision that has been platted, approved by the Board of County Commissioners and filed of record.

Private Water Supply System

Means a water supply system that has less than fifteen (15) service connections or serves at least twenty-five (25) individuals. It is subject to the New Mexico Drinking Regulations (NMAC 7.1)

Privy

Means a receptacle for non-liquid carried excreta. It allows direct discharge to the soil.

Property

Any area, plot, or parcel of land in Cibola County, which is under a common ownership or is separately identified for assessment by the Cibola County Assessor's Office. Property shall include land under the ownership of the United States, the State of New Mexico, or any local government or school district entity. This definition is intended to be inclusive and not limiting, and shall therefore include all land within the boundaries of Cibola County, New Mexico, except the definition of property within the boundaries of any incorporated municipalities.

Property Occupant

Any person who is occupying any property, whether by legal right or without legal right.

Property Owner

The person who is the recorded owner of any property according to the records contained in the Cibola County Clerks Office.

Railway Car

Means any passenger, sleeping, parlor, refrigerator, tank, observation, dining, and freight or coal car.

Recreational Vehicle

A self contained driven or towed portable unit not designed to be installed on a temporary or permanent foundation nor used for human occupancy as a residence which includes; pickup campers, chassis mounted motor homes, mini motor homes, park trailers, recreational vans, pop-up tent/hard-top trailers, converted busses, or other converted and chopped vehicles.

Refuse

Any organic or inorganic waste or debris, including but not limited to, garbage, household waste, wastepaper, waste containers, empty packaging, empty or used plastic bags or other plastic containers, empty drink containers, empty or used Styrofoam containers, empty metal cans or containers of any kind, any material that is discarded after residential or commercial use, scraps of building materials such as wood, brick, concrete, asphalt, metal and plastic, materials resulting from the demolition of any structure or vehicle, used grease, used oil, used vehicle parts, used appliances or machinery parts, used tires, discarded household furnishings, discarded cleaning materials, and any material commonly known as trash or junk.

Refuse does not include:

- a. Waste from extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, coal, copper, molybdenum, and other ores and minerals;
- b. Agricultural waste, including but not limited to, manure and other crop residues returned to the soil as fertilizer or soil conditioner;
- c. Sand and gravel
- d. Solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1342 or source, special nuclear or by produce material as defined by the Atomic Energy Act of 1954, 42 U.S.C. Section 2011 et seq. and subsequent amendments;
- e. Any material regulated by Subtitle C of the Federal Resource Conservation and Recovery Act, or substances regulated by the Federal Toxic Substance Control Act; and
- f. Salvage materials as defined in this Ordinance which are contained within an official, legally established Salvage Yard.

Refuse Container

Any enclosed and securely covered container designed and functioning to store, contain, or hold refuse temporarily pending

its transportation and disposal at an officially designated solid waste or refuse disposal facility. Refuse containers must be securely covered.

Repair

The reconstruction, renewal, refinishing or refurbishing of all or any part of an existing building or structure, or property for the purpose of its maintenance.

Residential Property

Any property or building that is used, designed, or intended for use as a dwelling unit, dwelling or apartment dwelling and includes the yards, accessory buildings and vacant property belonging to such property.

Road Tractor

Means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any significant load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

Salvage Materials

Any inoperable motor vehicles, inoperable construction equipment, inoperable agricultural equipment, inoperable machinery, inoperable major household appliances, and accumulations of scrap metal or used building materials, which are kept together in one location or on any property for the commercial purpose of selling or bartering same, repairing same, or recycling parts from same into other like objects. Such salvage materials are permitted only in an official, legally established salvage yard.

Salvage Yard

Any property upon which salvage materials may be legally stored in the quantities described below:

- a. Four or more inoperable vehicles;
- b. Four or more inoperable major household appliances;
- c. Four or more inoperable pieces of construction equipment;
- d. Four or more inoperable pieces of agricultural equipment, brought in from another property; or
- e. Scrap metal, used building materials, and used household furnishings or goods, or other used materials.

Semi-trailer

Means a vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some significant part of its weight and that of its load rests upon or is carried by another vehicle.

Sewage

Residential wastes, commercial wastes, industrial wastes and any drainage, but does not include storm water.

Sewerage System	A system for transporting sewage owned and operated by Cibola County or a private disposal system approved by the State of New Mexico Environment Department.
Shall	Shall be construed as mandatory
Site	A parcel of land or several contiguous parcels of land used or occupied, or to be used or occupied, by a building and accessory buildings and the area belonging to such buildings, bounded by a property line or a designated portion of a public street.
Site Built Residences	Residences constructed at the permanent building site but which may incorporate the use of some prefabricated building components.
Site of End Use	A site where processed waste tires are recycled or reused in a beneficial manner authorized by Cibola County.
Smoke Detector	An approved device that senses visible or invisible particles of combustion.
Solid Waste	Means and includes, but is not limited to any garbage, rubbish, refuse, rejected or waste food, offal, swill, carrion, ashes dirt, slop, wastewater, trash, weeds, briars, brush, junk automobiles or automobile parts, waste or unwholesome material of any kind, except sewage, and including residential, commercial, institutional, industrial and recreational waste.
Special Flood Hazard Area	Land in the flood plain subject to a one percent or greater chance of flooding in any given year.
Standards	The provisions and measures of physical conditions and occupancy set out in this Ordinance.
Street	All property dedicated or intended for public or private access to property, or subject to public easements therefore.
Structure	That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Without limiting the generality of the foregoing, structure shall include a wall, fence, sign or billboard.
System	Several items of equipment assembled, grouped, or otherwise interconnected for the accomplishment of a purpose or function.
Temporary	Applies to facilities or structures that are not of permanent construction, and are not intended to be permanently erected and

maintained on a site. Tents and air supported structures are considered temporary for purposes of this Ordinance.

Terrain Management

Means the control of floods, drainage, and erosion and measures required for adapting proposed development to existing soil characteristics and topography.

Towing Service

Means the use of specialized equipment, including repossession services using towing equipment, to transport:

- a) a damaged, disabled or abandoned motor vehicle and its cargo
- b) a motor vehicle to replace a damaged, disabled or abandoned motor vehicle
- c) parts and equipment to repair a damaged, disabled or abandoned motor vehicle
- d) a motor vehicle whose driver has been declared unable to drive by a law enforcement officer
- e) a motor vehicle whose driver has been removed from the scene or is unable to drive, or
- f) a motor vehicle repossessed or seized pursuant to lawful authority.

Trailer

Means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no significant part of its weight rests upon the towing vehicle.

UMC

Uniform Mechanical Code

Untitled Mobile Home Units

A used, pre-owned or resold unit having no title, which has lost its identity as a titled mobile/manufactured home through damage, whether severe or slight, caused by fire or other causes, sold "AS IS" and cannot be registered with the State of New Mexico Vehicle Department.

UPC

Uniform Plumbing Code

Use

The use for which land or buildings are occupied or maintained, arranged, designed or intended.

Used Tire

A tire that previously has been on a vehicle but that retains suitable tread depth and is free of damage or defects so that it may be safely returned to its original purpose.

Utility Service

Connection to an electrical service pole or other approved receptacle, or gas and water meter installation, but does not include electrical mainline extension or gas and water mainline extension or water main tap or meter box and setter installation.

Variance	Any deviation from the Regulations of this Ordinance as approved by the Board of County Commissioners, where such variance will not be contrary to the public interest; however, the allowable use of the premises is not subject to change by variance.
Waste Tire or Scrap Tire	A tire that is no longer suitable for its originally intended purpose because of wear, damage or defect. This definition shall include a tire mounted on a rim but not on a vehicle.
Wastewater	Means the liquid or water carried wastes removed from residential properties, businesses, institutions and other uses, including bath and toilet wastes, laundry waste, and kitchen waste but not including toxic, hazardous, or industrial waste.
Words not Defined	Any word or term not defined in this Ordinance shall have the meaning ascribed to it in the Cibola County Subdivision Ordinance, the Cibola County Zoning Ordinance or the Cibola County Extra Territorial Zoning regulations, or they shall have their ordinary accepted meaning within the context with which they are used.
Yard	An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a building or structure from the ground upward, except permitted projections such as balconies, porches or stairs.

ARTICLE 3: BUILDING STANDARDS-GENERAL

3.1. ADOPTION OF INTERNATIONAL BUILDING CODE AND OTHER CODES

Each and all of the regulations, provisions, penalties, conditions, terms and all appendices of the latest:

- 3.1.1. International Building Code – 2003
- 3.1.2. International Residential Code – 2003
- 3.1.3. New Mexico Commercial Building Code
- 3.1.4. New Mexico Residential Code
- 3.1.5. National Electric Code – 2005
- 3.1.6. New Mexico Earthen Building Materials Construction Code (Phase III)
- 3.1.7. New Mexico Non-Load Bearing Straw Construction Building Code (Phase III)
- 3.1.8. New Mexico Plumbing Code
- 3.1.9. Uniform Plumbing and Mechanical Code – 2003
- 3.1.10. New Mexico Mechanical Code
- 3.1.11. New Mexico Electrical Code
- 3.1.12. New Mexico Electrical Safety Code (Phase III)
- 3.1.13. Manufactured Housing Division Rules and Regulations
- 3.1.14. National Fire Protection Association, Fire Prevention Code

are hereby referred to, adopted and incorporated as fully as if set out verbatim herein, and any amendments thereto, including any and all editions thereof.

3.2. ENFORCEMENT

Article 3 of this Ordinance and all codes, rules, regulations and other provisions set out in said Article 3 shall be enforced by the Cibola County Building Official (CCBO), who is certified by the State of New Mexico Construction Industries Division, and has such powers and duties as are enumerated in and set forth in the current provisions of the Codes adopted in Article 3.1. of this Ordinance. Article 3 of this Ordinance may be enforced by an inspector employed by the State of New Mexico Construction Industries Division. The CCBO shall not enforce any code provisions pertaining to gas service installations or related matters.

3.3. COPIES OF CODES AVAILABLE FOR INSPECTION

One or more copies of applicable codes adopted in Article 3.1. of this Ordinance shall be available and subject to inspection at all reasonable times in the office of the CCBO.

3.4. FEE SCHEDULE

The Fee Schedule for Building Permits shall be established by Cibola County Board of County Commissioners. No permit shall be issued nor shall an application be considered complete prior to the receipt of said fee.

3.5. BUILDING PERMITS REQUIRED

Any construction, residential or commercial or other use, any additions, expansions, repairs, remodel or renovation to any building or structure, to include site built and modular buildings or structures, and any fence six (6) feet or greater in height, shall have a building permit issued by the CCBO or a New Mexico State Building Official, follow procedures required by codes adopted in this ordinance. In the case of manufactured or mobile housing units, such units shall have a manufactured home installation and transport permit issued by the CCBO or the Cibola County Code Enforcement Officer. If the CCBO, or State Official or the Cibola County Code Enforcement Officer determines that the property for which a permit has been requested is in violation, has outstanding violations, or may be in non-compliance with any part of this ordinance, or the Cibola County Subdivision Ordinance, or any applicable state or federal regulation, the CCBO, State Building Official or the Cibola County Code Enforcement Officer may deny issuance of the permit until such time as the property has been deemed compliant.

3.6. ALTERNATE MATERIALS, ALTERNATE DESIGN AND METHODS OF CONSTRUCTION

Pursuant to the International Building Code and the International Residential Code, as amended from time to time, where materials, design and construction methods are specified in any of the Codes or Rules and Regulations adopted in Article 3.1. of this ordinance, alternate materials, design and methods of construction may be allowed provided any alternate materials, design and methods of construction may be allowed provided any alternate has been approved, and is authorized by the Cibola County Building Official (CCBO), or other authorized official.

The CCBO, or other authorized official, may approve any such alternate provided the CCBO, or other authorized official, is satisfied the proposed design is satisfactory and complies with the provisions of those codes and rules and regulations set out in Article 3.1. of this Ordinance, and that the material and method of work proposed is at least the equivalent of that prescribed in any of the codes and rules and regulations set out in Section 3.1. of this Ordinance.

The CCBO, or other authorized official, shall require that sufficient evidence or proof to substantiate any claims made about alternate material, design or methods of construction. Without limiting the generality of the foregoing sentence, the CCBO may require a study and/or certificate of code compliance from a qualified engineer or architect as evidence of proof of claims made about alternate material, design, or methods of construction. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the CCBO, or other authorized official, may require tests by an approved agency as proof of compliance to be made at no expense to Cibola County.

The details of any action by the CCBO, or other authorized official, granting approval of an alternate shall be recorded and retained in the files of the Cibola County Building Official's or the County Planner's office.

3.7. ON SITE UTILITY AND DEVELOPMENT REQUIREMENTS

All housing units, to include site built, modular, manufactured home or mobile homes whether titled or untitled are subject to this Ordinance and shall, prior to occupancy, be inspected by the CCBO, or other authorized official, and issued a Certificate of Occupancy or a Certificate of Compliance. Approved on site utilities, to include water, sewer and electricity are prerequisite to issuance of a Manufactured Home Installation and Transport Permit (MHITP) or issuance of a building permit. All housing units shall be connected to a liquid waste disposal system permitted and approved by the New Mexico Environment Department, a domestic water well permitted by the New Mexico State Engineer, or be connected to an approved potable water utility whether private or municipal. For purposes of this section:

- 3.7.1. There shall be no multiple users connected to a domestic water well nor to any on site liquid waste disposal system except for those established and in place prior to adoption of this Ordinance as amended or as otherwise provided herein.
- 3.7.2. Approval of connections will only be made after inspection and approval by the New Mexico State Plumbing Inspector for compliance with the UPC.
- 3.7.3. All electrical, plumbing and gas hookups shall be inspected and approved by an inspector of the Manufactured Housing Division or CID, as the case may be prior to occupancy and before a Certificate of Occupancy or Certificate of Compliance will be issued by the CCBO or other authorized official.
- 3.7.4. Any water/well, sewer/septic, electric, or natural gas/LP utility provider that connects service to individual parcels before the landowner holds a valid building permit or MHITP is in violation of this Ordinance and the service shall be disconnected.
- 3.7.5. Any liquid waste disposal system must be approved by the New Mexico Environment Department.

- 3.7.6. No building permit or Manufactured Home Installation and Transport Permit (MHITP) or other permit shall be issued unless the County Planner, or other authorized official, has issued a 911 emergency address, and no 911 address shall be issued unless and until the County Planner, or other authorized official, is satisfied that a structure will be constructed. No 911 address shall be issued for any undeveloped or vacant lot or parcel of land.
- 3.7.7. No building permit or Manufactured Home Installation and Transport Permit (MHITP) or other permit shall be issued until and unless the applicant for such permit can show that he/she/they have legal access to a lot or parcel of land either by means of a public road or by means of a properly recorded easement, and such access shall provide reasonable physical ingress or egress to and from the parcel of land at the sole discretion of the CCBO, the County Planner or a Cibola County Code Enforcement Officer.

3.8. SMOKE DETECTORS

Smoke detectors shall be required in all dwelling units to include site built, modular, manufactured homes, and mobile homes occupied or installed after December 9, 1999.

3.9. FLOOD HAZARD INSTALLATION REQUIREMENTS

No residential, commercial or other use or development shall be located or installed in a flood-prone area, such as a Flood Hazard Area as designated by the National Flood Insurance Rate Map for Cibola County, or in, on, or over the path of an arroyo or floodway without the prior approval of the County Floodplain Manager and the issuance of a floodplain development permit. All development and all construction related to such development shall comply with the minimum standards as adopted by, or may be amended by, the Federal Emergency Management Agency (FEMA). A new or replacement water supply system or sanitary sewage system may be required within a designated flood hazard area which shall be designed to minimize or eliminate infiltration of flood waters into the system as well as discharges from the system into flood waters, and the on-site waste disposal system must be located so as to avoid impairment of them or contamination from them during flooding.

3.10. FLOOD HAZARD INSTALLATION BASE FLOOD ELEVATION

All new construction and substantial improvements of structures designed for human occupancy to include manufactured homes being installed in a special flood hazard area shall be anchored to a permanent foundation system and installed such that all electrical, heating, ventilation, plumbing and other service facilities are located so as to prevent water from entering or accumulating within the components during conditions of flooding and must meet one of the following conditions:

- 3.10.1. The lowest floor level elevated at least one (1) foot above the base flood elevation where base flood elevations are determined.
- 3.10.2. The lowest floor level, with respect to site built structures, elevated two (2) feet above the highest adjacent grade in areas where no base flood elevations are determined.

3.10.3. The manufactured home chassis shall be supported by reinforced piers or other foundation elements of at least thirty-six (36) inches in height above grade and be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement in areas where no base flood elevations are determined.

3.11. FLOOD HAZARD MINIMUM FILL REQUIREMENT

Any building or structure to be constructed in "A" Zones, as designated by the National Flood Insurance Rate Map for Cibola County, where no base flood elevations are determined, must have its lowest floor level constructed a minimum of two (2) feet above the highest adjacent grade. The material used to raise the lowest floor above the highest adjacent grade must be compacted to the satisfaction of the CCBO, the County Planner, or other authorized official, who may require that the landowner provide a report from a qualified geo-technical consultant that the soil is sufficiently compacted to accommodate the intended development. This section shall apply only to dwellings or structures erected or installed after the date of this Ordinance as amended.

3.12. CERTIFICATE OF OCCUPANCY

Upon completion and verification of all inspections and requirements of this Ordinance and any other applicable Ordinance for site built or modular buildings or structures, prior to occupancy, a Certificate of Occupancy shall be signed by the CCBO or the New Mexico State Building Official and a copy shall be provided to the owner/occupant.

ARTICLE 4: MANUFACTURED HOME (SINGLE-WIDE AND MULTI-SECTION) AND EXISTING MOBILE HOMES

4.1. ENFORCEMENT

Enforcement of all provisions and standards enumerated in Article 4 of this Ordinance shall be enforced by the Cibola County Code Enforcement Officer or designee of the Cibola County Commission; however, Cibola County officials or designees shall not enforce any standards or requirements adopted by the State of New Mexico.

4.2. FEE SCHEDULE

The fee schedule for Manufactured Home Installation Permits shall be established by the Cibola County Board of County Commissioners. No permit shall be issued nor shall an application be considered complete prior to the receipt of said fee.

4.3. AGE AND LOCATION OF MANUFACTURED HOMES

New and used or refurbished manufactured homes manufactured after June 15, 1976, may be installed anywhere in the County after the effective date of this Ordinance. No manufactured home or mobile home manufactured prior to June 15, 1976, the effective date of the National Manufactured Housing Construction Standards Act of 1974, 42 U.S.C. 5401, et seq. ("The Act") shall be transported into, or installed upon any site in Cibola County. This Article 4.3. is subject to any applicable private, restrictive covenants pertaining to subdivision lots or real property. For purposes of this Article 4.3., it is the sole responsibility of those persons proposing to locate manufactured homes outside of existing mobile home parks or any manufactured home park to ensure that manufactured homes are allowed in

the subdivision or area where they intend to locate their manufactured home. Cibola County does not enforce restrictive covenants. Existing mobile home parks are defined as those parks in existence on the effective date of this Ordinance.

4.4. MANUFACTURED HOME INSTALLATION AND TRANSPORT PERMIT

Manufactured Home Installation and Transport Permit (MHITP) requirements are hereby established which adopt and incorporate the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 and the New Mexico Manufactured Housing Division Rules and Regulations.

4.5. MANUFACTURED HOME INSTALLATION AND TRANSPORT PERMIT REQUIRED

After the effective date of this Ordinance, the owner of any manufactured home, titled or untitled, with the sole intention of installing said manufactured home to be used for residential purposes, shall obtain a Manufactured Home Installation and Transport Permit (MHITP) from the CCBO, the Cibola County Code Enforcement Officer or the County Planner, or designee of the Cibola County Commission, prior to installation of the home. This section shall also apply to such units which are specifically manufactured for commercial purposes, are manufactured to meet National Manufactured Housing Construction and Safety Standards, but do not meet the requirements of the International Building Code.

4.6. MANUFACTURED HOME TRANSPORTING OR MOVING

It shall be unlawful for any person or moving company to transport a manufactured home, from any location within Cibola County, or from any location outside Cibola County, to any site in Cibola County, without first receiving from the owner of the manufactured home a copy of an approved Manufactured Home Installation and Transport Permit (MHITP) issued by the CCBO, the Cibola County Code Enforcement Officer or the County Planner, or designee of the Cibola County Commission. Any home to be transported into the County shall comply with provisions of Article 4.10. of this Ordinance. This Article 4.6. does not prevent the moving of a manufactured home from a site within Cibola County to a site outside of Cibola County.

4.7. MANUFACTURED HOME TO BE ON PERMANENT FOUNDATION

All manufactured homes installed after the effective date of this Ordinance shall be placed on a permanent foundation. Permanent foundations for manufactured homes shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2.57), and may be subject to assessment as a real property improvement for ad valorem tax purposes, as allowed by the Property Tax Code.

4.8. MANUFACTURED HOME/MOBILE HOME CERTIFICATION REQUIREMENT

No person shall transport or move into, or install upon any site in Cibola County, any manufactured home or mobile home that does not have affixed to it a Housing and Urban Development Label of Certification, or other sufficient proof of the date of manufacture.

4.9. MANUFACTURED HOME/MOBILE HOME SALVAGE PURPOSE

4.9.1. No manufactured home/mobile home shall be transported or moved into, or installed on any site in Cibola County for the purpose of salvaging parts or components of such homes for private or personal use or for sale to others, except that such homes may be transported to a licensed salvage yard.

4.9.1.1. Any licensed salvage yard used for manufactured/mobile home salvage or refurbishing purposes existing on the effective date of this Ordinance must be screened from any public right-of-way or any residential property within one thousand (1,000) yards of the salvage yard. Screening shall be completed within 365 days of the effective date of this Ordinance and shall conform to the requirements of Article 12.1.3. hereof. Any facility as described in this article and established after the effective date of this Ordinance must be screened at the time of its establishment.

4.9.2. Any operation involving the salvage or refurbishment or the storage of salvaged or refurbished manufactured or mobile homes located on any site in Cibola County on the effective date of this Ordinance where such site is not a legal, licensed salvage yard shall cease all operations within a period of three hundred and sixty five (365) days of the effective date of this Ordinance. The site shall be cleared of all salvage materials and any condition all to the satisfaction of the Cibola County Code Enforcement Officer. All salvage materials and any manufactured homes or mobile homes that have been refurbished or that are intended to be refurbished shall be relocated either to a licensed salvage yard or to a location outside of Cibola County. Any operation moved to a licensed salvage yard shall comply with the provisions of this Article 4.9.1 and any other applicable provisions of this Ordinance. Failure to comply may result in the County invoking abatement measures as set out in Article 6.8.4. of this Ordinance. Any owner of such site that does not comply with this Section shall be subject to the penalties set out in Article 18 of this Ordinance.

4.10. MANUFACTURED HOME/MOBILE HOME PRE-OWNED UNITS

Any manufactured home/mobile home offered for resale and which is intended to be installed in Cibola County, must be habitable as defined in this regulation prior to occupancy and issuance of a Certificate of Compliance. Structural repairs, alterations and modification to a manufactured home are regulated by the New Mexico Manufactured Housing Division. It shall be the responsibility of the seller or purchaser to obtain the required permits from said agency, upon inspection and approval by the State Manufactured Housing Inspector, and compliance with this Ordinance, a Certificate of Compliance shall be issued prior to occupancy. All units offered for resale for the purpose of installation in Cibola County shall meet the required standards as set out in Article 6.5. of this Ordinance.

4.11. MANUFACTURED HOME/MOBILE HOME STORAGE USE OR OTHER UNINTENDED USE

For the purposes of this Ordinance, no manufactured home or mobile home shall be installed, parked or located on any site, lot, tract or parcel of land to be use for any purposes other than that for which the manufactured home or mobile home was designed or intended. No person shall use any manufactured home or mobile home for the sole purpose of the storage of any goods or materials, or

for any purpose other than that for which the manufactured home or mobile home was designed or intended. This section shall not apply to any manufactured or mobile home used for another purpose at the effective date of the adoption of this Ordinance, as amended.

4.12. MANUFACTURED HOME/MOBILE HOME EXEMPTIONS

Manufactured homes/mobile homes which were legally established in manufacture/mobile home parks or other parcels of land prior to the effective date of this Ordinance, are exempted from the requirements of this Ordinance, except for provisions of Article 6, and with appropriate documentation shall be legal non-conforming uses until moved from that location.

4.13. MANUFACTURED HOME/MOBILE HOME LEGAL NON-CONFORMING

A legal non-conforming manufactured home/mobile home is any manufactured home/mobile home which was legally installed prior to the effective date of this Ordinance. This does not however constitute an exemption from any laws or requirement which was in effect at the time of such installation. Any relocation of such a home will terminate the legal non-conforming status under this section and result in the application of this Ordinance.

4.14. MANUFACTURED HOME SITE REQUIREMENTS

The owners of property upon which a manufactured home is to be installed shall provide the CCBO, the Code Enforcement Officer or the County Planner, with a legal description, a plat or survey map clearly and accurately defining the location of the property, and a sketch plan of the proposed orientation and location of the manufactured home thereon, to include the location of the domestic well if not connected to a community water system, the septic tank and leach field, and the electric service pole. Approved on site utilities are prerequisite to issuance of a Manufactured Home Installation and Transport Permit (MHITP).

4.15. MANUFACTURED HOME NUMBER PER SITE

Sites shall be limited to not more than one (1) manufactured home on any individual site, lot, tract or parcel of land as recorded in the Office of the County Clerk. In the case of on-site built residences, the temporary installation of a manufactured home may be permitted during construction, where a valid building permit has been issued. Within 30 days after the property owner receives a Certificate of Occupancy for the site built residence, the manufactured home must be removed from the premises. This section shall apply only to manufactured homes installed after the effective date of this Ordinance, as amended.

4.16. MANUFACTURED HOME SERVICES AND UTILITIES

Each and every manufactured home installed in Cibola County after the date of adoption of this Ordinance, shall have its own individual liquid waste system or be connected to a community liquid waste system approved by the New Mexico Environment Department (NMED) and as required by this Ordinance, have its own individual water well, or be connected to a community water system approved by the State Engineer; and have its own individual gas and electric services or any other utility.

4.17. MANUFACTURED HOME/MOBILE HOME SKIRTING

4.17.1. New Installations: All manufactured homes installed under this Ordinance shall be skirted on all sides within thirty (30) days of the date of issue of the MHITP by the Code Enforcement Officer, County Planner or designee of the Cibola County Commission. Material used for skirting shall be new, in good condition and durable. Material such as new vinyl sheeting, aluminum sheeting, painted galvanized steel sheeting and similar material shall be used. Use of ole metals, whether sheet or plate strips, poor quality building materials, and materials such as wood boxes, crates or pallets, used tires and any similar material is prohibited.

4.17.2. Existing Manufactured Homes and Mobile Homes: All manufactured homes and all mobile homes in existence in Cibola County on the effective date of this Ordinance shall be skirted within three hundred sixty five (365) days of the effective date of this Ordinance. The accepted materials for skirting shall be as described in Article 4.17.1 of this Ordinance. The owner and/or the occupant of the manufactured home or mobile home shall be subject to the penalties set out in Article 18 of this Ordinance for non-compliance with the requirements of this Article.

4.18. MANUFACTURED HOME/MOBILE HOME DEBRIS ON ROOF

Roofs shall be kept clear of tires, debris, concrete blocks, rocks, and other objects and structures not approved by the manufacturer or for which a permit has not been issued the by the CCBO, Code Enforcement Officer or the County Planner.

4.19. MANUFACTURED HOME CERTIFICATE OF COMPLIANCE

Upon completion and verification of all inspections and requirements of this Ordinance and any other applicable Ordinance for manufactured homes, a Certificate of Compliance shall be signed by the CCBO, Code Enforcement Officer or the County Planner, and a copy shall be provided to the owner/occupant.

4.20. OCCUPANCY COMPLIANCE

All manufactured home units shall not be occupied until and unless the Manufactured Housing Installation and Transport Permit (MHITP) has been signed, noting any exceptions and/or conditions, specifying dates for compliance with any noted exceptions and the CCBO, Code Enforcement Officer or the County Planner have issued a Certificate of Compliance.

ARTICLE 5. RECREATIONAL VEHICLE STANDARDS

5.1. RECREATIONAL VEHICLES GENERAL

5.1.1. Any recreational vehicle (RV) trailers, camping trailers, fifth-wheel trailers and park trailers established with on-site utilities to include water well, sewer system and electricity prior to the effective date of this Ordinance, shall be exempt from this Ordinance, except for the provisions of Article 6; all other recreational vehicle usage shall be subject to the following:

- 5.1.2. Recreational Vehicle (RV) travel trailers, camping trailers, fifth-wheel trailers, park trailers and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch are primarily designed or constructed to provide temporary readily moveable living quarters for recreation, camping or travel uses. These and other structures of a temporary nature shall not be occupied as permanent residences. Fully self-contained recreational vehicles not located in an approved mobile home or recreational vehicle park shall require a permit to be issued by the CCBO, the Code Enforcement Officer or the County Planner. Fully self-contained recreational vehicles not located in an approved mobile home or recreational vehicle park may be permitted for not more than thirty (30) days, anywhere in Cibola County within any calendar year, without approved utility connections. Recreational vehicles may be allowed for not more than one hundred eighty (180) days, within any calendar year, on sites approved by the CCBO, the Code Enforcement Officer or the County Planner, which sites shall comply with the on-site utility and development requirements of Article 3.7. of this Ordinance. The foregoing time limits may be extended by the CCBO or Code Enforcement Officer for family health reasons up to an additional 180 days.
- 5.1.3. No permit shall be issued for a period of thirty (30) days or less under Article 5.1.2. unless the CCBO, the Code Enforcement Officer or the County Planner is satisfied as to the method of disposal of liquid waste. The New Mexico Environment Department shall be consulted and its regulations shall be met. Such approved method shall be a condition to the issue of the permit.
- 5.1.4. Anyone who fails to obtain a permit as required under Article 5.1.2. shall, upon being notified in writing or by placard placed in a conspicuous place on the subject site by the CCBO, the Code Enforcement Officer or the County Planner, obtain such permit within fifteen (15) days of the date of the written notification. Failing this, the CCBO, the Code Enforcement Officer or the County Planner may grant an extension of time, not to exceed ten (10) calendar days. Where an extension of time is granted and the owner fails to obtain a permit, the owner of the recreational vehicle will be subject to all penalties set out in Article 18 of this Ordinance.
- 5.1.5. Recreational vehicles may be temporarily permitted on sites where a building permit has been issued for a site built dwelling, or modular home, or where a MHITP has been issued. A recreational vehicle shall not be occupied as a residence in Cibola County for a period exceeding one hundred eight (180) days from the date the permit issuance. Recreational vehicles intended for long term residence (longer than 180 days continuous residence) must be located in approved mobile home or recreational vehicle parks.
- 5.1.6. Recreational vehicles placed on a Special Flood Hazard area must be on site for fewer than 180 consecutive days per calendar year and be fully licensed and ready for highway use. "Ready for highway use" means that it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities with no permanently attached additions.

ARTICLE 6: PROPERTY STANDARDS

6.1. GENERAL DUTY TO MAINTAIN AND REPAIR

- 6.1.1. All owners of property and building in Cibola County that do not conform to the standards set out in this Ordinance shall repair and maintain said property and buildings to conform with the standards of this Ordinance or to clear the property of all buildings, structures, refuse, or litter and leave it in a graded and leveled condition.
- 6.1.2. All repairs to comply with this Ordinance shall be carried out with suitable and sufficient materials in a manner good and workmanlike.
- 6.1.3. All property and buildings are to be maintained in a safe condition in accordance with the standards and requirements set out in this Ordinance.
- 6.1.4. Any building that is unused in whole or in part must be repaired to the standards of this Ordinance and to the safety standards of the Cibola County Building Code Ordinance before the unused building or portion thereof is used or occupied.
- 6.1.5. Whenever a dimension, measure, or standard either minimum or maximum, is specified in this Ordinance, the Officer may accept a dimension, measure, or standard that is more or less than the requirement, provided it will not reduce the level of performance required by this Ordinance.

6.2. PROHIBITED ACTS

- 6.2.1. No person shall litter in Cibola County.
- 6.2.2. It shall be unlawful for any person to distribute, or scatter or dump refuse or any hazardous waste on any public or private property in the County. It shall be unlawful for any person to sweep, place, throw, deposit, or dump any refuse or hazardous material upon any public or private property in the County, except in an appropriate or approved receptacles or containers.
- 6.2.3. No person shall transport any refuse in a vehicle or a trailer that is not securely fastened and covered so as to prevent the escape of refuse from the vehicle or trailer.
- 6.2.4. No person shall install or locate on any site, lot, tract or parcel of land a recreational vehicle, a freight trailer, a semi-trailer, a pole trailer, a trailer or a railway car, either with its running gear in tact or with such running gear removed, for the purpose of the storage of goods or materials or as a residential property, or for any use not consistent with any of the provisions of this Ordinance. However, this provision does not apply to prohibit the use of a trailer for office or storage or security use, or the use of a semi-trailer or a pole trailer for storage, on a site where construction, under a valid manufactured home installation and transportation permit, is actively taking place, with the added condition that such trailer, semi trailer or pole trailer shall be removed immediately upon completion of the construction activity or immediately upon the issue of an order by the Code Enforcement Officer to remove such structures.

6.3. PROPERTIES TO BE MAINTAINED IN NEAT AND TIDY CONDITION

6.3.1. Yards to be maintained in Neat and Tidy Condition. No person, property owner, or property occupant shall place, permit or allow the accumulation of refuse in any yard of any property within Cibola County except within a refuse container or at an officially designated solid waste or refuse disposal facility. Properties shall be maintained in a neat and tidy condition in accordance with the standards and requirements of this Ordinance without limiting the generality of the foregoing, maintained in a neat and tidy condition includes the removal of:

- 6.3.1.1. refuse, litter, garbage, waste, brush, and debris;
- 6.3.1.2. injurious insects, termites, rodents, and other pests;
- 6.3.1.3. overgrowth of weeds, grass, or other ground cover;
- 6.3.1.4. hedges, vines, shrubs and bushes that are unreasonably overgrown;
- 6.3.1.5. dead, decayed or damaged trees or other growth and the branches and limbs thereof that create an unsafe condition;
- 6.3.1.6. junked vehicles, inoperative, wrecked, dismantled, discarded, unused, unlicensed vehicles or trailers, or vehicles or trailers without a current license, or a junked mobile home, except in an authorized salvage yard;
- 6.3.1.7. machinery or parts thereof, or other objects or parts thereof, or the accumulation of material that creates an unsafe, unsightly condition, or which is not in keeping with neighboring properties except for such items located in an authorized salvage yard;
- 6.3.1.8. dilapidated or collapsed building or structures, and the filling or protecting of any uncovered cavities such as wells, trenches, cisterns, and septic tanks; and
- 6.3.1.9. any object or condition that may create a health, fire or accident hazard.

6.3.2. Parking Areas, Driveways, Walkways, Ramps

- 6.3.2.1. Parking areas, driveways, ramps, lanes, walkways, outside stairs, decks and landings, except for those on property zoned and used primarily for agriculture, shall be kept free of junked vehicles, refuse and litter, and shall be kept in good repair at all times.
- 6.3.2.2. Every pedestrian walkway shall be maintained so as to afford safe, unobstructed passage under normal use and weather conditions.
- 6.3.2.3. Parking areas, driveways, ramps, lanes and walkways shall be properly drained so as to prevent ponding of water.

6.3.3. Storm Water, Grading, Drainage and Dust Control

- 6.3.3.1. Storm water will be drained to prevent the entrance of water into any residential or non-residential building, and to prevent recurrent ponding, unless such ponding is in accordance with a storm water management plan approved by Cibola County.
- 6.3.3.2. Property will be properly graded or re-graded to prevent the ponding of water, unstable soil conditions and soil erosion. The Officer may require a grading and drainage plan to be prepared for any property. Such plan will include appropriate gradients and may include other drainage facilities such as swales, catch basins and dry wells and appropriate

ground cover to slow and absorb the flow of water and to minimize erosion.

- 6.3.3.3. No person shall clear any land of its natural vegetation without having in place and implementing a plan, approved by the Officer, to prevent soil, sand, dust and building materials, construction waste or other materials from being blown by the wind from the said land. Soil and dust or other material, specified above, blown by the wind from land cleared of its natural vegetation is a public nuisance and a violation of this Ordinance. In the event the owner, lessee, occupant, or any agent or representative thereof having charge or control of such land fails or refuses to prevent such materials from being blown from the land by the wind, the County may take such corrective action as it deems advisable and the cost of doing so shall constitute a lien on the subject land.

6.3.4. Pest Prevention

- 6.3.4.1. Properties and buildings, including accessory buildings, except agricultural outbuildings, shall be kept free of rodents, vermin, insects and other pests. Methods used for extermination of rodents, insects and other pests shall be in accordance with any County, State of New Mexico or Federal laws and regulations.

6.3.5. Storage of Refuse, Outside

- 6.3.5.1. Where refuse is stored outside the enclosing walls of a building, the storage of refuse by an owner, occupant to tenant shall:
- a). be kept, at all times, in a litter free condition and in a manner that will not attract rodents, vermin, or other pests, or create a health or safety hazard because of the nature of the storage or through deterioration, wind, or misuse of the storage facility;
 - b). except for single family and duplex residential buildings, be screened if less than 100 feet from a public highway, street, walkway, park or residential property to as not to be visible from such locations. The required screening shall:
 - i. extend from grade to a height of one (1) foot above the height of the storage container(s);
 - ii. consist of a continuous opaque visual barrier when viewed at 90 degrees to the surface; and
 - iii. be maintained in a clean, sanitary and odor controlled condition.

6.3.5.2. All refuse storage containers shall be maintained in a clean sanitary condition, and shall not obstruct an emergency route, driveway, walkway, recreational facility or parking lot.

6.3.6. Lighting

6.3.6.1. Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration.

6.3.6.2. All properties that are being developed, remodeled, refurbished, or rehabilitated shall comply with the Night Sky Protection Act, NMSA 1978, Sections 74-12-1 through 74-12-11.

6.3.7. Junked Vehicles

6.3.7.1. Except as provided in this Article, it shall be unlawful to park, store or abandon junked vehicles on private property, a public street, or county right-of-way. Such a violation shall be deemed a nuisance under this Ordinance subject to enforcement and abatement. The following provisions apply to junked vehicles located on private property.

- a). A person may park or store no more than fifteen junked vehicles on private property so long as the property is screened as set forth below. Any person who parks or stores more than fifteen junked vehicles on private property that is not a legal salvage yard shall be subject to the enforcement provisions of this Ordinance.
- b). Any person parking or storing more than four junked vehicles but fewer than sixteen junked vehicles on private property as described in article 6.3.7.1(a) above, must screen the property using solid or opaque fencing sufficient to fully obscure the view of all junked vehicles at a point not less than six (6) feet above ground. The view must be obscured from all public and private roads, highways, streets, parks, or adjacent residential property so as not to be visible from such locations.
- c). Construction materials must be of good quality and condition and installation of all screens shall require an application by the owner approved by Cibola County Planning Department. Use of old metals, poor quality building materials, wood, boxes, crates and pallets, and used tires is prohibited.

6.3.8. Junked Mobile Homes

6.3.8.1. It shall be unlawful to park, store or abandon junked, uninhabitable mobile homes on private property, a public street or county right-of-way. Such a violation shall be deemed a nuisance subject to abatement.

6.4. BUILDINGS, STRUCTURAL

6.4.1. Structural Soundness

- 6.4.1.1. Every part of a building shall be kept in a structurally sound condition, and a building and every structural system or component serving a part thereof shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as wind and snow.

6.5. BUILDINGS, EXTERIOR SURFACES

- 6.5.1. All exterior surfaces on a building or structure shall be maintained in a workmanlike manner.
- 6.5.2. Appropriate measures shall be taken to remove any stains or other defacement occurring on the finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining occurred.
- 6.5.3. Exterior surfaces of materials used for the temporary barricading of openings to the interior of a building shall be surfaced with a finish compatible with the surrounding finishes.

6.6. ROOFS

- 6.6.1. All roofs shall be kept clear of debris such as tires, concrete blocks, rocks, and other objects, materials and structures not approved by the builder, manufacturer or installer or for which a permit has not been issued.

6.7. SEWAGE

- 6.7.1. Sewage from residential and non-residential buildings shall be discharged only into an approved sewage system.

6.8. ADMINISTRATION AND ENFORCEMENT

6.8.1. Code Enforcement Officer

- 6.8.1.1. The Code Enforcement of Cibola County shall be responsible for the Administration and Enforcement of this Ordinance and any other Code or Ordinance directed by the appropriate Cibola County Authority.

6.8.2. Inspectors

- 6.8.2.1. Any Building Inspector of the Cibola County Planning Office, the Cibola County Fire Marshall, any Electrical Inspector of the State of New Mexico, any Plumbing Inspector of the State of New Mexico, any Environmentalist of the State of New Mexico Environment Department, any Manufactured Housing Division Inspector of the State of New

Mexico, any Engineer or Technician or Technologist or Water Resource Specialist of the State Engineer's Office of the State of New Mexico, and any other qualified person, may be authorized by the Code Enforcement Officer to help enforce the standards set out in this Ordinance, or may be requested by the Code Enforcement Officer to give a written report, or other advice to aid in the administration and enforcement of this Ordinance.

6.8.3. Notice of Nuisance-Notice of Violation

6.8.3.1. Any condition or situation which violates any of the provisions of this Ordinance shall be deemed a nuisance, both public and private in nature.

6.8.3.2. In addition to the criminal penalties provided for in this Ordinance, any such nuisance, after reasonable efforts to secure voluntary compliance with this Ordinance have failed, shall be subject to abatement as follows:

- a). Notice of Nuisance. (i) If, after inspection, as the result of a complaint by a member of the public, or the observation of any County or State Employee, the Office is satisfied a property, building or improvement thereon does not conform to any of the standards prescribed in this Ordinance, the Officer shall serve, or cause to be served by personal service, or send by prepaid registered mail to the owner of record of the persons shown by the records to have an interest in the property, or both, and to all persons shown by the records to have an interest in the property, a Notice of Nuisance or Violation setting out the particulars of the violation(s). The Notice shall establish a reasonable time limit for the abatement of the violation(s) by the owner, or occupant or tenant, or both, which limit shall be not less than ten (10) days nor more than ninety (90) days after service of the Notice. The Notice shall be served at the owner's or occupant's or tenants last known address; (ii) In the event a violation of this Ordinance constitutes an immediate danger to the public health and safety; the notice provisions of this subsection shall not apply, and the violation may be prosecuted and abated immediately.
- b). Placard. If the Officer is unable to achieve service under Article 6.7.3.2.a, he/she may place a placard containing the terms of the Notice in a conspicuous place on the property or building, and the placing of the placard shall be deemed to be sufficient service of the Notice on the Owner or other persons.
- c). Extension of Time Frame for Abatement. Where the Officer is satisfied that there is good and sufficient reason to extend the timeframe for abatement of the violation(s), he/she may extend the timeframe set out in Article 6.8.3.2.a above for a period of time not to exceed forty five (45) days beyond the time period set out in the original Notice.

- d). Failure to Abate. In the event the owner, occupant or tenant of the property where the nuisance violation exists, has failed to abate the nuisance violation(s) within the prescribed period of time, then the Officer shall issue a citation or file a complaint charging violation of this Ordinance with the Magistrate Court, or other appropriate court of jurisdiction.
- e). Removal of Nuisance. In the event that the person is convicted of violating this Ordinance and continues to refuse to abate the violations, the County or aggrieved property owner may enforce this Section in any manner consistent with law.
- f). Injunctions. The County or aggrieved property owner, when a nuisance exists as set forth herein, may institute civil proceedings in Magistrate or District Court to enjoin all persons from maintaining or permitting the nuisance and to abate the same and for civil damages as may be appropriate. Costs and attorney fees shall be elements of damage in any proceeding.

6.8.4. Removal of Dangerous Building or Debris

- a). In addition to the provisions of Article 6.8.3.2. above, whenever any building or structure is ruined, damaged and dilapidated, or any property is covered with ruins, rubbish, refuse, wreckage or debris, the Board of County Commissioners may by resolution, find that the ruined, damaged, dilapidated building, structure or property is a menace to the public health, safety, peace or comfort and require the removal of the building, structure, ruins, rubbish, refuse, wreckage or debris. "Covered", for purposes of this Section, shall mean any part of the subject property.
- b). A copy of the resolution shall be served on the owner, occupant or agent in charge of the building, structure or property. If the owner, as shown by the real estate records of the County Clerk, occupant or agent in charge of the building, structure or property cannot be served within the County, a copy of the resolution shall be posted on the building, structure or property and a copy of the resolution shall be published one time.
- c). Within ten (10) days of the receipt of a copy of the resolution or of the posting and the publishing of a copy of the resolution, the owner, occupant or agent in charge of the building, structure or property shall commence removing the building, structure, ruin, rubbish, refuse, wreckage, or debris, or file a written objection with the County Manager asking for a hearing before the County Commission.
- d). If a written objection is filed as required by this section, the County Commission shall:
 - i. fix a date for a hearing on its resolution and the objection:

- ii. consider all evidence for and against the removal resolution at the hearing; and
 - iii. determine if its resolution should be enforced or rescinded.
- e). Any person aggrieved by the determination of the County Commission may appeal to the District Court by:
 - i. giving Notice of Appeal to the County Commission within five (5) days after the determination made by the County Commission; and
 - ii. filing a petition in District Court within twenty (20) days after the determination by the County Commission. The District Court shall hear the matter de novo and enter judgment in accordance with its finding.
- f). If the owner, occupant or agent in charge of the building, structure or property fails to commence removing the building, structure, ruins, rubbish, refuse, wreckage or debris:
 - i. within ten (10) days of being served a copy of the Resolution or of the posting and publishing of the Resolution; or
 - ii. within five (5) days of the determination by the governing body that the Resolution shall be enforced; or,
 - iii. after the District Court enters a judgment sustaining the determination of the County Commission, the County may remove the building, structure, ruins, rubbish, refuse, wreckage or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the building, structure, ruins, rubbish, refuse, wreckage or debris so removed and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in Sections 3-36-1 through 3-36-6, NMSA 1978.
- g). The County may pay for the costs of removal of any condemned building, structure, ruins, rubbish, refuse, wreckage or debris by granting to the person removing such materials, the legal right to all salvageable materials in lieu of all other compensation.
- h). Any person or firm removing any condemned building, structure, ruins, rubbish, refuse, wreckage or debris shall leave the property from which the materials has been removed in a clean, level and safe condition for further occupancy or construction and with all excavations filled.

6.8.5. Emergency Measures

- 6.8.5.1. For purposes of this section, “emergency” or “imminent danger” shall mean any condition which could cause serious or life threatening injury or death at any time.
- 6.8.5.2. Imminent Danger. Where, in the opinion of the Building Official, or the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or any part of a structure has fallen and life is endangered by the occupation of the structure, or when there is any actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of the Building Official or the Code Enforcement Officer, with the approval of the County Planner, or the County Manager, or the Director of Operations or the Chairperson of the County Commission, is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Land Use Supervisor, Building Official, or Code Enforcement Officer shall cause to be posted at entrance to such a structure a notice reading as follows: “This structure is unsafe and its occupancy has been prohibited by the Cibola County Building Official or the Code Enforcement Officer”. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the structure. In determining the nature and extent of the imminent danger, the Building Official of the Code Enforcement Officer, with the approval of the County Planner, County Manager, County Commission Chairman or the Director of Operations, may engage the services of a professional engineer licensed in the State of New Mexico, or other knowledgeable profession.
- 6.8.5.3. Temporary Safeguards. Whenever, in the opinion of the Code Enforcement Officer or the Building Official, there is imminent danger due to an unsafe condition, the Code Enforcement Officer, with the approval of the County Planner, County Manager, County Commission Chairman or the Director of Operations, may order the boarding up of openings, to render such structure temporarily safe or take such other action as the Code Enforcement Officer or the Building Official deems necessary to meet such emergency.
- 6.8.5.4. Closing Streets. When necessary for public safety, the Code Enforcement Officer or Building Official, with approval of the County Planner, County Manager, County Commission Chairman or the Director of Operations shall temporarily close structures and/or order the authority having jurisdiction to close sidewalks, streets, roads, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

- 6.8.5.5. Emergency Repairs. For the purposes of administering and enforcing Article 6.8.5. of this Ordinance, the Code Enforcement Officer, with the approval of County Planner, County Manager, County Commission Chairman or the Director of Operations, may employ the necessary labor and materials to perform the emergency work as expeditiously as possible.
- 6.8.5.6. Cost of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the County. The County Attorney shall institute all appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- 6.8.6. Certificate of Compliance
- 6.8.6.1. Following the inspection of a property and/or building, the Officer may, or on the request of the owner, or his/her authorized agent shall, issue a Certificate of Compliance, if, in his/her opinion, the property and/or building is in compliance with the standards of this Ordinance.
- 6.8.6.2. When pertaining to Article 6: Property Maintenance Standards of this Ordinance, a fee shall be paid to the County prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner or his/her authorized agent in an amount prescribed by the County Board of Commissioners, which amount shall be not less than \$100.00.
- 6.8.7. Prohibition
- 6.8.7.1. The Code Enforcement Officer may issue a Notice prohibiting the occupancy of any unsafe or uninhabitable building.
- 6.8.8. Citation Uniform Non-Traffic
- 6.8.8.1. The use of uniform non-traffic citation forms is authorized for use in enforcement of this Ordinance, except as otherwise provided.
- 6.8.9. Variance
- 6.8.9.1. It is the intention of the Board of County Commissioners that all variances be temporary in duration. The County Commission may grant a variance to the regulations set out in Article 3.7.1., Article 4.15, and Article 7.3 of this Ordinance for the sole purpose of permitting one accessory dwelling unit on any property in Cibola County on the following grounds only:
- a. To provide living accommodation to an immediate member of the family of the owner-occupant of the principal dwelling unit which family member required immediate and urgent care because he/she is disabled, physically or mentally infirm, has a

disease which is or will become debilitating, or incapable of being gainfully employed because of their condition.

6.8.9.2. The County Commission shall not grant any variance which will cause the County to incur or absorb any costs. In granting any variance, the County Commission may impose such conditions as will:

- a). Substantially secure the objectives of the standards set out in this Ordinance;
- b). Not adversely affect the health, safety and general welfare of the public and the immediate property owners.
- c). Impose whatever time limits may be reasonable and appropriate in the circumstances. Any variance granted shall be for a period of time not to exceed three (30) years from the date of granting such variance. If necessary, the variance may be renewed prior to the expiration of the term of the variance upon written application by the owner-occupant. Such renewal shall be for a period of time not to exceed three (3) years. All variances granted by the County Commission must be renewed prior to the expiration of either the initial time limit imposed by the County Commission or any renewal period granted by the County Commission. There shall be no limits on the number of renewals provided the reason for the initial variance remains valid;
- d). Impose conditions on the type, quality and design of any proposed construction;
- e). Impose height limits;
- f). Require buffering in the form of fencing and/or vegetation to protect and shield adjacent land uses;
- g). Ensure compatibility with other development in the adjacent area. Compatibility as used here shall include, but is not limited to the following: land use, height, scale, density, water supply and liquid waste disposal facilities; and
- h). Accomplish any other purpose and effect deemed advisable and appropriate by the County Commission.

6.8.9.3. Procedure. The following procedure shall apply to all requests for a variance:

- a). All requests for a variance shall be in writing and submitted to the Cibola County Planner. The written request shall set out the following information:

- i. a description of the specific variance requested;
 - ii. the reasons for the request;
 - iii. the supporting information, such as medical certificates, for such request;
 - iv. the period of time for which the variance is necessary (initial variance may be for a maximum three year period, subject to renewal);
 - v. a description of the action the owner-occupant will take to discontinue the use of, and remove, the additional accessory dwelling when the reason for the variance no longer exists.
- b). The County Planner shall review the written request for variance for completeness and shall, within ten (10) days of receipt of the request, inform the applicant either that the request is complete or the nature of any additional information that is required. Until the request is complete, no further action shall be taken by the County Planner or the County Commission.
 - c). The County Planner shall confer with and seek the advice of the Code Enforcement Officer and the County Attorney, as appropriate, with respect to the request for variance. The County Commission shall hold a public hearing on all requests for a variance, or a renewal of a variance, under this section. The public hearing shall be held at a regularly scheduled County Commission meeting.
 - d). The County Planner shall notify all property owners within five hundred (500) feet of the subject property by first class regular mail at least ten (10) days prior to the County Commission meeting at which the variance application will be heard. Such notice shall briefly describe the nature of the variance and the date, time and location of the hearing.
 - e). The County Planner shall submit a written report together with his/her recommendation to the County Commission five (5) days prior to the hearing date.
 - f). Variance requests under this Article shall be considered by the County Commission at a regularly scheduled Commission meeting. This shall be considered a quasi-judicial proceeding to be conducted in accordance with quasi-judicial procedures adopted by the County Commission.

- g). The written decision and order of the County Commission, together with any conditions, shall be prepared, signed and filed with the County Clerk within ten (10) working days after the date the County Commission made its decision. The County Planner shall keep a written record of the variance granted and shall show the location and nature of the variance on a county map specifically designated for the purpose.

ARTICLE 7: GENERAL PROVISIONS

7.1. CONFORMANCE MANDATORY

Except as otherwise provided by this Ordinance, no building shall hereafter be used, erected, constructed, reconstructed, moved or altered, nor shall any land be used or developed, except in conformity with the regulations, herein set out in applicable parts of this Ordinance.

7.2. MINIMUM REQUIREMENTS

The provisions of this Ordinance are minimum requirements. Where these regulations impose a greater restriction than is imposed or required by other provisions of law, the provisions of this Ordinance shall control.

7.3. ONE MAIN BUILDING PER LOT

Every building hereafter erected, enlarged or structurally altered shall be located on a "lot" as defined in Article 2, Definitions of this Ordinance, and in no case shall there be more than one main building on one lot. Land that is part of one lot and that is not in excess of the area requirements for that lot shall not be used to satisfy the area requirements of any other lot.

ARTICLE 8: MINIMUM SITE/LOT AREA

8.1. MINIMUM SITE/LOT AREA AND CONDITIONS FOR A BUILDING PERMIT OR MANUFACTURED HOME INSTALLATION AND TRANSPORT PERMIT (MHITP) WHERE MINIMUM LOT SIZE REQUIREMENT IS NOT MET.

- 8.1.1. For purposes of new development (excluding any existing development), this Article shall apply to all lots legally created and recorded, wither by registered plan or through the subdivision exemption procedure, or other legal process, prior ??????? including plans of subdivision, applications for exemption, or other legal processes to create lots or sites, that were formally in the appropriate approval process, but not you approved, on ??????. For such lots, no building permit or Manufacture Home Installation and Transport Permit (MHITP) shall be issued for the construction of any building or structure on any site or lot in Cibola County that is less than one (1) net acre in area. For the purposes of this section, "minimum site or lot area" shall be the sum of the site or lot sizes of all contiguous lots or sites necessary to meet thee minimum one (1) net acre area requirement. For purposes of this section, "contiguous" does not include sites or lots separated by a public road that exists on the effective date of this Ordinance.

- a). The effective date of the minimum lot size provisions of Article 8 shall be deferred as follows: land owners affected by said Article 8 shall have seven hundred thirty (730) days from the effective date of this Ordinance as amended to obtain a building permit or a manufactured home installation and transport permit, and actually commence construction or installation, as the case may be, of their dwelling unit. All such owners must install an advanced liquid waste system on the subject lot during this 730 day period. Upon the expiration of the 730 day period set out herein, all provisions of this Article 8 will be in full force and effect and all landowners shall comply with said provisions.
 - b). After the effective date of this Ordinance, landowners acting individually or jointly who develop a lot size of 2 acres or large may install a conventional liquid waste system subject only to maximum discharge limits and the number of dwelling units connected to the system set by NMED. Such sites shall be subject to the provisions of this Ordinance.
 - c). After the effective date of this Ordinance, landowners acting individually or jointly who develop a lot size of less than 2 acres shall install an advanced liquid waste system on such site.
 - d). With regard to all lots or sites regulated by Article 8.1.1. of this Ordinance, no individual water well or shared well, or community water system or any liquid waste disposal system whatsoever shall be installed on any such lot or site in Cibola County without the owner of such lot or site first complying with all requirements of Article 8.1. of this Ordinance and obtaining a building permit from Cibola County.
 - e). Prior to commencement of any construction of any site built dwelling or the installation of any manufactured home, the owner shall provide to the CCBO or designee the following:
 1. Copy of the liquid waste system permit issued by NMED;
 2. Copy of the maintenance agreement applicable to advanced liquid waste system required under this Ordinance.
 3. A site plan showing all planned dwellings, water wells, and liquid waste systems and other improvement to be located on the subject lot.
- 8.1.1.1. Any site or lot already having a completed water well and liquid waste disposal system in place at the effective date this Ordinance shall not be required to install an advanced liquid waste system. For purposes of this Article 8.1.1.1., completed shall mean full installation of the water well and liquid waste disposal systems so that such facilities need only be connected to a dwelling to be functional. With regard to demonstrating the date on which such water well and liquid waste disposal systems were completed, the burden of proof shall rest entirely with the property owner.

8.1.2. Any site or lot less than one (1) net acre in area, legally created and recorded, either by registered plan or through the subdivision exemption procedure, or other legal process, prior to ????????, may be issued a building permit or a MHITP upon all of the following conditions being met to the satisfaction of the County Planner.

- a). The applicant for a building permit or a MHITP can show that he/she has acquired legal title to other contiguous lots or sites which when taken together with the applicant's original lot or site will total a minimum of one (1) net acre in area; or
- b). The applicant for a building permit or a MHITP produces an agreement, legally executed and recorded in the Office of the County Clerk, among the applicant and the owners of contiguous sites or lots, the sum of which sites or lots, including that of the applicant, totals a minimum of one (1) net acre in area. This agreement shall be binding on all parties to the agreement and shall incorporate the following matters:
 - i. that the parties agree to treat and deal with all individual lots or sites as one site or lot for purposes of obtaining a building permit or MHITP;
 - ii. that no more than one main building, site built or manufactured home, and its accessory building, shall be constructed on each individual site or lot that is part of the agreement;
 - iii. that the parties agree to install and utilize only one common well to provide water to each and every individual lot which is part of the agreement. Alternatively, a community water system approved by the State Engineer's Office may be substituted for the common well;
 - iv. that the parties agree to install and utilize only one advanced liquid waste system to provide for the collection, treatment and dispersal/discharge of wastewater. Alternatively, a community liquid waste system may be substituted for the advanced liquid waste system.
 - v. that the parties agree to have a professional engineer licensed in the State of New Mexico prepare the plan and specifications for the common well and the advanced liquid waste system, or any community water system or community liquid waste system and supervise the installation of the common well and the advanced liquid waste system for wastewater, or any community system, and all necessary appurtenances to these systems;
 - vi. provisions for the ownership and maintenance of the common well and advanced liquid waste system. The applicant to whom the well permit and the advanced liquid waste system permit are issued shall be responsible for the operation and maintenance of the common well and advanced liquid waste system. This person shall also be responsible for obtaining the necessary easements, rights-of-way or ownership necessary

for access to and operation of the common well or the advanced liquid waste system;

- vii. a reliable plan for handling the apportionment and collection of costs among the parties to the agreement. Each party shall agree to pay its fair proportionate share of operating and maintenance costs, which shall be set out in this agreement;
- viii. the agreement of the parties that they will do nothing to damage either the common well or the advanced liquid waste system. Without limiting the generality of the foregoing, each party agrees that it shall prevent any materials or chemicals that would adversely affect the operation of the advanced liquid waste system from entering the wastewater system.

Any other lots to be developed by land owners jointly under the provisions of Article 8 shall also comply with the provisions of Article 8.1.2.(b) except that for lot sizes in excess of two (2) acres net, a conventional liquid waste system may be installed but shall be subject to the maintenance provisions of this Article.

Liquid waste systems installed under this article are also subject to NMED's "State Liquid Waste Regulations" and "Water Quality Act" where applicable.

8.1.2.1. OPERATION AND MAINTENANCE REQUIREMENTS

- i. The owner of an advanced treatment system installed after the effective date of this regulation shall maintain such system in accordance with the manufacturer's standards.
- ii. For purposes of this Ordinance and its requirements for an advanced liquid waste system, Cibola County, subject to any oversight and enforcement measures implemented by NMED, shall be responsible for the inspection and monitoring of advanced liquid waste systems after issuance of the permit therefore by NMED and installation by the owner when the density of discharge of such system is less than 500 gallons per acre per day. When such discharge exceeds 500 gallons per acre per day, NMED shall enforce applicable maintenance and monitoring requirements.

8.1.3. The provisions of Article 3.7.1. of this Ordinance shall not apply to the situation and circumstances described in Article 8, and shall not prevent the application of the provisions set out in Article 8.1.2. of this Ordinance.

8.1.4. Each party to the agreement set out in Article 8.1.2(b) may obtain a building permit or MHITP provided the party applying for such permit is in good standing with respect to the agreement set out in Article 8.1.2(b) of this Ordinance.

8.1.5. Variance Process for Minimum Lot Size Regulations

8.1.5.1. It is the intention of the Board of County Commissioners to provide a variance process to deal with those situations where a true hardship would result from a

strict compliance with the regulations set out in Article 8.1.2. so that substantial and reasonable justice may be done and the public interest secured and maintained. For the purposes of this section, the requirements for "hardship" are set out in Article 8.1.5.2. of this Ordinance.

8.1.5.2. Hardship

- a). Hardship Defined. In determining if a hardship in fact exists with respect to an applicant's ability to comply with the requirements of Article 8.1.2. of this Ordinance, the County Commission shall determine that the requested variance affirmatively meets all of the following standards:
- i. The applicant has clearly demonstrated that it is physically impossible to acquire, either through purchase of additional land or through agreement with neighboring property owners, sufficient lands to create a one (1) net acre site for purposes of complying with the requirements of said Article 8.1.2. Physical hardship means that geographically contiguous parcels of land do not exist or have already had houses constructed on them. The unwillingness of an adjacent property owner to sell his/her land, or to enter into an agreement with the applicant, or to agree to a reasonable value for his/her land, does not by itself constitute a physical hardship.
 - ii. Where geographically contiguous parcels do not exist and are available, the applicant has clearly shown with documented proof that he/she has made reasonable attempts to contact owners of such contiguous parcels of land without success. Documented proof shall consist of the written record of contact with the Cibola County Clerk and/or Assessors to determine land parcel ownership, copies of certified letters written to the adjacent landowners by the applicant or his/her agent, and the documentation provided by the U.S. Postal Service that the letter was undeliverable, along with copies of letters and envelopes returned undeliverable to the applicant, or any other proof that the County Commission may determine to be acceptable.
 - iii. The applicant has proof from the New Mexico State Department of the Environment that he/she can obtain a liquid waste permit for the size of lot being proposed.

Any other standard deemed to be appropriate in the circumstances by the County Commission.

- v. The application of this Ordinance would allow no economically beneficial use of the property.
- vi. The County Commission may waive or modify any of the standards in this Article 8.1.5.2. if it is convinced through

submissions by an applicant that the absolute application of a standard imposes or creates an impractical obligation or situation.

- 8.1.5.3. The County Commission shall not grant any variance which will cause the County to incur or absorb any costs. In granting any variance, the County Commission may impose such conditions as will:
- a). Substantially secure the objectives of the standards set out in this Ordinance;
 - b). Protect the health, safety and general welfare of the general public and the immediate property owners;
 - c). Impose conditions on the type, quality and design of any proposed construction;
 - d). Impose height limits;
 - e). Require buffering in the form of fencing and/or vegetation to protect and shield adjacent land uses;
 - f). Ensure compatibility with other development in the adjacent area. Compatibility as used here shall include, but is not limited to, the following: land use, height, scale, density, water supply and liquid disposal facilities; and
 - g). Accomplish any other purpose and effect deemed advisable and appropriate by the County Commission.
- 8.1.5.4. Procedure. The following procedure shall apply to all requests for a variance:
- a). All requests for a variance shall be in writing and submitted to the Cibola County Planner. The written request shall set out the following information:
 - i. a description of the specific variance requested.
 - ii. the reasons for the request;
 - iii. the supporting documentation for such request;
 - b). The County Planner shall review the written request for variance for completeness and shall, within ten (10) days of receipt of the request, inform the applicant either that the request is complete or the nature of any additional information that is required. Until the request is complete, no further action shall be taken by the County Planner or the County Commission.

- c). The County Planner shall confer with and seek the advice of the Code Enforcement Officer and the County Attorney, as appropriate, with respect to the request for variance. The County Commission shall hold a public hearing on all requests for a variance, or a renewal of a variance, under this section. The public hearing shall be held at a regularly scheduled County Commission meeting.
- d). The County Planner shall notify all property owners within five hundred (500) feet of the subject property and Homeowner's Associations as defined herein, within ½ mile of the property by first class regular mail at least ten (10) days prior to the County Commission meeting at which the variance application will be heard. Such notice shall briefly describe the nature of the variance and the date, time and location of the hearing.
- e). The County Planner shall submit a written report together with his/her recommendation to the County Commission five (5) days prior to the hearing date.
- f). Variance requests under this Article shall be considered quasi-judicial proceedings to be conducted in accordance with quasi-judicial procedures adopted by the County Commission.
- g). The written decision and order of the County Commission, together with any conditions, including a requirement for the applicant to post a bond in favor of the County to ensure compliance with any conditions set by the County Commission, shall be prepared, signed and filed with the County Clerk within ten (10) working days after the date the County Commission made its decision. The County Planner shall keep a written record of the variance granted and shall show the location and nature of the variance on a county map specifically designated for that purpose.
- h). The Cibola County Code Enforcement Officer shall be responsible for enforcement of any conditions set out by the County Commission.

ARTICLE 9. MANUFACTURED HOME PARKS

Any person that is desirous of developing land in Cibola County for use as a manufactured home park shall comply with the following provisions:

9.1. PURPOSE AND INTENT

The regulations, restrictions, and requirements of this Section are designed to promote orderly development of manufactured home parks within Cibola County, in keeping with the general purposes of this Ordinance. The proprietor or operator of any new manufactured home park established after the effective date of this Ordinance shall disclose to all tenants or owners therein, as the case may be, that used or refurbished manufactured homes are permitted in said park.

9.2. DEFINITION

- 9.2.1. A lot, block or parcel of land, or a site, at least five (5) acres in area operated as a unit either under a condominium arrangement or where individual lots are rented for long periods of time, usually the lifetime of the dwelling, and which may contain community water and liquid waste disposal systems, solid waste pick-up and disposal and communal recreational facilities.
- 9.2.2. Manufactured home parks are hereby considered a subdivision of land for purposes of this Ordinance and therefore subject to the regulations set out in Cibola County Ordinance 97-2, Cibola County Subdivision Regulations. The design standards for manufactured home parks set out in Article 9 of this Ordinance are supplemental to the subdivision regulations of Ordinance number 97-2 and other design standards as set forth in Ordinance Number 11-1.

9.3. INTERPRETATION AND CONFLICT

The developer of a manufactured home park must comply with the requirements of this Ordinance and with those set out in this Article. Where the requirements of this Article conflict with the regulations set out in other Articles of this Ordinance, or with any other County ordinance, the more restrictive regulation shall apply in each case.

9.4. SITE CONDITIONS

The condition of soil, ground water level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants. Manufactured home parks shall be in compliance with all technical standards and requirements of this Ordinance, including, but not limited to: water supply, water quality, liquid waste disposal, solid waste disposal and terrain management.

- 9.4.1. Standards for Manufactured Home Parks. In any district or zone in which manufactured homes are permitted, the following regulations and minimum standards shall apply:

- 9.4.1.1. Safety separations and water and liquid waste disposal
 - a. Only one manufactured home and its accessory buildings or structures shall be erected on each lot in the park.
 - b. Lots in a manufactured home park utilizing community water and community liquid waste disposal systems, shall be no less than six thousand (6,000) square feet in area for a single-wide manufactured home and nine thousand (9,000) square feet for a multi sections manufactured home. These areas are net square footages.
 - c. Lots in a manufactured home park having no community water and/or liquid waste disposal systems shall be a minimum of one (1) net acre in area.
 - d. The separation between manufactured homes and each of their detached accessory buildings shall be a minimum of fifteen (15) feet.

- e. The separation between manufactured homes or manufactured home pads shall be a minimum of twenty five (25) feet.
- f. Lot numbering and street names of the manufactured home park shall be approved by the County Planner.

9.4.1.2. Access to Park. Direct vehicular access to the manufactured home subdivision shall be provided by means of an abutting, approved public County road or street. The width and construction of the access streets or roads shall be suitable for the vehicular traffic requirements of the properties served. Sole vehicular access shall not be from an alley or laneway.

9.4.1.3. Entrances and Exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the manufactured home park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the manufactured home park shall be through such entrances and exits.

9.4.1.4. Internal Streets or Roads. Streets or roads shall be provided within manufactured home parks to furnish principal traffic ways for safe and convenient access to all lots, and to facilities for common use by manufactured home park residents. Such streets or roads shall be privately owned, constructed and maintained. The following provisions will apply to internal streets or roads.

- a. No street or road within a manufactured home park will be accepted for maintenance by Cibola County. Such streets and roads shall remain the responsibility of the owner(s) of the lands.
- b. Street alignment and gradient shall be properly designed and adapted to the site topography, to the safe movement of the types and volumes of traffic expected, and to satisfactorily control surface and ground water.
- c. All streets or roads shall provide for the continuation of appropriate projections of streets and roads in the surrounding areas, and provide reasonable means of ingress and egress for surrounding tracts of land.
- d. Streets shall be extended, as topography permits, to the boundaries of the manufactured home park to provide future connections with adjoining unplatted lands.
- e. A sound, all-weather driving surface shall be provided and maintained.

- f. All two (2) lane streets or roads shall allow at least twenty (20) feet free width. Space for on-street parking shall not to be taken from this width.
- g. Street widths shall be sufficient to permit free movement from or to the stream of traffic on public streets or roads and no parking shall be permitted that in any way interferes with such free movement.
- h. An internal system of pedestrian walkways shall be provided so that residents can gain safe access to common facilities or services within the manufactured home park or to public walkways on adjacent public County streets or roads, all to the satisfaction of the County Planner.

- 9.4.1.5. Parking Spaces. Parking spaces shall be provided in sufficient numbers to meet the needs of the residents and guests. At a minimum, two (2) off street parking spaces shall be provided for each lot. Guest parking may be provided in one or more convenient locations. A minimum of one guest space shall be provided for each lot.
- 9.4.1.6. Driveways. A manufactured home park shall provide a driveway, either paved or graveled, or covered with similar material, on each lot. Driveways serving each manufactured home lot shall be a minimum width of ten (10) feet. Driveways shall also be provided where necessary for convenient access to collection points for refuse and other materials, and to common area facilities established for the residents.
- 9.4.1.7. Recreation/Open Space Area. A minimum of five percent (5%) of the gross land area covered by the manufactured home park shall be devoted to open space for recreational purposes. The open space shall be centrally located.
- 9.4.1.8. Exterior Lighting. All exterior lights shall be located and shielded so as to prevent direct illumination of any contiguous lot. All exterior lighting shall adhere to the requirements of the Night Sky Protection Act, §§74-12-1 through 74-12-11.
- 9.4.1.9. Residential Occupancy. No manufactured home and no manufactured home lot shall be used for any purpose other than residential occupancy.

ARTICLE 10: RECREATIONAL VEHICLE PARKS

10.1 RECREATIONAL VEHICLE DEFINED

A self-contained driven or towed portable unit not designed to be installed on a temporary or permanent foundation nor used for human occupancy as a residence which includes: pickup campers, chassis mounted motor homes, mini motor homes, park trailers, recreational vans, pop-up tent/hard – top trailers, converted buses, or other converted and chopped vehicles.

10.2. MOBILE HOMES PROHIBITED

Mobile homes as defined in this Ordinance are prohibited in Recreational Vehicle Parks.

10.3. RECREATIONAL VEHICLE PARK DEFINED

A lot, block or parcel of land, or a site, at least one (1) acre in area containing facilities such as potable water, liquid waste disposal facilities, electrical hook-ups, and recreation facilities and designed to accommodate overnight or longer-term parking of three (3) or more recreational vehicles.

10.4. INTERPRETATION AND CONFLICT

The developer of a recreational vehicle park must comply with the requirements of this Ordinance and with those set out in this Article. Where the requirements of this Article conflict with the regulations set out in other Articles of this Ordinance, or with any other County Ordinance, the more restrictive regulations shall apply in each case.

10.5. SITE CONDITIONS

The condition of soil, ground water level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants. Recreational vehicle parks shall be in compliance with all technical standards and requirements of this Ordinance, including, but not limited to: water supply, water quality, liquid waste disposal, solid waste disposal, and terrain management.

- 10.5.1. Standards for Recreational Vehicle Parks. In any district or zone in which recreational vehicle parks are permitted, the following regulations and minimum standards shall apply.
- 10.5.2. Minimum Park Area and Maximum Density. Recreational vehicle parks shall be a minimum of one (1) acre in area and shall not exceed a maximum density of five (5) recreational vehicle spaces per gross acre, excluding all dry camp sites which shall not exceed 10 per acre.
- 10.5.3. Setbacks and Separation Distances. Setbacks and separation distances in recreational vehicle parks shall be in accordance with the following:
 - 10.5.3.1. The separation between recreational vehicles shall be a minimum of fifteen (15) feet.
 - 10.5.3.2. The front and rear yard setbacks of each recreational vehicle from a private internal road shall be at least fifteen (15) feet.
 - 10.5.3.3. The side yard setback of each recreational vehicle from a private internal flanking street shall be a minimum of fifteen (15) feet.
 - 10.5.3.4. No recreational vehicle may be located closer than twenty five (25) feet to a County road.

- 10.5.4. Access to Park. Direct vehicular access to the recreational vehicle park shall be provided by means of an abutting, approved public County road or street. The width and construction of the access streets or roads shall be suitable for the vehicular traffic requirements of the properties served. Sole vehicular access shall not be from an alley or laneway.
- 10.5.5. Entrances and Exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the recreational vehicle park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the recreational vehicle park shall be through such entrances and exits.
- 10.5.6. Internal Streets or Roads. Streets or roads shall be provided within recreational vehicle parks to furnish principal traffic ways for safe and convenient access to all lots, and to facilities for common use by recreational vehicle park residents. Such streets or roads shall be privately owned, constructed and maintained. The following provisions will apply to internal streets or roads.
- a). No street or road within a recreational vehicle park will be accepted for maintenance by Cibola County. Such streets and roads shall remain the responsibility of the owner(s) of the lands.
 - b). Street alignment and gradient shall be properly designed and adapted to the site topography, to the safe movement of the types and volumes of traffic expected, and to satisfactorily control surface and ground water.
 - c). All streets or roads shall provide for the continuation of appropriate projections of streets and roads in the surround areas, and provide reasonable means of ingress and egress for surrounding tracts of land.
 - d). Streets shall be extended, as topography permits, to the boundaries of the recreational vehicle park to provide future connections with adjoining unplatted lands.
 - e). A sound, all-weather driving surface shall be provided and maintained.
 - f). All two (2) lane streets or roads shall allow at least twenty (20) feet free width. Space for on-street parking shall not be taken from this width.
 - g). Street widths shall be sufficient to permit free movement from or to the stream of traffic on public streets or roads and no parking shall be permitted that in any way interferes with such free movement.
 - h). An internal system of pedestrian walkways shall be provided so that residents can gain safe access to common facilities or services within the recreational vehicle park or to public walkways on adjacent public County streets or roads, all to the satisfaction of the County Planner.

- 10.5.7. Parking Spaces. Parking spaces shall be provided in sufficient numbers to meet the needs of the residents and guests. At a minimum, two (2) off street parking spaces shall be provided for each lot.
- 10.5.8. Driveways. A driveway, either paved or graveled, or covered with similar material shall be provided on each recreational vehicle site. Driveways shall be a minimum width of ten (10) feet. Driveways shall also be provided where necessary for convenient access to collection points for refuse and other materials, and to common area facilities established for the residents.
- 10.5.9. Exterior Lighting. The park perimeter must be adequately lighted. The overall lighting plan must be included with plans submitted to the County for approval. All exterior lights shall be located and shielded so as to prevent direct illumination of any contiguous lot. All exterior lighting shall adhere to the requirements of the Night Sky Protection Act, §§74-12-1 through 74-12-11.
- 10.5.10. Potable Water and Liquid Waste Disposal. Each recreational vehicle park shall provide and utilize an approved community water system and an approved community liquid waste disposal system.
- 10.5.11. Utility Connections. All recreational vehicle parks shall provide individual water, liquid waste, and electrical connections for each recreational vehicle space unless water is available within 100 feet of each recreational vehicle space, and there are at least two (2) liquid waste dump facilities for every five (5) acres, or fraction thereof, of the park.
- NATURAL GAS OR LIQUID PROPANE GAS CONNECTIONS TO INDIVIDUAL LOTS ARE PROHIBITED.
- 10.5.12. Utility Easements. Utility easements shall be provided as required by the various utility companies.
- 10.5.13. Residential Occupancy. No recreational vehicle and no recreational vehicle space shall be used for any purpose other than residential occupancy.
- 10.5.14. Expansion of Existing Recreational Vehicle Parks. Expansion of existing recreational vehicle parks is permitted provided the expansion and any proposed changes to the existing park meet all applicable requirements of Article 10.5. of this Ordinance and all other applicable requirements of this Ordinance.
- 10.5.15. Number of Units per Acre. In accordance with NMED regulations, the number of units cannot exceed 5 per acre. See Article 10.5.2.

ARTICLE 11: EXISTING MOBILE HOME PARKS

11.1. EXISTING MOBILE HOME PARKS

Mobile home parks existing on the effective date this Ordinance are permitted in Cibola County.

11.2. EXPANSION OF EXISTING PARKS

Expansions to existing mobile home parks are permitted provided the expansion and any proposed changes to the existing park meet all requirements of Article 9, and all other applicable requirements and processes set out in this Ordinance. Mobile homes shall not be moved from areas outside the borders of Cibola County to any existing mobile home park or to any individual lot or site in Cibola County. Single wide manufactured homes, both new and homes that have been refurbished to Housing and Urban development standards and to all applicable requirements of the International Building Code and the Rules and Regulations of the Manufactured Housing Division of the Regulation and Licensing Department of the State of New Mexico, are permitted in existing mobile home parks or expansions to existing parks. Recreational vehicles, travel trailers, campers and similar vehicles or structures are not permitted as replacement units in an existing mobile home park or an expansion to the existing park.

ARTICLE 12: SALVAGE YARDS

12.1. SALVAGE YARDS REGULATIONS

- 12.1.1. Any salvage yard established after the effective date of this Ordinance must be legally established in compliance with the laws prevailing in Cibola County, and all applicable State and Federal environmental laws and regulations. The owner/operator is responsible for identifying all hazardous materials used, processed, stored or handled at the facility and for maintaining updated qualitative and quantitative records of these materials at the facility.

The abandonment or unauthorized release of hazardous materials is prohibited. No person shall cause, permit, suffer or allow the usage, storage, abandonment or disposal of hazardous material:

- a). in a manner which violates a provision of any federal, state, or local government regulations; or
- b). in a manner which causes, or may cause, an unauthorized release of hazardous material.

12.1.1.1. All hazardous material shall be properly stored and be accessible to inspection at anytime.

12.1.1.2. Only salvage yards licensed by the New Mexico Department of Motor Vehicles must carry on or conduct the active trade or business of dismantling any vehicle for the resale of parts. Any person possessing three (3) or more wrecked, dismantled or partially wrecked or dismantled vehicles and selling or offering for sale a used part and who regularly sells or offers for sale used vehicles or used vehicle parts shall be presumed to be conducting the business of wrecking or dismantling a vehicle for the resale of the parts.

- 12.1.1.3. Any legally established salvage yard shall be adequately screened as defined below.
- 12.1.2. Any salvage yard existing on the effective date of this Ordinance shall, on or before ??????, be adequately screened from any public right of way or from any residential property within one thousand (1,000) yards of the salvage yard.
- 12.1.3. “Adequately screened” for purposes of this Section, shall mean solid or opaque fencing, or trees, shrubs or other vegetation that is of sufficient height and density to fully obscure the view of the salvage materials from a point eight (8) feet above the ground on any public right of way or any residential property within one thousand (1,000) yards of the salvage yard. Construction materials such as lumber, brick, or stone used for fencing and screening shall be durable and in good condition, securely anchored and fastened to protect from damage sustained by wind. Use of old metals, poor quality building materials, and materials such as wood boxes, crates or pallets, and used tires is prohibited, unless previously approved by the CCBO or the Code Enforcement Officer. Building Permits are required for fences over 6 feet in height.
- 12.1.4. Any unlicensed salvage yard existing on any site in Cibola County on the effective date of this Ordinance shall discontinue all operation within three hundred and sixty five (365) days of the effective date of this Ordinance. All salvage materials and any and all items intended for salvage, and all equipment and machinery associated with the salvage operation shall be removed from the site to either a licensed salvage yard or to a location outside of Cibola County. The site shall be left in a clean and tidy condition to the satisfaction of the Cibola County Code Enforcement Officer. Failure to comply may result in the County invoking abatement measures as set out in Article 6.8.4. of this Ordinance. Any owner of such site that does not comply with this Section shall be subject to the penalties set out in Article 18 of this Ordinance.
- 12.1.5. Any person, property owner, or property occupant that commits or knowingly allows the commission of any act in violation of this Article 12 of this Ordinance, shall, upon conviction, be subject to the same penalties as set for in Article 18 of this Ordinance.

ARTICLE 13: TOWING OPERATIONS

13.1. TOWING OPERATIONS: SCREENING

- 13.1.1. All towing services operating in Cibola County shall be legally established and shall abide by the following regulations:
- a). All vehicles, including trailers and mobile homes, towed by a towing service shall be stored in a yard that is adequately screened. For purposes of this section, “adequately screened” shall have the same meaning as is set out in Article 12.1.3. of this Ordinance.

ARTICLE 14: DEALERS, WRECKERS, DISMANTLERS

14.1. DEALERS, WRECKERS, DISMANTLERS: REGULATIONS

14.1.1. All dealers, wreckers, wholesalers and distributors of any vehicle, and title service companies and any towing operation engaged in the business of selling, wrecking, wholesaling or distributing vehicles, shall be legally established, meaning licensed by the Motor Vehicle Division of the Department of Taxation and Revenue as set out in Section 66-4-1, NMSA, 1978.

14.1.2. Any dealer or wrecker, or any towing service engaged in the business of the dealing or the wrecking of vehicles, shall comply with the following regulations and criteria:

- a). An established place of business must be maintained. An established place of business shall be as defined in the State Motor Vehicle Code and for purposes of this Ordinance shall mean a place:
 - i. devoted exclusively to the business for which the dealer or wrecker is licensed and the business incidental thereto;
 - ii. identified by a prominently displayed sign giving the dealer's or wrecker's trade name used by business;
 - iii. of sufficient size or space to permit the display of one or more vehicles or to permit the parking or storing of vehicles to be dismantled or wrecked;
 - iv. on which there is located an enclosed building on a permanent foundation, which building meets the building requirements of Cibola County, and is large enough to accommodate the office or offices of the dealer or the wrecker and large enough to provide a safe place to keep the books and records of the dealer or wrecker;
 - v. where the principal portion of the business of the dealer or wrecker is conducted and where the books and records of the business are kept and maintained; and,
 - vi. where vehicle sales are of new vehicles only, such as a department store or a franchise of a department store, as long as the department store or franchise keeps the books and records of its vehicle business in a general office location at its place of business. As used in this section, "department store" means a business that offers a variety of merchandise other than vehicles, and sales of the merchandise other than vehicles constitutes at least eighty percent of the gross sales of the business.

14.1.3. Any title service company must maintain a physical place of business accessible to the public. Each such place of business shall be open to inspection by a peace

officer or the Department of Taxation and Revenue during reasonable business hours.

ARTICLE 15: BURIAL AND DISPOSAL OF HUMAN REMAINS

15.1. APPLICATIONS

- 15.1.1. Article 15 applies only to the burial or disposal of human remains outside of formally designated cemeteries, either public or private.

15.2. UNLAWFUL BURIAL

- 15.2.1. In accordance with Section 30-12-14 NMSA, 1978, no person shall use any land or lands as a burial place or a place of interment within fifty (50) yards from either side of the bank or border of any stream, river, or any body of water. Anyone who does not comply with this section is guilty of a misdemeanor.
- 15.2.2. No person shall use any land or lands as a place of burial or a place of interment within one hundred (100) yards of any County or State road, right-of-way, easement or other public way.

15.3. REGULATIONS

- 15.3.1. Any person using any land or lands as a place of burial for human remains anywhere in Cibola County outside of a designated cemetery, either public or private, shall comply with the following regulations:
- a). Prior to interment of any human remains, a member of the family or other duly authorized person such as the executor of the estate or an attorney representing the deceased, shall file with the County Clerk and County Planner, a copy of the Warranty Deed showing proof of ownership of the land where interment is to take place and a copy of a survey plat, prepared by a land survey licensed in the State of New Mexico, showing the location of the grave or place of burial.
 - b). The survey plat shall:
 - i. show a measured tie between the grave and a registered survey monument.
 - ii. show the location of any stream, river, creek or other body of water within fifty (50) yards of the burial site;
 - iii. show the location of any private roads or easements, or any County or State road, right-of-way, easement or other public way, and any structure or well or septic system within two hundred yards of the proposed burial site;

- iv. shall indicate the means of access to the burial site, and whether such access is vehicular or pedestrian;
 - v. indicate if, and how, the grave site is to be marked.
- 15.3.2. Provided that the information provided in Article 15.3.1. of this Ordinance indicates that there is no breach of Articles 15.2.1. or 15.2.2. of this Ordinance, and the information required by Article 15.3.1. of this Ordinance is satisfactory, the County Planner shall issue a letter to the applicant and the County Clerk authorizing the requested burial site.
- 15.3.3. Upon receipt of the approval letter from the County Planner, the County Clerk shall record the plat in a separate index for burial plots.

ARTICLE 16: WASTE TIRES, BALED AND NON-BALED: STORAGE AND USE

16.1. GENERAL PROHIBITION

- 16.1.1. No waste or scrap tires, baled or non-baled, nor any processed tires, nor any used tires, shall be stored or used for any purpose on any site or lot in Cibola County without the owner of such site or lot, or his/her authorized agent, obtaining a valid permit for such storage or use from Cibola County. Excluded from this requirement are: a retail business premise where new and used tires are normally sold, and a business where tire retreading is carried on provided no more than five hundred (500) waste or scrap tires are kept on the business premises at any one time.
- 16.1.2. No use of waste or scrap tires, baled or non-baled, or processed tires, shall be permitted on any lot or site in Cibola County without the owner of such lot or site, or his/her authorized agent, first obtaining a permit from Cibola County for such use. Any use proposed shall be of beneficial use and whether such proposed use is judged to be beneficial shall be at the sole discretion of Cibola County.

16.2. USE OF WASTE TIRES FOR CONSTRUCTION

- 16.2.1. No use of waste or scrap tires, baled or non-baled, or processed tires, or used tires for the construction of any building or structure is permitted on any site or lot in Cibola County unless all of the following conditions are met to the satisfaction of Cibola County;
- a). such proposed use constitutes no environmental hazard and that it will not endanger the health or safety of the residents of Cibola County. To this end Cibola County may require the owner or his/her authorized agent to produce and submit to the County, an environmental impact assessment prepared by a qualified Environmental Consultant showing no adverse environmental impact. Prior to making any decision, the County may consult with any state agency or it may engage its own consultant to undertake an oversight review of the environmental impact

assessment prepared by the owner's or his/her authorized agent's consultant.

- b). a building permit is obtained from the Construction Industries Division of the State of New Mexico;
- c). written approval is obtained from the Fire Marshall, or other authorized official, which written approval shall state clearly that there is sufficient fire suppression measures in place on the lot or site; and, that in his/her opinion, Cibola County has the capability to effectively deal with any building or structure fire that may occur. The Fire Marshall, or other authorized official, may also prescribe specific fire prevention measures that shall be taken by the owner or his/her authorized agent.
- d). the owner or his/her authorized agent shall submit design and construction plans to the County Planner and to the Construction Industries Division showing clearly the use of waste or scrap tires, or processed tires, and that such design complies with all requirements of the International Building Code. These drawings shall be stamped and signed by a professional engineer licensed in the State of New Mexico, or by an architect licensed in the State of New Mexico.
- e). a financial guarantee in favor of Cibola County, in the form of a bond, cashier's check, or other form satisfactory to the Cibola County Attorney, and in an amount satisfactory to Cibola County shall be posted with the County Clerk. The amount of the financial guarantee shall be sufficient to cover the full cost of any clean-up, disposal of materials, and the removal of all buildings and structures on the site or lot. The amount of the financial guarantee shall be at the sole discretion of Cibola County. The owner or his/her authorized agent, shall keep the financial guarantee current. The County shall retain the right to request an increase in the financial guarantee as circumstances warrant; and
- f). a permit for the proposed use is obtained from the Cibola County Planning Department. The County shall not issue any permit unless and until it is fully satisfied that conditions set out in Article 16.2.1. a), b), c), d) and e) of this Ordinance have been fulfilled.

16.2.2. If the owner or his/her authorized agent, or any successor, fails to maintain full compliance with the conditions upon which approval of a proposed use is given, the County, after giving notice to comply, may revoke the permit. Upon revocation, all operations shall cease and site clean-up shall commence immediately.

ARTICLE 17: ENFORCEMENT AND PROCEDURES

17.1. ENFORCEMENT

This Ordinance shall be enforced by the Cibola County Code Enforcement Officer or other official designated by the Cibola County Board of Commissioners or the Cibola County Manager.

17.2. PROCEDURES UPON DISCOVERY OF VIOLATIONS

- 17.2.1. Articles 6.8.5. through 6.8.7. of this Ordinance shall be enforced as set forth therein.
- 17.2.2. Where the County receives a written, signed complaint alleging a violation of any other provision of this Ordinance, or where the County discovers that any provision of this Ordinance is being violated, the Code Enforcement Officer shall send a written notice to the owner of the subject property stating the nature of the violation and ordering the action necessary to correct it. The notice shall provide that action must be taken in no less than ten (10) days and no more than ninety (90) days from the date of the notice.
- 17.2.3. Extension of Time. Where the Code Enforcement Officer is satisfied that there is good and sufficient reason to extend the time period for correction of the violation, he/she may extend the time frame provided in Article 17.2.2. of this Ordinance for an additional period of time not to exceed sixty (60) days beyond the time frame set out in the original notice given under said Article 17.2.2.
- 17.2.4. Emergency Situations. Notwithstanding the provisions of Articles 17.2.2. and 17.2.3. above, where the Code Enforcement Officer determines that a delay in correcting a violation would pose a danger to the public health, safety or welfare, he/she may seek enforcement without prior written notice by invoking the procedures, penalties or remedies set out in Articles 6.8.3, 6.8.4. and 6.8.5. of this Ordinance.

ARTICLE 18: PENALTIES AND REMEDIES

Any person violating or failing, or refusing to comply with the provisions of this Ordinance and the Codes adopted may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by (1) a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both; (2) no more than one thousand dollars (\$1,000) for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill; (3) no more than five thousand dollars (\$5,000) for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act [Chapter 74, Article 4, NMSA 1978]; and in accordance with Section 4.37-3 NMSA 1978. The Board of County Commissioners may apply to the District Court for appropriate injunctive relief to compel compliance by any person within the provisions of this Ordinance. After the effective date of this Ordinance, all violations are subject to issuance of a citation.

ARTICLE 19: SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision, standard or any portion thereof of this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portions shall not be affected since it is the express intention of the Cibola County

Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase, provision, standard and every part thereof separately and independently from every other part.

ARTICLE 20: EFFECTIVE DATE AND REPEAL

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

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 20____.

ATTEST:

Board of County Commissioners
Cibola County, New Mexico

Elisa Bro, County Clerk

Edward J. Michael, Chairman

