

**LUNA COUNTY MANUFACTURED HOME TRANSPORTATION &
INSTALLATION and RECREATIONAL VEHICLE STANDARDS
ORDINANCE NUMBER 77**

AN ORDINANCE TO PROVIDE FOR THE TRANSPORTING AND INSTALLING OF MANUFACTURED HOMES, AND FOR THE ESTABLISHMENT OF RECREATIONAL VEHICLE STANDARDS AND FOR THE PROVISION OF PENALTIES, CIVIL REMEDIES, SEVERABILITY AND EFFECTIVE DATE.

Whereas, the Luna County Board of County Commissioners deems it necessary and desirable to prescribe standards to maintain orderly development of the County and to provide for the health, safety and well-being of our citizens, maintain property values and the property tax base in Luna County, and to minimize unsightly and unsafe development; and

Whereas, Section 4-37-1 NMSA 1978 provides all counties are granted the same powers as municipalities, and included in this grant of powers are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of Luna County and its inhabitants;

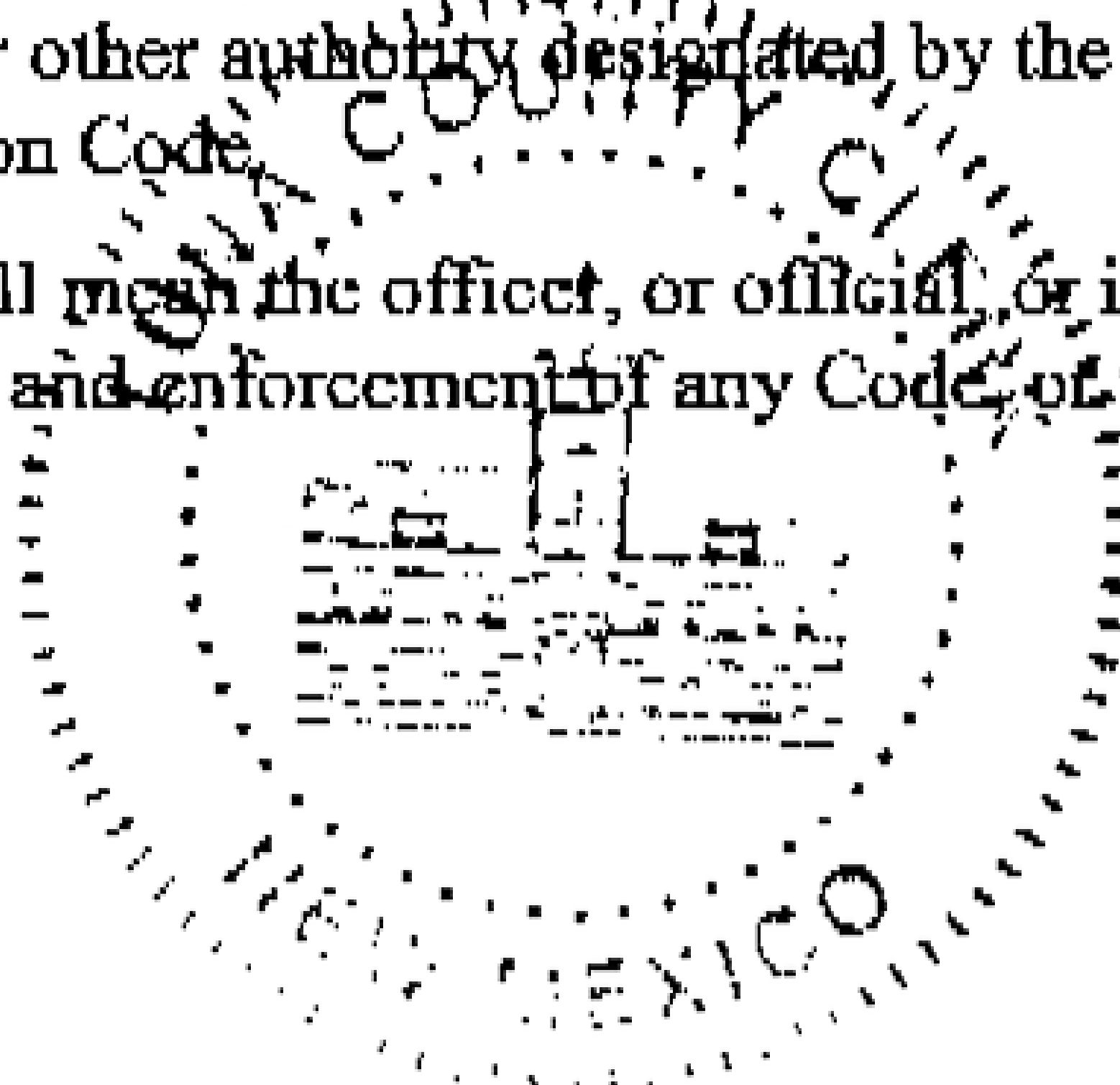
NOW, THEREFORE BE IT ORDAINED BY THE LUNA COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

ARTICLE 1 GENERAL PROVISIONS

- 1.1 **SHORT TITLE:** This Ordinance shall be known as the "Manufactured Home Ordinance", and shall be referred to herein as "this Ordinance".
- 1.2 **JURISDICTION:** This Ordinance shall provide for the regulation of all manufactured homes and Recreational Vehicles, within the County, but not within the boundaries of municipalities.
- 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.
- 1.4 **MEANING OF TERMS:** Wherever the terms "Luna County Planning & Community Development Department Director", "County Planning Director", "Luna 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 Luna County Planner, the County Manager or the County Commission to administer or otherwise carryout the requirements of this Ordinance.
- 1.5 **PURPOSE:** The purpose of this Ordinance is to promote the general welfare of the people of Luna County through the adoption of minimum standards to protect the essential conditions of health and safety for the purchasers and users of manufactured homes, and the locating and use of Recreational Vehicles.
- 1.6 **DEFINITIONS:**

 "Acceptable" shall mean: a) accepted by the Luna County Building Official, the Luna County Code Compliance Officer, the Luna County Planning & Community Development Department Director or New Mexico State Building Official, with respect to matters set out in this Ordinance; b) accepted by the Luna County Fire Marshal, or other authority designated by the County Manager with respect to matters under the NFPA Fire Protection Code.

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



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"Certificate of Compliance" shall mean a certificate issued to the property owner by the Luna County Code Compliance Officer or other designated County official, or a New Mexico State Building Official evidencing the fact that the requirements of this ordinance as set forth in this Ordinance have been met.

"Code" shall mean 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 Compliance Officer" shall mean the person designated by Luna County to enforce various County codes or ordinances.

"County" shall mean Luna County, New Mexico.

"County Commission" shall mean the Board of County Commissioners of Luna County.

"Inspector" shall mean the Luna County Building Inspector or the Code Compliance Officer or a person duly delegated by the Luna County Building Inspector or the Code Compliance Officer, or a person instructed or requested by the Luna County Building Inspector or the Code Compliance Officer to provide a written report with respect to any matter set out in this Ordinance.

"LCBO" shall mean the Luna County Building Official; see also Inspector and Building Official.

"Maintained" shall mean 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.

"Manufactured Home" shall mean a movable or portable housing structure over 32 feet in length or over eight 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 maybe 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 twelve feet in width and forty feet in length, which is used for non-residential purposes.

"Mobile Home" shall mean a movable 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 built to the standards of any municipal building code.

"Occupancy" shall mean the purpose that a building, or part thereof, is used or intended to be used.

"Officer" shall mean the Code Compliance Officer of Luna County, the person designated by Luna County to administer and enforce various codes and ordinances.

"Owner" shall mean any person, agent, firm or corporation having a legal or equitable interest in the property.

"Parcel" shall mean a unit of land capable of being described by location and boundaries and not dedicated for public or common use.

"Permit" shall mean an official document or certificate issued by the building official, the County Planner, or other authorized authority, as appropriate, authorizing performance of a specified activity.

"Person" shall mean a natural person including any individual, partnership, company, corporation, firm, association, trust, estate, foundation, state and federal agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

"Property" shall mean any area, plot, or parcel of land in Luna County, which is under a common ownership or is separately identified for assessment by the Luna 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 Luna County, New Mexico, except that the definition of property,

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and therefore this Ordinance, shall exclude property within the boundaries of the City of Deming and the Village of Columbus, and any hereafter incorporated municipality.

"Property Occupant" shall mean any person who is occupying any property, whether by legal right or without legal right.

"Property Owner" shall mean the person who is the recorded owner of any property according to the records contained in the Luna County Clerk's Office.

"Recreational Vehicle" shall mean 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 permanent residence which includes: pickup campers, chassis mounted motor homes, mini motor homes, park trailers, recreational vans, pop-up tent/hard-top trailers, converted buses, camping trailers, fifth wheel trailers or other vehicles that are constructed to include a chassis, integral wheels and a towing hitch and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses.

"Sewage" shall mean residential liquid wastes, commercial liquid wastes, industrial liquid wastes, and any drainage, but does not include storm water.

"Sewerage System" shall mean a system for transporting sewage owned and operated by Luna County, a municipality, or a private disposal system approved by the state of New Mexico Environmental Department.

"Shall" shall be construed as mandatory.

"Site" shall mean 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.

"Street or Road" shall mean all property dedicated or intended for public or private access to property, or subject to public easements therefore.

"Structure" shall mean 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.

"Towing Service" shall mean the use of specialized equipment, including repossession services using towing equipment, to transport and locate a manufactured/mobile home.

"Use" shall mean the use for which land or buildings are occupied or maintained, arranged, designed, or intended.

Words not Defined: Any word or term not defined in this Ordinance shall have the meaning ascribed to it in the Luna County Subdivision ordinance or the Luna County Zoning ordinance or the Deming/Luna County Extra-Territorial Zoning regulations, or they shall have their ordinary accepted meaning within the context with which they are used.

ARTICLE 2 MANUFACTURED HOME (SINGLE-WIDE AND MULTI-SECTION)

2.1 ADOPTION OF CODES

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

2.1.1 New Mexico Manufactured Housing Division Rules and Regulations

2.1.2 NFIP Regulations, 44CFR, Section 60.3; Flood Insurance Study; and Flood Insurance Rate Map, effective October 19, 2010.

2.1.3 National Manufactured Housing Construction and Safety Standards Act of 1974

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

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2.2 COPIES OF CODES AVAILABLE FOR INSPECTION

One or more copies of applicable codes adopted in Article 2.1 of this Ordinance shall be available and subject to inspection during regular business hours in the Luna County Planning & Community Development Department

2.3 FEE SCHEDULE

The Fee Schedule for a Manufactured Home Transportation & Installation Permit (MHTIP) shall be established by the Luna County Board of County Commissioners. No permit shall be issued nor shall an application be considered complete prior to the receipt of said fee.

2.4 ON SITE UTILITY AND DEVELOPMENT REQUIREMENTS

All manufactured homes whether titled or untitled are subject to this Ordinance and shall, prior to occupancy, be inspected by an authorized official, and issued a Certificate of Compliance. Approved on-site utilities, to include water, sewer, and electricity are prerequisite to issuance of a Manufactured Home Transportation & Installation Permit (MHTIP). All housing units shall be connected to a waste disposal system permitted and approved by the New Mexico Environment Department except privies, 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:

- 2.4.1 There shall be no multiple users connected to a domestic water well nor to any on site liquid waste disposal system except for properly permitted community water systems and properly permitted community wastewater systems, or as otherwise provided herein.
- 2.4.2 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 Code Compliance Officer, LCBO or the Luna County Planning & Community Development Department Director.
- 2.4.3 Any water/well, sewer/septic, electric, or natural gas/LP utility provider that connects service to individual parcels before the land owner holds a valid MHTIP is in violation of this ordinance and the service shall be disconnected.
- 2.4.4 No Manufactured Home Transportation & Installation and Permit (MHTIP) shall be issued until and unless the applicant for such permit can show that he/she/it/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 and egress to and from the parcel of land.

2.5 FLOOD HAZARD INSTALLATION REQUIREMENTS

The Luna County Floodplain Manager is hereby appointed the Floodplain Administrator to administer and implement the Flood Hazard Installation provisions of this Ordinance and other appropriate sections of 44 CFR pertaining to floodplain management. No Manufactured or Mobile Home 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 Luna 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.

2.5.1 Flood Hazard Installation Base Flood Elevation

All Manufactured Homes being located or 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 the following conditions:

The Manufactured Home chassis shall be supported by reinforced piers or other foundation elements of at least twenty-four (24) inches in height above grade and be securely anchored to a

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permanent foundation system to resist flotation, collapse and lateral movement in areas where no base flood elevations are determined.

2.6 AGE AND LOCATION OF MANUFACTURED HOMES

New and used or refurbished manufactured homes manufactured after the effective date of the National Manufactured Housing Construction Standards Act of 1974, 42 U.S.C. 5401, et seq. ("The Act") may be installed anywhere in the County. No manufactured home or mobile home manufactured prior to the effective date of the National Manufactured Housing Construction Standards Act of 1974, shall be transported into, or installed upon any site in Luna County. No person shall transport or move into, or install upon any site in Luna County any manufactured home or mobile home that does not have affixed to it a U.S. Department of Housing and Urban Development Label of Certification, or other sufficient proof of the date of manufacture.

This Article is subject to any applicable private, restrictive covenants pertaining to subdivision lots or real property. For purposes of this Article 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. Luna County does not enforce restrictive covenants. Existing mobile home parks are defined as those parks legally established and in existence on the effective date of this Ordinance.

2.7 MANUFACTURED HOME TRANSPORTATION & INSTALLATION 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 Transportation & Installation Permit (MHTIP) from the Luna County Planning & Community Development Department 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. If the Luna County Code Compliance Officer, County Planner or LCBO 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 Luna County Subdivision Ordinance, or any applicable state or federal regulation, the Luna County Planner may deny issuance of the permit until such time as the property has been deemed compliant.

2.8 MANUFACTURED HOME TRANSPORTING OR MOVING

It shall be unlawful for any person or moving company to transport a manufactured home, from any location within Luna County, or from any location outside Luna County, to any site in Luna County, without first receiving from the owner of the manufactured home a copy of an approved Manufactured Home Transportation & Installation Permit (MHTIP) issued by the Luna County Planning & Community Development Department. Any home to be transported into the County shall comply with the provisions of Article 2.9 of this Ordinance. This Article 2.8 does not prevent the moving of a manufactured home from a site within Luna County to a site outside of Luna County.

2.9 MANUFACTURED HOME/MOBILE HOME PRE-OWNED UNITS

Any manufactured home/mobile home offered for resale and which is intended to be installed in Luna County, must be habitable as defined in this regulation prior to occupancy and issuance of a Certificate of Compliance. Structural repairs, alterations and modifications 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.

2.10 MANUFACTURED HOME/MOBILE HOME EXEMPTIONS

Manufactured homes/mobile homes which were legally established in manufactured/mobile home parks or other parcels of land prior to December 9, 1999, are exempted from the requirements of this ordinance, and with appropriate documentation shall be legal non-conforming uses until moved from that location.

2.11 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 December 9, 1999. This does not, however, constitute an exemption from any laws or

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requirements which were 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.

2.12 MANUFACTURED HOME SITE REQUIREMENTS

The owners of property upon which a manufactured home is to be installed shall provide the Luna County Planning & Community Development Department 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 liquid waste disposal system, and the electric service connection. Approved on site utilities are prerequisite to issuance of a Manufactured Home Transportation & Installation Permit (MHTIP).

2.13 MANUFACTURED HOME ANCHORS

All manufactured homes shall be securely anchored to the ground in accordance with the manufacture's installation instructions. Where manufacturer's installation instructions are not available, the requirements shall be set out in section 49.5.1 of the state of New Mexico Manufactured Housing Rules and regulations, 14 NMAC 12.2, January 1, 2001.

2.14 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 Luna County Clerk. In the case of 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.

2.15 MANUFACTURED HOME/MOBILE HOME SKIRTING

2.15.1 All manufactured homes shall be skirted on all sides within thirty (30) days of the date of issue of the manufactured home installation permit by the Luna County Planning & Community Development Department. Material used for skirting shall be in good condition and durable. Material such as vinyl sheeting, aluminum sheeting, painted galvanized steel sheeting, and similar material shall be used. Use of poor quality building materials, and materials such as wood boxes, crates or pallets, used tires and any similar material is prohibited.

2.16 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 Code Compliance Officer, the County Planner or other designee, and a copy shall be provided to the owner/occupant.

2.17 OCCUPANCY COMPLIANCE

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

2.18 FEE SCHEDULE

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

ARTICLE 3 RECREATIONAL VEHICLE STANDARDS

3.1. RECREATIONAL VEHICLES GENERAL

- 3.1.1 Any Recreational Vehicle located on a site with on-site utilities, including water, sewer and electricity prior to January 21, 2007, shall be exempt from this ordinance.
- 3.1.2 Recreational Vehicles shall not be occupied as permanent residences. Fully self-contained Recreational Vehicles parked or located, and occupied at a site which is not located in an approved Mobile Home or

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Recreational Vehicle Park, for 30 or more consecutive days must have on-site utility connections as described in Article 2, Section 2.4 of this Ordinance, and shall require a permit issued by the Luna County Planning & Community Development Office. Recreational Vehicles parked or located, and occupied at a site which is not located in an approved Mobile Home or Recreational Vehicle Park, but which does have approved on-site utility connections may be permitted to remain at that site for not more than two hundred forty (240) days within any calendar year. Recreational Vehicles so located and permitted must 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. Recreational Vehicles intended for long term residence (more than 240 days residence) must be located in approved Mobile Home or Recreational Vehicle Parks.

3.1.3 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 Manufactured Housing Transportation & Installation Permit (MHTIP) has been issued, for a time period coinciding with the time period of the building permit. If construction has not been completed on the permanent dwelling within the permit time period, the owner may apply for an extension of the permit. The extension will be granted if the owner can satisfactorily demonstrate that progress toward completion of the permanent dwelling is being made.

3.1.4 Anyone who fails to obtain a permit as required under Article 3, Section 3.1, Sub-sections 3.1.2 or 3.1.3 shall be subject to the enforcement procedures and penalties set out in Article 4 of this Ordinance.

ARTICLE 4 ADMINISTRATION AND ENFORCEMENT

4.1 CODE COMPLIANCE OFFICER

4.1.1 The Code Compliance Officer and the Luna County Planning & Community Development Department Director shall be responsible for the Administration and Enforcement of this Ordinance and any other Code or Ordinance directed by the appropriate Luna County authority.

4.2 INSPECTORS

4.2.1 Any Building Inspector of the Luna County Planning Office, and the Luna County Fire Marshal, and any Electrical Inspector of the State of New Mexico, and any Plumbing Inspector of the State of New Mexico, and any Environmentalist of the State of New Mexico Environment Department, and any Manufactured Housing Division Inspector of the State of New Mexico, and 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 Compliance Officer to help enforce the standards set out in this Ordinance, or may be requested by the Code Compliance Officer to give a written report, or other advice to aid in the administration and enforcement of this Ordinance.

4.3 NOTICE OF VIOLATION

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

- a) Notice of Violation. (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 Officer is satisfied that a violation does exist, 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 property, or to the occupant or tenant of the property, or both, and to all persons shown by the records to have an interest in the property, a Notice of Violation setting out the particulars of the violation(s). The Notice shall establish that the abatement of the violation(s) by the owner, or occupant or tenant, or both, shall begin in not more than ten (10) days and shall be completed in not more than ninety (90) days after service of the Notice. The Notice shall be served at the owner's or occupant's or tenant's 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 4.3.1 a) he/she may place a placard containing the terms of the Notice in a conspicuous place on the property or building,

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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 time frame for abatement of the violation(s), he/she may extend the time frame set out in Article 4.3.1 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 violation exists, has failed to abate the 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, demanding that the owner of the property, or the occupant, or both, be held to answer to the Court for the violation.
- e) Removal of Violation. 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.

4.4 PROHIBITION

- 4.4.1 The Code Compliance Officer may issue a Notice prohibiting the occupancy of any unsafe or uninhabitable manufactured/mobile home.

4.5 CITATION UNIFORM NON-TRAFFIC

- 4.5.1 The use of uniform non-traffic citation forms is authorized for use in enforcement of this Ordinance, except as otherwise provided.

4.6 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), The Board of County Commissioners may apply to the District Court for appropriate injunctive relief to compel compliance by any person whose conduct violates any provision of this Ordinance. The County shall be entitled to recover a reasonable attorney's fee if required to enforce this Ordinance through the issuance of a demand letter, or in enforcing any portion of this Ordinance in any Court of competent jurisdiction. After the effective date of this ordinance, all violations are subject to issuance of a citation.

ARTICLE 5 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 Luna County Board of 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 6 EFFECTIVE DATE AND REPEAL

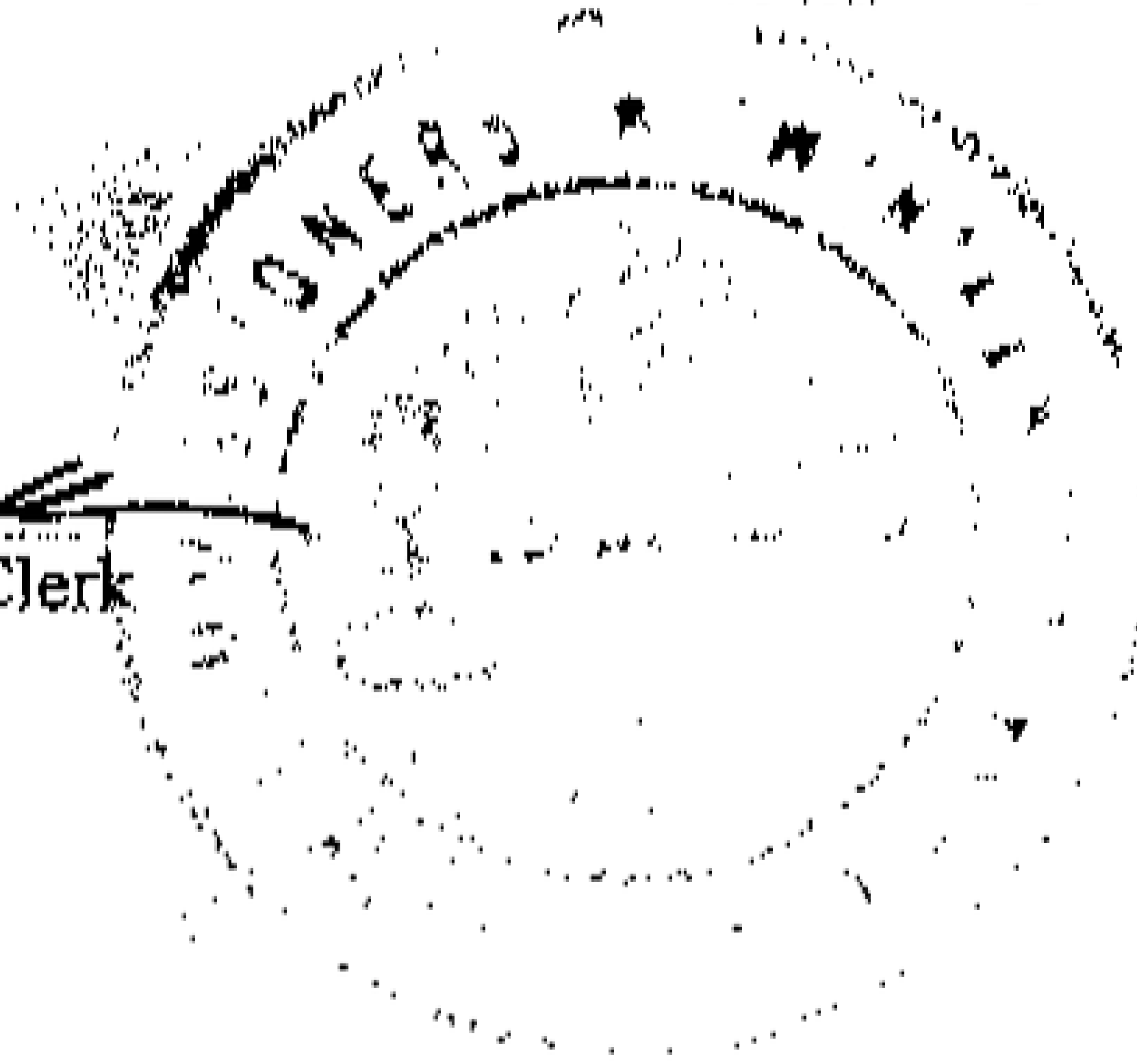
This Ordinance shall be recorded and authorized by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty (30) days after the Ordinance has been recorded.

Adoption of this Ordinance hereby repeals Luna County Ordinance No. 37, Second Revision.

PASSED, APPROVED AND ADOPTED this 14th day of October, 2010,

ATTEST:


Karen Smyer, County Clerk



Board of County Commissioners,
Luna County, New Mexico.

By: 
R. Javier Diaz, Chairman

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