



LINCOLN COUNTY-NM
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BY LOREE1

ORDINANCE NO. 2007-01

AN ORDINANCE ENACTING A SYSTEM OF LOCAL APPROVAL, PERMITTING AND ADDRESSING PRIOR TO UTILITIES SERVICE CONNECTIONS TO AND/OR RELOCATION OF MANUFACTURED HOMES; PROVIDING PENALTIES FOR FAILURE TO COMPLY; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that it is necessary to make certain requirements of persons who wish to install or relocate a manufactured home within the unincorporated areas of the County of Lincoln to insure that said manufactured home is properly registered on the County's tax rolls and that all property taxes have been paid and no tax liability exists for property taxes on a manufactured home prior to relocation of the same; and

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of Lincoln County is empowered to enact such regulations regarding manufactured homes within the unincorporated areas of the County of Lincoln; and

WHEREAS, the Board of County Commissioners finds that an ordinance that requires a permit prior to allowing the connection of utility service to any manufactured home to insure that the manufactured home is properly included in the County's tax rolls would serve a valid public purpose and will otherwise serve to promote the public welfare of the residents of Lincoln County.

WHEREAS, the Board of County Commissioners finds that an ordinance that requires a permit prior to allowing movement of a manufactured home to insure that all property taxes due or to become due on the manufactured home for current or past tax years have been paid and that no liability for property taxes on the manufactured home exists for the current or any past tax years prior to relocation of the same would serve a valid public purpose and will otherwise serve to promote the public welfare of the residents of Lincoln County.

WHEREAS, the Board of County Commissioners finds that an ordinance that requires establishing a County address prior to allowing utilities connection for or movement of a manufactured home to insure such address has been assigned under the authority of the County's current rural addressing ordinance would serve a valid public purpose and will otherwise serve to promote the public welfare of the residents of Lincoln County.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1. Short Title.

This Ordinance may be cited as the "County of Lincoln Manufactured Home Permit Ordinance."

Section 2. Definitions.

- A. "Application" means a form approved and issued by the County of Lincoln which indicates among other identifying information the current and proposed addresses of the manufactured home as assigned under authority of the County's rural addressing ordinance, as well as the approval by all departments within the County of Lincoln, including but not limited to the Planning, Treasurer, Assessor, and Rural Addressing Departments, and required to be completed prior to issuance of a Permit for connection of utilities for and/or moving of a manufactured home. (A copy of the "Application" is attached hereto as "Exhibit A.")
- B. "Certificate of no liability" means a form approved and issued by the County of Lincoln Assessor's Office which indicates there is no outstanding tax liability for past, current or projected tax years on a particular manufactured home. (A copy of the "Certificate of no liability" is attached hereto as "Exhibit B.")
- C. "Manufactured home" means a movable or portable housing structure over thirty-two (32) feet in length or over eight (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 tow-able but designed to be joined into one integral unit, as well as a single unit. The term "manufactured home" hereinafter shall refer to manufactured, mobile, or pre-fabricated homes but does not pertain to recreational vehicles.
- D. "Permit" means a certificate approved and issued by the County of Lincoln which indicates that the owner meets the requirements for connection of utilities and/or moving a manufactured, mobile home, or pre-fabricated home. (A copy of the "Permit" is attached hereto as "Exhibit C.")
- E. "Person," for the purpose of this Ordinance, shall mean an individual human being.
- F. "Utility provider," for the purpose of this Ordinance, shall mean electricity, natural gas, water, sewer, or land line telephone service providers, to include any public utility or private company.

Section 3. Application for permit.

- A. **Application location.** Application to the County may be made by obtaining a utilities connection and/or movement application form at:
1. The County Treasurer's Office located in Carrizozo, New Mexico;
 2. Online at the Lincoln County website at www.lincolncountynm.net or any future official website maintained by and belonging to the County of Lincoln;
 3. The Lincoln County Planning Department.
- B. **Application Submission.** All applications for permits under this ordinance must be presented to the Lincoln County Treasurer's Office for processing.
- C. **Address required.** Relative to the current location and the destination or new location of the manufactured home, the applicant must provide proof of a County address which has been assigned under the authority of the County's rural addressing ordinance.
- D. **Application requirements.** The written application for the utility connection and/or moving permit required under this Ordinance shall contain the current address and location of the manufactured home, including the name and address of the land owner.
- E. **Application requirements.** The written application for the utility connection and/or movement permit required under this Ordinance shall contain the proposed location or location where the manufactured home is to be moved, including the name and address of the land owner.
- F. **Application requirements.** The written application for the utility connection and/or movement permit required under this Ordinance shall contain indications for approval by the Treasurer, Assessor and rural addressing departments or offices.
- G. **Exemption.** The movement of a manufactured home from the lot or business location of a manufactured home dealer to its destination designated by an owner-purchaser is not subject to the requirements of Section 5 below if the movement originates from the lot or business location of the dealer and the manufactured home was part of his inventory prior to the sale to the owner-purchaser. Provided that the movement of a manufactured home by a dealer or his authorized agent as a result of a sale or trade-in from a non-dealer/owner is subject to the requirements of this ordinance, regardless of the destination.
- H. **Fee.** A permit fee of \$10.00 shall be paid at the time application is made, with the fee to be allocated to the Treasurer's Office to cover the cost of issuance and production

of permits and for collection of delinquent taxes on manufactured homes. Damages done to any public utility or public street related to utilities connection or movement of a manufactured home shall be repaired at the expense of permittee.

Section 4. Permit Processing.

- A. Once approved, the permit may be returned *via* facsimile to any utility providers in an effort to facilitate the utility connection process.

Section 5. Form of Permit.

- A. The permit from the County Treasurer shall be of a size and color to be prescribed by said Treasurer and shall contain an expiration date which shall be no later than thirty (30) days from the date of issuance.
- B. For the purposes of moving a manufactured home, the permit from the County Treasurer shall be attached to the manufactured home in a conspicuous location on the rear of said manufactured home during movement over any streets and highways located within the County of Lincoln.

Section 6. Penalties.

Any person who violates any of the provisions of this Ordinance shall be punished by a fine of up to three hundred dollars (\$300) and/or imprisonment of no more than ninety (90) days, or both. Prosecution or conviction under this Ordinance shall not discharge the obligation for the payment of any taxes due under the laws of the State of New Mexico.

Section 7. Severability.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 8. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date.

This Ordinance takes effect thirty (30) days after recording in the Public Records of Lincoln County.

PASSED, APPROVED, and ADOPTED this 18 day of SEPTEMBER, 2007.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF LINCOLN, NEW MEXICO**



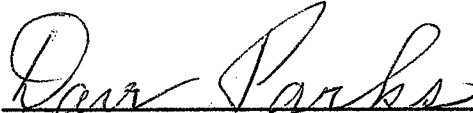
TOM BATTIN, CHAIR



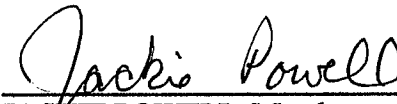
EILEEN M. LOVELACE, VICE CHAIR



DONALD WILLIAMS, Member



DAVE PARKS, Member



JACKIE POWELL, Member



ATTEST:



**TAMMIE MADDOX
Lincoln County Clerk**

**LINCOLN COUNTY PERMIT APPLICATION
FOR APPROVAL, PERMITTING AND ADDRESSING
PRIOR TO UTILITIES SERVICE CONNECTIONS
AND/OR MOVEMENT OF MANUFACTURED HOMES**

Full Name of applicant: _____

Mailing Address of Applicant: _____

_____ Street/P.O. Box

_____ City State Zip

Proposed date of utilities connection or move _____

Is applicant the Land Owner or Tenant of the subject location? (circle one)

If Tenant, Land Owner's Name _____

Land Owner's Mailing Address _____

_____ Street/P.O. Box

_____ City State Zip

Present Physical Address of manufactured home _____

_____ Street

_____ City State Zip

Proposed Physical Address of location of manufactured home (If proposed location is within the jurisdiction of Lincoln County, an address which has been assigned under the authority of the County's rural addressing ordinance must be provided) _____

_____ Street

_____ City State Zip

Legal Description of destination site: _____

FOR ASSESSOR'S USE ONLY:
Certificate of No Liability issued?
Yes _____ No _____

FOR RURAL ADDRESSING PURPOSES ONLY:
Physical address assigned and/or validated?
Yes _____ No _____
By: _____

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MANUFACTURED FACTORY RED

FOR TREASURER'S USE ONLY:

1. Proof of ownership confirmed: Yes ___ No ___ By: _____

2. Certificate of No Liability issued by Assessor's Office? Yes ___ No ___ By: _____

3. All Taxes due and owing paid: Yes ___ No ___ By: _____

4. EXPIRATION DATE OF PERMIT: _____

HOME UTILITIES CONNECTION/ MOVING PERMIT

Pursuant to Lincoln County Ordinance No. 200 ___ - ___, this permit must be posted on the rear of the manufactured home identified below before the home may be moved. This permit must also be presented to any utilities provider in Lincoln County prior to any utilities connection being made. Failure to post this certificate and/or present it to a utilities provider will result in a fine not to exceed Three Hundred Dollars (\$300) or imprisonment of no more than 90 days, or both fine and imprisonment. The owner of the manufactured home and the mover may be charged under the ordinance. This permit is valid for 30 days

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from the date of issuance by The County of Lincoln. If the move is not completed within 30 days from issuance, a new application and permit will be required.

Manufactured Home V.I.N. # _____

Manufactured Home Description _____

Amount Taxes Paid _____

O w n e r N o _____

Destination Address: _____

Prior Location Address: _____

Date Taxes Paid _____ Rel # _____

Lincoln County Treasurer approval _____

Date Permit issued: _____

Date Permit EXPIRES: _____

NOTE: Permit is valid for only 30 days from the date of issuance.

Permit-Manufactured Home Ord. Rev. 08/07

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