

TORRANCE COUNTY  
ORDINANCE 2017-002



AN ORDINANCE ADDRESSING THE SAFETY, PUBLIC HEALTH, AND OTHER CONCERNS RAISED BY DILAPIDATED HOUSING.

WHEREAS, the Torrance County Board of Commissioners finds there is an ongoing problem of constructed dwellings, mobile homes, and other manufactured or prefabricated housing that is unsuitable for habitation being placed or maintained on land within the County.

WHEREAS, the Torrance County Board of Commissioners finds that the current regulatory and criminal deterrents are not sufficiently clear to restrict this practice.

NOW, THEREFORE BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the "DILAPIDATED HOMES ORDINANCE," and shall be referred to herein as "this Ordinance."

SECTION 2: AUTHORITY

This Ordinance is enacted pursuant to the authority granted to counties under NMSA 1978, §§ 4-37-1 through -13 (1975, as amended 2003).

SECTION 3: INTERPRETATION AND CONFLICT

The regulations provided herein are held to include minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, abrogate, or annul any other valid ordinances. Where the provisions of this Ordinance conflict with other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control. Where this Ordinance imposes greater restrictions than those imposed by other rules, regulations, agreements, or other County ordinances or resolutions, the provisions of this Ordinance shall control.

SECTION 4: DEFINITIONS

- A. Word Construction – Masculine pronouns include the feminine form thereof, and words used in the singular include the plural form thereof.
- B. Reference to Other Ordinances – Unless otherwise defined herein, words used in this Ordinance have the same definitions as set forth in the Torrance County Solid Waste Ordinance, as amended.

C. Definitions – The following definitions apply to this Ordinance:

- a. “Dilapidated” means, in the case of constructed housing, not in compliance with minimal residential standards applicable to constructed homes; and, in the case of Mobile Homes and/or Manufactured Housing, not in compliance with minimal residential standards applicable to Mobile Homes and/or Manufactured Housing.
- b. “Manufactured Housing” means a structure partially assembled elsewhere than where it is intended to be ultimately installed and used as a dwelling unit.
- c. “Mobile Home” means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a moveable dwelling unit for connection to permanent utilities.

SECTION 5: UNLAWFUL DILAPIDATED HOMES; PENALTY

- A. No person shall permit any dilapidated dwelling, mobile home, or manufactured housing to remain upon the property.
- B. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed ONE THOUSAND DOLLARS (\$1,000.00) and/or ONE HUNDRED EIGHTY (180) days in jail for each separate offense.

SECTION 6: ENFORCEMENT AND ADMINISTRATION

The Sheriff, or his designated Code Enforcement Officer, has the authority, upon issuance of a warrant, to inspect and enter any property where he has reasonable cause to suspect that a violation of this Ordinance has occurred.

SECTION 7: SEVERABILITY

If any article, subsection, paragraph, sentence, clause, phrase, provision, or any portion thereof of this Ordinance is, for any reason, held to be unconstitutional, invalid, or void, the remainder of this Ordinance shall not be affected because it is the express intention of the Torrance County Board of Commissioners to pass each article, section, subsection, paragraph, sentence, clause, phrase, and provision, and every part thereof, separately and independently.

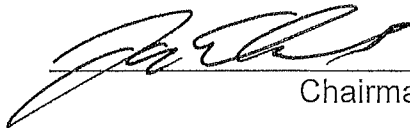
SECTION 8: EFFECTIVE DATE

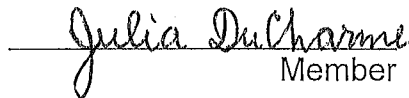
This Ordinance shall be recorded and authenticated by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty (30) days after the Ordinance has been recorded.

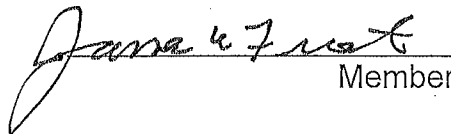
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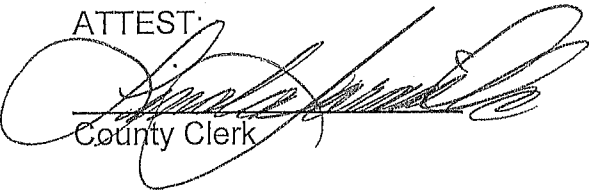
PASSED, APPROVED, AND SIGNED this 12 day of July, 2017, by the Board of County Commissioners of Torrance County, New Mexico.



  
Chairman

  
Member

  
Member

ATTEST:  
  
County Clerk

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