

**CITY OF JAL
ORDINANCE 2024-07**

NOW THEREFORE, be it ordained by the Council of the City of Jal, in the State of New Mexico, as follows:

SECTION 1: **ADOPTION** “154.77 Temporary Dwelling Special Permit” of the Jal Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

154.77 Temporary Dwelling Special Permit (Non-existent)

AFTER ADOPTION

154.77 Temporary Dwelling Special Permit(*Added*)

154.77 TEMPORARY DWELLING

(A) Purpose. The purpose of this section is to provide for the approval of temporary dwellings to satisfy certain personal hardships. Because such hardships or needs are personal and generally transitory, the approval of temporary dwellings should not constitute a long-term land use commitment which may conflict with the comprehensive plan and current ordinances.

(B) Definition. A “temporary dwelling” means any ancillary detached dwelling structure that is placed upon an existing parcel in a residential zone that is intended to be occupied for not longer than one (1) year, and meets the requirements set forth in section (C) of this ordinance, and shall include recreation vehicles (RVs) as defined by New Mexico state statute (**§66-1-4.15(H)**), manufactured homes as defined by New Mexico state statute (**§66-1-4.11(B)**), or any **semi-permanent structured deemed fit for human habitation by permit of the New Mexico Construction Industries Division.**

(C) Temporary Dwellings Authorized. Subject to the conditions set forth herein and those of **JMC 154.75** and upon issuance of the permit provided for herein, one (1) temporary dwelling may be established and maintained on a parcel for use by one or more of the following:

- (1) A person who is to receive or administer continuous care and assistance necessitated by advanced age, illness or infirmity. Such care must be received or administered by a resident of an existing dwelling located on the same lot; or
- (2) An owner in the process of building or renovating a permanent dwelling on the parcel. Owner shall have an approved and active building permit with the Construction Industries Division; or
- (3) A caretaker living on the parcel for the purpose of caring for the existing dwelling and for making other improvements on the property while the owner is on vacation or

is working out of the area. Only a self-contained recreational vehicle shall be used as a temporary dwelling under this subsection for a term not to exceed six (6) months in a calendar year.

(D) Temporary dwellings authorized herein shall meet the following minimum criteria:

- (1) The parcel upon which the temporary dwelling is to be placed shall be of such configuration, and the temporary dwelling shall be located in such a manner as to comply with all applicable county, state and federal regulations, except density, lot size and any provisions within **JMC 154.31 through 36**.
- (2) The temporary dwelling shall be designed, constructed, and maintained in a manner which will facilitate its removal on termination of the permit.
- (3) A current vehicular license, if applicable, shall be maintained under this section.
- (4) No more than (1) temporary dwelling per parcel shall be authorized under this section.
- (5) No rent or other remuneration is paid for the occupancy of the temporary dwelling.
- (6) The public health, safety and general welfare will not be adversely affected.
- (7) Setback requirements applicable to other dwellings in the same zone must be met per city ordinance for the zoning area in which the temporary dwelling will be located **JMC 154**.
- (8) The temporary dwelling must be located no closer to the front property line than the primary dwelling.

(E) Application. Applications for temporary dwelling permits shall be submitted to the City of Jal Code Enforcement Division on forms provided by the division and shall include:

- (1) A scaled drawing showing the size and boundaries of the parcel; the size and location of access, including driveways and access easements from the parcel to the county, state or city road; and the proposed location and size of the temporary dwelling;
- (2) A description of the proposed temporary dwelling;
- (3) Documentation of approval of proposed method of water supply and sewage disposal by the City of Jal Public Works Department;
- (4) A statement signed by the applicant setting forth the circumstances which necessitate the temporary dwelling; and,
- (5) A non-refundable application fee as established by resolution of the Board of Councilors of the City of Jal.

(F) Issuance. A permit for a temporary dwelling may be issued by the Board of Councilors of the City of Jal pursuant to **JMC 154.75(A) through (B)** after receipt of a completed

application upon finding that the proposed temporary dwelling meets all requirements set forth in this section. If the temporary dwelling is a manufactured home, all requirements of the Manufactured Homes section of the Flood Damage Prevention Ordinance **JMC 152.26(D)(1) through (D)(3)** must be met. If the temporary dwelling is a recreational vehicle, all requirements of the Recreational Vehicles section of the Flood Damage Prevention Ordinance **JMC 152.26(E)** must be met.

(G) Termination. A temporary dwelling permit issued pursuant to **JMC 154.77 (C)(1)** through **154.77 (C)(2)** shall be valid for one (1) year or until the termination of the conditions authorizing the temporary dwelling, whichever occurs first. A temporary dwelling permit authorized under **JMC 154.77 (C)(3)** shall be valid for no more than one (1) term of six (6) months in any calendar year.

(H) Renewal. A temporary dwelling permit authorized under **JMC 154.77 (C)(1) through (C)(3)** may be renewed as follows.

(1) A request for renewal of a temporary dwelling permit authorized under **JMC 154.77 (C)(1)** or **JMC 154.77 (C)(2)** shall be submitted at least thirty (30) days prior to the expiration of the permit by filing a statement showing that the conditions authorizing the temporary dwelling continue to exist and listing any changes in the information provided on the application for the original permit.

(2) In no case shall a temporary dwelling permit authorized under **JMC 154.77 (C)(2)** be renewed more than once or for a period greater than one (1) year. Reapplication after expiration will be processed as if it were an original application; provided, that the combined duration of two (2) temporary dwelling permits for the same use, circumstances, and location shall not exceed two (2) years.

(3) No request to renew a temporary dwelling permit application under **JMC 154.77 (C)(3)** may be made within six (6) months of the expiration of such permit for the same parcel. A request for a temporary dwelling permit authorized under **JMC 154.77 (C)(3)** must be made each time such temporary dwelling is to be placed on the site.

(I) Continuation. A request for continuation of a temporary dwelling permit, authorized under **BCC JMC 154.77 (C)(1)** shall be submitted at least thirty (30) days prior to the expiration of the permit by filing a statement showing that the conditions authorizing the temporary dwelling continue to exist and are justified, for example, a letter from a physician substantiating a need for a person to receive or administer continuous care and assistance necessitated by advanced age, illness or infirmity, and a statement listing any changes in the information provided on the application for the original permit.

(1) A temporary dwelling permit, authorized under **JMC 154.77 (C)(1)** may be continued on a year-to-year basis as specified above.

(2) Sixty (60) days prior to the expiration of the permit, the City Code Enforcement Manager or his representative shall send, postage prepaid, a notice to the applicant at the last known address the date that the temporary dwelling permit shall expire and the procedure to request a further one-year continuation.

(3) If a request for continuation of a temporary dwelling permit, as specified above, is

not received thirty (30) days prior to the expiration of the permit, the permit shall become null and void.

(4) Reapplication after expiration will be processed as if it were an original application, subject to existing ordinances at the time of reapplication.

(J) Revocation. A temporary dwelling permit or permit renewal issued pursuant to this section may be revoked by the planning director at any time when the director finds that:

- (1) any of the requirements of this section have not been satisfied;
- (2) any of the conditions attached to the permit have not been met; or,
- (3) the circumstances requiring the permit have materially changed.

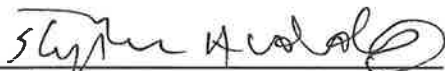
(K) Upon termination or revocation of a temporary dwelling permit, occupancy of the dwelling shall cease within ten (10) days after receipt of notification of termination or revocation by certified mail; all utilities shall be disconnected within thirty (30) days after the date of termination or revocation; and the temporary dwelling shall be totally removed within thirty (30) days after the date of termination or revocation.

(L) Appeal. Any person aggrieved by the issuance, denial or revocation of a temporary dwelling permit may appeal the decision to the Board of Councilors of the City of Jal within fourteen (14) days from the date of the decision or the date the temporary dwelling is moved onto and/or hooked up on site, whichever is later, and the appeal shall be conducted in accordance with **JMC 110.10**.

PASSED AND ADOPTED BY THE CITY OF JAL COUNCIL

July 22nd 2024

Presiding Officer


Stephen Aldridge, Mayor, City of Jal

Attest


Molly Sanchez, City Clerk, City of Jal

