

**TAOS PUEBLO
MOBILE HOME CODE
ADOPTED JULY 23, 1996**

Taos Pueblo Code Providing for the Regulation and Monitoring of the Placement of Mobile Homes/Pre-fabricated Units on Taos Pueblo Lands.

BE IT ENACTED BY THE TAOS PUEBLO TRIBAL COUNCIL:

Section 1. Short Title. This ordinance shall be known as the "Taos Pueblo Mobile Home Code."

Section 2. Purpose. This ordinance is enacted as an exercise of the sovereign governmental powers of Taos Pueblo; to protect the natural beauty of the community, its land and water resources, the cultural and religious heritage of its people, and to provide for safe affordable housing to tribal members. The Tribal Council had determined that its enactment is necessary to foster and protect the health, welfare and safety of the community and the natural beauty of Taos Pueblo lands. The provisions of this Ordinance Shall apply to all Mobile Homes/Prefabricated Units, henceforth referred to as " Mobile Homes", being placed on Taos Pueblo Lands as of the date of its adoption by the Tribal Council. Existing Mobile Home (placed before the March 1996 Moratorium) shall be permitted ("Grandfathered") but shall conform to the requirements set forth in this code, except Section 11 and Section 12. The scope of this Ordinance is not limited to residential Mobile Home units but also includes units purchased by tribal programs and the federal government. This Ordinance will not affect Off-Site constructed units (Modular).

Section 3. Definitions.

Taos Pueblo Lands means the Pueblo's Grant, all lands listed as being held in trust on behalf of Taos Pueblo by the United States, and all other lands listed on the Taos County records as belonging to Taos Pueblo. Taos Pueblo Lands also includes non-trust lands purchased in the past, present, or future.

Main Highway Corridor means the area from the center line of the Main Pueblo Highway (BIA Road #701) to 80 feet on either side of the centerline.

Mobile Home means a single or double wide movable or portable housing structure 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, office, or place of business. It may include one or more components that can be retracted for towing purposes, and is designed, constructed, and inspected in accordance with the requirements and specifications of the Federal Mobile Home Construction and Safety Standards.

Mobile Home Park is any parcel containing two or more Mobile Homes.

Modular or Off-site Constructed means a building or structure, manufactured or constructed in manufacturing facilities away from the building site for installation or assembly on a building site, which building or structure is permanently affixed to real property. Off-site constructed buildings are considered to be permanent structures and are governed by existing building requirements, not by this ordinance.

Prefabricated Units means a movable or portable unit used for non-residential use (i.e. office, storage building, shed, transportable rooms, etc...).

Recreational Vehicles are travel trailers or other nonpermanent type of vehicular shelters usually erected or maintained for temporary recreational camping activities.

Traditional Practices means traditional rules or laws, usually unwritten, used to govern and protect areas of cultural sensitivity and cultural use.

Section 4. Administrative Authority. The Tribal Council hereby delegates to the Governor's Office the power and duty to administer the placement of Mobile Homes in accordance with traditional practices, the provisions of this Ordinance, other tribal ordinances, and applicable federal law.

Section 5. Placement. No Mobile Homes shall be placed within **1,500 feet** of the north, south, and west Pueblo walls. The east side will be restricted as defined in Section 11 – Restricted Zones.

Section 6. Lot Sizes, Set Back Requirements and HUD Lot Restrictions. The required **minimum** lot sizes for a Mobile Home shall be 1/4 acre for a 16 foot or under width unit; 1/2 acre for a unit over 16 feet in width. Minimum set back requirements from a property line are:

| Property | Front | Interior Side | Corner | Rear |
|----------------------------|-------|---------------|--------|------|
| Not Abutting a public road | 20' | 5' | 10' | 10' |
| Abutting a public road | 40' | 40' | 40' | 40' |

If a Mobile Home features a carport, patio cover, awning, or other extension, setbacks and/or separations shall be measured from the extension's leading edge. **A Mobile Home cannot be placed within a HUD lot that is still under contract.** A Mobile Home shall not be placed within (forty (40') feet of another residential dwelling within the same lot.

Section 7. Placement with Access to Water/Sewer Utilities. For health and safety reasons, a Mobile Home, within 400 feet of the community water/sewer system, shall be connected to that system before the unit may be occupied. The 1987 Ordinance for Regulation of Sanitation Facilities shall be followed to obtain the connection.

Section 8. Placement with No Access to Water/Sewer Utilities. When a Mobile Home is proposed to be placed in an area with no access to the community water/sewer

system, provisions from the 1987 Ordinance for the Regulation of Sanitation Facilities shall apply. Section III and Section IV of that Ordinance explains what is needed to apply for a permit to construct wells and septic systems on Taos Pueblo Lands. For health and safety reasons, no Mobile Home unit without access to the community water/sewer system may be occupied until it has been connected to an approved well and septic system.

Section 9. Aesthetics. Every effort shall be made to blend the Mobile Home with existing Pueblo style architecture (i.e. earth tone colors, natural wood appearance, adobe/stucco material, etc.). To protect the character of the neighborhood, wooden fences shall be constructed and/or shrubbery/trees placed to minimize the disruption to the appearance of the neighborhood. Within three years of its placement, the Mobile Home and its lot will be modified to conform to the appearance of other neighborhood dwellings, in so far as practical. Standard skirting of the Mobile Home is required within one week of placement. The unit will be inspected by the Governor's Office to determine if an effort is being made to conform to this section. No tires or other unsightly objects will be placed on top of the Mobile Home.

Section 10. Rental. Mobile Homes may be rented or leased only as single family residence. No one except a Taos Pueblo member is allowed to rent or lease a Mobile Home. Before a Mobile home may be rented or leased, a qualified safety inspector approved by the Governor's Office must inspect it and certify in writing that the Mobile Home has passed the safety inspection.

Section 11. Restricted Zones. No Mobile Home shall be placed in the areas restricted by Section 5 or in the following areas: East of Rio Lucero Road, that part of the Tenorio Tract that is east of the Rio Lucero River, east of Rotten Tree Road, southeast of Buried Roots Ditch, within the Main Highway Corridor (80 feet from the centerline of highway) and other areas deemed restricted in accordance to traditional practices. See Exhibit 2 – Map showing areas of restrictions.

Section 12. Permit for Placement. Prior to the placement of a Mobile Home and, as to those who placed their Mobile Homes on Taos Pueblo Lands during the moratorium declared in March 1996, within fifty-two (52) days of the adoption of this Ordinance, tribal members shall apply for a "Mobile Home Placement Permit" from the Governor's Office. The permit application shall contain or be accompanied by the following information:

- > Name of the (proposed) Mobile Home owner
- > Verification on right to possession of a parcel. If a (proposed) Mobile Home owner is not the Land Assignee, permission for placement will be required from the assignee in the form of an affidavit
- > Map showing the location of the parcel
- > Layout plan of the Mobile Home unit within the parcel including any existing residences on the parcel
- > Agreement to connect to a water/sewer system or approved construction plans for a well and septic system

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- > Electrical Service Line Agreement approved by the Governor's Office
- > Picture of the Mobile Home

Review and decision on approval will be rendered by the Governor's Office by June 30 of each year, providing all supporting documentation has been completed to substantiate proof of placement requirements.

A **refundable** processing fee of \$50.00 shall be paid at the time of application.

The provisions of the Taos Pueblo Enrollment Ordinance of 1989 shall apply. Provisions of "traditional practices" will apply to protect areas of cultural sensitivity and areas of cultural use.

Section 13. Application Process. No more than five (5) Mobile Homes per year will be permitted to be placed on Taos Pueblo Lands. Applications for a placement Permit will be accepted during January of each year. All of the required supporting documents must be received by the Governor's Office by April 1 in order for the application to be considered that year. For approved applications, a final written decision shall be rendered by June 30 of that year and sent certified mail, return receipt, by the Governor's Office in the form of a signed Mobile Home Placement Permit. For non-approved applications, a letter of denial and the \$50.00 refund will be sent certified mail, return receipt, by June 30. The applicant may appeal to the Tribal Council within four (4) months of his/her receipt of written notification denying his/her application. An appeal decision shall be rendered by December of the same year. Thereafter, a tribal member who still wishes to obtain a permit must reapply the following year.

Section 14. Special Review and Approval. Mobile Homes owned in whole or in part by a non-Indian are prohibited on Taos Pueblo Lands. Mobile Homes owned in whole by a member of another Indian tribe are prohibited. Mobile Homes owned in part by a member of another Indian tribe shall be subject to review by the Governor's Office.

Section 15. Penalties for Non-Compliance. Any person suspected to be violating any section of this ordinance shall be bound over to Traditional Court.

Section 16. Mobile Home Park. Assignments of individual Tribal members shall be prohibited from use as mobile home parks, unless specifically planned for and approved, in advance, by the Tribal Council.

Section 17. Temporary Placement of Unit. Prior to the temporary placement of a Mobile Home, tribal members shall apply for a "Temporary Mobile Home Placement Permit". A Mobile Home, under a temporary permit, is to be used as a temporary residence for no longer than one year while a permanent home is under construction, but extensions may be given in increments of one (1) year to up to three (3) years maximum with yearly reviews. The requirement to conform with local architecture shall be waived,

but other requirements will be enforced. The supporting documents listed in Section 12 – Permit for Placement are required.

Section 18. Removal of Unit from Taos Pueblo Lands. No abandoned, burned, or wrecked Mobile Home may be kept on Taos Pueblo Lands for more than sixty (60) days. In addition, no residential Mobile Homes which cease to be used for human occupancy, may be kept on Taos Pueblo Lands for more than sixty (60) days.

Section 19. Prohibition on Recreational Vehicles. Recreation vehicles may not be occupied as residence on Taos Pueblo Lands for more than one month.

Section 20. Amendments. This Ordinance shall be reviewed by the Tribal Council at its discretion and amended as required. The Governor's and WarChief's Offices may recommend amendments.

TAOS PUEBLO

P.O. BOX 1846 • TAOS, NEW MEXICO 87571 • PH: (505) 758-9593 • FAX: (505) 758-4604

TRIBAL COUNCIL RESOLUTION NO. TO ADOPT THE TAOS PUEBLO MOBILE HOME CODE

WHEREAS, the Pueblo of Taos is a duly recognized Tribal Government consisting of a Tribal Council, Office of the Governor and Office of the WarChief; and,

WHEREAS, the Governor's Office has experience and increase in the number of requests from tribal members who want to place trailers, mobile homes, and pre-fabricated units ("mobile homes") on tribal lands; and,

WHEREAS, many tribal members are in need of affordable housing and without a viable housing program to assist them in obtaining decent housing; and,

WHEREAS, mobile homes are an affordable alternative to safe sanitary housing; and,

WHEREAS, a moratorium was imposed by the Tribal Council on March 20, 1995, to allow for the review of mobile home placement until policies and procedures were prepared and adopted.

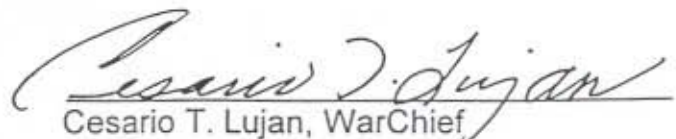
NOW THEREFORE BE IT RESOLVED, that tribal government recognizes the need for affordable, safe and sanitary housing in the form of mobile homes; and,

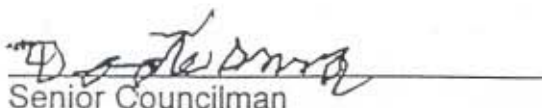
THEREFORE BE IT FURTHER RESOLVED, that the Mobile Home Code supersedes the Moratorium and establishes uniform policies and procedures to guide the placement of such units on tribal lands.

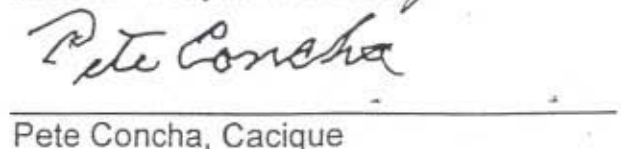
CERTIFICATION

The resolution to adopt the Taos Pueblo Mobile Home Code was adopted at a duly called meeting of the Taos Pueblo Tribal Council held on 23rd day of July, 1996, with 25 voting in favor and 0 opposed.


David Gomez, Governor


Cesario T. Lujan, WarChief


Senior Councilman

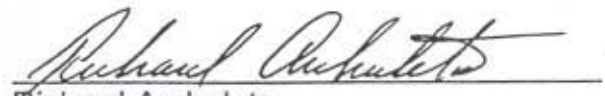

Pete Concha, Cacique

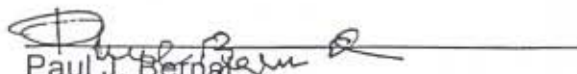
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ATTESTED


Luis Zamora,
Tribal Secretary


Richard Archuleta,
WarChief Secretary


Paul J. Bernal,
Tribal Council Secretary