

ORDINANCE NO. 572

ON ORDINANCE AMENDING ORDINANCE NO. 391 AND CORRESPONDING SECTIONS OF THE MUNICIPAL CODE TO MODIFY THE DEFINITION OF WEEDS; TO PROVIDE A DEFINITION OF NON-VACANT LOTS; TO PROVIDE THAT THE SAME PROHIBITIONS APPLICABLE TO VACANT LOTS UNDER SAID ORDINANCE NO. 391 ARE APPLICABLE TO NON-VACANT LOTS; PROVIDING AN ADDITIONAL REMEDY, THAT BEING A CRIMINAL OFFENSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the governing body of the Town of Clayton, New Mexico, that Ordinance No. 391 and the corresponding sections of the municipal code be and hereby are amended to read as follows:

Section 1. (a). WEEDS: are herein defined as all vegetation allowed to grow to a height of twelve (12) inches or more, except for trees and cultivated, ornamental shrubs and flowers.

(b). RUBBISH: is herein defined as trash and waste fragments, including, but not by way of limitation, refuse, old rags, metals, rubber, glass parts of machines and vehicles, waste paper, cloth, textiles, and old lumber having only salvage value, and any and all other materials and junk having little or no value.

(c). VACANT LOT: is herein defined as any lot which is not being used for dwelling or business purposes and which is not being used as a "JUNK YARD" as is authorized under the Town of Clayton Ordinance No. 338.

(d). NON-VACANT LOT: is herein defined as any lot other than a vacant lot.

Section 2. It shall be the duty of all persons, firms, partnerships, and corporations, who own vacant lots or non-vacant lots within the corporate limits of the Town of Clayton, New Mexico, to keep such vacant lots or non-vacant lots free and clear of all junk, weeds and rubbish.

Section 3. (a). It shall be the duty of the Clerk of the Town of Clayton, New Mexico, whenever it shall come to his attention that there is junk and/or rubbish on a vacant lot or non-vacant lot or that a vacant lot or non-vacant lot is over-grown with weeds, and said lot is within the corporate limits of the Town of Clayton, New Mexico, to notify the owner of such lot, asking him to remove the junk, rubbish and/or weeds.

(b). If, within ten days of such notification, the owner has failed to comply with such notice, the Town of Clayton, New Mexico, shall clear such lot of the junk, rubbish, and/or weeds.

(c). Charges for the clearing of such lot and the removal of the junk, rubbish and/or weeds by the Town of Clayton, New Mexico, shall constitute liens upon the property so cleared, and shall be filed of record in the office of the County Clerk of Union County, New Mexico. Such liens shall be superior to all other liens, except general property taxes and may be foreclosed in the manner provided for by law for the foreclosure of municipal assessment liens.

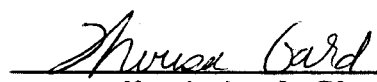
Section 4. In addition to, or in lieu of, the enforcement provisions of Section 3. of this Ordinance, in the event that a vacant lot or non-vacant lot is not in compliance with the requirements of Section 2. of this Ordinance, the owner of such lot may be cited into Municipal Court, and upon being found by the Municipal Judge to be guilty of such violation fined in an amount not to exceed Three Hundred Dollars and/or imprisoned for a term not to exceed sixty days; for purposes of this Ordinance, each day in which a lot is in violation shall be considered as a separate offense and may be cited as such, and a penalty shall be imposed for each such offense.

Section 5. This Ordinance shall be effective 30 days after passage by the governing body of the Town of Clayton.

PASSED, ADOPTED, AND APPROVED this 11th day of March, 1991.



(S E A L)
ATTEST:



Municipal Clerk