

ORDINANCE 8-408

AN ORDINANCE COMBINING, REPEALING AND REPLACING ORDINANCES 322 and 398; REGARDING DANGEROUS BUILDINGS OR DEBRIS AND PERTAINING TO THE PUBLIC HEALTH AND WELFARE; PROVIDING FOR AND REQUIRING THE CUTTING AND REMOVING OF ALL WEEDS AND GRASS GREATER THAN ONE FOOT IN HEIGHT ON ALL LOTS OR TRACTS OF LAND IN THE CITY OF TEXICO, NEW MEXICO; REQUIRING THE REMOVAL OF TRASH AND DEBRIS, INCLUDING BUT NOT LIMITED TO WRECKED, NON-OPERATIONAL AND/OR ABANDONED MOTOR VEHICLES, FROM ALL LOTS OR TRACTS OF LAND IN THE CITY OF TEXICO, NEW MEXICO; PROVIDING FOR NOTICE AND PENALTY FOR THE VIOLATION HEREOF; AND THE RIGHT OF MUNICIPALITY TO REMOVE SAID DANGERS, CAUSING THE DESTRUCTION, AND/OR REMOVAL OF STRUCTURES, DEBRIS, TRASH, GRASS AND WEEDS, AND TO PLACE A LIEN UPON THE SUBJECT PROPERTY TO RECOUP THE COST THEREOF.

BE IT ORDAINED by the GOVERNING BODY, THIS IS THE City Council of the City of Texico, in the County of Curry and State of New Mexico enacted Ordinance 8-408 which was ordained on the ____ day of _____, 2026, shall have Combined in part and Repealed and Replaced Ordinances 322 and 398 in whole with the following:

Section 1. DANGEROUS BUILDINGS OR DEBRIS and PERTAINING TO THE PUBLIC HEALTH AND WELFARE: Every property owner and every occupant, lessee, tenant, guest or agent of the same, is hereby required to adhere to this Ordinance as it tracks 3-18-5, NMSA, 1978, as amended:

A. Whenever any **building** or structure is ruined, damaged and dilapidated, or any premise is covered with ruins, rubbish, wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated **building**, structure or premise is a menace to the public comfort, health, peace or safety and require the removal from the municipality of the **building**, structure, ruins, rubbish, wreckage or debris.

B. A copy of the resolution shall be served on the owner, occupant or agent in charge of the **building**, structure or premise. If the owner, as shown by the real estate records of the county clerk, occupant or agent in charge of the **building**, structure or premise cannot be served within the municipality, a copy of the resolution shall be posted on the **building**, structure or premise and a copy of the resolution shall be published one time.

C. Within ten days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner, occupant or agent in charge of the **building**, structure or premise shall commence removing the **building**, structure, ruin, rubbish, wreckage or debris, or file a written objection with the municipal clerk asking for a hearing before the governing body of the municipality.

D. If a written objection is filed as required in this section, the governing body shall:

- (1) fix a date for a hearing on its resolution and the objection;
- (2) consider all evidence for and against the removal resolution at the hearing; and
- (3) determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by:

(1) giving notice of appeal to the governing body within five days after the determination made by the governing body; and

(2) filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner, occupant or agent in charge of the **building**, structure or premise fails to commence removing the **building**, structure, ruins, rubbish, wreckage or debris:

(1) within ten days of being served a copy of the resolution or of the posting and publishing of the resolution; or

(2) within five days of the determination by the governing body that the resolution shall be enforced; or

(3) after the district court enters judgment sustaining the determination of the governing body, the municipality may remove the **building**, structure, ruins, rubbish, wreckage or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the **building**, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in Sections 3-36-1 through 3-36-6 NMSA 1978.

G. The municipality may pay for the costs of removal of any condemned **building**, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned **building**, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

Section 2 NUISANCES, FIRE HAZARDS AND OFFENSES RELATING TO THE GENERAL WELFARE OF THE COMMUNITY: REGULATION OR PROHIBITION as this portion of the Ordinance tracks with 3-18-7 and 3-18-17, NMSA, 1978, as amended.

A. OVER GROWN OR PROPERTY WITH STORAGE OF DEBRIS: All property owners and every occupant, lessee, tenant, guest or agent of the same within the city of Texico, New Mexico, shall keep their property free from weeds and grass greater than one foot in height and to cut and/or remove the same as often as the growth and condition of the same may require to include to the midpoint of any street/road or alley areas adjacent to said property except the Cities' main drainage ditches located on the North side of Hereford Street and South side of Craig Street, both of which shall be maintained by the City of Texico personnel in order to prevent a nuisance, fire hazards and health hazards to adjoining property owners and the public at large.

B. WRECKED, NON-OPERATIONAL AND ABANDONED VEHICLES: It shall be against this Ordinance to permit the storage, placement or to cause the abandonment of debris or vehicles and the owner, occupant, lessee, tenant, guest or agent shall immediately upon citation remove from all lots or tracts of land owned or occupied by the property owner and every occupant, lessee, tenant, guest or agent of the same within the City of Texico, New Mexico, all trash or debris, including but not limited to wrecked, non-operational and/or abandoned motor vehicles (with no current registration). **EXCEPTION FOR COMMERCIAL PROPERTY OWNERS:** Provided, however, that should the owner, occupant, lessee, tenant, guest or agent of the same be lawfully located within a commercially zoned area and said owner/occupant is lawfully engaged in a business which reasonably requires said owner/occupant to store wrecked, non-operational and/or unused motor vehicles, then and in that event, such storage shall not be a violation of this ordinance so long as the wrecked, non-operational and/or unused motor vehicles so stored are screened from the public view by a fence, wall or other obstruction which is attractive in appearance and which is not less than six (6) feet in height. There shall also be an exception if the old vehicle is used as part of the business advertisement.

C. It shall be unlawful for the owner and every occupant, lessee, tenant, guest or agent of the same of any lot or tract of land withing the city of Texico to suffer or permit any grass or weeds to grow greater than one foot in height and/or remain upon such lots or tracts of land or to suffer or permit the accumulation of trash or debris, including but not limited to wrecked, non-operational and/or abandoned motor vehicles upon the same, or to permit the growing of such grass or weeds treater than one foot in height or the accumulation of such trash and debris, including but not limited to wrecked, non-operational and/or abandoned motor vehicles in the streets or alleys abutting any such lot or tract of land as same shall constitute a Nuisance and a Fire Danger or Threat to the public at large.

D. The owner and every occupant, lessee, tenant, guest or agent of the same of any lot or tract of land withing the city of Texico shall be cited into Municipal Court by citation and if found guilty of a violation of this ordinance shall be fined not less than \$100 nor more than \$500 for the first offense and given a reasonable amount of time to correct the violation. For each subsequent violation, if found guilty, the minimum penalty shall be increased by \$100 each occurrence. Each time that such owner, occupant, lessee, tenant, guest

or agent of the same shall, after receiving such notice, fail, refuse or neglect to comply with the terms hereof, he/she shall be deemed to have committed a separate and distinct offense.

E. The owner and every occupant, lessee, tenant, guest or agent of the same of any lot or tract of land within the city of Texico shall make every effort to clean-up the property and bring the property into compliance with this ordinance.

F. If the Owner/Occupant or their Agent fails to make continual progress on the clean-up of the property, then the municipality may after receiving an Order from the Municipal Judge, may send out City Personnel to the property to correct the violation at \$150 per hour or the City may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation as mentioned in F(3) or by bid in accordance with state procurement policy. The payment made to a third party for clean-up shall also constitute a lien by the city as stated in F(3) above.

G. Any person or firm removing any nuisances, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition.

Section 3. ADMINISTRATIVE FEE

In addition to collecting the costs and expenses incurred by correcting the violations of this ordinance, upon abatement by the City, the City shall charge the sum of One Hundred Dollars (\$100.00) per occurrence which sum is found to be the cost of the City of administering the terms of this Ordinance. The administrative fee will be charged per tract or vehicle. The administrative fee may be adjusted annually commencing on October 1, 2008, and each year thereafter, to correspond to the actual cost of providing applicable services in accordance with this Chapter.

Section 4. OTHER PENALTIES AND LIENS

a. If a notice is provided to the owner or any person(s) having supervision or control of such real property or motor vehicle, the failure or refusal to comply with the demand for compliance within the applicable time period shall be deemed to be maintaining a public nuisance and the City, or its authorized designee may issue a Citation in Municipal Court and/or file a Lien upon and against such real property or vehicle to include all costs, filing fees, charges and expenses, in addition to a charge to and personal liability to the owner.

b. Notwithstanding any provision of this Section to the contrary, the City or its authorized designee has authority to issue immediate Citations to person(s) violating any provisions of this Ordinance in the presence of said official. Any person violating any of the provisions of this Ordinance shall be punished as provided herein.

c. To obtain a Lien against the property, the City Manager must file a Claim of Lien as provided by Section 3-36-1 to 3-36-6 et. seq. N.M.S.A., 1978, as amended. Such Lien, when filed and recorded, as required by this Ordinance, shall constitute a first and paramount Lien against such tract of real property, subject only to the priority of the general property tax.

d. The remedies set forth in this section shall be considered cumulative and the exercise of one such remedy shall not preclude the City from pursuing any other remedy.

Section 5. ENFORCEMENT: The Chief of Inspections and/or employees or his agent, or the Chief of Police and/or his employees or the head of Public Works or his/her employees or his/her agent may enter upon private property for the purposes specified in this Ordinance to examine the property, debris, vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Ordinance. The Municipal Court of the City or the Magistrate Court of Curry County, New Mexico, shall have the authority to issue all Orders necessary to enforce such Ordinance.

Section 10. Ordinance Number 322, 398 and all other Ordinances of said City in conflict with this Ordinance are hereby repealed.

PASSED, APPROVED and ADOPTED this _____, day of _____, 2026.

DEBORAH AUTREY, Mayor

(S E A L)

Attest:

Austen McMullen, City Clerk