

ORDINANCE O-22-02

GRANT COUNTY ABATEMENT OF DANGEROUS OR ABANDONED BUILDINGS, STRUCTURES, MOBILE OR MANUFACTURED HOUSING, WRECKAGE AND DEBRIS

GENERAL PROVISIONS

SECTION I. TITLE.

This Ordinance and any amendment hereto shall be known and may be cited as the Grant County Abatement of Dangerous or Abandoned Buildings, Structures, Mobile or manufactured Housing, Wreckage and Debris Ordinance.

SECTION II. AUTHORIZATION AND SCOPE.

This Ordinance is hereby enacted pursuant to NMSA 1978, Sections 4-37-1 et seq. and NMSA 1978, Section 3-18-5 and applies to the unincorporated areas of Grant County.

SECTION III. GENERAL PURPOSE.

This Ordinance is designed to promote the public health, safety and general welfare and to secure safety from fire hazards and health hazards. This Ordinance is further designed to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the Uniform Building Code, the Grant County Comprehensive Plan, as amended, or otherwise available by law whereby dangerous or abandoned or ruined buildings, structures, mobile or manufactured housing, wreckage, rubbish, debris and other items creating a public nuisance may be required to be repaired, vacated or demolished and removed.

SECTION IV. INTERPRETATION.

(A) The provisions of this Ordinance shall be held to be minimum requirements.

(B) Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, the more restrictive or that imposing the higher standards shall govern.

DEFINITIONS AND RULES OF CONSTRUCTION

SECTION V. RULES OF CONSTRUCTION

For the purpose of this subchapter, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise.

(A) The particular controls the general.

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(B) The word SHALL is mandatory, the word MAY is permissive.

(C) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(D) The words PERSON includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

(E)

- (1) Any words, terms or phrases not defined herein, shall be used with a meaning of common standard use.
- (2) Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

SECTION VI. DEFINITIONS.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING CODE. The Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

COMMISSION. The Board of Commissioners of Grant County, New Mexico.

CONTRACTOR. An entity retained by the County as provided by law to remove abandoned structures, manufactured or mobile homes, wreckage, rubbish or debris.

COUNTY. Grant County government.

COUNTY Clerk. The Grant County Clerk.

COUNTY OFFICIAL. The county officer, or official, or inspector or other designated authority charged with the administration and enforcement of any Code or the county's authorized representative.

DAYs. All references to DAYS shall refer to calendar days.

INSPECTOR. Any titled position charged with the responsibility of making inspections to enforce the provisions of the Uniform Building Code, the New Mexico Building Code or any Grant County Building Regulation.

LIEN. Any unpaid assessment for costs associated with removal of any property as identified in this Ordinance, together with interest and penalties on all of the foregoing and cost in connection therewith, which is a lien on real property duly recorded in the land records of the County Clerk.

MANAGER. Grant County Manager.

OWNER. The property owner, whether or not residing in the premises.

PERSON. Any natural person or any firm, partnership, association, corporation, company or organization of any kind and as identified in § V(D) herein.

PREMISES. An improved or unimproved structure, designed for private or commercial use.

PUBLIC NUISANCE. A nuisance shall include any nuisance as defined in this Ordinance.

SHERIFF. The Grant County Sheriff or his or her authorized deputy.

ENFORCEMENT

SECTION VII. GENERAL ENFORCEMENT.

(A) Administration.

(1) The Grant County Code Enforcement Office and its inspectors and the Grant County Sheriff's Office and its deputies are hereby authorized to enforce the provisions of this Ordinance.

(2) The Code Enforcement Officer (hereinafter referred to as county official) shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Ordinance.

(B) Inspections. The Code Enforcement Officer and his/her designated inspectors, the County Sheriff and his/her deputies are hereby authorized to make inspections and take action as may be required to enforce the provisions of this Ordinance.

(C) Right of entry.

(1) When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the county official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violations of this Ordinance which makes the building or premises unsafe, dangerous, hazardous or otherwise a public nuisance, the county official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if the building or premises are occupied that credentials be presented to the occupant and entry requested. If the building is unoccupied, the county official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premise and request entry. If the entry is refused, the county official shall have recourse to the remedies provided by law to secure entry.

(2) Authorized representative shall include the officers named in § VII (A) and their authorized inspection personnel.

(D) Liability.

(1) The county official charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties required by this Ordinance or other

pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of these duties. A suit brought against the county official because of an act or omission performed by the building official or employee in the enforcement of any provision of any codes or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the county official shall be defended by the county until final termination of the proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

(2) This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the ordinance enforcement agency or its parent jurisdiction be held as assuming any liability by reason of the inspections authorized by this Ordinance or any permits or certificates issued under this Ordinance.

SECTION VIII. ABATEMENT OF DANGEROUS OR ABANDONED BUILDINGS.

All buildings or structures within the scope of this Ordinance which are determined after inspection by the county official to be dangerous as defined in this Ordinance and all abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition and/or removal in accordance with the procedures specified in section XV of this Ordinance.

SECTION IX. VIOLATIONS & PENALTIES.

(A) It shall be unlawful for any person, firm or corporation to maintain dangerous or abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris or otherwise maintain a public nuisance in violation of this Ordinance.

(B) Each violation of this Ordinance shall be punishable by a fine of no more than three hundred dollars (\$300) pursuant to NMSA 1978, Section 4-37-3 (1993).

SECTION X. DANGEROUS BUILDING.

For the purpose of this Ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that the conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

(A) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(B) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(C) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Building Code for new buildings of similar purpose or location.

(D) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements of the Building code for new buildings of similar structure, purpose or location.

(E) Whenever any portion or member or appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.

(F) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of $\frac{1}{2}$ of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for the buildings.

(G) Whenever any portion thereof has wrecked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.

(H) Whenever the building or structure, or any portion thereof is likely to partially or completely collapse, because of:

- (1) Dilapidation, deterioration or decay;
- (2) Faulty construction;
- (3) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building;
- (4) The deterioration, decay or inadequacy of its foundation; or
- (5) Any other cause.

(I) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(J) Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity does not fall inside the middle 1/3 of the base.

(K) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, 50% damage deterioration of its non-supporting members, enclosing or outside wall or coverings.

(L) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

- (1) An attractive nuisance to children;
- (2) A harbor for vagrants or criminals; or

(3) As to enable persons to resort thereto for the purpose of committing unlawful acts.

(M) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code, or of any law or ordinance of this state of jurisdiction relating to the condition, location or structure of buildings.

(N) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50% or in any supporting part, member or portion less than 66% of the:

(1) Strength;

(2) Fire-resisting qualities or characteristics; or

(3) Weather-resisting qualities or characteristics required by law in the case of newly constructed building of like area, height and occupancy in the same location.

(O) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or, otherwise, is determined by the health officer to be insanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease.

(P) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

(Q) Whenever any building or structure is in a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(R) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period of excess of 6 months so as to make the building or portion thereof an attractive nuisance or hazard to the public.

SECTION XI. PROCEDURES.

The Board of County Commissioners shall decide on resolutions, appeals, decisions or determinations made by the county official relative to the application and interpretation of this Ordinance.

NOTICES OF COUNTY OFFICIAL

SECTION XII. GENERAL NOTICES.

(A) Commencement of proceedings. When the county official has inspected or caused to be inspected any building or premises and has found and determined that the building or premises is dangerous or abandoned, contains wreckage, rubbish or debris or is otherwise a public nuisance the county official shall commence proceedings to cause the repair, vacation, demolition and/or removal of the premises in violation of this Ordinance by serving a notice of the county official's determination upon the property owner(s).

(B) Service

(1) Any notice including county official determinations and Commission resolutions, and any amended or supplemental notice or resolution, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:

(a) The holder of any mortgage or deed of trust or other lien or encumbrance of record; and

(b) The owner or holder of any lease of record and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

(2) The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this Ordinance. If the owner, as shown by the above records cannot be served within the confines of Grant County, a copy of any resolution shall be posted on the building, structure or premise and a copy of the resolution shall be published one time in a newspaper of general circulation.

(C) Method of service. Service of the notice or resolution shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt request, to each person at their address as it appears on the last equalized assessment roll of the county or as known to the county official. If no address of any person so appears or is known to the county official, then a copy of the notice and order shall be so mailed, addressed to the person, at the address of the building involved in the proceedings. The failure of any person to receive the notice shall not affect the validity of any proceeding taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(D) Proof of service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the county official.

(E) Notice.

- (1) The county official shall issue a notice directed to the record owner of the property.
- (2) The notice shall contain:
 - (a) The street address and a legal description sufficient for identification of the premises upon which the dangerous or abandoned building, manufactured or mobile home wreckage, rubbish or debris or public nuisance is located.
 - (b) A statement that the county official has found the property contains on the premises a dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris with a brief concise description of the conditions found to render the building or premise a public nuisance under § VIII of this Ordinance.
 - (c) A statement of the action required to be taken as determined by the county official.
 - (d) If the building official has determined that the building or structure must be repaired, the notice shall require that all required permits be secured therefore and the work physically commenced within the time (not to exceed 60 days from the date of the order) and completed within the time as the building official shall determine is reasonable under all the circumstances.
 - (e) If the county official has determined that the building or structure must be demolished, the notice shall require that the property be vacated within the time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); That all required permits be secured therefore within 60 days from the date of the notice; and that the demolition and removal be completed within the time as the county official shall determine is reasonable.

SECTION XIII. ENFORCEMENT

- (A) Failure of the record owner of the property to comply with any notice issued by the county official shall result in the county official submitting a report to the manager with the county official's findings.
- (B) In the event that the county official's findings determine that any building or structure is ruined, damaged and dilapidated, or a premise is covered with ruins, rubbish, wreckage or debris the Manager shall cause the matter to be presented to the Commission at a regularly scheduled commission meeting.
- (C) The findings of the county official shall be presented to the Commission who may then, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Grant County and requires the renovation or the removal by the county of the building, structure, ruins, rubbish, wreckage or debris.
- (D) A copy of the resolution shall be served upon the property owner(s) in keeping with section XII(B) herein. (such as mortgage company)

(E) 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 or occupant or agent in charge of the building, structure or premise shall commence repairing the premise or removing the building, structure, wreckage, rubbish, or debris, or file a written objection to the Manager requesting a public hearing before the Commission.

SECTION XIV. OBJECTIONS AND APPEALS.

(A) Objection.

(1) Any aggrieved property owner or occupant may file a written objection to the resolution issued by the Board of County Commissioners, consistent with Section XIII(E). The objection shall be filed in the office of the Manager.

(2) If a written objection is filed as required in this section, the Commission shall:

- (a) Fix a date for a hearing on its resolution and the objection;
- (b) Consider all evidence for and against the removal resolution at the hearing under oath or affirmation; and
- (c) Determine if its resolution should be enforced or rescinded.

(B) Appeal.

(1) Any person aggrieved by the determination of the Commission may appeal to the District Court by:

- (a) Giving notice of appeal to the Manager within 30 days after the determination made by the Commission; and
- (b) Filing a petition in the District Court within 30 days after the determination made by the Commission.

(C) Failure to act.

(1) If the property owner or occupant or agent in charge of the building, structure or premise fails to commence removing the building, structure, ruins, rubbish, wreckage or debris:

- (a) Within 10 days of being served a copy of the resolution or of the posting and publishing of the resolution;
- (b) Within 5 days of the determination by the Commission that the resolution shall be enforced; or
- (c) After the District Court enters judgment sustaining the determination of the Commission, the county may remove the building, structure, ruins, rubbish, wreckage or debris at the cost and expense of the property owner.

(2) 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.

(3) The lien shall be foreclosed in the manner provided in NMSA 1978 Sections 3-16-1 et seq.

(4) The resolution adopted by the Commission shall be filed and recorded with the County Clerk.

(5) Whenever the repairs ordered shall have been completed or the building(s) demolished and removed from the property so that it no longer exists as an abandoned building, structure, mobile or manufactured housing, wreckage or debris on the property described in the resolution, the county official shall file a new certificate with the County Clerk certifying that the building or premise has been demolished and disposed of from the premises or all required repairs have been made so that the building or premise is no longer a public nuisance, whichever is appropriate.

(D) Effect of failure to appeal. Failure of any person to file an appeal in accordance with the provisions of this Ordinance shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and resolution or any portion thereof.

REPAIR, DEMOLITION AND REMOVAL

SECTION XV. GENERAL REPAIR, DEMOLITION AND REMOVAL.

(A) The following standards shall be followed by the county official (and by the Board of County Commissioners, if an appeal is taken) in providing notice to the repair, demolition and removal of any abandoned buildings, structures, mobile or manufactured housing, wreckage or debris on property.

(B) Any premises declared a public nuisance under this Ordinance shall be made to comply with one of the following:

- (1) The building shall be repaired in accordance with the current building code or other current code applicable to the conditions requiring repair; or
- (2) The premises shall be demolished and debris removed by the property owner.

(C) Upon receipt of an application from the person required to conform to the resolution and an agreement by the person that he or she will comply with the resolution if allowed additional time, the county official may in his or her discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete the repair, rehabilitation or demolition if the building official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The County official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal his or her notice and order.

SECTION XVI. NOTICE TO VACATE.

(A) Posting. Every notice to vacate shall in addition to being served as provided in Section XII shall be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY
IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING,
OR TO REMOVE OR DEFACE THIS NOTICE.
COUNTY OFFICIAL _____ OF GRANT COUNTY.**

(B) Compliance. Whenever the notice is posted, the county official shall include a notification thereof in the notice and resolution issued under Section VIII, reciting the findings and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove the building under permit or permission of the county. No person will remove or deface any notice after it is posted until the required repairs, demolition or removal have been completed without the consent of the county. In a renovation of the building a building permit must be issued pursuant to the provisions of the Uniform Building Code.

SECTION XVII. ENFORCEMENT OF THE RESOLUTION OF THE BOARD OF COMMISSIONEERS.

(A) Generally. After any resolution of the Commission made pursuant to this Ordinance will have become final, no person to whom any resolution is directed will fail, neglect or refuse to obey any resolution. Any person who fails to comply with any resolution is guilty of a misdemeanor.

(B) Failure to obey resolution. If, after any resolution of the Commission made pursuant to this Ordinance has become final, the person or persons to whom the resolution is directed shall fail, neglect or refuse to obey the resolution, the county official may:

- (1) Cause the person to be prosecuted under division (A) above; or
- (2) Institute any appropriate action to abate the building or premise as a public nuisance.

SECTION XVIII. INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED.

No person will obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered demolished or removed under the provisions of this Ordinance when they are engaged in the work of demolishing and removal of debris of any building, pursuant to the provisions of this Ordinance, or in performing any necessary act preliminary to or incidental to the work or authorized or directed pursuant to this Ordinance. Any person found guilty under this provision shall be subject to a misdemeanor offense and sentenced as provided by law.

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION XIX. GENERAL PERFORMANCE OF WORK OF REPAIR OR DEMOLITION.

(A) Procedure. When any work of demolition is to be done pursuant to Section XVII of this Ordinance, the Manager or his or her designee may issue a directive therefore to the road superintendent and the work will be accomplished by personnel of this County or by private contract under the direction of the Manager. If any part of the work is to be accomplished by private contract, procurement procedures shall be followed.

(B) Costs. The cost of the work will be paid from the demolition and removal account, and may be made into a special assessment lien against the property involved.

(C) Compensation of contractor. The county may pay for the costs of removal of any abandoned building, manufactured or mobile home, wreckage, rubbish or debris as provided in Section XVII.

(D) Conditions of removal. Any person or firm removing any abandoned building, manufactured or mobile home, 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. The person or firm shall be responsible for disposal of the building and the like. The failure of the person or firm removing the above item(s) to comply with these conditions shall provide cause for the county to withhold payment for the costs of removal until the above conditions have been satisfied in the opinion of the Manager.

SECTION XX. DEMOLITION AND REMOVAL ACCOUNT.

(A) Generally. The Grant County Commission will establish a special revolving account to be designated as the demolition and removal account. Payments will be made out of the account upon the demand of the Manager or his or her designee to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of demolition and removal of abandoned buildings, manufactured or mobile homes, wreckage, rubbish and debris from the premises.

(B) Maintenance of fund. The Commission may at any time transfer to the repair and demolition account, out of any money in the general fund of this jurisdiction, the sums as it may deem necessary in order to expedite the performance of the work of demolition, and any sum so transferred shall be deemed a loan to the repair and demolition account and shall be repaid out of the proceeds of the collections hereinafter provided for and shall be paid to the treasurer of this jurisdiction who shall credit the same to the demolition and removal account. Any donations received from private sources shall only be used for the intended purpose of the fund and shall not revert to the general fund for any reason.

RECOVERY OF COST OF DEMOLITION AND REMOVAL

SECTION XXI. ENFORCEMENT OF LIEN.

(A) The Manager or his or her designee shall file in the office of the County Clerk any notice of property lien created by ordinance or under authority of law. The notice of lien shall include:

- (1) The number of the ordinance under which the lien is established;
- (2) The fact that a lien is established;
- (3) The general purpose of the lien;
- (4) The name of the owner of the property against which the lien is established as determined from the records of the county assessor/clerks;
- (5) The description of the property against which the lien is established;
- (6) The amount of the lien; and
- (7) If the lien is for more than one period of time, the date for which the lien is established.

(B) A lien for charges or assessments, which are provided for or fixed by any one ordinance or under authority of law may be included in the same notice of lien. The lien shall be attested in the name of the County Clerk under the seal of the County.

(C) The principal amount of any lien imposed for a county assessment shall bear interest at the rate of 12% per year or as provided by law from the date of filing the notice of the lien unless otherwise provided by law.

(D) After the filing of the notice of lien in the office of the County Clerk, the County shall have a lien upon the property described in the notice of lien. The filing of the notice of lien shall be valid notice of the existence of the lien and of the contents of the lien. No lien shall affect the title or rights to or in any real estate, of any purchaser, mortgagee in good faith of judgment lien creditor, without knowledge of the existence of the lien, unless the notice of the lien is filed in accordance with NMSA 1978, Section 3-36-1 in the office of the County Clerk All County liens filed in conformity with NMSA 1978, Sections 3-36-1 et seq. and Section 4-37-1 shall be first and prior liens on the property subject only to the lien of general state and county taxes. All foreclosure proceeding on delinquent liens shall follow the statutory requirements as set forth in NMSA 1978, Sections 3-36-1 et seq. and as authorized by NMSA 1978, Section 4-37-1.

(E) All money recovered by payment of the charge or from the sale of the property at foreclosure sale shall be paid to the treasurer of the county, who shall credit the same to the demolition and removal account.

(F) The County Clerk may release a lien against any specific property by:

- (1) Entering and signing a receipt of payment upon the notice of the lien filed in the office of the County Clerk; or
- (2) Issuing a separate receipt which recites that payment of the lien with any accrued interest and penalty has been made.

SECTION XXII. AUTHORITY FOR INSTALLMENT PAYMENT OF LIENS.

(A) The Manager or his or her designee, in his or her discretion, may determine that liens in amounts of \$500 or more shall be payable in not to exceed 5 annual installments.

(B) The determination to allow payment of the liens in installments, the number of installments, interest as provided by law shall be in writing and verified by the parties.

SECTION XXIII. EFFECTIVE DATE

This Ordinance shall take effect thirty days after the recording date.

APPROVED, ADOPTED AND PASSED THIS 23rd DAY OF June, 2022.

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO:**

[SEAL]

Chris M Ponce, Chair



Harry Browne, Vice Chair

Javier Salas, Member



Gerald W. Billings, Jr., Member

Alicia Edwards, Member



Marisa Castrillo, Clerk

