

LYLE NEWS

Earnest Huff had surgery on Thursday of last week in which they removed some of his intestine. He came through the surgery well and expects to be in the hospital a week, then will go back to the rest home in McCook.

J.T. and Kendra Guy came to the Magers reunion in Norcatur on Sunday, Aug. 1, and sealed the deck on Grandma Toots' roof. They plan to shingle on Labor Day

week when Kevin and Catherine will be here from Minnesota and Pam and Mike from Colorado. The Magers' yearly reunion was celebrated at the Educational Building. Twenty-four people attended from Colorado, Nebraska and Kansas.

Kathy Van Meter and Lloyd Frandsen took in the McCook fair two nights. His step-daughter, Jamie Elwood, took some medals

in barrel racing and other events. Kathy, Margaret "Toots" Magers and Joyce Sumner played pinochle at Good Sam today, Monday.

June Jolly is making a 'bear quilt.' She played cards Friday.

Aubrey High has spent a few afternoons with me, and always manages to keep busy. She brought a large moth in a fruit jar one day, and one day we made clothes for her dog, frog, rabbit and what not.

Whew! She will be in kindergarten in a few weeks.

Emily, Mariah and Garrett Bader and a friend are visiting this week. We played a game of "Sorry," and one with jumping frogs (not live ones this time!) Aug. 2 was Emily's birthday.

This was Dewayne Jackson's Sunday at church. We always appreciate him and his family. We learned that Dewayne and

Aurelia are grandparents. Jeremy Allen Janssen was born July 20, 2010, at 6:19 p.m. He is 7 pounds, 4 ounces and 21 1/2 inches long. He was born to Jesse and Kelsey Janssen.

Denny Leichliter and I took Gary Anthony to McCook on Saturday and had a good visit with Dwight Wood, and Gary took me to church and then dinner.

Carol Woodmansee's parents

came to the dinner and reported that Carol is doing pretty well. We had a good lunch, as usual. I was glad Larry Sumner brought beans, as I had brought a dish I wasn't very proud of, and Larry's saved the day. We were also especially glad to see Lora Arnold and her daughter, Susan.

The Liberty Star ladies sat at the 4-H building last Thursday at the Decatur County Fair.

•PUBLIC NOTICE• ORDINANCE NO. 2310

AN ORDINANCE ESTABLISHING A CODE FOR THE MANAGEMENT AND REGULATION OF THE ENVIRONMENTAL QUALITY OF THE CITY OF EDMOND, KANSAS, AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF

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ORDINANCE NO. 2310 AN ORDINANCE ESTABLISHING A CODE FOR THE MANAGEMENT AND REGULATION OF THE ENVIRONMENTAL QUALITY OF THE CITY OF EDMOND, KANSAS, AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDMOND, KANSAS:

SECTION 1. TITLE. This shall be known as the "Environmental Code."

SECTION 2. LEGISLATIVE FINDING OF FACT.

The governing body has found that there exists within the City unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents of other calamities; structural defects; uncleanness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the City, or are injurious to the health and safety of the residents of the City. The governing body desires to promote the public health, safety and welfare by the repair, removal, abatement and regulation of such conditions in the manner hereafter provided.

SECTION 3. PURPOSE. The purpose of this article is to protect, preserve, upgrade and regulate the environmental quality of industrial, commercial and residential neighborhoods in this city, by outlawing conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof.

SECTION 4. RULES OF CONSTRUCTION. For the purpose of this article, the following rules of construction shall apply:

(1) Any part thereof - Whenever the words premises, structure, building or yard are used, they shall be construed as though they were followed by the words "or any part thereof."

(2) Gender - Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable.

(3) Number - Words of number shall be construed to mean singular or plural, as may be applicable.

(4) Tense - Words of tense shall be construed to mean present or future, as may be applicable.

(5) Shall - The word shall is mandatory and not permissive.

SECTION 5. DEFINITIONS. The words and phrases listed below when used in this article shall have the following meanings:

(1) **Abandoned Motor Vehicle** - Any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the code; or incapable of moving under its own power; or in a junked or wrecked condition.

(2) **Accessory Structure** - A secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns or outbuildings.

(3) **Commercial or Industrial** - Used or intended to be used primarily for other than residential purposes.

(4) **Dilapidation, Deterioration or Disrepair** - Shall mean any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, cracking, peeling or flaking paint, rusting or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

(5) **Exterior** - Those parts of a structure, which are exposed to the weather or subject to contact with the elements; including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.

(6) **Garbage** - Without limitation, any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage or use of foodstuffs.

(7) **Person** - Any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

(8) **Premises** - Any lot, plot or parcel of land, including the structures thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.

(9) **Refuse** - Garbage and trash.

(10) **Residential** - Used or intended to be used primarily for human habitation.

(11) **Structure** - Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground, including any appurtenances belonging thereto.

(12) **Trash** - Combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers or street rubbish and sweepings.

(13) **Weathered** - Deterioration caused by exposure to the elements.

(14) **Yard** - The area of the premises not occupied by any structure.

SECTION 6. PUBLIC OFFICER. The Mayor,

with consent of the Council, shall designate a public officer to be charged with the administration and enforcement of this code.

SECTION 7. ENFORCEMENT STANDARDS.

No person shall be found in violation of this article unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under Section 8, but shall not include conditions, which are not readily visible from any public place or from any surrounding private property.

SECTION 8. UNLAWFUL ACTS. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions, which are injurious to the health, safety or general welfare of the residents of the community or conditions, which are detrimental to adjoining property, the neighborhood or the City. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(a) **Exterior Conditions** (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:

(1) Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;

(2) Abandoned motor vehicles; or

(3) Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property; or

(4) Nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.

(b) **Exterior Conditions** (structure) shall include, but not be limited to, deteriorated, dilapidated or unsightly:

(1) Exteriors of any structure;

(2) Exteriors of any accessory structure; or

(3) Fences, walls or retaining walls.

SECTION 9. NOTICE. Any person found by the public officer to be in violation of Section 8 shall be sent a notice of such violation by the public officer. The notice shall be sent by certified mail, postage prepaid, return receipt requested. The notice shall state:

(a) The condition which has caused the violation of this article; and

(b) That the person in violation shall have:

(1) 15 days from the date of the mailing of the notice to alleviate the exterior conditions (yard) violation; and/or

(2) 45 days from the date of the mailing of the notice to alleviate the exterior conditions (structure) violation;

(3) 15 days from the date of the mailing of the notice to request, as provided in Section 13, a hearing before the governing body on the matter; and

(c) That failure to alleviate the condition or to request a hearing may result in prosecution under Section 10 and/or abatement of the condition by the City according to Section 11 with the costs assessed against the property under Section 14.

SECTION 10. PENALTY. The public officer may file a complaint in the Municipal Court against any person found to be in violation of Section 8; provided, however, that such person shall first have been sent a notice as provided in Section 9 and that the person has neither alleviated the conditions causing the alleged violation, nor requested a hearing before the governing body within the time periods specified in Section 9. Upon such complaint in the Municipal Court, any person found to be in violation of Section 8 shall, upon conviction, be punished by a fine of not less than \$50.00, nor more than \$100.00, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this article, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

SECTION 11. ABATEMENT. In addition to, or as an alternative to, prosecution as provided in Section 10, the public officer may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 9 has neither alleviated the conditions causing the alleged violation, nor requested a hearing before the governing body within the time periods specified in Section 9, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 20 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City shall be assessed against the property as provided in Section 15.

A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Service by certified mail, postage-prepaid, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, or if the owner or his or her agent in charge of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, then the notice may be served by the following methods: door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, first-class mail or certified mail, return receipt requested. If the property is unoccupied and the owner is a nonresident, then notice shall be given by telephone communication or first class mail.

SECTION 12. HEARING BEFORE GOVERN-

ING BODY. If a hearing is requested within the 15-day period as provided in Section 9, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 11.

SECTION 13. APPEALS. Any person affected by any determination of the governing body under Sections 11 or 12 may appeal such determination in the manner provided by K.S.A. 60-2101.

SECTION 14. COSTS ASSESSED. If the City abates the conditions in violation of this article, pursuant to Section 11, the cost of abatement shall be charged against the lot or parcel of ground on which the conditions were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs as provided in this section and/or collect the same as a personal debt in the manner provided by K.S.A. 12-1, 115 and amendments thereto. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

SECTION 15. CONSTRUCTION. Nothing in this article shall be construed to abrogate or impair the powers of the Courts or of any department of the City to enforce any provisions of its laws, nor to prevent or punish violations thereof. The powers conferred by this article shall be in addition to and supplemental to the powers conferred by the Kansas Constitution, by any other law or by ordinance.

SECTION 16. JUNKED, ABANDONED VEHICLES. The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the City because they:

(a) Serve as a breeding ground for flies, mosquitos, rats and other insects and rodents;

(b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;

(c) Are a ready source of fire and explosion;

(d) Encourage pilfering and theft;

(e) Constitute a blighting influence upon the area in which they are located; and

(f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

SECTION 17. DEFINITIONS. As used in this article, unless the context clearly indicates otherwise:

(a) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed; or

(b) Vehicle means, without limitation, any automobile, truck, tractor or motorcycle which is originally built contained an engine, regardless of whether it contains an engine at any other time.

SECTION 18. PRESUMPTIONS. Any one of the following conditions shall raise the presumption that a vehicle is inoperable:

(a) Absence of a current registration plate upon the vehicle;

(b) Placement of the vehicle or parts thereof upon jacks, blocks or other supports; or

(c) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

SECTION 19. UNLAWFUL STORAGE. Except as provided in Sections 20 and 21, it shall be unlawful for any person or agent, either as owner, lessee, tenant or occupant of any land within the City to park, store or deposit, or permit to be parked, stored or deposited thereon, an inoperable vehicle unless the vehicle is enclosed in a garage or other building.

SECTION 20. TEMPORARILY DISABLED VEHICLE. The provisions of Section 19 shall not apply to the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less.

SECTION 21. SALVAGE DEALERS; SCREENING. The provisions of Section 19 shall not apply to any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicle's from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this section shall be construed as to authorize the maintenance of a public nuisance.

SECTION 22. ADMINISTRATIVE PROCEDURE. Whenever an informal complaint is made to the City Clerk or notice is given to such officer of the existence of an apparent violation of this article, he or she shall within seven (7) days thereafter cause to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located a written notice. Such notice shall inform such person of the violation and direct that he or she take action within seven (7) days after receipt of such notice to comply with the provisions of this article or abatement will be commenced for violation thereof.

In the event such person fails to comply with the provisions of this article within such time, the City may commence abatement under this article.

SECTION 23. ABANDONED VEHICLES; AUTHORITY TO REMOVE.

(a) Whenever any person shall abandon and leave a motor vehicle on a highway or other property open to use by the public for a period of time in excess of 48 hours, the City may remove the motor vehicle from such highway or other property and place or store the same in a safe and convenient place. If such motor vehicle has displayed thereon a registration plate issued by the Division of Motor Vehicles and has been registered with said Division, the City or its designated agent shall mail a notice by certified mail to the registered owner thereof, addressed to the address shown on the certificate of registration, and to the lienholder, if any, of record in the County in which the title shows the owner resides, if registered in this state, stating that if the owner or lienholder does not claim such motor vehicle and pay the removal and storage charges incurred by the City on the same within 15 days from the date of the mailing of the notice, then the same will be sold at public auction to the highest bidder for cash.

(b) The City shall use reasonable diligence in determining the title owner, or if from a non-title state, the registered owner of the vehicle, and shall inquire by mail of the office of the County in which the title shows the owner resides and the Kansas Department of Revenue, Division of Vehicles, if registered in the state, as to whether there are any lienholders of record.

SECTION 24. SAME; NOTICE.

(a) After 15 days from date of mailing the notice, the City or its designated agent shall publish a notice for two (2) consecutive weeks in the official City newspaper where such motor vehicle was abandoned and left. The notice shall describe the motor vehicle by name of maker, model, serial number and owner, if known, and state that the same has been impounded by the City and will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim the same within 10 days from the date of the second publication of the notice and pay the removal and storage charges, and the publication costs incurred by the City.

(b) If such motor vehicle does not display a registration plate issued by the Division of Vehicles and is not registered with said Division, the City or its designated agent, after 30 days from the date of impoundment, may publish a notice in the official City newspaper, which notice shall describe the motor vehicle by name of maker, model, color and serial number and shall state the same has been impounded by the City and will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim the same within 10 days from the date of the second publication of the notice and pay the removal and storage charges incurred by the City.

SECTION 25. SAME; SOLD AT AUCTION.

(a) Whenever the City or its designated agency has complied with the foregoing provisions of this article with respect to any such abandoned motor vehicle and the owner thereof does not claim the same within the time stated in the notice and pay the removal and storage charges and publication costs incurred by the City on such motor vehicle, the City or its designated agent may sell the motor vehicle at public auction to the highest bidder for cash.

SECTION 26. SAME; ON PRIVATE PROPERTY.

(a) Any person who shall abandon and leave any vehicle on any real property, other than public property or property open to use by the public, within the City, which is not owned or leased by such person or by the owner or lessee of such vehicle, shall be guilty of criminal trespass. Upon request of the owner or occupant of such real property the City or its designated agent may remove and dispose of such vehicle in the manner provided in this article, except that the provisions that a motor vehicle be abandoned for a period of time in excess of 48 hours prior to its removal shall not be applicable to abandoned vehicles, which are subject to the provisions of this section.

(b) Any person removing such vehicle from the real property at the request of the City shall have a possessory lien on such vehicle for the costs incurred in removing, towing and storing such vehicle.

SECTION 27. ENFORCING OFFICER. The public officer or City Clerk or his or her duly authorized agent is hereby designated as the enforcing officer of the City and charged with the administration of the provisions of this article.

SECTION 28. WEEDS TO BE REMOVED. It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including, but not specifically limited to sidewalk, streets, alleys, easement, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

SECTION 29. DEFINITIONS. Weeds as used herein, means any of the following:

(a) Brush and woody vines shall be classified as weeds;

(b) Weeds and indigenous grasses, which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(c) Weeds which bear or may bear seeds of a downy or wingy nature;

(d) Weeds which are located in an area, which harbor rats, insects, animals, reptiles or any creature that either may or does constitute a menace to health, public safety or welfare;

(e) Weeds and indigenous grasses on or

about residential property, which, because of their height, have a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed eight (8) inches in height.

SECTION 30. PUBLIC OFFICER; NOTICE TO REMOVE.

The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner or his or her agent in charge of any premises within the City upon which weeds exist in violation of this article, by certified mail, return receipt requested, or by personal service. If the property is unoccupied, and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner. Such notice shall include the following:

(a) That the owner or his or her agent in charge of the property is in violation of the City weed control law.

(b) That the owner or his or her agent in charge of the property is ordered to cut the weeds within 10 days of the receipt of the notice.

(c) That the owner or his or her agent in charge of the property may, within the 10-day period, request a hearing before the governing body or its designated representative.

(d) That if the owner or his or her agent in charge of the property does not cut the weeds, then the City or its authorized agent will cut the weeds and assess the costs of cutting, including a reasonable administrative fee, against the owner or his or her agent in charge of the property.

(e) That the owner or his or her agent in charge of the property will be given an opportunity to pay the assessment; and, if it is not paid, then it will be added to the property tax as a special assessment and/or collected as a personal debt in the manner provided by K.S.A. 12-1,115 and amendments thereto.

(f) That the public officer shall be contacted if there are any questions regarding the order.

If the owner or his or her agent in charge of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, then the notice may be served by the following methods: door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, first-class mail or certified mail, return receipt requested. If the property is unoccupied and the owner is a nonresident, then notice shall be given by telephone communication or first class mail.

SECTION 31. ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of 10 days after receipt or other service of the notice provided in Section 30, and in the event that the owner or his or her agent in charge of the property shall neglect or fail to comply with the requirements of Section 28, then the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby.

(b) If the City abates or removes the nuisance, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice.

(c) If the cost of such removal or abatement and notice is not paid within the 30-day period, then the cost shall be collected as a personal debt in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify such costs for collection by the County Treasurer. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto.

SECTION 32. RIGHT OF ENTRY. The public officer, and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article.

SECTION 33. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute a Code violation.

SECTION 34. NOXIOUS WEEDS.

(a) Nothing in this article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this section, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quack grass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), buragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia dens flora*), musk (nodding) thistle (*Carduus nutans L.*), Johnson grass (*Sorghum halepense*) and sericea lespe-deza (*Lespedeza cuneata*).

THIS ORDINANCE shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND APPROVED by the governing body of the City of Edmond, Kansas, on this 3rd day of August, 2010.

CITY OF EDMOND, KANSAS

(Seal)

Jim Akers, Mayor

ATTEST:
Amber Nuttycomb, City Clerk