

**"Otero County Solid Waste Ordinance."
or "Save the Children" or Why Does the BOCC Call for more LAWS?**

by Walt Coffman, 1014 NM Hwy 24, Weed, NM 88354, March 9, 2019

The story we are told goes that: "Once upon a time there is a trashed trailer that is about to fall across a property line and children playing in the yard might die."

Another story goes: "A trashed trailer has rats that threaten the children". Or alternatively: "A trashed trailer has rats (opossums, ants, cockroaches etc) and poses a health hazard to the trespassing "public".

The second half of the story goes, "We have no laws to protect these children." or perhaps "We have laws but no one will enforce them." Sometimes all the stories are told together.

The county where the evil rats and sweet children live has thousands of lawful homes while the dangerous, disrepaired, ruined, dilapidated, nasty, children threatening trailers are perhaps a few dozen.

What will we do? What will we do, cry the lawmakers? More laws, more inspectors, more government. That will save the children and kill the rats! "Really?", the taxed subjects ask?

Surprise! Surprise! Otero County (not counting State Laws) has had law to correct these very evil trailers and rats for **over 15 years!** (Refusal to enforce law is dealt with by NM State statute (mandamus)).

So Why aren't the EXISTING laws enforced, and the children saved ??

The law is clear. Chapter 190, Solid Waste (Law has EXISTED since at least 2003. Last updated in 2013) 190 states (simplified language for the "***save the children***" folks so they can kinda understand):

190-4 Accumulation of dismantled or partially dismantled mobile homes; removal; penalty.

A. No person shall permit to accumulate upon premises owned, leased, or occupied by him, within 200 feet of another property boundary or public easement (prescriptive or otherwise), ***any dismantled or partially dismantled mobile homes***

C. No person in control of that property or that causes such action shall cause or permit to remain upon any property, private or public, any ***dismantled or partially dismantled mobile homes***, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

D. Subject to any limitations or otherwise provided by law, the Sheriff or County Code Enforcement Officer is authorized to enforce this chapter.

190-8 Violations and penalties.

A. Persons convicted of violating of this chapter shall be punishable by a fine of ***\$300 or imprisonment for 90 days***, or both the fine and imprisonment,

Wow! Children will be saved if government follows the laws already enacted. Who knew?

Government is not following laws (wow)? Is any bureaucrat accountable? Failures not from lack of laws but:

- Judges refuse to issue warrants?
- Sheriff refuses to take complaints seek warrants and make arrests?
- Otero County officials know about infractions but fail to report them to Sheriff?

The solution is more law? ***Add a County bureaucracy with inspector employees?*** More infringement?
Perhaps a better solution is new Government - Judges, Sheriff, County Employees?