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**MEMORIAL REQUESTING STUDY ON NEED FOR CLASS A COUNTIES
TO HAVE A SPECIAL JUDGE OR SPECIAL MASTER
TO HEAR CODE ENFORCEMENT CASES**

Bernalillo County requests that a New Mexico Legislative Memorial be introduced requesting a study on the need for Class A counties to have an appointed Special Judge or Special Master to hear only code enforcement cases, thus expediting corrective actions and relieving these cases from the existing Metropolitan Court caseload.

The County presents approximately 300 cases annually before the courts for violations, including zoning, building, environmental health, animal care, fire marshal, public works and others. Code violations in these cases are often docketed with other cases such as DWIs, traffic violations, and domestic violence. The Courts often view the County's code violation cases as low priorities. As an example, in 2012, the zoning enforcement section alone conducted 3991 inspections in response to requests for service from the community. This led to 104 cases filed in court. Animal Care Services responded to 6560 calls for service in 2012 which led to 108 being filed in Metropolitan Court, and that number is expected only to increase. These figures do not include other county enforcement agencies such as Public Works, the Fire Marshall, Building or Environmental Health.

These caseloads are increasing as the County grows and code compliance becomes more of a priority for the community. The Board has added inspectors to pursue violations and has approved revisions to County ordinances with the goal of enforcing codes equitably throughout the County. Many County residents are requesting additional enforcement efforts to address continuing violations in their neighborhoods.

The emphasis on code enforcement results in an increase in court cases in an already burdened system. Removing code enforcement items from the courts and assigning them to a Special Judge or Special Master to address code violations will provide enforcement staff the support needed to increase compliance with local ordinances. This will also relieve the courts from having to handle these administrative issues.

Code enforcement staff now has the authority to issue a notice of violation and then pursue a criminal complaint through the courts if the violation is not abated in a timely manner. Only the courts can levy a fine or order abatement of the violation. Having citation authority would allow code enforcement personnel to issue a citation similar to a parking or traffic ticket. This would establish a process allowing the property owner to pay the fine in recognition of the violation, or to appeal through the courts. This could potentially eliminate the need to take as many cases to court as is currently the case and would offer an incentive for cleaning properties earlier in the process in order to avoid the fine.