

City of Willcox Newsletter April 2012

Private Property Rights: Mine or Yours?

Pat McCourt, Willcox City Manager

In the United States of America, we highly value individual freedom and rights; Private Property Rights are very highly valued. There is an old saying (probably an old Irish saying) that goes: *“My rights end at the end of my fist and yours start at the end of your nose. As long as those two don’t touch, we have no problem.”* So it is also with Private Property Rights: mine end at my property line and yours start at your property line. If it were only so simple, life would be good.

The reality is that what happens on your property often does affect my property rights. It may lower the value of my property; it may interfere with my ability to enjoy or use my property for whatever reason I wish; it may involve creation of an environment that promotes vermin that migrate to my property, or conditions that may promote a fire which could spread to my property.

To address those types of concerns, we as a society have developed a series of laws that govern what and how property may be used. Make no mistake-every law we pass restricts our personal freedom; the counter-balance is that it guarantees us some right or protection. A very simple example of this is: we have a law that says you have to drive on the right side of the road; this restricts our freedom, but it also protects our lives.

So what does this abstract conversation have to do with us and our day-to-day lives? The City deals with this question of the balance on Individual Property Rights every day. When we tell a person they have to cut their grass or clean up their yard, the City (which is all of us, who elected individuals to represent us and enact laws to protect us) are telling our neighbors that they have restrictions on their Private Property rights. Make no mistake, the City of Willcox is far less restrictive than other communities; (e.g., Dell Webb and Scottsdale). That is because we make the **local** decisions on these matters; these matters are **usually** not dictated by the County, State, or Federal Government. Second, make no mistake - one man’s treasure is another man’s trash.

So what does this have to do with the title of this article?

Having Private Property Rights also means having responsibility for taking care of that property. Most people will take care of their property in a manner which meets or exceeds the standards set by us as a community. Some people need a reminder. Some people may not be physically or financially able to take care of their property; in this case the City attempts to find volunteers to assist these people to fulfill their responsibilities as Private Property owners. A few people require the City to issue citations and/or other action. I am very protective of my Private Property Rights, and I find most people are very protective of their Private Property Rights. I also find that when people are talking about

someone else's 'ugly property', they tend to be less protective of that person's Property Rights; and when they are wanting someone else (the City) to pay the price of doing whatever they want done on the other person's Private Property, they are very much less protective of that person's Private Property Rights. When a building on Private Property burns; it is the responsibility of the Private Property owner to clean up the mess. The City does and will take steps to insure Public Safety. The City will also follow steps to protect the Property Rights of that same Private Property owner whose property has burned.

In Willcox, something that you and I may feel is 'ugly' is *not* a basis for the Government (City) to step in and force a person to take an action or force an action and expense on the Private Property owner. Protecting the Public's safety may be a reason if it can be demonstrated that the Private Property owner has not taken sufficient steps. In America, we proceed very slowly and deliberately when dealing with people's Private Property Rights. That slowness is designed to protect your and my Private Property Rights.

When the City finds the public safety need is sufficient and the Private Property owner can't or won't fulfill their responsibility, then the City may perform the necessary steps to protect the public and place a lien on the property. So in theory, there is no "cost" or economic loss to the taxpayer of cleaning up these situations. If that is true, then it is equally true that a private person could purchase the property in the free market, clean it up, resell it, and make money. Yet we know that this is not happening, therefore, the economics argument is not correct. The reason it is not correct is that the cost of the cleanup may often exceed the value of the property after the cleanup, i.e., the chance of the Taxpayers recovering the cost of the cleanup is small. Therefore, there must be other reasons, besides economic, for the Taxpayers to take limited money (we still haven't located the money tree that many people feel is somewhere in Willcox) and spend it for the cleanup, instead of spending it for Police, Library, Parks, Fire and other General Fund expenses. Staff has looked (as of the date of this writing), and has not found any grants to pay for this type of cleanup.

From the Office of the City Clerk...

Cristina G. Whelan, CMC

City Council Meetings

Monday

May 7, 2012

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Monday

May 21, 2012

7:00 p.m.

City Council Chambers
300 W. Rex Allen Drive

The General Election will be held on

Tuesday, May 15, 2012

There are Three Official Write-In Candidates:

Wm. Kelly Rowden

Linda Sue Ball

Richard Bennett

Names will not appear on ballot.