

Item #12

**City of Carson City
Agenda Report**

Date Submitted: July 08, 2008

Agenda Date Requested: July 17, 2008

Time Requested: 30 minutes

To: Mayor and Board of Supervisors

From: Development Services Director

Subject Title: Action to approve ratifying the staff's abatement of a nuisance at 1200, 1210, 1220, 1230, 1240, and 1300 Race Track Road, Carson City, Nevada 89701 (APN 009-311-64) and action to authorize the recording of a lien pursuant to CCMC 8.09.290, against Reynen and Bardis (Carson) LLC (APN 009-311-64) for the purpose of recovering the cost of abating the subject nuisance.

Staff Summary: By this action, the Board will ratify the staff moving forward with the abatement of the nuisance at 1200, 1210, 1220, 1230, 1240, and 1300 Race Track Road, Carson City, Nevada 89701 (APN 009-311-64). Furthermore, the Board will authorize the recording of a lien against the subject property to recover the cost of the clean up pursuant to CCMC 8.09.290 and NRS 244.360.

Type of Action Requested:

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the ratification of staff's abatement of a nuisance at 1200, 1210, 1220, 1230, 1240, and 1300 Race Track Road, Carson City, Nevada 89701 (APN 009-311-64) and action to authorize the recording of a lien pursuant to CCMC 8.09.290, against Reynen and Bardis (Carson) LLC (APN 009-311-64) for the purpose of recovering the cost of abating the subject nuisance.

Explanation for Recommended Board Action: The Board will be ratifying the staff's action in abating the nuisance on APN 009-311-64 and will be authorizing the recording of a lien against the property of Reynan and Bardis (Carson) LLC to recover the cost of abating the subject nuisance.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 8.08, 8.09 Nuisance-Abatement by City (8.09.290)

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Delay the action against the property owner and allow the nuisance to continue

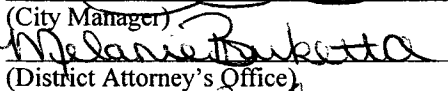
Supporting Material:

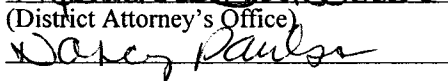
- 1) Outline of Staff Actions
- 2) Code Enforcement Letter
- 3) CCMC and NRS code sections

Prepared By: Lena Tripp, Senior Permit Technician

Reviewed By:


(Development Services Director)


(City Manager)


(District Attorney's Office)

Date: 7/7/08

Date: 7/8/08

Date: 7-8-08

7-8-08

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

8.09.290 Summary abatement.

1. Whenever at least 3 persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of the Carson City Sheriff's Department or Carson City Fire Department determine in a signed, written statement that a dangerous structure or condition exists which is an imminent danger to the surrounding neighborhood, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

a. If practicable, hand delivered or sent prepaid by United States mail to the owner of the property; or
b. Posted on the property, before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

2. The costs of securing the structure or condition may be made a special assessment against the real property on which the structure or conditions is located any may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

3. As used in the section, "imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of:

a. The occupants, if any, of the real property on which the structure or condition is located; or
b. The general public. [Reference NRS 244.3601] (Ord. 2005-18 § 3 (part), 2005).

8.09.300 Summary abatement—Procedures.

1. The enforcement officials shall pursue only the minimum level of correction or abatement as necessary to eliminate the imminent danger.

2. The enforcement official may also pursue any other criminal, administrative or judicial remedy to abate any remaining violations. (Ord. 2005-18 § 3 (part), 2005).

8.09.310 Procedures for recording code enforcement lien.

1. An enforcement official may record a code enforcement lien in the official records of Carson City to collect all administrative fees, administrative fines, abatement costs and other costs provided for in this chapter and Chapter 8.08 of the Code.

2. Before recording a code enforcement lien, an enforcement official shall provide to the owner a notice of intent to record stating that a code enforcement lien will be recorded unless payment of all monies due is paid in full on or before the date listed herein.

3. The recorded code enforcement lien shall include the name of the property owner, the assessors parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due to the city.

4. Any costs associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided for in Sections 8.09.060 to 8.09.090 of this chapter of the Code. (Ord. 2005-18 § 3 (part), 2005).

8.09.320 Service of code enforcement lien.

A copy of the recorded code enforcement lien shall be mailed to the owner by certified mail, postage prepaid, return receipt requested or hand delivered. (Ord. 2005-18 § 3 (part), 2005).



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

July 10, 2008

HAND DELIVERED

Reynen & Bardis (Carson) LLC
Attn Ed Davis-Land Development Manager
5410 Longley Lane
Reno, NV. 89511

RE: Summary Abatement Notice (APN: 009-311-64)

Dear Mr. Davis,

Based on complaints to the City, a site visit was conducted by representatives of Carson City Fire Department, Stacey Giomi, Engineering Department, Jeff Sharp, Building Department, Kevin Gattis, and Planning Department, Lee Plemel. You are hereby notified that an imminent danger to the surrounding neighborhood exists thus creating a dangerous structure and/or condition at 1200, 1210, 1220, 1230, 1240 and 1300 Race Track Rd, Carson City NV 89701 (APN 009-311-64). The cost of securing the structural and/or condition maybe made a special assessment against the real property on which the structure and/or condition is located pursuant to CCMC 8.09.290 and maybe collected pursuant to the provisions in subsection 4 of NRS 244.360. An imminent danger means the existence of any structure and/or condition that could reasonably be expected to cause injury or endanger the safety or health of the general public.

You may challenge the action to secure the structure and/or property or obtain additional information by contacting Walter Sullivan at 775-887-2000 extension 30077 or Kevin McCoy at 775-887-2599 extension 30229. Our address is Development Services Department, 2621 Northgate Lane, Suite #6, Carson City, NV 89706.

BUILDING DIVISION • 2621 Northgate Lane, Suite 6 • Carson City, Nevada 89706
Phone: (775) 887-2310 Fax: (775) 887-2202 e-mail: bldgdiv@ci.carson-city.nv.us



This matter is set to be heard before the Carson City Board of Supervisors at their meeting on July 17, 2008 commencing at 08:30 am in the Carson City Community Center, Sierra Room, 850 E William St., Carson City, NV, 89701. Your attendance is encouraged at this meeting.

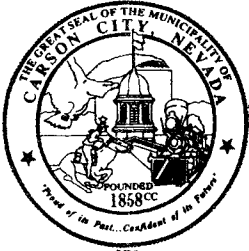
Sincerely,

A handwritten signature in black ink, appearing to read "Walter Sullivan". The signature is fluid and cursive, with the first name "Walter" and last name "Sullivan" clearly distinguishable.

Walter Sullivan, AICP

Director, Development Services Department

CC: Larry Werner, City Manager
Joel Benton, District Attorney's Office
Kevin Gattis, Building Department
Stacey Giomi, Fire Department
Lee Plemel, Planning Department
Jeff Sharp, Development Engineering Department
Kevin McCoy, Code Enforcement



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

July 10, 2008

Certified Mail Receipt # 7007 2560 0000 5997 4706

Reynen & Bardis (Carson) LLC
10630 Mather Blvd
Sacramento, CA 95655

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Sincerely,

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Walter Sullivan, AICP

Director, Development Services Department

CC: Larry Werner, City Manager
Joel Benton, District Attorney's Office
Kevin Gattis, Building Department
Stacey Giomi, Fire Department
Lee Plemel, Planning Department
Jeff Sharp, Development Engineering Department
Kevin McCoy, Code Enforcement

INTEROFFICE MEMORANDUM

TO: WALTER SULLIVAN, DEVELOPMENT SERVICES DIRECTOR
FROM: KEVIN GATTIS, BUILDING OFFICIAL
SUBJECT: OLD RACE TRACK PROPERTY, RACE TRACK ROAD, CASON CITY, NV.
DATE: 7/10/2008

An inspection was completed at the old race track property located on Race Track Road in Carson City due to complaints received by Development Services Department staff. The inspection was conducted by Jeff Sharp, City Engineer, Lee Plemel, Planning Director and Kevin Gattis, Building Official.

The following items were observed:

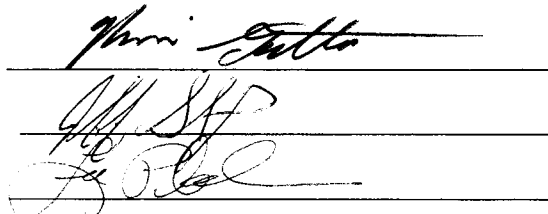
1. The existing structures are in disrepair, structurally unsound, and have many trip and fall hazards.
2. The foundation of the existing bleachers are a possible hazard as well. There are CMU (concrete masonry units) blocks with rebar sticking out of them.
3. There are a few small wood framed out buildings that need to be removed due to being in disrepair and unsafe.
4. There are several areas of the site that have concrete blocks, chain link fencing and debris lying on the ground that constitute a possible hazard and shall be abated.

The existing structures and portions of the site were found to be an imminent danger to the general public's health and safety and needs to be abated immediately.

Kevin Gattis, CBO, Building Official

Jeff Sharp, P.E., City Engineer

Lee Plemel, Planning Director



From: Stacey Giomi
To: Sullivan, Walter
Date: 7/9/2008 9:31 AM
Subject: Race Track Building

Walter,

We have examined the old rack track building and find that a hazard exists. The building is in extremely poor shape, unsecured, and a fire hazard. Weeds are abundant around the property. Although the weeds are green at this time, in the next week or two they will turn brown and constitute an additional fire hazard. The building itself is an attractive nuisance. Should a fire occur in the building, it will be nearly impossible to confine the fire to the structure itself. Prevailing winds will send embers to the surrounding area and potentially cause additional fires. A fire at this site would challenge all of our available resources. It was also noted that vandals have spray painted the building in various locations. This suggests that people are using the site as a gathering point. This increases the potential danger as this structure isn't in any shape to be occupied.

To abate the hazard, the wooden structure should be removed and weeds cleared from the property, particularly weed accumulations near the property lines.

Stacey Giomi
Fire Chief/Emergency Management Director
Carson City Fire Department
777 S. Stewart St.
Carson City, NV 89701

PHONE: (775) 887-2210 Extension 1005
FAX: (775) 887-2209
E-MAIL: sgiomi@ci.carson-city.nv.us

NRS 244.360 Abatement of nuisances: Complaint; notice; hearing; order; enforcement of order; costs; alternative procedures.

1. Whenever a written complaint is filed with the county clerk alleging the existence of a nuisance, as defined in NRS 40.140, within the county, the county clerk shall notify the board of county commissioners, who, except as otherwise provided by subsections 5 and 6, shall forthwith fix a date to hear the proof of the complainant and of the owner or occupant of the real property whereon the alleged nuisance is claimed to exist not less than 30 nor more than 40 days subsequent to the filing of the complaint.

2. At the time of fixing the hearing, the board of county commissioners shall order and cause notice of the hearing to be published at least once a week for 2 weeks next preceding the date fixed for the hearing in a newspaper of general circulation published in the county and, if none is so published in the county, then in a newspaper having a general circulation in the county.

3. At the time fixed for hearing, the board of county commissioners shall proceed to hear the complaint and any opponents. The board may adjourn the hearing from time to time, not exceeding 14 days in all. At the hearing, it shall receive the proofs offered to establish or controvert the facts set forth in the complaint, and on the final hearing of the complaint, the board shall by resolution entered on its minutes determine whether or not a nuisance exists and, if one does exist, order the person or persons responsible for such nuisance to abate the same. If the order is not obeyed within 5 days after service of a copy upon the person or persons responsible for the nuisance, the board of county commissioners shall cause the abatement of the nuisance and make the cost of abatement a special assessment against the real property.

4. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

5. As an alternative to the procedure set forth in subsections 1, 2, 3 and 4, the board of county commissioners, upon receipt from the county clerk of notice of the filing of a complaint alleging the existence of a nuisance, may direct the district attorney to notify the person responsible for such nuisance to abate it, and if such notice is not obeyed after service thereof, within a reasonable time under the circumstances, as specified by the board, to bring legal proceedings for abatement of the nuisance, and for recovery of compensatory and exemplary damages and costs of suit. Such proceedings shall be under the control of the board of county commissioners in the same manner as other suits to which the county is a party.

6. Notwithstanding the abatement procedures set forth in the preceding subsections, any board of county commissioners in this State may, by ordinance, direct the district attorney of the county in which the board has jurisdiction to bring all necessary civil actions on behalf of the county in any court of competent jurisdiction to enjoin, abate or restrain the continued violation of any ordinance, rule or regulation enacted, adopted or passed by said board and having the effect of law, the violation of which is designated as a nuisance in such ordinance, rule or regulation. If the board of county commissioners decides to direct the district attorney as herein provided, it shall enact an ordinance empowering the district attorney to file all necessary civil actions in the name of the county in any court of competent jurisdiction to enforce any such ordinance, rule or regulation of the board having the effect of law.

[1:29:1901; RL § 1562; NCL § 2043]—(NRS A 1971, 944; 1973, 215)

NRS 244.3601 Dangerous structure or condition posing imminent danger to surrounding neighborhood: Determination; notice; special assessment against property to recover costs of securing.

1. Notwithstanding the abatement procedures set forth in NRS 244.360, a board of county commissioners may, by ordinance, provide for a reasonable means to secure a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger to the surrounding neighborhood. The owner of the property on which the structure or condition is located must be given reasonable written notice that is:

- (a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or
- (b) Posted on the property,

↪ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

2. The costs of securing the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

3. As used in this section, "imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of:

- (a) The occupants, if any, of the real property on which the structure or condition is located; or
- (b) The general public.

(Added to NRS by 1995, 2536; A 2001, 3100)