



Carson City Planning Division

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MEMORANDUM

Historic Resource Commission Meeting of October 10, 2013

TO: Historic Resource Commission **Item F-3**

FROM: Susan Dorr Pansky, Planning Manager

DATE: October 3, 2013

SUBJECT: HRC-13-090 – Recommendation to staff to secure the vacant property located at 603 W. Robinson Street for public safety purposes during the Halloween festivities on October 31, 2013.

RECOMMENDED MOTION: "I move to recommend that staff secure the property at 603 West Robinson Street (property owner: Margaret Spears) for the Halloween festivities on October 31, 2013 in accordance with Carson City Municipal Code, Section 8.09.290 if a dangerous structure or condition exists which has been determined to be an imminent danger to the surrounding neighborhood, APN 003-243-02."

It was brought to the attention of the Historic Resources Commission (HRC) during the September 12, 2013 meeting by surrounding property owners that the property located at 603 W. Robinson Street is not being maintained and they are concerned about the safety of the public during the annual Halloween festivities that will take place on October 31, 2013. As the HRC is aware, Halloween is celebrated by nearly all the properties in the general vicinity of the subject property, including the Governor's Mansion, which makes the festivities and trick-or-treating in the area very popular and extremely well attended by the public each year. The subject property has also participated in this event historically, so it would not be unreasonable to anticipate that the public would attempt to go onto the property for trick-or-treating, not knowing that it is now vacant.

The surrounding property owners have voiced concerns that during this time, should the public try to enter various parts of the subject property, there is the potential for injury due to lack of upkeep on the house and grounds in general. Staff understands these concerns and has looked into what the City might do to secure the property to ensure public safety. In addition, and unrelated to the Halloween event specifically, staff issued a Notice of Violation on September 16, 2013 ordering the property owner to address various nuisance conditions on the property. The nuisance conditions cited in the letter are similar to the conditions that the surrounding property owners voiced concern about and include the following:

- Trash, rubbish and debris on the property
- Overgrown vegetation on the sidewalks
- Fencing in disrepair
- Unsecured doors, windows or structures

When establishing whether the City has the authority to secure private property, it is necessary to determine if the property poses an imminent danger. Per Carson City Municipal Code, Section 8.09.290(3), 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 either the

occupants (if any) or the general public. Conditions that would be classified as causes of imminent danger include the following:

- Unsecured doors and windows
- Unsecured structures (meaning a structure, or portion of a structure that is collapsing or could collapse)
- Open pits, holes, swimming pools, etc.

In the case of the subject property, if a condition of imminent danger is determined to exist the City would place a temporary fence around the perimeter of the property at the back of the sidewalk to deter the public from entering the property during the Halloween event.

Code Enforcement staff performed a site visit at the subject property on Tuesday, October 1, 2013 to determine whether the nuisance conditions outlined in the Notice of Violation had been addressed and to assess the property for imminent danger. As of the date of the site visit, the property had been secured and the following nuisance conditions had been addressed:

- Fences on both the east and west side have been secured and access to the rear of the property has been blocked
- The collapsing archway structure at the front walkway has been removed
- All access doors are locked and no broken windows exist
- The yard has been cleared of debris

At this time, Code Enforcement staff does not have justification to enter the subject property and secure it, as a condition of imminent danger has not been determined to exist. However, because staff is aware of the vacant nature of the subject property and its tendency to fall into disrepair quickly, another site visit will be performed closer to October 31, 2013 to ensure that the property remains secure. Staff will also discuss the circumstances of the property with the Sheriff and request that personnel on duty and assigned to the area on October 31, 2013 pay particular attention to the subject property to help ensure public safety.

If is determined during the next site visit that action must be taken to secure the property from imminent danger, the following procedure will be followed prior to placement of a perimeter fence per Carson City Municipal Code:

Carson City Municipal Code, Section 8.09.290

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 and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

If you have questions regarding this item, please contact Susan Dorr Pansky at 283-7076 or spansky@carson.org.