

Item # 7

**City of Carson City  
Agenda Report**

**Date Submitted:** June 24, 2008

**Agenda Date Requested:** July 3, 2008  
**Time Requested:** 10 minutes

**To:** Mayor and Board of Supervisors

**From:** Development Services Director

**Subject Title:** Status report regarding the Racetrack Nuisance

**Staff Summary:** Staff will provide the Board with a status report regarding the racetrack nuisance as to whether the property owner/developer will under take the cleanup and mitigation of the nuisance aspects of the site or if Carson City will under take the task

**Type of Action Requested:**

- Resolution
- Ordinance
- Formal Action/Motion
- Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** None Required

**Explanation for Recommended Board Action:** N/A

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC Title 8.08, 8.09 Nuisance-Abatement by City (8.09.280)

**Fiscal Impact:** Depends on what party performs the cleanup and mitigation to the nuisance site

**Explanation of Impact:** N/A


**Funding Source:** N/A

**Alternatives:**

**Supporting Material:** 1) Code Enforcement Letter

Prepared By: Walter Sullivan, Development Services Director

Reviewed By:

  
\_\_\_\_\_  
(Development Services Director)  
\_\_\_\_\_  
(City Manager)  
\_\_\_\_\_  
(District Attorney's Office)

Date: 6/24/08  
Date: 6/24/08  
Date: 6/24/08

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

### **Nuisance / Race Track**

Chapter 8.08 and .09 of the CCMC provide for the abatement of nuisances. Reynen and Bardis (Carson) LLC. of Sacramento, California are the legal owners of the property. Notice of violation and Declaration of a Nuisance per se was mailed on May 5<sup>th</sup>, 2008. The certified letter was received and signed for on May 8<sup>th</sup>, 2008.

The Notice called for abatement of the nuisance within 30 business days beginning on May 9<sup>th</sup>, 2008. That time period will end on June 20<sup>th</sup>, 2008.

A meeting between Reynen and Bardis representative Ed Davis and Carson City Building Official Kevin Gattis was held at the site on May 22<sup>nd</sup> to discuss abatement activities.

At this juncture, there has been no contest of the Notice and Declaration of a Nuisance nor has there been a request for an administrative hearing by the property owners.

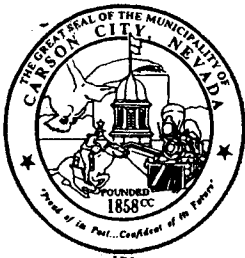
On June 23<sup>rd</sup>, an inspection will be undertaken to determine the level of compliance. If nothing has been accomplished in abating the nuisance, staff will file/record the Notice of Violation and the Declaration of Public Nuisance.

Staff recommends that the applicant's request for tentative map extension be continued to July 17<sup>th</sup>, 2008 in order for the property owner to abate the nuisance and at which time the extension may be granted. If the nuisance is completely or considerably abated, staff would recommend favorable to extend the tentative map request. However, should the nuisance not be abated at this time, staff will recommend that the extension be denied.

Should the nuisance not be abated, staff would then hire a contractor to abate the conditions specific to the notice, prior to the end of July, 2008. Depending on the length of time it will take the contractor to abate the nuisance, staff will record all measures and costs incurred to abate the nuisance and mitigate the site. Also during the period, a hearing officer will be secured if an administrative process is necessary. At the end of this process, the City can then lien the property to recovery all of it's cost.

In addition to the above, the City may issue an administrative citation regarding this violation for each and every day the violation exists, which constitutes a separate and distinct offense.

5/15/08<sup>3</sup>



**CARSON CITY, NEVADA**  
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

May 5, 2008

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

Certified Mail 70022410000567931599

RE; NOTICE OF VIOLATION AND DECLARATION OF A NUISANCE PER SE

Dear Business Owner,

You are hereby notified that a nuisance per se exists at 1200, 1210, 1220, 1230, 1240 and 1300 Race Track Rd, Carson City NV 89701 (APN 009-311-64), and that you must immediately abate the nuisance. Your property contains nuisances per se as set forth in the Carson City Municipal Code 8.08.070(1) (3) (4) (5) and (11) Nuisances Per Se, which states:

Any of the following conditions are a nuisance per se as constituting conditions which annoy, injure or endanger the safety, health or welfare of any considerable number of persons:

- (1) A dangerous structure or condition;
- (3) Buildings or structures in a state of partial un-progressing construction, without a permit, for more than 60 days;



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- (4) Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are unsound, damaged or in disrepair:
- (5) Property, buildings, structures or premises which contain debris, garbage, hazardous waste, a health hazard, an imminent danger, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to adjoining property, the neighborhood or the City, or a health, safety or fire hazard;
- (11) Any other condition which, in the judgment of the enforcement official, creates a blight to adjoining property, the neighborhood or the city, or a health, safety or fire hazard under the conditions set forth in the International Fire Code, International Building Code, Carson City Solid Waste Management Code or any other Carson City Municipal Code or the Nevada revised Statues. [Reference NRS 40.140, NRS 202.450];

Our decision to deem this property as a Nuisance Per Se includes abandoned structure, attractive nuisance, blight, debris, dangerous structure or condition, garbage, hazardous waste, imminent danger, litter, rubble, unsafe building and unsecured building.

Failure to abate the violation within thirty (30) business days of receipt of this letter will result in the abatement by the City as allowed by C.C.M.C. 8.09.240 to 8.09.280.

You have the right to contest this action and request a hearing before the Hearing Officer. Your request must be submitted within ten (10) business days of receipt of this notice. If you wish to request a hearing, you may obtain the form from our office located at 2621 Northgate Lane Suite 6 between the hour of 8:00 am and 4:30 pm. If you file a request for a hearing, the time period in which you have to abate the nuisance is stayed pending a decision by the hearing officer. See CCMC 8.09.340 to 8.09.480.



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If you fail to abate the nuisance per se, the City will file the Notice of Violation and Declaration of Public Nuisance in the official records of Carson City, abate the nuisance per se and place a lien upon your property for payment of the expenses incurred. See CCMC 8.09.240 to 8.09.280 and 8.09.310 to 8.09.330. In addition, the City may issue an administrative citation to you for this violation and you are hereby notified that each and every day a violation exists constitutes a separate and distinct offense. See CCMC 8.09.190 to 8.09.230.

Attached is a copy of CCMC 8.08 and 8.09. If you have any questions or need additional assistance, our office can be reached at 775-887-2190.

Sincerely,

Kevin McCoy  
Senior Officer/Code Enforcement unit

cc  
Carson City District Attorney  
Kevin Gattis-Building Official