

Memorandum

TO: City Council
FROM: Niki Hill, AICP , Assistant Community Development Director
DATE: March 17, 2025
SUBJECT: Emergency Nuisance Abatement - 972 Carmel Court
ITEM NUMBER: 10.f
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-21, approving the emergency abatement of public nuisances related to property maintenance violations on the property located at 972 Carmel Court.

INTRODUCTION

The city council is being asked to order an emergency abatement of a public nuisance for property located at 972 Carmel Court. The council has the authority to declare and abate nuisances on private property that do not comply with the city's property maintenance standards.

DISCUSSION

The Lake Johanna Fire Department was called to the property for a report of water coming out of the building on February 25, 2025. It was discovered that there was a major water leak in the townhome which resulted in standing water in the unit. This was further compounded with the heavy clutter found inside the unit. This water leak not only impacted items within the unit, but there are shared walls that may be impacted by the standing water.

The property owner was notified of the violations via the email address obtained through the homeowners association. They were presented with a timeline to either bring the property into compliance, or verify with the city that the property is under contract to be brought into compliance by March 13, 2025

The owner was also notified that the property was uninhabitable and that the city would look to abate the property due to the seriousness of the conditions should the city not receive sufficient evidence they were working to comply. This is due to the fact it is in a multi-unit townhome complex, which includes risk for the safety and health concerns of the neighbors in addition to the desire to bring the property into a livable condition for the homeowner. The property owner was notified of the following violations:

Sec. 28-34 Interior of Structures

(2) *Hallways* - The width of hallways shall be not less than 36 inches. The height of hallways shall not be less than 7 feet nominal, with clearance below projections from the ceiling of not less than 6 feet and 8 inches nominal, except existing approved hallways shall be permitted to continue use as a hallway.

(3) *Number of means of escape.* In any dwelling or dwelling unit of two rooms or more, means of escape shall be provided in accordance with the following:

1. *Primary means of escape.* Every sleeping room and living area shall have a primary means of escape. This escape shall be a door, stairway or ramp providing a means of unobstructed travel with a minimum of three feet unobstructed travel path from the egress and exit to the outside of the dwelling unit or street ground level.

(4) *Access*

1. In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed with a minimum of three feet unobstructed travel path. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility.

(7) *Connected to water and sewer system.*

Kitchen sinks, lavatory basins, bathtubs, or showers and water closets shall be properly connected to either the municipal water and sewer system or to an approved private water and sewer system, and shall be supplied with hot and cold running water.

(11) *Fire safety*

No owner shall use or occupy or allow another to use or occupy any residential structure, including common areas of multi-family dwellings which does not comply with the applicable provisions of the Uniform Fire Code and all accepted standards for safety from fire.

(12) *Cleanliness*

Residential structures, including common areas of multi-family dwellings, and dwelling interiors shall be maintained in clean and sanitary condition, free of accumulations of combustible materials, garbage and refuse so as not to breed insects and rodents, produce dangerous gases, odors and bacteria, mold or other unsanitary conditions, or create a fire hazard.

Sec. 28-36 Interior Storage

Combustible materials shall not be stored in hallways, stairways, and landings unless a minimum of three feet (3') unobstructed travel is provided.

Sec. 28-37 Room Function

Interior storage shall not interfere with the primary function of the following rooms: kitchen, bathroom(s), living room, hallways, bedrooms that are used for sleeping purposes.

Section 22-24 - Abatement Procedure

The conditions identified above are defined as a public nuisances in the Municipal Code.

Abatement notices are generally posted on the property or sent via mail to the property owner of record. The notice specifies that the nuisance must be corrected within five (5) working days, and if that nuisance remains, the city council will hold a hearing to order the abatement of the nuisance. The notice also identifies the time and date of the hearing scheduled before the city council. The property owner has the right to appear at the hearing.

Due to the seriousness of the property conditions, the city is also looking at Section 22-24 (f) *Alternative abatement without notice for imminent and serious hazards. Nothing in this chapter shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.*

If the council orders the abatement, the city will abate the nuisance and the cost of the abatement, including administrative costs, will be charged to the property owner and certified against the property for collection with taxes if the bill is not paid. Staff has prepared Resolution 25-21 ordering the abatement of the public nuisance conditions, for consideration by the city council.

The Abatement Hearing Notice/Correction Notice has been mailed to the property owner, requiring the property be brought into compliance. If the abatement is ordered, the staff will work to correct the conditions. The cost of correcting the public nuisance condition will be recovered by the city either by a lien against the property, by obtaining a judgment against the owner, or by special assessment.

Included with this report is a resolution to order the abatement of the nuisances on the property at 972 Carmel Court and documentation showing photographs of the property conditions. These documents have been removed from the public portion of the packet due to their sensitive nature.

RECOMMENDATION

Staff recommends that the city council conduct the required hearing and adopt Resolution No. 25-21, approving the emergency abatement of a public nuisance at 972 Carmel Court. The order specifies the corrections required to bring the property into compliance with the city's Property Maintenance Codes and would permit the city to abate the conditions. If the council approves the motion, staff will move forward with abatement of the nuisance conditions if the

property owner does not correct the conditions by the date ordered.

ATTACHMENTS

[Location Map](#)

[Resolution 25-21 Nuisance Abatement 972 Carmel Ct](#)