

Memorandum

TO: City Council
FROM: Niki Hill, AICP , Assistant Community Development Director
DATE: July 21, 2025
SUBJECT: Nuisance Abatement - 5561 Schutta Road
ITEM NUMBER: 10.c
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-52, approving the abatement of multiple public nuisances for property located at 5561 Schutta Road.

INTRODUCTION

The city council is being asked to order an abatement of public nuisances for property located at 5561 Schutta Road. 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

A complaint was received January 28th for fencing and a non-permitted accessory structure. No contact was made from the property owners after the initial notice. After a noncompliant reinspection on February 13th and a notice was sent, the property owner contacted city staff to inform the city that due multiple health issues, they have been unable to complete the corrections. The property owners were given an extension until June 23rd to bring the property into compliance. No contact or corrections were made at the second reinspection. An abatement notice was mailed after the property was reinspected on July 10th and it was still non compliant. The property owner contacted the city on July 15th and spoke to code enforcement to advise they had been out of town and had not received the notices.

To date the property is still non compliant.

Listed below is the section of the code and the violations that have been documented:

- City Code Section 28-6 (a) General Property Maintenance - Fence has metal sheets against it which are not an approved fencing material.
- City Code Section 28-4 (2) - Outside Storage - Firewood, provided it is stored in a rear or side yard and it is set back a minimum of five feet from the property line.
- City Code Section 107-67(e) - Performance Standards - The Lean-To attached to the shed

does not meet the required 10 foot required setback.

Section 22-24 - Abatement Procedure

The conditions identified above are defined as a public nuisances in the City's Code.

Abatement notices are served to the owner of the property by posting it or sending it to the property owner of record via mail. The notice specifies that the nuisance must be remedied 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.

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 25-52 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 5561 Schutta Road and documentation showing photographs of the property.

RECOMMENDATION

The property owner has been notified on numerous occasions regarding the code violations. Staff recommends that the city council conduct the required hearing and adopt Resolution No. 25-52, approving the abatement of the nuisance at 5561 Schutta Road. 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 they are not corrected within 30 days.

ATTACHMENTS

[Location Map - 5561 Schutta Road](#)

[5561 Schutta Road Abatement Packet](#)

[Resolution 25-52 - Nuisance Abatement - 5561 Schutta Road](#)