



CITY COUNCIL AGENDA STAFF REPORT
MEETING DATE: May 27, 2013

Title: Discussion of and possible direction to staff regarding proposed amendments to S.M.C. Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and to Chapter 20.35 (Recreational Vehicle Storage).
Petitioner: Community Services Department Presenter: Armando Ornelas, City Planner
Recommendation: Review the proposed “property conservation” code amendments and provide direction to staff.
Financial Impact: No direct impact
Business Impact (Per NRS 237) <input type="checkbox"/> A Business Impact Statement is attached. <input checked="" type="checkbox"/> A Business Impact Statement is not required because this is not a rule. <input type="checkbox"/> A Business Impact Statement is not required. This is a rule but does not impose a direct and significant economic burden on a business, or directly restrict the formation, operation or exemption of a business. <input type="checkbox"/> A Business Impact Statement is not required. Thus is a rule but emergency action is necessary to protect the public health and safety (requires a unanimous vote of the City Council and cannot be in effect for more than six months).
Agenda Item Brief: In November of 2013 the City Council directed staff to prepare property conservation amendments to the Sparks Municipal Code to enhance the City’s ability to address some common complaints the City receives. The purpose of this agenda item is to: review a draft of the proposed amendments with the City Council; share the public comments received to date regarding these draft code changes with the Council; and, solicit Council direction regarding the proposed amendments so that staff may prepare a public hearing draft for future Council action.

BACKGROUND:

In November 2013 the City Council directed staff to work on a limited set of property conservation/ maintenance amendments to the Sparks Municipal Code to address some of the most common complaints (e.g., inoperable vehicles in front and side yards, dirt front yards, boarded windows) the City currently receives but lacks sufficient authority in the code to effectively mitigate. Staff presented the draft amendments to the Sparks Citizens Advisory Committee on April 10th. The SCAC endorsed the proposed amendments. Staff also held a public informational meeting on May 6th in the Legislative Building that was attended by over 125 people. Notices for that meeting were sent to all Sparks property owners as inserts in the April sewer bills and the meeting was widely publicized through local media, including advertorials in the *Reno Gazette Journal* and local television news stories. As a result, in addition to robust attendance at the May 6th workshop, the City received numerous emails regarding the draft code amendments. The public comments received through May 12th are attached as a PDF file entitled “Public comments through 5-12-14”.

ANALYSIS:

The purpose of this agenda item is to: review a draft of the proposed amendments with the City Council; share with the Council the public input received to date about the draft amendments; and, solicit Council input and direction regarding bringing the amendments forward for future Council action.

The proposed amendments are to S.M.C. Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and to Chapter 20.35 (Recreational Vehicle Storage). *This Analysis section notes the proposed changes to the code and summarizes what the S.M.C. would allow, and subject to what conditions, if amended as proposed.*

The proposed code changes in their entirety are attached as a PDF file entitled “Property conservation code amendments draft 4-30-14”. They may be summarized as follows:

- Define “minor vehicle repair” as limited to regular maintenance items such as tune-ups, oil changes, fluid replacements, brake replacement and tire changes. As proposed, minor vehicle repair may only be performed on vehicles registered to an occupant of the residential address where the work is being performed.
- Define “major repair work” as including but not limited to major mechanical or body repairs, replacements and/or dismantling of any motorized or non-motorized vehicles, boats, campers or trailers and categorize major repair work as a nuisance.
- Define “wrecked and/or junked items/vehicles” and categorize these items as nuisances unless they are stored:
 - In a conforming, completely enclosed structure.
 - In the rear yard out of public view – i.e., behind a six foot high opaque fence or comparable landscaping – and if it does not create a health or safety hazard.
- Define “inoperable vehicles” and categorize these items as nuisances unless they are stored:
 - In a conforming, completely enclosed structure.
 - In front yard if screened from public view with an opaque cover manufactured specifically for the purpose, on a solid surface area and subject to paving limitations (permitted driveways and area between driveway and nearest property line.)
 - In rear and side yards if vehicles are screened from public view with an opaque cover manufactured specifically for the purpose, or behind a six foot high opaque fence or comparable landscaping.
- Redefine “recreational vehicle” more broadly to mean boats, other watercraft, all-terrain vehicles, motorbikes for off-road use, motor homes and camper homes, snowmobiles and similar types of motorized machinery for similar recreational purposes. Recreational vehicle storage would be permitted as follows:
 - In a conforming, completely enclosed structure.
 - In front yard the total number of recreational vehicles may not exceed two (2). May only be parked in the driveway and/or the area between the driveway and the nearest side lot line, provided this area is paved.
 - In side or rear yard: outside storage of up to two (2) recreational vehicles is permitted in the side or rear yard. Additional recreational vehicles are permitted in side or rear if screened from public view with a six-foot-high opaque fence or six foot high landscaping providing comparable sight obstruction.
- Categorize structures with unsecured windows and doors as nuisances and require that they be secured in the following manner:
 - Windows in public view must be covered with carbonated clear plastic or plywood painted to match dominant exterior color of façade.
 - Doors in public view must be secured with wood painted to match dominant exterior color of façade.
- Define fences and similar types of structures that are in an unsafe condition or in disrepair as nuisances.

- Define bare dirt on more than 25% of the front yard (and exterior side yards of a corner lot) on a developed residential lot as a nuisance. The proposed code changes would require that ground covers be applied to bare dirt in the front yard or front and exterior side yards on lots with more than one frontage, as follows:
 - 75% of the front yard is to be covered in living and/or non-living ground covers.
 - Living plants include ground covers, shrubs, vines, hedges and trees that are drought tolerant and low-water use varieties.
 - Non-living ground covers include rock, bark and decomposed granite.

Considerations

- ✓ City code enforcement officers would gain ability to address additional complaints and problems.
- ✓ Adding property maintenance requirements means that conditions that are not currently a code violation would become code violations.
- ✓ Need for community buy-in.
- ✓ Allowance for hardship cases (i.e., lack of financial capacity to correct violations).
- ✓ Possibly differentiate between owner-occupied, vacant and rental properties.
- ✓ Allow for a phase-in period for code changes.

Schedule

Task or step	Target date
Prepare draft set of code amendments	April 30, 2014
Seek public input regarding draft amendments	May 19, 2014
Revise draft amendments & review with City Council (workshop)	May 27, 2014
First and second readings of ordinance amending SMC	July 28, 2014
Public education campaign targeting property owners & property managers	October 30, 2014
Effective date of new property conservation code provisions	December 1, 2014

ALTERNATIVES:

The City Council may direct staff to address additional concerns and issues or to halt this code amendment process.