



**CITY OF MOSES LAKE  
STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: September 27, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 2404 W. Lakeside Dr

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**Legislative History:**

• First Presentation:	September 27, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 2404 Lakeside owned by Vona M. Gibson Est. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at 2404 Lakeside was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached May 23, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

**Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>Consider the Resolution abating the existing nuisances at 2404 Lakeside</li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>Consider the Resolution and take no action.</li></ul>	Non-Compliance with MLMC 8.14, Nuisances

**Staff Recommendation**

Staff recommends that City Council consider abating the existing nuisance at 2404 Lakeside and pass the Resolution as presented.

**Attachments**

A.	Resolution
B.	Exhibits 1 – 4

**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>Resolution</li></ul>	Nuisance Abatement	City Attorney Katherine Kenison

RESOLUTION NO. 3644

A RESOLUTION DETERMINING THAT VONA M. GIBSON EST IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at Lot 2, less street and NEly 10' of Lot 3, Block 3, Pleasant View Deferral, Parcel #110890000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owners of the subject property to be Vona M. Gibson Est, 2404 W. Lakeside, Moses Lake, WA 98837.
2. Notice. On May 23, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On September 13, 2016, the Code Enforcement Officer caused to be delivered to Vona M. Gibson Est a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 27, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1. A violation of MLMC 8.14.030 U - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
      1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
      2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
4. Hearing. On September 27, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.

5. Evidence:

- 5.1. The following persons testified under oath:

Tina Jewell, Moses Lake Code Enforcement Officer

- 5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030 U.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 23, 2016 from the Code Enforcement Officer addressed to Vona M. Gibson Est, 2404 W. Lakeside Drive, Moses Lake, WA 98837

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2404 W. Lakeside, Moses Lake, Washington.

EXHIBIT #4: Letter dated September 13, 2016, from the Code Enforcement Officer to Vona M. Gibson Est advising the property owner of the hearing regarding abatement of property, scheduled for September 27, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.13.030 U exists on the subject property at 2404 W. Lakeside, Moses Lake, Washington. Vona M. Gibson Est, 2404 W. Lakeside, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
  - 2.1. Grasses and weeds in excess of 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Vona M. Gibson Est, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
  - 4.1 Grasses and weeds must be cut down and removed
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on September 27, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE TO CORRECT - UNSAFE OR UNLAWFUL CONDITION

**DATED: Wednesday, May 11, 2016**

**ISSUED TO:**

VONA M GIBSON ESTATE  
2404 W LAKESIDE DR  
MOSES LAKE, WA 98837-2819

**CASE**

**#: COD2016-0582**

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises described in the location below, you are hereby notified that the undersigned, pursuant to the violations listed below of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

*Weeds and Grasses in excess of 12" in height are present in the front, sides, and back areas of this home. Weeds also present outside the fence along the sidewalk and in the sidewalk planter strip.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 2404 W LAKESIDE DR, MOSES LAKE      PARCEL: 110890000  
LEGAL DESC: Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View

### VIOLATIONS

8.14.030.U - Maintenance of grasses, weeds, etc

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

### CORRECTION REQUIRED

*Weeds and Grasses must be cut to lower than 12" in height. Weeds must be removed from the sidewalk and the sidewalk planter strips.*

You are notified to correct said conditions to the satisfaction of the undersigned by **Saturday, May 21, 2016**. If you do not correct the condition within the specified time period, a notice and order to correct the condition will be issued to you, which can result in a penalty being imposed.

I would like to thank you in advance for your cooperating efforts. If you have any questions or need clarification on any of the above-mentioned items, please give me a call at (509) 764-3748 or come see me at City Hall.

Sincerely,

BRETT HOLLEN  
Code Enforcement Officer

8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
  - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
  - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Monday, May 23, 2016**

**ISSUED TO:**

VONA M GIBSON ESTATE  
2404 W LAKESIDE DR  
MOSES LAKE, WA 98837-2819

**CASE #: COD2016-0582**

**YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACIVITY AS FOLLOWS:**

*Weeds and Grasses in excess of 12" in height are present in the front, sides, and back areas of this home. Weeds also present outside the fence along the sidewalk and in the sidewalk planter strip.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Friday, June 3, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds and Grasses must be cut to lower than 12" in height. Weeds must be removed from the sidewalk and the sidewalk planter strips.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 2404 W LAKESIDE DR, MOSES LAKE      PARCEL: 110890000  
LEGAL DESC: Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View

### PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED

8.14.030.U - Maintenance of grasses, weeds, etc

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

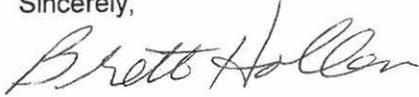
**YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:**

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,

A handwritten signature in cursive script that reads "Brett Hollen".

BRETT HOLLEN  
Code Enforcement Officer



Exhibit 3  
Page 1 of 3

05/11/2016 08:19



05/11/2016 08:19



05/11/2016 08:19



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

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DATED: Tuesday, September 13, 2016

VONA M GIBSON ESTATE  
2404 W LAKESIDE DR  
MOSES LAKE, WA 98837-2819

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-0582*  
Property Located at: 2404 W LAKESIDE DR, MOSES LAKE on Parcel 110890000

Via Regular Mail and Return Receipt Mail

VONA M GIBSON ESTATE

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View

This property is located at: 2404 W LAKESIDE DR, MOSES LAKE on Parcel 110890000

On Monday, May 23, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Friday, June 3, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. on September 27<sup>th</sup>, 2016 in the Council Chambers at the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone (509) 764-3701.

Sincerely,

TINA JEWELL  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director



**CITY OF MOSES LAKE  
STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: September 27, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – Kittleson and Maiers Roads

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**Legislative History:**

• First Presentation:	September 27, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at Kittleson and Maiers Roads owned by Columbia Basin Investment Group. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at Kittleson and Maiers Roads was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached July 12, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

**Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>Consider the Resolution abating the existing nuisances at Kittleson and Maiers Roads</li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>Consider the Resolution and take no action.</li></ul>	Non-Compliance with MLMC 8.14, Nuisances

**Staff Recommendation**

Staff recommends that City Council consider abating the existing nuisance at Kittleson and Maiers Roads and pass the Resolution as presented.

**Attachments**

A.	Resolution
B.	Exhibits 1 – 4

**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>Resolution</li></ul>	Nuisance Abatement	<i>City Attorney Katherine Kenison</i>

RESOLUTION NO. 3645

A RESOLUTION DETERMINING THAT COLUMBIA BASIN INVESTMENT GROUP IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located in Farm Unit 224, Block 41, less easterly 500' and west 12' and one half of vacated street in Section 36, Township 19 North, Range 28 East W.M., Parcel #110077000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 M. 5. and U. The records of Grant County show the owner of the subject property to be Columbia Basin Investment Group, 8568 Dune Lake Road SE, Moses Lake, WA 98837-8228.
2. Notice. On July 25, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On September 27, 2016, the Code Enforcement Officer caused to be delivered to Columbia Basin Investment Group a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 27, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1 A violation of MLMC 8.14.030 M. 5. and U 8.14.030 - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
      5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
    - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
      1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.

2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
4. Hearing. On September 27, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
  - 5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer
  - 5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030 M. 5. and U.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated July 12, 2016 from the Code Enforcement Officer addressed to Columbia Basin Investment Group, 8568 Dune Lake Road SE, Moses Lake, WA 98837.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at Farm Unit 224, Block 41, less easterly 500' and west 12' and one half of vacated street in Section 36, Township 19 North, Range 28 East W.M., Moses Lake, Washington.

EXHIBIT #4: Letter dated September 15, 2016, from the Code Enforcement Officer to Columbia Basin Investment Group advising the property owner of the hearing regarding abatement of property, scheduled for September 27, 2016.

Resolved:

1. A public nuisance in violation of MLC 8.14.030 M. 5. and U. exists on the subject property at Farm Unit 224, Block 41, less easterly 500' and west 12' and one half of vacated street in Section 36, Township 19 North, Range 28 East W.M., Moses Lake, Washington. Columbia Basin Investment Group, 8568 Dune Lake Road SE, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
  - 2.1. Kochia and weeds within 10' of the sidewalk
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Columbia Basin Investment Group, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:

- 4.1 Kill the kochia and cut weeds back 10' from the sidewalk
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on September 27, 2016.

\_\_\_\_\_  
Todd Voth, Mayor

ATTEST:

\_\_\_\_\_  
W. Robert Taylor, Finance Director



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE TO CORRECT - UNSAFE OR UNLAWFUL CONDITION

**DATED: Tuesday, June 28, 2016**

**ISSUED TO:**

COLUMBIA BASIN INVESTMENT GRP  
8568 DUNE LAKE RD SE  
MOSES LAKE, WA 98837-8228

**CASE #: COD2016-1095**

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises described in the location below, you are hereby notified that the undersigned, pursuant to the violations listed below of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

*Kochia, a noxious weed, is present on this property. Also, weeds are within 10' of the sidewalk and present in the sidewalk itself.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: KITTLESON RD & MAIERS RD MOSES LAKE, PARCEL: 110077000  
WA  
LEGAL DESC: FU 224 Block 41 LS ELY 500' & 1/2 Vac St Adj 36 19 28

### VIOLATIONS

**8.14.030.M.5 - Noxious weeds**

*The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things: 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.*

**8.14.030.U - Maintenance of grasses, weeds, etc**

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

### CORRECTION REQUIRED

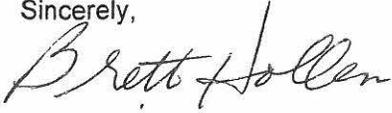
*Kochia must be sprayed to kill the plants. Weeds must be removed from the sidewalk itself, and cut back 10' from the sidewalk as per city code.*

You are notified to correct said conditions to the satisfaction of the undersigned by **Friday, July 8, 2016**. If you do not

correct the condition within the specified time period, a notice and order to correct the condition will be issued to you, which can result in a penalty being imposed.

I would like to thank you in advance for your cooperating efforts. If you have any questions or need clarification on any of the above-mentioned items, please give me a call at (509) 764-3748 or come see me at City Hall.

Sincerely,

A handwritten signature in black ink that reads "Brett Hollen". The signature is written in a cursive style with a large initial "B".

**BRETT HOLLEN**  
Code Enforcement Officer

8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.

- M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
  - 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
  
- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
  - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
  - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Tuesday, July 12, 2016**

**ISSUED TO:**

COLUMBIA BASIN INVESTMENT GRP  
8568 DUNE LAKE RD SE  
MOSES LAKE, WA 98837-8228

**CASE #: COD2016-1095**

**YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACTIVITY AS FOLLOWS:**

*Kochia, a noxious weed, is present on this property. Also, weeds are within 10' of the sidewalk and present in the sidewalk itself.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Friday, July 22, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Kochia must be sprayed to kill the plants. Weeds must be removed from the sidewalk itself, and cut back 10' from the sidewalk as per city code.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: KITTLESON RD & MAIERS RD MOSES LAKE, PARCEL: 110077000  
WA  
LEGAL DESC: FU 224 Block 41 LS ELY 500' & 1/2 Vac St Adj 36 19 28

### PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED

**8.14.030.M.5 - Noxious weeds**

*The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things: 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.*

**8.14.030.U - Maintenance of grasses, weeds, etc**

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

**YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING**

Exhibit 2  
Page 1 of 4

PENALTIES:

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,



BRETT HOLLEN  
Code Enforcement Officer



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Monday, July 25, 2016**

**ISSUED TO:**

Columbia Basin Investment Grp  
C/O Incorp Services, Inc.  
4816 Aurora Ave N  
Seattle, WA 98103

**CASE #: COD2016-1095**

### **YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACIVITY AS FOLLOWS:**

*Kochia, a noxious weed, is present on this property. Also, weeds are within 10' of the sidewalk and present in the sidewalk itself.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Friday, August 5, 2016.**

### **ACTION NECESSARY TO CORRECT VIOLATION**

*Kochia must be sprayed to kill the plants. Weeds must be removed from the sidewalk itself, and cut back 10' from the sidewalk as per city code.*

### **LOCATION OF UNLAWFUL CONDITION**

LOCATION: KITTLESON RD & MAIERS RD MOSES LAKE, PARCEL: 110077000

WA

LEGAL DESC: FU 224 Block 41 LS ELY 500' & 1/2 Vac St Adj 36 19 28

### **PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED**

**8.14.030.M.5 - Noxious weeds**

*The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things: 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.*

**8.14.030.U - Maintenance of grasses, weeds, etc**

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,



BRETT HOLLEN  
Code Enforcement Officer



06/27/2016 07:49



06/27/2016 07:49



06/27/2016 07:50



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

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DATED: Thursday, September 15, 2016

Columbia Basin Investment Grp  
C/O Lawrence Jacobsen JR.  
8568 Dune Lake RD SE  
Moses Lake, WA. 98837

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1095*  
Property Located at: KITTLESON RD & MAIERS RD MOSES LAKE, WA on Parcel 110077000

Via Regular Mail and Certified Mail

Lawrence Jacobsen JR,

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: FU 224 Block 41 LS ELY 500' & 1/2 Vac St Adj 36 19 28

This property is located at: KITTLESON RD & MAIERS RD MOSES LAKE, WA on Parcel 110077000

On Tuesday, July 12, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Thursday, September 15, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, September 27, 2016 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone (509) 764-3701.

Sincerely,

RICK RODRIGUEZ  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director



**CITY OF MOSES LAKE  
STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: September 27, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 2003 Beaumont

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**Legislative History:**

• First Presentation:	September 27, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 2003 Beaumont owned by Heidi Chen and Anthony Hsu. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at 2003 Beaumont was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached July 7, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

**Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• <i>Consider the Resolution abating the existing nuisances at 2003 Beaumont</i></li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>• <i>Consider the Resolution and take no action.</i></li></ul>	Non-Compliance with MLMC 8.14, Nuisances

**Staff Recommendation**

Staff recommends that City Council consider abating the existing nuisance at 2003 Beaumont and pass the Resolution as presented.

**Attachments**

A.	Resolution
B.	Exhibits 1 – 4

**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>• Resolution</li></ul>	Nuisance Abatement	<i>City Attorney Katherine Kenison</i>

RESOLUTION NO. 3646

A RESOLUTION DETERMINING THAT HEIDI CHEN AND ANTHONY HSU ARE THE OWNERS OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 2003 S. Beaumont, Lot 73, Montlake Add. #1, Parcel #101624000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 M. 5 and U. The records of Grant County show the owner of the subject property to be Heidi Chen and Anthony Hsu, P. O. Box 50028, Bellevue, WA 98015.
2. Notice. On July 7, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On September 15, 2016, the Code Enforcement Officer caused to be delivered to Heidi Chen and Anthony Hsu a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 27, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1. A violation of MLMC 8.14.030.M.5 and U: Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
      5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
  - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
    1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
    2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

4. Hearing. On September 27, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
  - 5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer
  - 5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030 M. 5 and U.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated July 7, 2016 from the Code Enforcement Officer addressed to Heidi Chen and Anthony Hsu, P. O. Box 50028, Bellevue, WA 98015

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2003 S. Beaumont Drive, Moses Lake, WA 98837.

EXHIBIT #4: Letter dated September 15, 2016, from the Code Enforcement Officer to Heidi Chen and Anthony Hsu advising the property owners of the hearing regarding abatement of property, scheduled for September 27, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.13.030 M. 5. and U exists on the subject property at 2003 S. Beaumont Drive, Moses Lake, Washington. Heidi Chen and Anthony Hsu, P. O. Box 50028, Bellevue, WA 98015 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
  - 2.1. Kochia, a noxious weed
  - 2.2 Weeds in sidewalk and on property
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Heidi Chen and Anthony Hsu, the record contract owners, have fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
  - 4.1 Kochia must be sprayed and then removed from the property
  - 4.2 The weeds must be removed from the sidewalk and cut back 10' from the sidewalk on the property itself
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.

6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on September 27, 2016.

\_\_\_\_\_  
Todd Voth, Mayor

ATTEST:

\_\_\_\_\_  
W. Robert Taylor, Finance Director



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE TO CORRECT - UNSAFE OR UNLAWFUL CONDITION

**DATED: Friday, June 24, 2016**

**ISSUED TO:**

Heidi Chen & Anthony Hsu  
PO Box 50028  
Bellvue, WA 98015

**CASE #: COD2016-1074**

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises described in the location below, you are hereby notified that the undersigned, pursuant to the violations listed below of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

*Weeds in excess of 12" in height, including Kochia a noxious weed, are present on this property. Weeds are also present in the sidewalk, where the sidewalk meets the curb.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 2003 S BEAUMONT DR, MOSES LAKE  
LEGAL DESC: Lot 73 Montlake Add # 1

PARCEL: 101624000

### VIOLATIONS

**8.14.030.M.5 - Noxious weeds**

*The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things: 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.*

**8.14.030.U - Maintenance of grasses, weeds, etc**

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

### CORRECTION REQUIRED

*Kochia must be sprayed to kill the plants on this property. Weeds must be removed from the sidewalk itself, and weeds must be cut back 10' from the sidewalk as per city code.*

You are notified to correct said conditions to the satisfaction of the undersigned by **Monday, July 4, 2016**. If you do not correct the condition within the specified time period, a notice and order to correct the condition will be issued to you,

which can result in a penalty being imposed.

I would like to thank you in advance for your cooperating efforts. If you have any questions or need clarification on any of the above-mentioned items, please give me a call at (509) 764-3748 or come see me at City Hall.

Sincerely,

A handwritten signature in cursive script that reads "Brett Hollen". The signature is written in black ink and is positioned above the printed name.

**BRETT HOLLEN**  
Code Enforcement Officer

8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.

M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.

U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.

1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.

2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Thursday, July 7, 2016**

**ISSUED TO:**

Heidi Chen & Anthony Hsu  
PO Box 50028  
Bellvue, WA 98015

**CASE #: COD2016-1074**

### **YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACIVITY AS FOLLOWS:**

*Weeds in excess of 12" in height, including Kochia a noxious weed, are present on this property. Weeds are also present in the sidewalk, where the sidewalk meets the curb.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Sunday, July 17, 2016.**

#### **ACTION NECESSARY TO CORRECT VIOLATION**

*Kochia must be sprayed to kill the plants on this property. Weeds must be removed from the sidewalk itself, and weeds must be cut back 10' from the sidewalk as per city code.*

#### **LOCATION OF UNLAWFUL CONDITION**

LOCATION: 2003 S BEAUMONT DR, MOSES LAKE  
LEGAL DESC: Lot 73 Montlake Add # 1

PARCEL: 101624000

#### **PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED**

##### **8.14.030.M.5 - Noxious weeds**

*The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things: 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.*

##### **8.14.030.U - Maintenance of grasses, weeds, etc**

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

**YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:**

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,



**BRETT HOLLEN**  
Code Enforcement Officer



Exhibit 3  
Page 1 of 3

06/23/2016 07:47



06/23/2016 07:48



06/23/2016 07:48



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

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DATED: Thursday, September 15, 2016

Heidi Chen & Anthony Hsu  
1600 Lind Ave SW #220  
Renton, WA.98057

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1074*  
Property Located at: 2003 S BEAUMONT DR, MOSES LAKE on Parcel 101624000

Via Regular Mail and Certified Mail

Heidi Chen & Anthony Hsu

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 73 Montlake Add # 1

This property is located at: 2003 S BEAUMONT DR, MOSES LAKE on Parcel 101624000

On Thursday, July 7, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Thursday, September 15, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, September 27, 2016 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone (509) 764-3701.

Sincerely,

**RICK RODRIGUEZ**  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director



**CITY OF MOSES LAKE  
STAFF REPORT**

---

To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: September 27, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 1061 S. Division St.

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**Legislative History:**

• First Presentation:	September 27, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 1061 Division owned by Bonita Theresa Evens Estate. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at 1061 Division was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached August 10, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

**Options**

<b>Option</b>	<b>Results</b>
<ul style="list-style-type: none"> <li>Consider the Resolution abating the existing nuisances at 1061 Division</li> </ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"> <li>Consider the Resolution and take no action.</li> </ul>	Non-Compliance with MLMC 8.14, Nuisances

**Staff Recommendation**

Staff recommends that City Council consider abating the existing nuisance at 1061 Division and pass the Resolution as presented.

**Attachments**

A.	Resolution
B.	Exhibits 1 – 4

**Legal Review**

The following documents are attached and subject to legal review:

<b>Type of Document</b>	<b>Title of Document</b>	<b>Date Reviewed by Legal Counsel</b>
<ul style="list-style-type: none"> <li>Resolution</li> </ul>	Nuisance Abatement	<i>City Attorney Katherine Kenison</i>

RESOLUTION NO. 3647

A RESOLUTION DETERMINING THAT BONITA THERESA EVENS ESTATE IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 1061 S. Division (Lot 1, Maver Addition) Parcel #101520000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owner of the subject property to be Bonita Theresa Evens Estate, c/o Rube Evens, P. O. Box 56, Yakutat, AK 99689-0056.
2. Notice. On August 10, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On September 16, 2016, the Code Enforcement Officer caused to be delivered to Bonita Thereas Evens Estate a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 27, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1 A violation of MLMC 8.14.030 M. 5 & U.: Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
      1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
      2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
4. Hearing. On September 27, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.

5. Evidence:

5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer

5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Section 8.14.030 U.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated August 10, 2016 from the Code Enforcement Officer addressed to Bonita Theresa Evens Estate, c/o Rube Evens, P. O. Box 56, Yakutat, AK 99689-0056.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 1061 S. Division Street, Moses Lake, Washington.

EXHIBIT #4: Letter dated September 16, 2016 from the Code Enforcement Officer to Bonita Theresa Evens Estate advising the property owner of the hearing regarding abatement of property, scheduled for September 27, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at 1061 S. Division, Moses Lake, Washington. Bonita Theresa Evens Estate, c/o Rube Evens, P. O. Box 56, Yakutat, AK 99689-0056 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of: Weeds in excess of 12"
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Bonita Thereas Evens Estate, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
  - 4.1 Weeds must be cut down or removed
5. City staff shall provide a status report to City Council on the progress of the record contract owner and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on September 27, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE TO CORRECT - UNSAFE OR UNLAWFUL CONDITION

**DATED: Friday, July 29, 2016**

**ISSUED TO:**

Bonita Thereas Evens Est  
C/O Rube Evens  
PO BOX 56  
Yakutat, AK 99689-0056

**CASE #: COD2016-1550**

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises described in the location below, you are hereby notified that the undersigned, pursuant to the violations listed below of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

*Weeds in excess of 12" in height are present in the front and back areas of this home, outside the fence along the sidewalk, and in the sidewalk planter strips.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 1061 S DIVISION ST, MOSES LAKE  
LEGAL DESC: Lot 1 Maver Add

PARCEL: 101520000

### VIOLATIONS

*8.14.030.U - Maintenance of grasses, weeds, etc*

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

### CORRECTION REQUIRED

*Weeds must be removed from all of these areas.*

You are notified to correct said conditions to the satisfaction of the undersigned by **Tuesday, August 9, 2016**. If you do not correct the condition within the specified time period, a notice and order to correct the condition will be issued to you, which can result in a penalty being imposed.

I would like to thank you in advance for your cooperating efforts. If you have any questions or need clarification on any of the above-mentioned items, please give me a call at (509) 764-3748 or come see me at City Hall.

Sincerely,

BRETT HOLLEN  
Code Enforcement Officer

8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
  - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
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# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Wednesday, August 10, 2016**

**ISSUED TO:**

Bonita Thereas Evens Est  
C/O Rube Evens  
PO BOX 56  
Yakutat, AK 99689-0056

**CASE #: COD2016-1550**

### YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACTIVITY AS FOLLOWS:

*Weeds in excess of 12" in height are present in the front and back areas of this home, outside the fence along the sidewalk, and in the sidewalk planter strips.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Saturday, August 20, 2016.**

#### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds must be removed from all of these areas.*

#### LOCATION OF UNLAWFUL CONDITION

LOCATION: 1061 S DIVISION ST, MOSES LAKE  
LEGAL DESC: Lot 1 Maver Add

PARCEL: 101520000

#### PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED

*8.14.030.U - Maintenance of grasses, weeds, etc*

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

**YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:**

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,

A handwritten signature in black ink that reads "Brett Hollen". The signature is written in a cursive style with a large initial "B" and "H".

BRETT HOLLEN  
Code Enforcement Officer

Division St

STOP

07/28/2016 09:46





Exhibit 3  
Page 3 of 3

07/28/2016 09:46



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

---

DATED: Friday, September 16, 2016

Bonita Theresa Evens Est  
C/O Rube Evens  
PO BOX 56  
Yakutat, AK 99689-0056

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1550*  
Property Located at: 1061 S DIVISION ST, MOSES LAKE on Parcel 101520000

Via Regular Mail and Certified Mail

Bonita Theresa Evens

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 1 Maver Add

This property is located at: 1061 S DIVISION ST, MOSES LAKE on Parcel 101520000

On Wednesday, August 10, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Friday, September 16, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, September 27, 2016 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone (509) 764-3701.

Sincerely,

RICK RODRIGUEZ  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director