



**CITY OF MOSES LAKE**  
**STAFF REPORT**

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To: John Williams, City Manager  
From: Spencer Grigg, Parks and Recreation Director  
Date: September 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution - Accept cash donation from the Friends of the Moses Lake Dog Park

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**Legislative History:**

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached for Council approval is a resolution accepting a cash donation from Friends of the Moses Lake Dog Park in the amount of \$1,000.00. The cash donation is to be used by the Parks and Recreation Department to plant trees at the Moses Lake Dog Park.

**Background**

Friends of the Moses Lake Dog Park has been instrumental in the establishment and continued development of the Moses Lake Dog Park through donations.

**Fiscal and Policy Implications**

n/a

**Options**

<i>Option</i>	<i>Results</i>
• <i>Motion</i>	Donation would be accepted and used to plant trees at the Moses Lake Dog Park.
• <i>Take no action.</i>	Donation would not be accepted and no trees will be planted at the Moses Lake Dog Park.

**Staff Recommendation**

Staff recommends that the Moses Lake City Council approve the attached resolution and accept the cash donation of \$1,000.00 from Friends of the Moses Lake Dog Park.

**Attachments**

A.	Resolution No. <u>3636</u>
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**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
•		

RESOLUTION NO. 3636

A RESOLUTION ACCEPTING A CASH DONATION OF \$1,000.00  
FROM FRIENDS OF THE MOSES LAKE DOG PARK

RECITALS:

1. Friends of the Moses Lake Dog Park has donated one thousand dollars (\$1,000.00) to the City of Moses Lake to be used by the Parks and Recreation Department for the planting of trees at the Moses Lake Dog Park.

RESOLVED:

1. The \$1,000.00 donation is accepted.
2. The City of Moses Lake wishes to express its sincere appreciation to Friends of the Moses Lake Dog Park.

Adopted by the City Council on \_\_\_\_\_.

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

ATTEST:

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



*August 9, 2016  
To City of Moses Lake*

*Roland Gonzales,*

*The Friends of the Moses Lake Dog Park would like to donate  
\$1000.00 to the City of Moses Lake Parks and Recreation Department  
for the planting of trees at the Moses Lake Dog Park.*

*Respectfully,*

*Greg Becken  
President Friends of the Moses Lake Dog Park*





**CITY OF MOSES LAKE**  
**STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Development Director  
Date: September 13, 2016  
Proceeding Type: Motion  
Subject: Resolution – Repeal Resolution No. 3624 - Gerber

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**Legislative History:**

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- |                        |                    |
|------------------------|--------------------|
| • First Presentation:  | July 12, 2016      |
| • Second presentation: | September 13, 2016 |
| • Action:              | Resolution         |
- 

**Staff Report Summary**

At the August 23, 2016 regular scheduled City Council meeting, staff was directed to bring back for re-consideration the Resolution granting Sagebrush Holding LLC a building permit on unplatted property. The City Council previously granted Mr. Gerber a building permit on unplatted property in accordance to the provisions of MLMC 16.020.040, Unplatted Areas.

The re-consideration involves the repeal of Resolution No. 3624 and the passage of Resolution No. 3637 with no requirement for a Covenant at this time.

**Background**

On July 12, 2016 the City Council considered a request from Mr. Gerber for a building permit on an unplatted piece of property he owns. A building permit cannot be issued on unplatted property in accordance to MLMC 16.02.040, unless the City Council finds that the public interest will not be adversely affected by the issuance of such a permit. The City Council determined that the public

interests would not be affected and Mr. Gerber was granted a building permit along with the requirement that a Covenant be signed insuring future infrastructure abutting the subject site.

### **Fiscal and Policy Implications**

N/A

### **Options**

<b><i>Option</i></b>	<b><i>Results</i></b>
<ul style="list-style-type: none"><li>Consider the request and remove the requirement for a Covenant and pass Resolution.</li></ul>	<i>The request for a building permit is granted with no requirement for a Covenant for future infrastructure.</i>
<ul style="list-style-type: none"><li>Take no action</li></ul>	<i>The initial City Council approval remains in place and a Covenant is required to be signed with the issuance of a building permit.</i>

### **Staff Recommendation**

Staff recommends that City Council pass the attached Resolution as presented.

### **Attachments**

A	Resolution No. 3637
B	Chris Ries Letter

### **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>

RESOLUTION NO. 3637

A RESOLUTION RESCINDING RESOLUTION NO. 3624 ALLOWING SAGEBRUSH HOLDING, LLC TO BUILD ON UNPLATTED PROPERTY

RECITALS:

1. Resolution No. 3624 is hereby rescinded.
2. Moses Lake Municipal Code 16.12.030 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
3. Sagebrush Holding, LLC has requested the City Council to allow building on unplatted property described as follows (herein the "Property"):

That portion of the south half of the Southwest Quarter of Section 30, Township 19 North, Range 28 East, W.M., County of Grant, State of Washington, as delineated and described on the Record of Survey Drawing prepared by Western Pacific Engineering and Survey, Inc., dated April, 2014, lying southerly of the parcel described in the Warranty Deed Filed under Grant County Auditor File Number 572365, and lying west of the following described line: Commencing at a 2" aluminum cap marking the southeast corner of the Southwest Quarter of said Section 30; Thence North 88°57'10" West, coincident with the south line of the said Southwest Quarter, a distance of 1533.15 Feet to the beginning of the line; Thence North 00°30'20" East a distance of 439.47 Feet, more or less to the said southerly right of way boundary for said State Route 90 and the terminus of said line.

RESOLVED:

1. Applicant, Sagebrush Holding, LLC, shall be allowed to construct a 3,000 square foot building on the westerly one-half of the Property, located adjacent to South Frontage Road East. This grant is personal to Applicant and is specific to the building activity proposed by Applicant.
2. Given the unique location of the Property, the City Council finds that it would be impractical to require the extension of City water and sewer utilities to the Property and the mandatory connection requirement is hereby waived. The City Council further finds that the Property is isolated, is surrounded on two sides by publicly owned property, that the formal platting process would provide no additional benefit to the City, and that the public interest will not be adversely affected by this grant.
3. Applicant shall be required to comply with the requirements of the Moses Lake Fire Department regarding required fire flow and fire protection plan as a condition of this grant.

Adopted by the City Council on September 13, 2016.

ATTEST:

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

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

Mr. Gilbert Alvarado

August 5, 2016

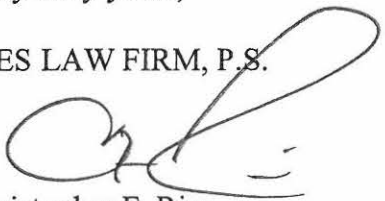
Page 2

The circumstances have not changed. The property is bounded on the west by land owned by the United States of America, to the south by land owned by the State of Washington and to the north by I-90. The property has an approved well. As was the case in 2013, the City does not anticipate extending water and sewer service to the area. Accordingly, the Covenant will serve as an unnecessary cloud on title.

For the very same reasons that the building permit was approved in 2013 without a covenant, Sagebrush Holding, LLC, and Mr. Gerber respectfully request the Council reconsider the July 12, 2016, resolution and waive the requirement of the Covenant.

Very truly yours,

RIES LAW FIRM, P.S.



Christopher F. Ries

CFR:db  
Enclosure

RECEIVED  
COMMUNITY DEVELOPMENT

APR 5 2016  
PLANNING AND BUILDING  
CITY OF MOSES LAKE



**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 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Cost of Service for Nuisance Abatement – 9972 Sunny

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**Legislative History:**

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution outlining the costs to abate the nuisance at 9972 Sunny and authorizing the City to charge the owners of the property for those costs.

**Background**

The code enforcement matter at 9972 Sunny 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. The owner's were given time to correct the nuisance but did not. The city contracted with a private company to clean up the nuisance.

**Fiscal and Policy Implications**

N/A

### Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>Consider the Resolution covering the cost of abatement</li></ul>	Costs will be recovered
<ul style="list-style-type: none"><li>Consider the Resolution and take no action</li></ul>	City will have to absorb the costs of abatement

### Staff Recommendation

Staff recommends that City Council pass the Resolution as presented.

### Attachments

A.	Resolution No. 3638
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### 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 Costs	City Attorney Katherine Kenison



RESOLUTION NO. 3638

A RESOLUTION ESTABLISHING THE BILLING TO BE IMPOSED AGAINST ROLAND C. AND ANASTACIA HUFF AS THE OWNERS OF CERTAIN REAL PROPERTY UPON WHICH THE CITY CAUSED ABATEMENT OF A NUISANCE TO BE PERFORMED AFTER A FAILURE OF THE PROPERTY OWNER TO ABATE THE SAME.

RECITALS:

1. **Real Property Location and Ownership.** The records of Grant County show that Roland C. and Anastacia Huff are the owners of property within the city limits located at 9972 NE Sunny Drive. The parcel number of this property is 120405000. Roland C. and Anastacia Huff were provided notice of a hearing held before the City Council on June 28, 2016, to consider the allegations of the Code Enforcement Officer that a nuisance requiring abatement existed on property owned by Roland C. and Anastacia Huff.
2. On June 28, 2016 the City Council conducted a hearing to determine if a nuisance existed on the property at 9972 NE Sunny Drive. At the conclusion of that hearing, the City Council adopted Resolution No. 3619 which provided a nuisance existed on the property at 9972 NE Sunny Drive, that the owners had fifteen (15) days to abate such nuisance and if the nuisance was not abated within fifteen (15) days of adoption of that resolution, the City would cause the nuisance to be abated and the costs of that abatement to be charged against the property owners.
3. The nuisance identified in Resolution No. 3619 was not abated by the property owners within fifteen (15) days of the adoption of that resolution. On August 16, 2016 the City caused the nuisance identified to be abated through the use of contracted labor and equipment.

RESOLVED:

1. The costs to the City to abate the nuisance identified in Resolution 3619 on the property at 9972 NE Sunny Drive are set forth below. Those costs are derived from the attached documents which detail the costs incurred.
2. The costs to be recovered from Roland C. and Anastacia Huff are:

City labor and equipment costs	\$0.00
Contracted labor and equipment - Tatum Lawn Care	\$269.75
Total	\$269.75
3. This charge is certified by the City Council as due and owing the City. This charge shall be forwarded in writing to Roland C. and Anastacia Huff for payment. If payment is not received within thirty (30) days of submittal, the same shall be submitted for collection with other unpaid billings of the City and collected or reduced to judgment on the rolls of Grant County Clerk.

Adopted by the City Council on September 13, 2016.

ATTEST:

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

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



Tatum Lawn Care  
P O Box 155  
Moses Lake, WA 98837

www.tatumlawncareswa.com

Invoice #

61046

8/16/2016

Hi Everyone, SUMMER IS HERE!!  
We are here to take care of your property  
while you vacation or just want to play.  
Have a Great Summer!!

City of Moses Lake  
Attn: ENFORCEMENT  
P O Box 1579  
Moses Lake WA 98837

For your convenience, we offer email invoices. If  
interested, include your email address with your  
payment. We would appreciate any updates for  
phone numbers or addresses, also. We thank you.

P.O. No.

Due Upon Receipt

RE:

9972 Sunny Dr

Quantity

Rate

Total Plus  
Tax Below

**Service Provided**

(#, sq ft, lbs, gal)

(per)

Item totals

Weed mow and clean up of 9972 Sunny Dr

250.00

250.00

Balances 30 days past due are subject to 1.5% interest charge per  
month.

Thank you for allowing us to be of service.  
Questions? Call 509-762-6771

**Subtotal** \$250.00

**Sales Tax (7.9%)** \$19.75

**Total** \$269.75





**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 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 210 Linden

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**Legislative History:**

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 210 Linden owned by Jack P. & Anna M. Black trs. 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 210 Linden 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 18, 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 210 Linden</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 210 Linden and pass the Resolution as presented.

### **Attachments**

A.	Resolution 3639
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. 3639

A RESOLUTION DETERMINING THAT JACK P. AND ANNA M. BLACK TRUSTEES 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 210 Linden (Lot 6, Montlake Add. #1), Parcel #101557000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owners of the subject property to be Jack P & Anna M. Black, Trustees, Revocable Living Trust, 210 W. Linden, Avenue, Moses Lake, WA 98837.
2. Notice. On July 18, 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 August 29, 2016, the Code Enforcement Officer caused to be delivered to Jack P. & Anna M. Black Trustees a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 13, 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 - 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.
4. Hearing. On September 13, 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 8.13.030 M 5

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated July 13, 2016 from the Code Enforcement Officer addressed to Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 210 W. Linden, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 29, 2016 from the Code Enforcement Officer to Jack P. & Anna M. Black Trs advising the property owner of the hearing regarding abatement of property, scheduled for September 13, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 M 5 exists on the subject property at 210 W. Linden, Moses Lake, Washington. Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535 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. Noxious weeds
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. Jack P. & Anna M. Black Trs, 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 Noxious weeds must be sprayed to kill the plants and then removed from the area
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 13, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director



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:
1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.
  2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
  3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
  4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
  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.
  6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
  7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.



# 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 18, 2016**

**ISSUED TO:**

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

**CASE #: COD2016-1249**

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

*Kochia, a noxious weed, is present on this property.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Thursday, July 28, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Kochia must be sprayed to kill the plants and then removed from this area.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 210 W LINDEN AVE, MOSES LAKE  
LEGAL DESC: Lot 6 Montlake Add # 1

PARCEL: 101557000

### 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.*

**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 fluid and cursive, with the first name "Brett" and last name "Hollen" clearly distinguishable.

BRETT HOLLEN  
Code Enforcement Officer





07/07/2016 07:21









# City of Moses Lake

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

DATED: Monday, August 29, 2016

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1249*  
Property Located at: 210 W LINDEN AVE, MOSES LAKE on Parcel 101557000

Via Regular Mail and Certified Mail

JACK P & ANNA M BLACK TRS

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 6 Montlake Add # 1

This property is located at: 210 W LINDEN AVE, MOSES LAKE on Parcel 101557000

On Monday, July 18, 2016 the City of Moses Lake mailed to you by regular mail and certified 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 Monday, August 29, 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 13, 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 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – Eastlake & Bailey

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**Legislative History:**

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at Eastlake and Bailey owned by Jack P. & Anna M. Black Trs. 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 Eastlake and Bailey 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 June 27, 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 Eastlake &amp; Bailey</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 Eastlake and Bailey and pass the Resolution as presented.

#### **Attachments**

A.	Resolution 3640
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. 3640

A RESOLUTION DETERMINING THAT JACK P. AND ANNA M. BLACK TRUSTEES 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 Eastlake and Bailey (W ½ NW, W of Co Rd Ls Plat & St & Tax # in Section 26, Township 19 N, Range 28 EWM), Parcel #1100500000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owners of the subject property to be Jack P & Anna M. Black, Trustees, Revocable Living Trust, 210 W. Linden, Avenue, Moses Lake, WA 98837.
2. Notice. On June 27, 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 August 29, 2016, the Code Enforcement Officer caused to be delivered to Jack P. & Anna M. Black Trustees a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 13, 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 - 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.
4. Hearing. On September 13, 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 8.13.030 M 5

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated June 27, 2016 from the Code Enforcement Officer addressed to Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at Eastlake and Bailey, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 29, 2016 from the Code Enforcement Officer to Jack P. & Anna M. Black Trs advising the property owner of the hearing regarding abatement of property, scheduled for September 13, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 M 5 exists on the subject property at Eastlake and Bailey, Moses Lake, Washington. Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535 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. Noxious weeds
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. Jack P. & Anna M. Black Trs, 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 Noxious weeds must be sprayed to kill the plants and then removed from the area and weeds cut 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 13, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director

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:
1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.
  2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
  3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
  4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
  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.
  6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
  7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.





# 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, June 27, 2016**

**ISSUED TO:**

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

**CASE #: COD2016-0955**

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

*Kochia, a noxious weed, is present on this property.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Thursday, July 7, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Kochia must be sprayed to kill the plants. Weeds must also be cut back 10' from the sidewalk where applicable.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: EASTLAKE & BAILEY MOSES LAKE, WA. PARCEL: 110050000  
LEGAL DESC: W1/2NW, W Of Co Rd Ls Plat & St & Tax# 26 19 28 Prelim Nelson 811 Sp

### 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.*

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

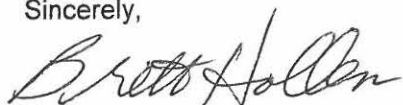
1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day 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, appearing to read "Brett Hollen". The signature is fluid and cursive, with the first name "Brett" and last name "Hollen" clearly distinguishable.

BRETT HOLLEN

Code Enforcement Officer



06/13/2016 07:16





06/13/2016 07:17





06/13/2016 07:18





# City of Moses Lake

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

DATED: Monday, August 29, 2016

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-0955*  
Property Located at: EASTLAKE & BAILEY MOSES LAKE, WA. on Parcel 110050000

Via Regular Mail and Certified Mail

JACK P & ANNA M BLACK TRS

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: W1/2NW, W Of Co Rd Ls Plat & St & Tax# 26 19 28 Prelim Nelson 811 Sp

This property is located at: EASTLAKE & BAILEY MOSES LAKE, WA. on Parcel 110050000

On Monday, June 27, 2016 the City of Moses Lake mailed to you by regular mail and certified 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 Monday, August 29, 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 13, 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 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 1111 N. Evelyn

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**Legislative History:**

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 1111 N. Evelyn owned by Diversified Commercial Holdings, LLC. 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 1111 N. Evelyn 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 31, 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 1111 N. Evelyn</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 1111 N. Evelyn and pass the Resolution as presented.

### Attachments

A.	Resolution 3641
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. 3641

A RESOLUTION DETERMINING THAT DIVERSIFIED COMMERCIAL HOLDINGS, LLC 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 1111 N. Evelyn, (Parcel 1, Parkplace Plaza Lot 3 Commercial BSP#1) Parcel #102121000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owners of the subject property to be Diversified Commercial Holdings, LLC, 2522 N. Proctor Street, #467, Tacoma WA 98406.
2. Notice. On May 31 and August 3, 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 August 29, 2016, the Code Enforcement Officer caused to be delivered to Diversified Commercial Holdings, LLC a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 13, 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 13, 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 8.13.030 U

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 31 and August 3, 2016 from the Code Enforcement Officer addressed to Diversified Commercial Holdings, LLC, 2522 N. Proctor Street, #467, Tacoma, WA 98406.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 1111 N. Evelyn, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 29, 2016 from the Code Enforcement Officer to Diversified Commercial Holdings, LLC advising the property owner of the hearing regarding abatement of property, scheduled for September 13, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at 1111 N. Evelyn, Moses Lake, Washington. Diversified Commercial Holdings, LLC 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 over 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. Diversified Commercial Holdings, LLC, 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 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 13, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director

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: Tuesday, May 31, 2016**

**ISSUED TO:**

Diversified Commercial Holdings LLC  
2522 N Proctor St #467  
Tacoma, WA 98406

**CASE #: COD2016-0670**

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

*Weeds in excess of 12" in height are present around the front and side areas of this property along the sidewalk.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Saturday, June 11, 2016.**

**ACTION NECESSARY TO CORRECT VIOLATION**

*Weeds must be removed from these areas.*

**LOCATION OF UNLAWFUL CONDITION**

LOCATION: 1111 N EVELYN MOSES LAKE, WA      PARCEL: 102121000  
LEGAL DESC: Parcel 1 Parkplace Plaza Lot 3 Commercial BSP # 1

**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, flowing style.

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: Wednesday, August 3, 2016**

**ISSUED TO:**

Diversified Commercial Holdings LLC  
C/O Teresa TR Windrum  
5225 Illahee Lane NE  
Olympia, WA 98513

**CASE #: COD2016-0670**

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

*Weeds in excess of 12" in height are present around the front and side areas of this property along the sidewalk.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Saturday, August 13, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds must be removed from these areas.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 1111 N EVELYN MOSES LAKE, WA      PARCEL: 102121000  
LEGAL DESC: Parcel 1 Parkplace Plaza Lot 3 Commercial BSP # 1

### 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







05/19/2016 08:53





# City of Moses Lake

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

DATED: Monday, August 29, 2016

Diversified Commercial Holdings LLC  
C/O Teresa Windrum  
5225 Ilahee Lane NE  
Olympia, WA. 98513

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-0670*  
Property Located at: 1111 N EVELYN MOSES LAKE, WA on Parcel 102121000

Via Regular Mail and Certified Mail

Diversified Commercial Holdings LLC  
C/O Teresa Windrum

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: Parcel 1 Parkplace Plaza Lot 3 Commercial BSP # 1

This property is located at: 1111 N EVELYN MOSES LAKE, WA on Parcel 102121000

On Wednesday, August 3, 2016 the City of Moses Lake mailed to you by regular mail and certified 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 Monday, August 29, 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 13, 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 13, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 221 Burke

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### Legislative History:

• First Presentation:	September 13, 2016
• Second presentation:	
• Action:	Motion

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### **Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 221 Burke owned by Jack P. & Anna M. Black trs. 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 221 Burke 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 1, 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 221 Burke</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 221 Burke and pass the Resolution as presented.

### **Attachments**

A.	Resolution 3642
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. 3642

A RESOLUTION DETERMINING THAT JACK P. AND ANNA M. BLACK TRUSTEES 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 221 Burke (Tax #5652), Parcel #110409000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owners of the subject property to be Jack P & Anna M. Black, Trustees, Revocable Living Trust, 210 W. Linden, Avenue, Moses Lake, WA 98837.
2. Notice. On August 1, 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 August 29, 2016, the Code Enforcement Officer caused to be delivered to Jack P. & Anna M. Black Trustees a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 13, 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 13, 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 8.13.030 U

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated August 1, 2016 from the Code Enforcement Officer addressed to Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 221 Burke, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 29, 2016 from the Code Enforcement Officer to Jack P. & Anna M. Black Trs advising the property owner of the hearing regarding abatement of property, scheduled for September 13, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at 221 Burke, Moses Lake, Washington. Jack P. & Anna M. Black Trs, Revocable Living Trust, 210 W. Linden Avenue, Moses Lake, WA 98837-2535 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: Weeds over 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. Jack P. & Anna M. Black Trs, 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 Weeds must be cut 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 13, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director

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, August 1, 2016**

**ISSUED TO:**

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

**CASE #: COD2016-1378**

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

*Weeds in excess of 12" in height are present on this property and are encroaching the sidewalk.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Wednesday, August 10, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds must be cut back 10' from the sidewalk as per city code.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 221 W BURKE DR MOSES LAKE, WA.

PARCEL: 110409000

LEGAL DESC: See Assessors Log

### 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.*

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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, appearing to read "Brett Hollen".

BRETT HOLLEN  
Code Enforcement Officer



07/18/2016 08:27





# City of Moses Lake

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

DATED: Monday, August 29, 2016

JACK P & ANNA M BLACK TRS  
REVOCABLE LIVING TRUST  
210 W LINDEN AVE  
MOSES LAKE, WA 98837-2535

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1378*  
Property Located at: 221 W BURKE DR MOSES LAKE, WA. on Parcel 110409000

Via Regular Mail and Certified Mail

JACK P & ANNA M BLACK TRS

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: See Assessors Log

This property is located at: 221 W BURKE DR MOSES LAKE, WA. on Parcel 110409000

On Monday, August 1, 2016 the City of Moses Lake mailed to you by regular mail and certified 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 Monday, August 29, 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 13, 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