

August 7, 2012

TO: City Manager for Council Consideration  
FROM: Community Development Director  
SUBJECT: Resolution - Nuisance Abatement - Yarrito

Attached is a resolution providing for the abatement of nuisances at 835 Grand Drive, owned by Consuelo Yarrito. 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.

The resolution is attached for Council consideration.

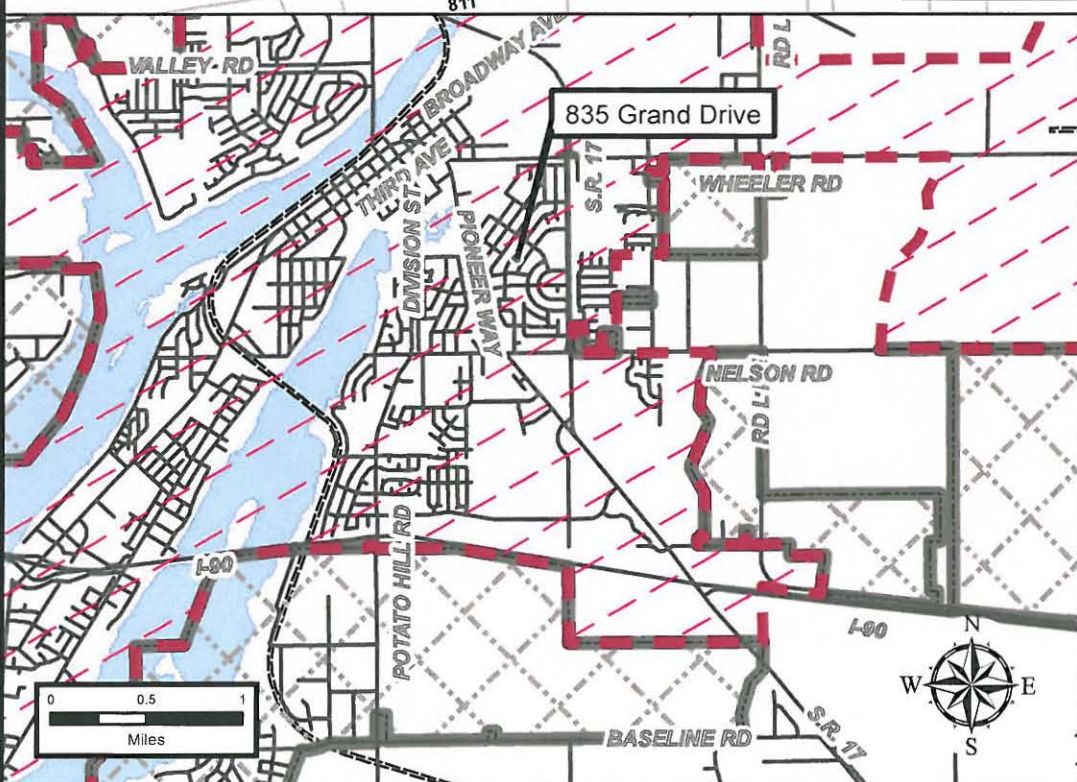
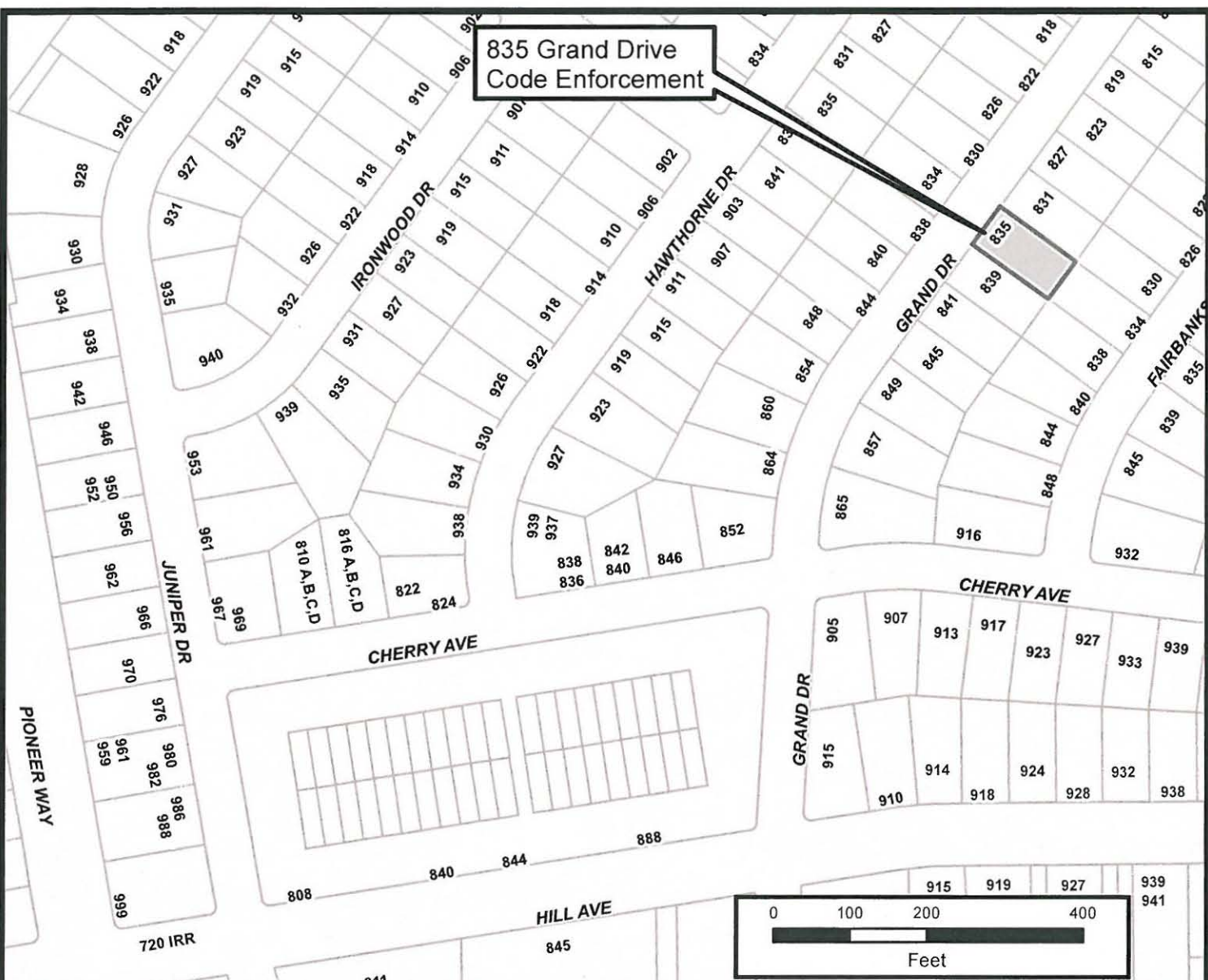
Respectfully submitted

A handwritten signature in blue ink, appearing to be 'GA' with a stylized flourish.

Gilbert Alvarado  
Community Development Director

GA:jt

835 Grand Drive  
Code Enforcement



- CITY LIMITS
- UGA BOUNDARY
- STREET NAMES
- LOTS
- LAKE
- 835 GRAND DRIVE



**CITY OF MOSES LAKE**  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

DRAWN: BKP  
DATE: Aug. 09 2012

## RESOLUTION NO.

A RESOLUTION DETERMINING THAT CONSUELO YARRITO 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 835 Grand Drive, Lot 21, Block 8, Lakeview Terrace #1, Parcel #100904000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 and 8.52.020. The records of Grant County show the owner of the subject property to be Consuelo Yarrito, 2242 W. Lakeside Drive, Moses Lake, WA 98837.
2. Notice. On June 28, 2012, 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 July 30, 2012, the Code Enforcement Officer caused to be delivered to Consuelo Yarrito a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 14, 2012. 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 AA - 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.
    - AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
  - 3.2 A violation of MLMC 8.52.020.D - 8.52.020 - Definitions: For the purposes of this chapter the following words shall have the following meanings:
    - D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended.



4. Hearing. On August 14, 2012 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

EXHIBIT #2: Moses Lake Municipal Code Chapter 8.52.020

EXHIBIT #3: Notice To Correct Unsafe or Unlawful Condition dated 5/30/2012

EXHIBIT #4: Notice of Violation and Order to Correct or Cease Activity dated June 28, 2012 from the Code Enforcement Officer addressed to Consuelo Yarrito, 2242 W. Lakeside Drive, Moses Lake, WA 98837.

EXHIBIT #5: Pictures taken by Code Enforcement Officer of the property located at 835 S. Grand Drive, Moses Lake, Washington.

EXHIBIT #6: Letter dated July 30, 2012, from the Code Enforcement Officer to Consuelo Yarrito advising the property owner of the hearing regarding abatement of property, scheduled for August 14, 2012.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 and 8.52.020 exists on the subject property at 835 Grand Drive, Moses Lake, Washington. Yarrito Consuelo, 2242 W. Lakeside Drive, 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. Appliances, metals, inoperable vehicles, etc.
  - 2.2 Inoperable vehicles
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. Consuelo Yarrito, 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 Remove the vehicles or get them in running condition and licensed
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 August 14, 2012.

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Bill J. Ecret, Mayor

ATTEST:

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W. Robert Taylor, Acting 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.
- A.      The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
  - B.      Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
  - C.      Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
  - D.      Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
  - E.      All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
  - F.      All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
  - G.      All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
  - H.      All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
  - I.      The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
  - J.      Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
  - K.      The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
  - L.      Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
  - 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.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.



- 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.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
  - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
  - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
  - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hoofed or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.

8.52.020 Definitions: For the purposes of this chapter the following words shall have the following meanings:

- A. "Designated Driveway" means the clearly defined roadway leading from the street that is surfaced by asphalt, concrete, gravel, bricks, pavers, or similar material not to exceed thirty feet (30') in width, or otherwise as shown on approved site plans. Where there is curb and gutter at the street, the driveway must have an approved curb cut.
- B. "Front yard" means the area as defined in Moses Lake Municipal Code 18.06.630.
- C. "Improved Parking Surface" means a parking surface such as concrete, asphalt, pavers, brick or other similar surface. Gravel or crushed rock may be used in the side or rear yards, and the front yard as it extends from the side yard. The parking surface shall be continuous from a designated driveway. Gravel or crushed rock shall be contained and shall not be allowed to migrate and shall be vegetation free. Material used for the improved parking surface shall be a minimum of two inches (2") in thickness and shall be at least the same area as the drip edge of the vehicle.
- D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended.
- E. "Junk Vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three (3) of the following requirements: Is three (3) years old or older; is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission; is apparently inoperable; has an approximate fair market value equal only to the approximate value of the scrap in it.
- F. "Owner" means any person owning property as shown on the real property records of Grant County or on the last assessment roll for taxes, and shall also mean any lessee, tenant, or other person having control or possession of the property.
- G. "Property" means land and all buildings and structures located thereon.
- H. "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own power or is mounted on, or towed by, another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.
- I. "Vehicle" means a currently licensed motorized or non-motorized conveyance that includes, but is not limited to an automobile, car, truck, camper, motorcycle, trailered boat, trailered personal water-craft, trailered snowmobile, or recreational vehicle, trailer of any type in operable condition, and may or may not be intended for use on public roadways or waterways.
- J. "Vacant Property" means any lot, tract, or tax identification parcel which lacks any habitable structures.





## **NOTICE TO CORRECT UNSAFE OR UNLAWFUL CONDITION**

**DATED:** 5/30/2012

**ISSUED TO:** Consuelo Yarrito  
2242 W Lakeside Dr  
Moses Lake, WA 98837

**LOCATION OF UNLAWFUL CONDITION:** 835 S Grand Dr, Moses Lake, WA 98837

**DESCRIPTION:** Multiple inoperable vehicles parked on the driveway.

**Moses Lake Municipal Code Section No.:** 8.14.030AA Appliances, metals, inoperable vehicles, etc  
8.52.020.D "Inoperable vehicle"

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises at 835 S Grand Dr, you are hereby notified that the undersigned, pursuant to Chapters 8.14.030AA and 8.52.020.D of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Multiple inoperable vehicles parked on the driveway.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030AA and 8.52.020.D.

8.14.030AA The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property

8.52.020.D D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended

You are notified to correct said conditions to the satisfaction of the undersigned within 10 days of the date of this notice. 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.

### **CORRECTION REQUIRED:**

City Manager 764-3701 • City Attorney 764-3703 • Community Development 764-3750 • Finance 764-3717 • Fire 765-2204  
Municipal Services 764-3783 • Municipal Court 764-3701 • Parks & Recreation 764-3805 • Police 764-3887 • Fax 764-3739

401 S Balsam St. • P.O. Box 1579 • Moses Lake, WA 98837-0224 • [www.cityofml.com](http://www.cityofml.com)

Move the vehicles or get them registered and operational.

I would like to thank you in advance for your cooperating efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call at 509-764-3755 or come see me at City Hall.

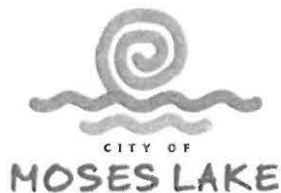
Sincerely,

A handwritten signature in black ink, appearing to read "William R. Trumbull". The signature is fluid and cursive, with a large initial "W" and a stylized "R".

Rob Trumbull

Building Inspector

rtrumbull@cityofml.com



**CITY OF MOSES LAKE**  
**NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

**TO:** Consuelo Yarrito  
2242 W Lakeside Dr  
Moses Lake, WA 98837

**NOTICE OF VIOLATION**

**Provisions of the City of Moses Lake Code Violated:**

Moses Lake Municipal Codes 8.14.030AA and 8.52.020.D

**Street Address of Violation:**

835 S Grand Dr, Moses Lake, WA 98837

**Brief Legal Description of Property Where Violation Exists:**

Lot 21 Blk 8 Lakeview Terrace #1 60X120 100904000

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

**Action Necessary to Correct Violation:**

Move the vehicles or get them registered and operational.

**Time by Which Violation is to be Corrected or Activity Ceased**

The City is requiring these corrections listed on this Notice and Order be accomplished by  
**Sunday, July, 08, 2012**

**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 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 AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Thursday, June 28, 2012

  
Rob Trumbull  
Building Inspector  
City of Moses Lake  
509-764-3755





05/25/2012





July 30th 2012

Consuelo Yarrito  
2242 W Lakeside Dr  
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance  
Property located at: 835 S Grand Dr, Moses Lake, Wa. 98837  
Via Regular Mail and Return Receipt Mail

Consuelo Yarrito:

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 21 Blk 8 Lakeview Terrace #1. This property is located at 835 S Grand Dr, Moses Lake, WA. 98837.

On June 28th 2012, 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. No appeal was taken from that 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 expired without compliance. As of July 30th 2012, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 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 August 14th 2012, 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 Police Department Building. 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 that 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.**

City Manager 764-3701 • City Attorney 764-3703 • Community Development 764-3750 • Finance 764-3717 • Fire 765-2204  
Municipal Services 764-3783 • Municipal Court 764-3701 • Parks & Recreation 764-3805 • Police 764-3887 • Fax 764-3739

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Exhibit 6  
Page 1 of 2

If you have any questions, you may contact the City Manager's Office at City Hall, 321 S. Balsam, Moses Lake, WA, phone 509-764-3702

Sincerely

A handwritten signature in black ink, appearing to read 'RR' or 'Rick Rodriguez', written over the printed name.

Rick Rodriguez  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director

August 7, 2012

TO: City Manager for Council Consideration  
FROM: Community Development Director  
SUBJECT: Resolution - Nuisance Abatement - Beeman

Attached is a resolution providing for the abatement of nuisances at 1105 E. Hill Avenue, owned by Gordon Beeman. 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.

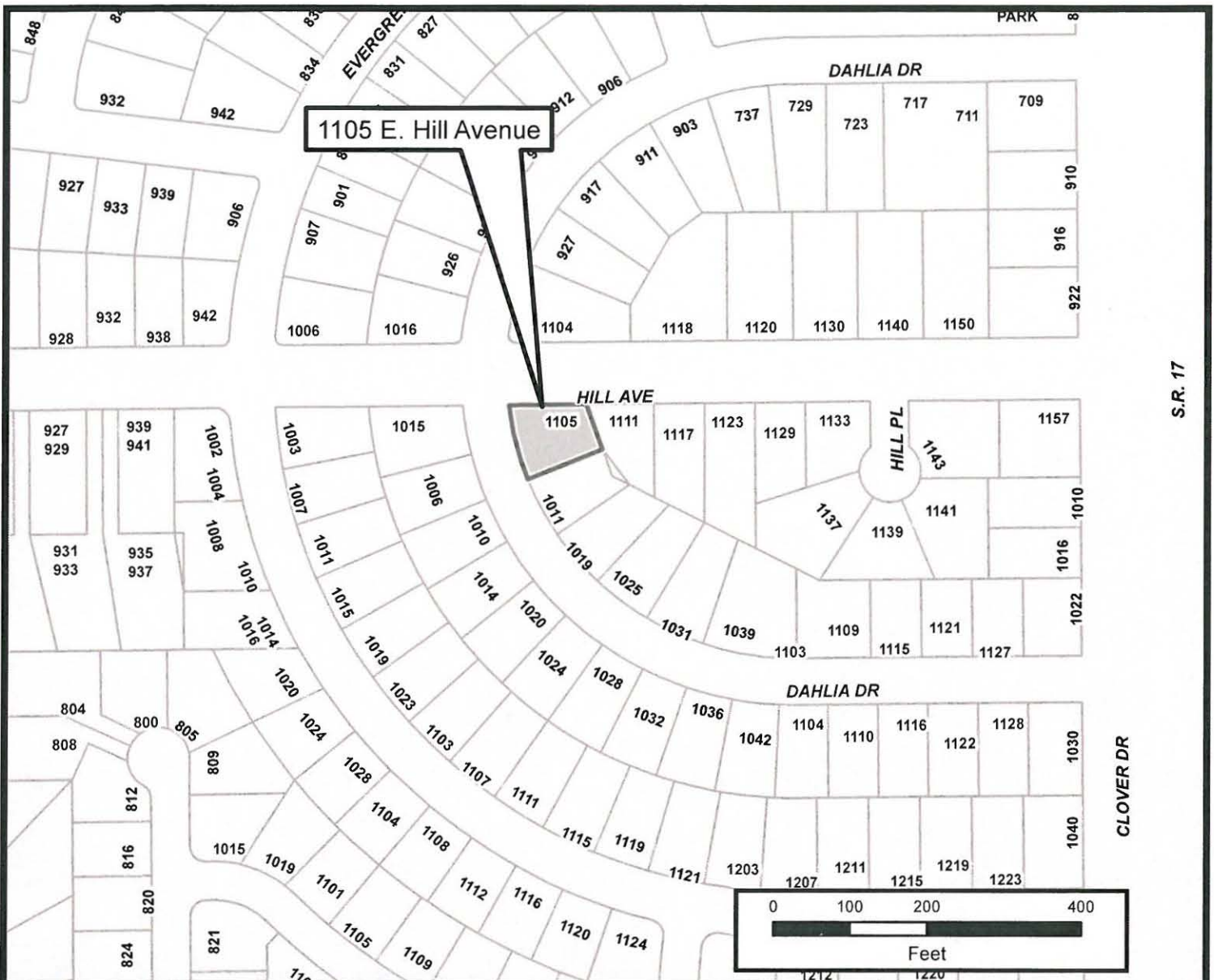
The resolution is attached for Council consideration.

Respectfully submitted

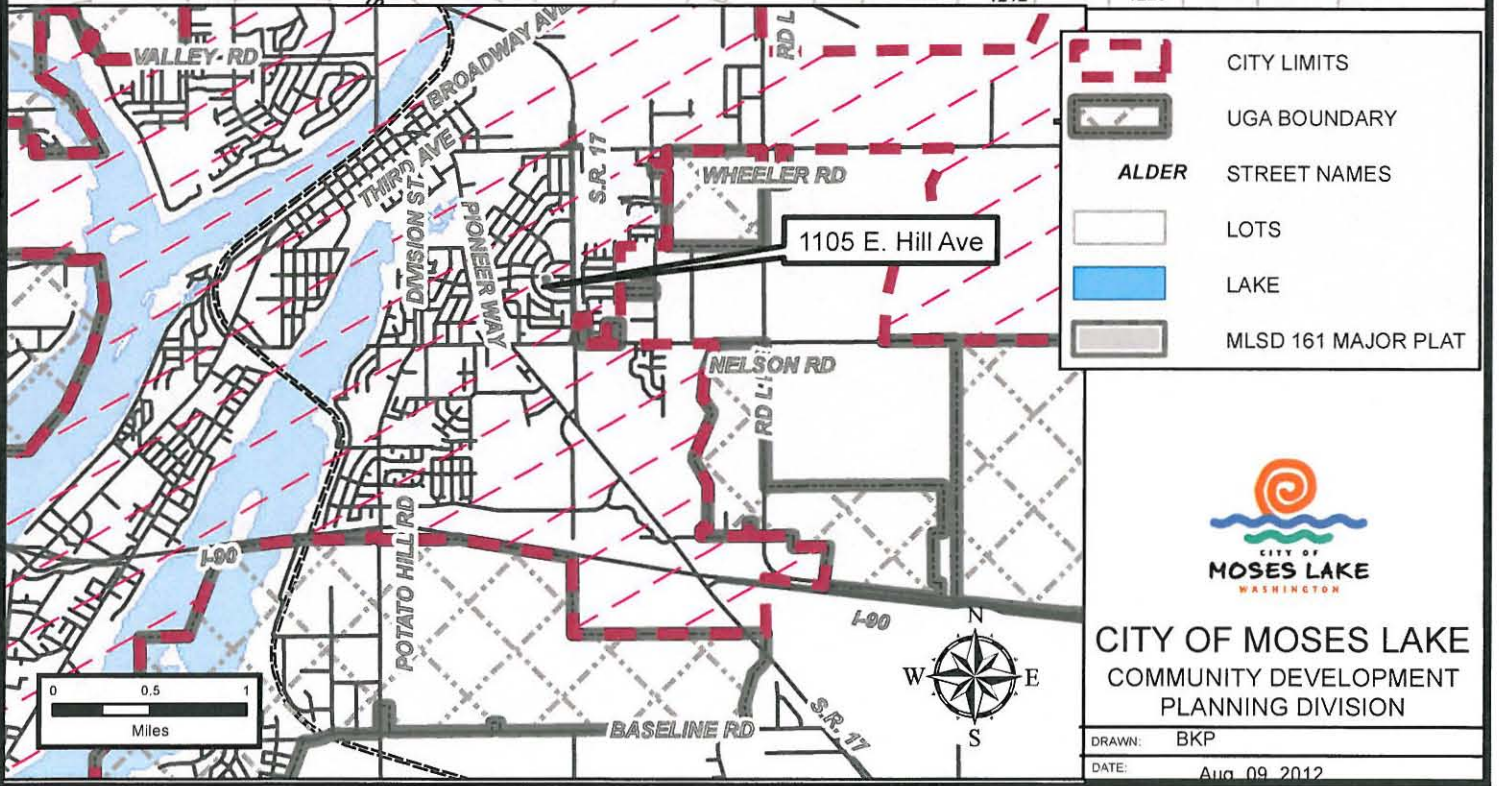
A handwritten signature in blue ink, appearing to be 'GA', is written above the printed name.

Gilbert Alvarado  
Community Development Director

GA:jt



S.R. 17





## RESOLUTION NO.

A RESOLUTION DETERMINING THAT GORDON BEEMAN 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 1105 E. Hill Avenue, Lot 12, Block 1, South Terrace Addition, Parcel #111026000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 and 8.52.020. The records of Grant County show the owner of the subject property to be Gordon Beeman, 1105 E. Hill Avenue, Moses Lake, WA 98837
2. Notice. On June 18, 2012, 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 July 30, 2012, the Code Enforcement Officer caused to be delivered to Gordon Beeman a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 14, 2012. 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. and AA - 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.

- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- 3.2 A violation of MLMC 8.52.020.D - 8.52.020 - Definitions: For the purposes of this chapter the following words shall have the following meanings:
- D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended.
4. Hearing. On August 14, 2012 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
- EXHIBIT #2: Moses Lake Municipal Code Chapter 8.52.020
- EXHIBIT #3: Notice To Correct Unsafe or Unlawful Condition dated 5/30/2012
- EXHIBIT #4: Notice of Violation and Order to Correct or Cease Activity dated June 18, 2012 from the Code Enforcement Officer addressed to Gordon Beeman, 1105 E. Hill Ave., Moses Lake, WA 98837.
- EXHIBIT #5: Pictures taken by Code Enforcement Officer of the property located at 1105 E. Hill Avenue, Moses Lake, Washington.
- EXHIBIT #6: Letter dated July 30, 2012, from the Code Enforcement Officer to Gordon Beeman advising the property owner of the hearing regarding abatement of property, scheduled for August 14, 2012.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 and 8.52.020 exists on the subject property at 1105 E. Hill Avenue, Moses Lake, Washington. Gordon Beeman, 1105 E. Hill Avenue, 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. Inoperable vehicles parked in the driveway
  - 2.2 Weeds taller than 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. Gordon Beeman, 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 Remove the vehicles or get them in running condition and licensed
  - 4.2 Cut the weeds taller than 12" in height
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 August 14, 2012.

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Bill J. Ecret, Mayor

ATTEST:

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W. Robert Taylor, Acting 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.
- A.      The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
  - B.      Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
  - C.      Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
  - D.      Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
  - E.      All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
  - F.      All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
  - G.      All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
  - H.      All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
  - I.      The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
  - J.      Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
  - K.      The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
  - L.      Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
  - 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.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- 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.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
  2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
  3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hoofed or cloven footed animals, except for caged birds kept within a residence or business.



- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.

8.52.020 Definitions: For the purposes of this chapter the following words shall have the following meanings:

- A. "Designated Driveway" means the clearly defined roadway leading from the street that is surfaced by asphalt, concrete, gravel, bricks, pavers, or similar material not to exceed thirty feet (30') in width, or otherwise as shown on approved site plans. Where there is curb and gutter at the street, the driveway must have an approved curb cut.
- B. "Front yard" means the area as defined in Moses Lake Municipal Code 18.06.630.
- C. "Improved Parking Surface" means a parking surface such as concrete, asphalt, pavers, brick or other similar surface. Gravel or crushed rock may be used in the side or rear yards, and the front yard as it extends from the side yard. The parking surface shall be continuous from a designated driveway. Gravel or crushed rock shall be contained and shall not be allowed to migrate and shall be vegetation free. Material used for the improved parking surface shall be a minimum of two inches (2") in thickness and shall be at least the same area as the drip edge of the vehicle.
- D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended.
- E. "Junk Vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three (3) of the following requirements: Is three (3) years old or older; is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission; is apparently inoperable; has an approximate fair market value equal only to the approximate value of the scrap in it.
- F. "Owner" means any person owning property as shown on the real property records of Grant County or on the last assessment roll for taxes, and shall also mean any lessee, tenant, or other person having control or possession of the property.
- G. "Property" means land and all buildings and structures located thereon.
- H. "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own power or is mounted on, or towed by, another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.
- I. "Vehicle" means a currently licensed motorized or non-motorized conveyance that includes, but is not limited to an automobile, car, truck, camper, motorcycle, trailered boat, trailered personal water-craft, trailered snowmobile, or recreational vehicle, trailer of any type in operable condition, and may or may not be intended for use on public roadways or waterways.
- J. "Vacant Property" means any lot, tract, or tax identification parcel which lacks any habitable structures.



## **NOTICE TO CORRECT UNSAFE OR UNLAWFUL CONDITION**

**DATED:** 5/30/2012

**ISSUED TO:** Gordon Beeman  
1105 E Hill Ave  
Moses Lake, WA 98837

**LOCATION OF UNLAWFUL CONDITION:** 1105 E Hill Ave, Moses Lake, WA 98837

**DESCRIPTION:** Inoperabel vehicles parked in the driveway. Weeds through out the property measure taller than 12" in height

<b>Moses Lake Municipal Code Section No.:</b>	8.14.030AA	Appliances, metals, inoperable vehicles, etc
	8.52.020.D	"Inoperable vehicle"
	8.14.030U	Maintenance of grasses, weeds, etc

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises at 1105 E Hill Ave, you are hereby notified that the undersigned, pursuant to Chapters 8.14.030AA, 8.52.020.D, and 8.14.030U of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Inoperabel vehicles parked in the driveway. Weeds through out the property measure taller than 12" in height

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030AA, 8.52.020.D, and 8.14.030U.

8.14.030AA The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property

8.52.020.D D. "Inoperable Vehicle" means a vehicle as defined in subsection I except that it is not licensed or does not operate in the manner it was intended

8.14.030U 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 notified to correct said conditions to the satisfaction of the undersigned within 10 days of the date of this notice. 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.

**CORRECTION REQUIRED:**

Remove or get the vehicles licensed and in running condition. Cut weeds down to measure less than 12" in height

I would like to thank you in advance for your cooperating efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call at 509-764-3755 or come see me at City Hall.

Sincerely,



Rob Trumbull

Building Inspector

rtrumbull@cityofml.com



**CITY OF MOSES LAKE**  
**NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

**TO:** Gordon Beeman  
1105 E Hill Ave  
Moses Lake, WA 98837

**NOTICE OF VIOLATION**

**Provisions of the City of Moses Lake Code Violated:**

Moses Lake Municipal Codes 8.14.030AA, 8.52.020.D, and 8.14.030U

**Street Address of Violation:**

1105 E Hill Ave, Moses Lake, WA 98837

**Brief Legal Description of Property Where Violation Exists:**

Lot 12 Blk 1 South Terrace Add 8220 Sq Ft 111026000

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

**Action Necessary to Correct Violation:**

Remove or get the vehicles licensed and in running condition. Cut weeds down to measure less than 12" in height

**Time by Which Violation is to be Corrected or Activity Ceased**

The City is requiring these corrections listed on this Notice and Order be accomplished by  
**Thursday, June, 28, 2012**

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

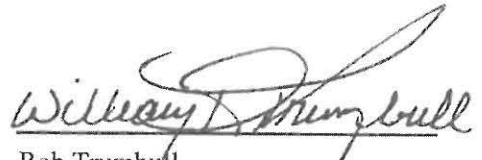


1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the 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 AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Monday, June 18, 2012



Rob Trumbull  
Building Inspector  
City of Moses Lake  
509-764-3755



01/10/2012 15:39





Exhibit 5  
Page 2 of 12









01/10/2012 15:36





01/10/2012 15:36





01/10/2012 15:38

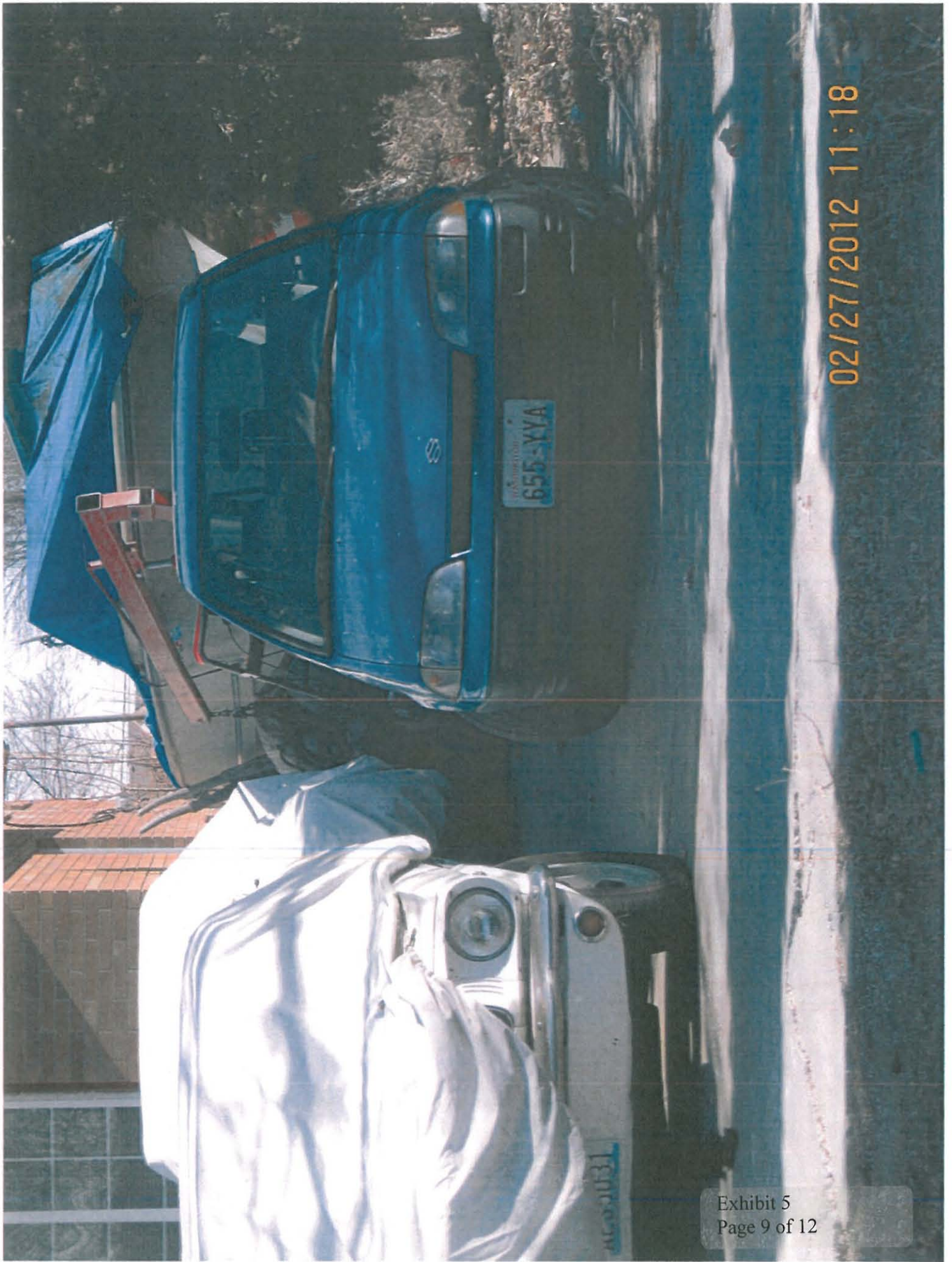




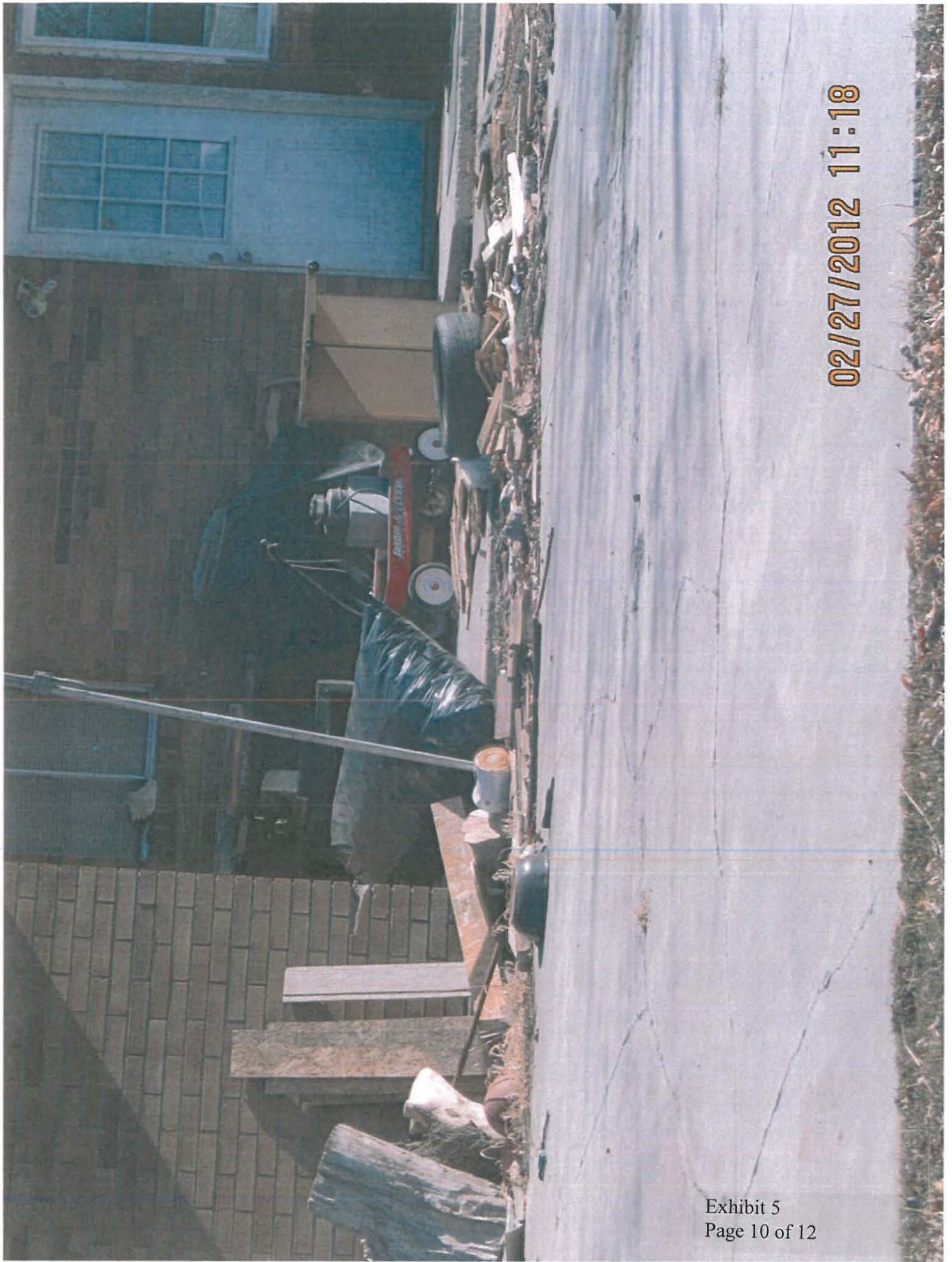












02/27/2012 11:18





02/27/2012 11:17







July 30th 2012

Gordon Beeman  
1105 E. Hill Ave  
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance  
Property located at: 1105 E. Hill Ave, Moses Lake, WA. 98837  
Via Regular Mail and Return Receipt Mail

Gordon Beeman:

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 12 Blk 1 South Terrace  
This property is located at 1105 E. Hill Ave, Moses Lake, WA. 98837

On June 18th 2012, 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. No appeal was taken from that 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 expired without compliance. As of July 30th 2012, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 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 August 14th 2012, 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 Police Department Building. 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 that 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.**

City Manager 764-3701 • City Attorney 764-3703 • Community Development 764-3750 • Finance 764-3717 • Fire 765-2204  
Municipal Services 764-3783 • Municipal Court 764-3701 • Parks & Recreation 764-3805 • Police 764-3887 • Fax 764-3739

401 S Balsam St. • P.O. Box 1579 • Moses Lake, WA 98837-0224 • [www.cityofml.com](http://www.cityofml.com)

Exhibit 6  
page 1 of 2



If you have any questions, you may contact the City Manager's Office at City Hall, 321 S. Balsam, Moses Lake, WA, phone 509-764-3702

Sincerely

A handwritten signature in black ink, appearing to read 'RR', with a horizontal line extending to the right.

Rick Rodriguez  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director

August 7, 2012

TO: City Manager for Council Consideration  
FROM: Community Development Director  
SUBJECT: Resolution - Nuisance Abatement - Eller

Attached is a resolution providing for the abatement of nuisances at 1438 S. James Avenue, owned by Judy Eller. 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.

The resolution is attached for Council consideration.

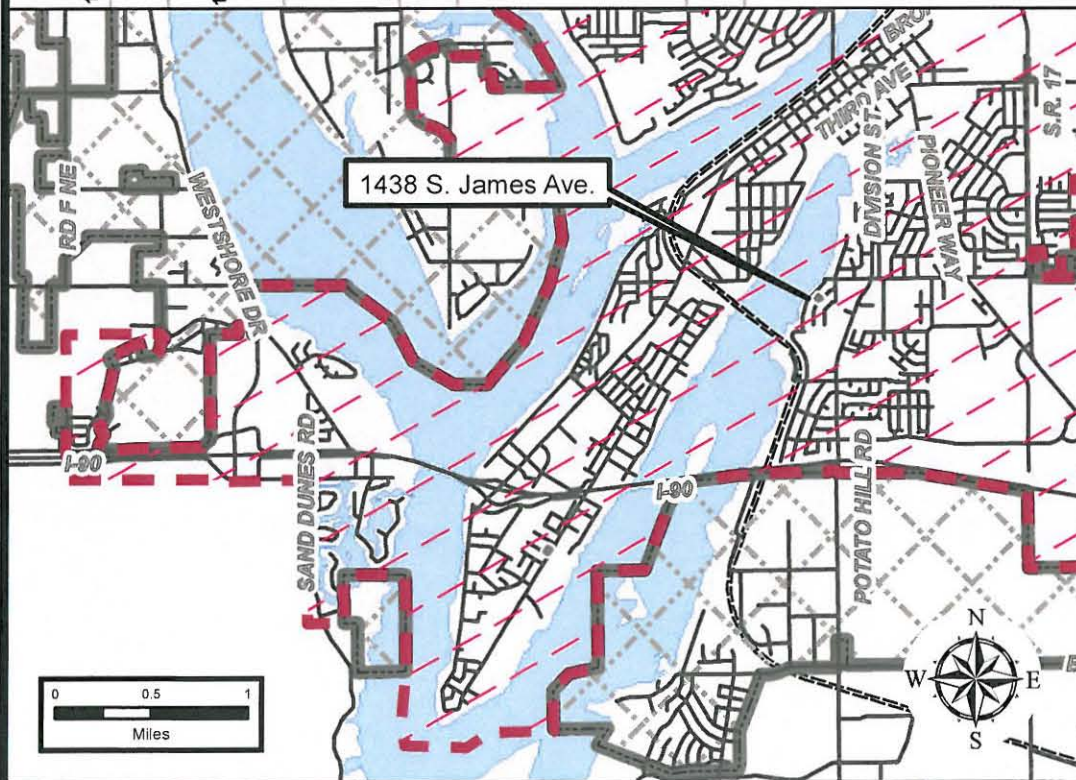
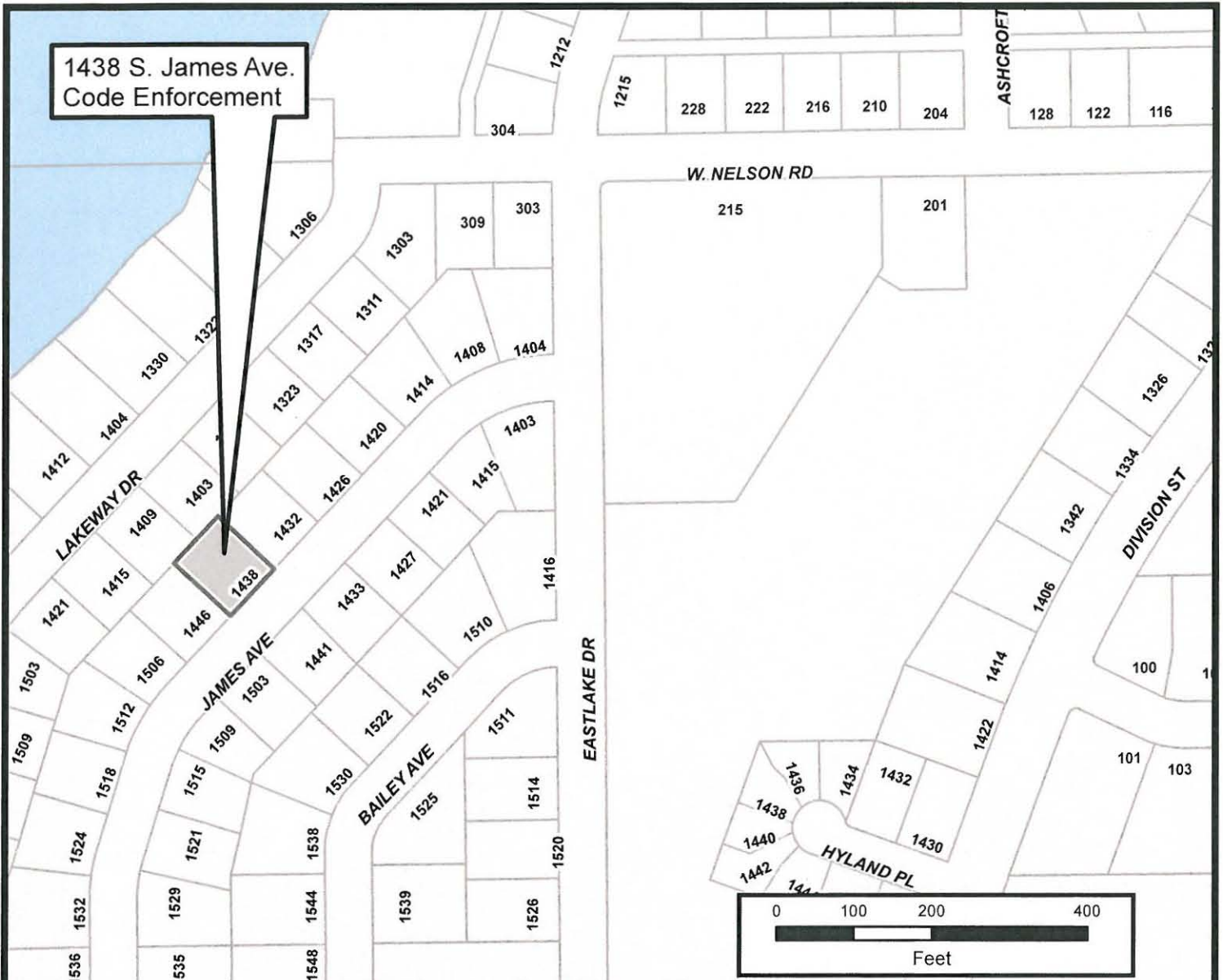
Respectfully submitted



Gilbert Alvarado  
Community Development Director

GA:jt

1438 S. James Ave.  
Code Enforcement



	CITY LIMITS
	UGA BOUNDARY
	STREET NAMES
	LOTS
	LAKE
	1438 S. James Ave



**CITY OF MOSES LAKE**  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

DRAWN: BKP

DATE: Aug. 09, 2012

## RESOLUTION NO.

A RESOLUTION DETERMINING THAT JUDY A. ELLER 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 1438 S. James Avenue, (Lot 36, Broad Ripple #3), Parcel #90745000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 V. and AA. The records of Grant County show the owner of the subject property to be Judy A. Eller, 1438 S. James, Moses Lake, WA 98837.
2. Notice. On May 24, 2012, 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 July 26, 2012, the Code Enforcement Officer caused to be delivered to Judy Eller a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 14, 2012. 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.AA and V - 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.
    - V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
    - AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
4. Hearing. On August 14, 2012 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

EXHIBIT #2: Notice to Correct Unsafe or Unlawful Condition dated 4/24/12

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated May 24, 2012 from the Code Enforcement Officer addressed to Judy Eller, 1438 S. James, Moses Lake, WA 98837

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at 1438 S. James, Moses Lake, Washington.

EXHIBIT #5: Letter dated July 26, 2012, from the Code Enforcement Officer to Judy Eller advising the property owner of the hearing regarding abatement of property, scheduled for August 14, 2012.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 exists on the subject property at 1438 S. James, Moses Lake, Washington. Judy Eller, 1438 S. James, 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. Clutter in front of garage
  - 2.2. Dead bushes that pose a fire hazard
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. Judy Eller, 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 Clean the clutter in the front and back yard
  - 4.2 Pull the dead bushes or restore them
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 August 14, 2012.

\_\_\_\_\_  
Bill J. Ecret, Mayor

ATTEST:

\_\_\_\_\_  
W. Robert Taylor, Acting 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.
- A.      The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
  - B.      Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
  - C.      Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
  - D.      Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
  - E.      All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
  - F.      All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
  - G.      All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
  - H.      All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
  - I.      The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
  - J.      Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
  - K.      The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
  - L.      Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
  - 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.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- 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.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
  - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
  - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
  - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hooved or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.





## **NOTICE TO CORRECT UNSAFE OR UNLAWFUL CONDITION**

**DATED:** 4/24/2012  
**ISSUED TO:** Judy Eller  
1438 S James  
Moses Lake, WA 98837

**LOCATION OF UNLAWFUL CONDITION:** 1438 S James, Moses Lake, WA 98837

**DESCRIPTION:** Clutter in front of garage, and dead bushes that pose a fire hazard

**Moses Lake Municipal Code Section No.:** 8.14.030AA Appliances, metals, inoperable vehicles, etc  
8.14.030V Dead Vegetation

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises at 1438 S James, you are hereby notified that the undersigned, pursuant to Chapters 8.14.030AA and 8.14.030V of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Clutter in front of garage, and dead bushes that pose a fire hazard

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030AA and 8.14.030V.

8.14.030AA The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property

8.14.030V V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.

You are notified to correct said conditions to the satisfaction of the undersigned within 10 days of the date of this notice. 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.

### **CORRECTION REQUIRED:**

Clean the front and back yard to be free of the clutter. Pull the dead bushes or restore them.

I would like to thank you in advance for your cooperating efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call at 509-764-3753 or come see me at City Hall.

Sincerely,

A handwritten signature in black ink, appearing to read 'RR', with a stylized flourish extending from the end.

Rick Rodriguez

Code Enforcement Officer

[rrodriguez@cityofml.com](mailto:rrodriguez@cityofml.com)

**CITY OF MOSES LAKE**  
**NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

**TO:** Judy Eller  
1438 S James  
Moses Lake, WA 98837

**NOTICE OF VIOLATION**

**Provisions of the City of Moses Lake Code Violated:**

Moses Lake Municipal Codes 8.14.030AA and 8.14.030V

**Street Address of Violation:**

1438 S James, Moses Lake, WA 98837

**Brief Legal Description of Property Where Violation Exists:**

Lot 36 Broad Ripple #3 090745000

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

**Action Necessary to Correct Violation:**

Clean the front and back yard to be free of the clutter. Pull the dead bushes or restore them.

**Time by Which Violation is to be Corrected or Activity Ceased**

The City is requiring these corrections listed on this Notice and Order be accomplished by

**Sunday, June, 03, 2012**

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 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 AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Thursday, May 24, 2012

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Rick Rodriguez  
Code Enforcement  
City of Moses Lake  
509-764-3753



06.28.2012 14:29



06.28.2012 14:29



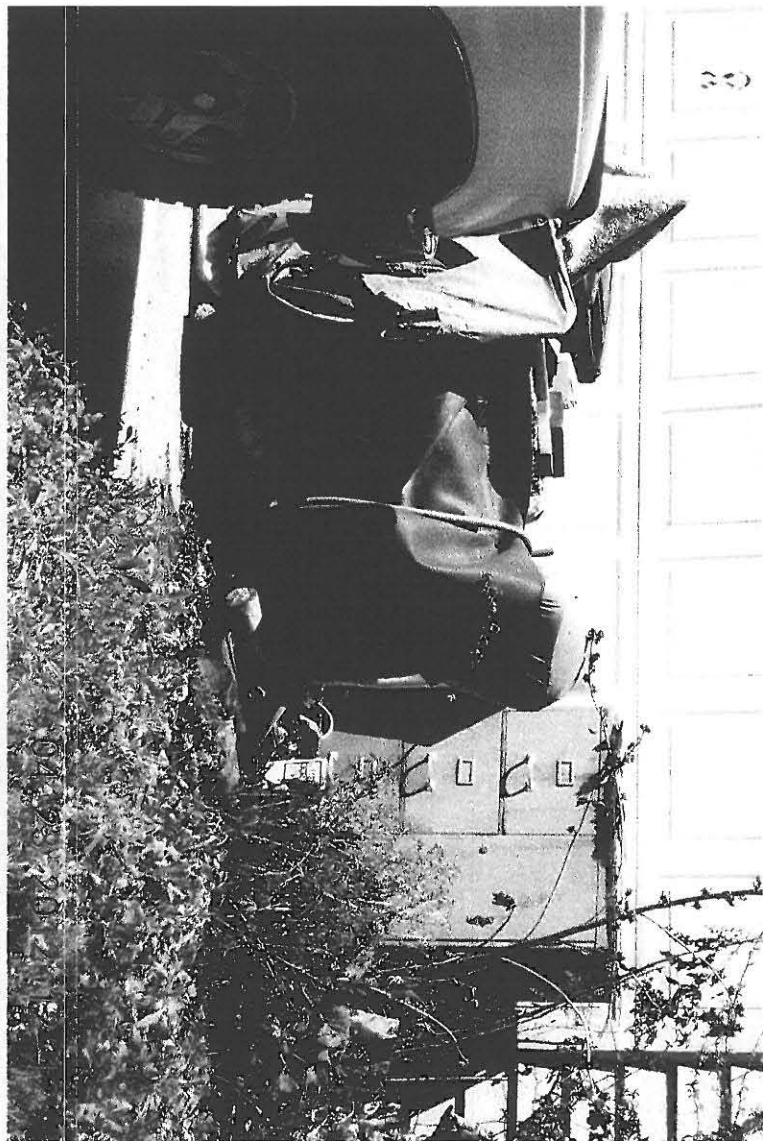
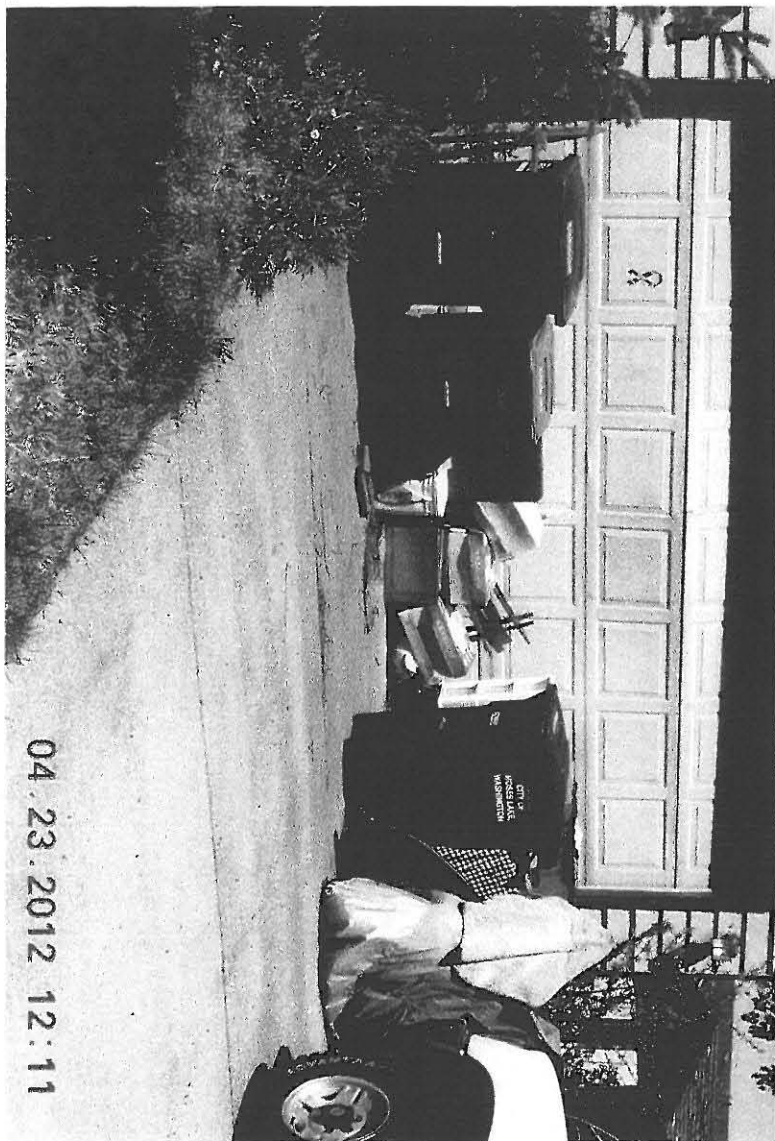
Exhibit 4  
Page 1 of 4

06.28.2012 14:31















July 26th, 2012

Judy Eller  
1438 S James Ave  
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance  
Property located at: 1438 S James Ave  
Via Regular Mail and Return Receipt Mail

Judy Eller:

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: 090745000

This property is located at 1438 S James Ave

On May 24th 2012, 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. No appeal was taken from that 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 expired without compliance. As of July 26th 2012, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 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 August 14th 2012, 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 City of 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 that 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.

Exhibit 5  
Page 1 of 2

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT**  
City Manager 764-3701 • City Attorney 764-3703 • Community Development 764-3750 • Finance 764-3717 • Fire 765-3204  
Municipal Services 764-3783 • Municipal Court 764-3701 • Parks & Recreation 764-3805 • Police 764-3887 • Fax 764-3739

401 S Balsam St. • P.O. Box 1579 • Moses Lake, WA 98837-0234 • [www.cityofml.com](http://www.cityofml.com) • Judy Eller 1438 James.wpd

**IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at City Hall, 321 S. Balsam, Moses Lake, WA, phone 509-764-3702.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Rodriguez', with a stylized flourish at the end.

Rick Rodriguez  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director