

July 2, 20143

TO: City Manager for Council Consideration

FROM: Community Development Director

SUBJECT: Crab Creek Homestead LLC - Request to Build on Unplatted Property

Attached is a letter from Richard Penhallurick, Crabcreek Homestead LLC, regarding his previous request to build on unplatted property that was considered by the City Council on July 9, 2013. See attached minutes of that City Council meeting. Mr. Penhallurick is asking that his request to build on unplatted property be removed from table and that the Council consider his initial request.

When the subject request was routed July 2013, comments were received from Russ Brown, Municipal Services Department. See attached Memo. The Fire Chief also expressed comments with regards to the request.

If the City Council wishes to consider this matter, the Council must remove the matter from the table prior to any consideration of the request. If the Council removes the matter from the table for consideration, attached is a resolution granting permission to Crab Creek Homestead LLC to build on unplatted property with the stipulation that the property be platted within one year.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3450

A RESOLUTION ALLOWING CRAB CREEK HOMESTEAD, LLC TO BUILD ON UNPLATTED PROPERTY

RECITALS:

1. Moses Lake Municipal Code 16.12.030 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
3. The Crab Creek Homestead, LLC requested the City Council to allow it to build on unplatted property described as follows:

E1/2NW S OF HWY LS TX#S; RW LS PLAT in Section 14, Township 19N, Range 28, E.W.M.

RESOLVED:

1. That Crab Creek Homestead, LLC be allowed to construct a mini storage facility on unplatted property located off of Stratford Road and adjacent to the lake and Highway 17 with the stipulation that the property is platted within one year.

Adopted by the City Council on July 8, 2014.

ATTEST:

Dick Deane, Mayor

W. Robert Taylor, Finance Director

Richard Penhallurick
905 Stratford Rd
Moses Lake, WA 98837

June 20, 2014

Honorable Mayor and City Council:

On July 9, 2013, the City Council considered and tabled my request to build on unplatted property until such time that staff "could bring back an amendment to the ordinance that would give Council authority to place limitations on building on unplatted property". Staff did as Council asked and the Council passed the amendments as requested. At this time I would like my request to build on unplatted property be removed from the table and considered by the Council.

The last time the City Council considered my request there were concerns about infrastructure, platting and land use. I would like the City Council to consider the following as part of the discussion and to address their previous concerns.

1. **Utilities:** The project I have proposed for this unique property will only require water for fire suppression. There is no need for sewer. The issue of my access to Walmart's fire hydrants for fire suppression will need to be confirmed with the Fire Chief no matter if I am required to plat or not. The easement regarding this access is recorded in Grant County and fire flow was judged sufficient on Walmart's plans on record with the City. There is no argument with this requirement.
2. **Platting:** As a Planning Commissioner, I have always understood that when we review plats, a few factors drive the platting requirement. Staff wants to make sure adequate utilities exist to serve the site and adjacent property if that is the case. Platting also confirms property ownership – where does my property begin/end? Easements are also considered.

In my case I would argue that there is no need to plat, if there is no need to extend utilities given there is no additional properties to extend "to and through". To the West, Walmart is served along with the commercial strip malls further West. To the North is SR-17. To the South is the water body of Moses Lake. To the East is the water body Moses Lake.

The issue of property ownership could be confirmed without the platting requirement. Walmart has property pins adjacent to my property. The construction I propose does not require more than that to figure the location of my property lines. This is the same

idea for example when city Building Inspectors do an inspection. The requirement to verify the property pins is not the City's responsibility but rather the contractor who submits a site plan with their permit. Areas like Knolls Vista and the Lower Peninsula are great examples where areas exist that over time property pins have been removed, covered, etc. The inspections occur with the responsibility of the accuracy of information submitted with the building permit falling on the contractor.

Also, I would ask that the City Council consider their previous actions with similar requests to build on unplatted property that were not required to plat. Recently the City Council was presented with a request from Mick Hansen for property South of I-90. City staff mentioned that because of the location of the property, platting would not be beneficial. Mr. Hansen's is similar to mine: State Highway/Route to the North; State of Washington natural resource to the South and West.

- 3. Land Use:** A question was raised about the use of my property. This property is zoned Commercial. Given its unique location there is not much I can do with it. Do I wish I could build something more along the lines of my strip mall? Yes, but what business wants to have a view of the back of Walmart and minimal exposure to public travel. If a future use is proposed, City Code requires review before any change can be made and necessary changes can be made to address the City Code at that time. The mini-storage I propose is low impact development that does not require prime location. This is true of most mini-storage facilities that have already been built in town.

Please consider my request to build on unplatted property. I have no problem with the City Council attaching conditions that would assure the Council that I only plan to build mini-storage units.

A handwritten signature in black ink, appearing to read "Ben Hallman". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

COPY

RESOLUTION NO.

A RESOLUTION ALLOWING CRAB CREEK HOMESTEAD, LLC TO BUILD ON UNPLATTED PROPERTY

RECITALS:

1. Moses Lake Municipal Code 16.12.030 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
3. The Crab Creek Homestead, LLC requested the City Council to allow it to build on unplatted property described as follows:

E1/2NW S OF HWY LS TX#S; RW LS PLAT in Section 14, Township 19N, Range 28, E.W.M.

RESOLVED:

1. That Crab Creek Homestead, LLC be allowed to construct a mini storage facility on unplatted property located off of Stratford Road and adjacent to the lake and Highway 17 with the stipulation that the property is platted within one year.

Adopted by the City Council on July 9, 2013.

ATTEST:

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director

CITY COUNCIL MEETING

July 9, 2013

ORDINANCES AND RESOLUTIONSRESOLUTION - ACCEPT DONATION - COLUMBIA BASIN WALLEYE CLUB

A resolution was presented which accepts \$2,500 from the Columbia Basin Walleye Club. The funds are to be used for the purchase of three vinyl benches, signage, and landscaping to beautify the shoreline area by the Blue Heron park fishing pier

The resolution accepting a cash donation of \$2,500 from Gary Main of the Columbia Basin Walleye Club was read by title only.

Action Taken: Dr. Curnel moved that the resolution be adopted, seconded by Mr. Deane, and passed unanimously.

RESOLUTION - BUILD ON UNPLATTED PROPERTY - CRAB CREEK HOMESTEAD

A resolution was presented which allows Crab Creek Homestead to build on unplatted property with the stipulation that the property be platted within one year.

The resolution allowing Moses Lake Industries to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, explained that the property is located behind Walmart adjacent to the lake and access would be provided through an easement through the Walmart property.

Rick Penhallurick, representing Crab Creek Homestead, stated that they would prefer not to be required to plat since city services do not need to be extended beyond the Walmart property. There are agreements in place to access the existing fire hydrants and other utilities if needed in the future. The plan is to use solar energy for power purposes.

There was considerable discussion by the Council.

Katherine Kenison, City Attorney, pointed out that the Council has the authority to grant permission to build on unplatted property without restriction or to require that the property be platted within one year but if the permission is granted to build on unplatted property without the requirement to plat, the property owner is not restricted to the use originally proposed but can develop any use allowed in the zone. She also pointed out that the permission to build on unplatted property would run with the land and platting could not be required in the future no matter what is proposed to be built on the property.

Staff was requested to bring back an amendment to the ordinance that would give Council the authority to place limitations on the building on unplatted property.

Action Taken: Mr. Reese moved that the resolution be tabled, seconded by Mr. Deane, and passed unanimously.

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - None

COPY

July 3, 2013

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Crab Creek Homestead LLC - Request to Build on Unplatted Property

Attached is a request to build on unplatted property from Richard Penhallurick, Crab Creek Homestead LLC, for the construction of a mini-storage facility. Mr. Penhallurick has met with staff regarding his proposed project and is requesting to build on unplatted property with no requirement to plat the property described as Tax Parcel # 110007001.

The subject request was routed to appropriate departments for their review and comment. One comment was received from Russ Brown from the Municipal Services Department.

Attached for Council consideration is a resolution granting permission to Crab Creek Homestead LLC to build on unplatted property with the stipulation that the property be platted within one year.

Respectfully submitted

Gilbert Alvarado
Community Development Director

GA:jt

MEMORANDUM

RECEIVED

JUN 27 2013

CITY OF MOSES LAKE
DEVELOPMENT ENGINEERING DIVISION
June 27, 2013

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

TO: Community Development Director, Gilbert Alvarado
FROM: Development Engineer, Russell L. Brown *Russell*
RE: **CRABCREEK HOMESTEAD LLC**
REQUEST TO BUILD ON UNPLATTED PROPERTY
MINI -STORAGE BEHIND WALMART

 COPY

Looking at the mini-storage proposal two issues are very apparent:

1. Access to a public way. The WSDOT controls the access rights along the northerly property frontage on SR-17. The lake prohibits access from the east. There appear to be wet land issues to the south preventing access. Walmart borders the westerly property.
2. Access to water for fire suppression.

The platting process provides the mechanism to address the above issues along with sewer, power, shoreline, wetlands, and associated land development items. When the platting process is circumvented the opportunity for conflict and inconsistency is compounded.

If you have questions or require any additional information please contact me at your convenience.

cc: Municipal Services Director

Examples:

Parcel: 130005000

Address: 109 W Division

Owner: Washington Mutual

Section: T11R29S30

Wildcards:

% - all characters

12% court

_ (underscore) - one character

2__ N 4th



COPY

June 30, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - 823 Fairbanks - Duncan

Attached is a resolution providing for the abatement of nuisances at 823 Fairbanks, owned by Betty Duncan. 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 of Gilbert Alvarado.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3451

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

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at Lot 21, Block 7, Lakeview Terrace #1, Parcel #100880000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owner of the subject property to be Betty Duncan, 816 Sharone Avenue E., Apt. 307, Moses Lake, WA 98837.
2. Notice. On June 3, 2014, 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 June 24, 2014, the Code Enforcement Officer caused to be delivered to Betty Duncan a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of July 8, 2014. 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 - 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.
4. Hearing. On July 8, 2014 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 Chapters 8.14.030.U

EXHIBIT #2: "Notice To Correct Unsafe or Unlawful Condition" dated May 12, 2014

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated June 3, 2014 from the Code Enforcement Officer addressed to Betty Duncan, 616 Sharone Avenue E. Apt. 307, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Lot 21, Block 7, Lakeview Terrace #1, Moses Lake, Washington.

EXHIBIT #5: Letter dated June 24, 2014, from the Code Enforcement Officer to Betty Duncan advising the property owner of the hearing regarding abatement of property, scheduled for July 8, 2014.

Resolved:

1. A public nuisance in violation of MLMC 8.14 exists on the subject property at Lot 21, Block 7, Lakeview Terrace #1, Moses Lake, Washington. Betty Duncan, 816 Sharone Avenue E, Apt. 307, Moses Lake, WA 99387 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. Weeds and/or grass over 12" high
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. Betty Duncan, 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 Cut and remove weeds on the property
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 July 8, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- 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: 5/12/2014

ISSUED TO: Betty Duncan
816 Sharone Ave E Apt 307
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 823 S Fairbanks Dr, Moses Lake, WA 98837

DESCRIPTION: Weeds and grasses in excess of 12' in height are present in the yard and in the sidewalk planter strip of this home.

Moses Lake Municipal Code Section No.: 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 823 S Fairbanks Dr, you are hereby notified that the undersigned, pursuant to Chapter 8.14.030U of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds and grasses in excess of 12' in height are present in the yard and in the sidewalk planter strip of this home.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030U

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.

Exhibit 2
Page 1 of 2

You are notified to correct said condition 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:

Weeds and grasses must be cut down and or removed from these areas.

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 509-764-3748 or come see me at City Hall.

Sincerely,

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

Brett Hollen

Code Enforcement

bhollen@cityofml.com



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Betty Duncan
816 Sharone Ave E Apt 307
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

823 S Fairbanks Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 21 Block 7 Lakeview Terrace # 1 100880000

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

Action Necessary to Correct Violation:

Weeds and grasses must be cut down and or removed from these areas.

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
Friday, June, 13, 2014

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

Exhibit 3
Page 1 of 2

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 Tuesday, June 03, 2014



Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748



823



05/12/2014 08:14



05/12/2014 08:14



June, 24, 2014

Betty Duncan
816 Sharone Ave E Apt 307
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 823 S Fairbanks Dr, Parcel 100880000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Betty Duncan

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 Block 7 Lakeview Terrace # 1.

This property is located at: 823 S Fairbanks Dr, Parcel 100880000, Moses Lake, WA 98837

On Tuesday, June 03, 2014 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of June 24, 2014, 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 Tuesday, July 08, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At 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.**

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

Sincerely,

Rick Rodriguez
Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 5

June 30, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - 8615 Charles - Cleis

Attached is a resolution providing for the abatement of nuisances at 8615 Charles, owned by Brenda Cleis. 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 'Gilbert Alvarado', with a stylized, cursive-like script.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3452

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

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at Lot 6, Block 2, Gateway Estates Division #2 Replat, Parcel #091510230, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owner of the subject property to be Brenda Cleis, 8615 Charles Road NE, Moses Lake, WA 98837.
2. Notice. On May 22, 2014, 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 June 24, 2014, the Code Enforcement Officer caused to be delivered to Betty Duncan a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of July 8, 2014. 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 - 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.
4. Hearing. On July 8, 2014 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 Chapters 8.14.030.U

EXHIBIT #2: "Notice To Correct Unsafe or Unlawful Condition" dated May 8, 2014

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated May 23, 2014 from the Code Enforcement Officer addressed to Brenda Cleis, 8615 NE Charles Road, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Lot 6, Block 2, Gateway Estates Division #2 Replat, Moses Lake, Washington.

EXHIBIT #5: Letter dated June 24, 2014, from the Code Enforcement Officer to Brenda Cleis advising the property owner of the hearing regarding abatement of property, scheduled for July 8, 2014.

Resolved:

1. A public nuisance in violation of MLMC 8.14 exists on the subject property at Lot 6, Block 2, Gateway Estates Division #2 Replat, Moses Lake, Washington. Brenda Cleis, 8615 NE Charles, Moses Lake, WA 99387 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. Weeds and/or grass over 12" high
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. Brenda Cleis, 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 Cut and remove weeds on the property
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 July 8, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

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



**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**

DATED: 5/8/2014

ISSUED TO: Brenda Cleis
8615 NE Charles Rd
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 8615 NE Charles Rd, Moses Lake, WA 98837

DESCRIPTION: Weeds in excess of 12" in height are present along the front and side areas of this home.

Moses Lake Municipal Code Section No.: 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 8615 NE Charles Rd, you are hereby notified that the undersigned, pursuant to Chapter 8.14.030U of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds in excess of 12" in height are present along the front and side areas of this home.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030U

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 condition 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.

Exhibit 2
Page 1 of 2

CORRECTION REQUIRED:

Weeds need to be removed from these areas.

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 509-764-3748 or come see me at City Hall.

Sincerely,

A handwritten signature in black ink that reads "Brett Hollen". The signature is written in a cursive, flowing style.

Brett Hollen

Code Enforcement

bhollen@cityofml.com



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Brenda Cleis
8615 NE Charles Rd
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

8615 NE Charles Rd, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 6 Block 2 gateway estates Div # 2 Replat 091510230

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

Action Necessary to Correct Violation:

Weeds need to be removed from these areas.

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
Monday, June, 02, 2014

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

Exhibit 3
Page 1 of 2

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 Friday, May 23, 2014

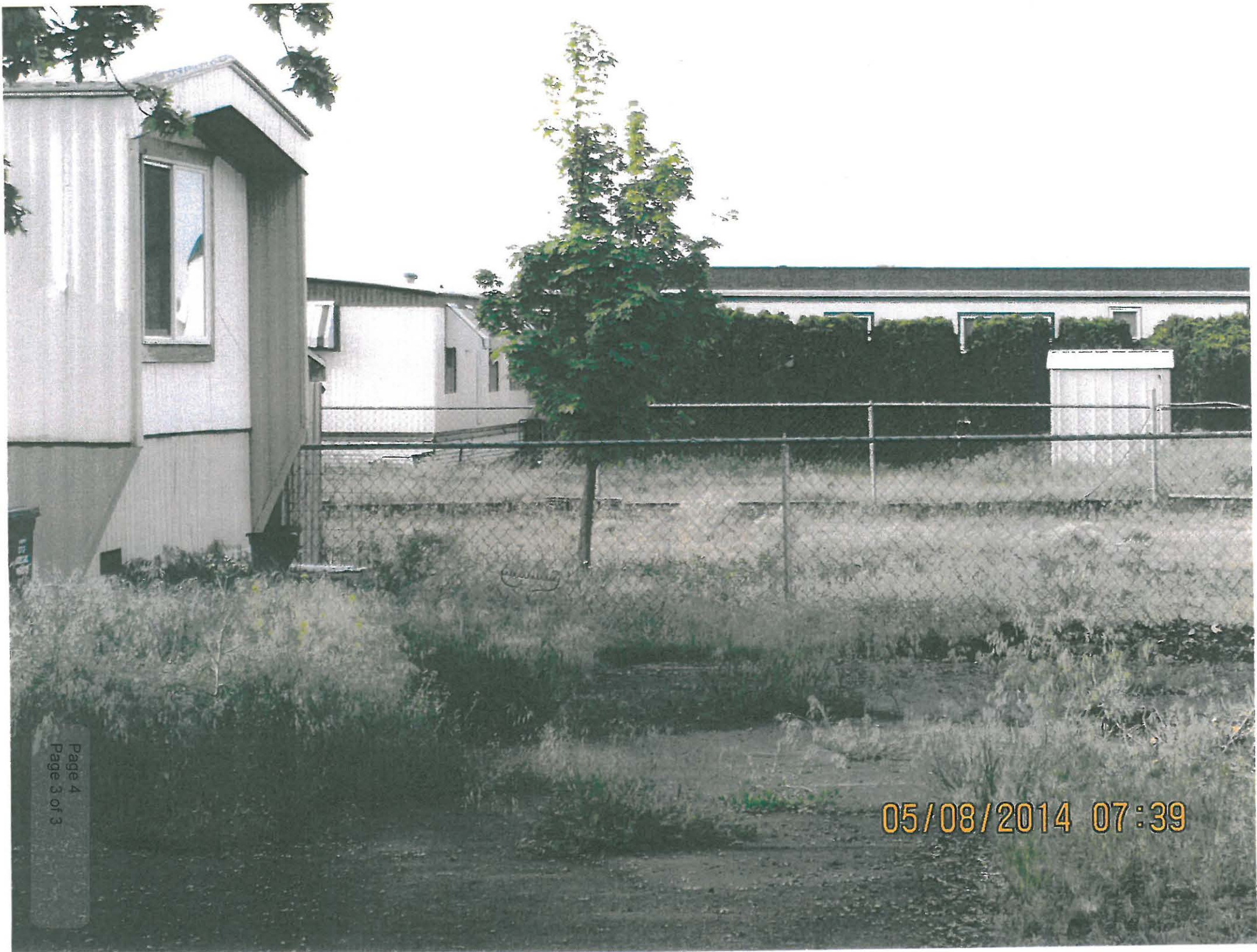


Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748



05/08/2014 07:38





05/08/2014 07:39



June, 24, 2014

Brenda Cleis
8615 NE Charles Rd
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 8615 NE Charles Rd, Parcel 091510230, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Brenda Cleis

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 6 Block 2 gateway estates Div # 2 Replat.

This property is located at: 8615 NE Charles Rd, Parcel 091510230, Moses Lake, WA 98837

On Friday, May 23, 2014 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of June 24, 2014, 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 Tuesday, July 08, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At 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.

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

Sincerely,

Rick Rodriguez
Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 5

June 30, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - 1335 Megan - Sampson

Attached is a resolution providing for the abatement of nuisances at 1335 Megan, owned by Robert Sampson. 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 'G. Alvarado', with a stylized, cursive-like script.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3453

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

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at Lot 2, Block 2, Crossroads Phase 1, Parcel #091325605, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14. The records of Grant County show the owner of the subject property to be Robert Sampson, 1335 Megan Drive, Moses Lake, WA 98837.
2. Notice. On May 16, 2014, 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 June 24, 2014, the Code Enforcement Officer caused to be delivered to Robert Sampson a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of July 8, 2014. 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 - 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.
4. Hearing. On July 8, 2014 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 Chapters 8.14.030.U

EXHIBIT #2: "Notice To Correct Unsafe or Unlawful Condition" dated May 1, 2014

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated May 16, 2014 from the Code Enforcement Officer addressed to Robert Sampson, 1335 Megan Drive, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Lot 2, Block 2, Crossroads Phase 1, Moses Lake, Washington.

EXHIBIT #5: Letter dated June 24, 2014, from the Code Enforcement Officer to Robert Sampson advising the property owner of the hearing regarding abatement of property, scheduled for July 8, 2014.

Resolved:

1. A public nuisance in violation of MLMC 8.14 exists on the subject property at Lot 2, Block 2, Crossroads Phase 1, Moses Lake, Washington. Robert Sampson, 1335 Megan Drive, Moses Lake, WA 99387 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. Weeds and/or grass over 12" high
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. Robert Sampson, 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 Cut and remove weeds on the property
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 July 8, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 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.

- 8.14.030 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.



**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**

DATED: 5/1/2014

ISSUED TO: Robert Sampson
1335 E Megan Dr
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 1335 E Megan Dr, Moses Lake, WA 98837

DESCRIPTION: Weeds and grasses in excess of 12" in height are present the in front, side, and back area of this home.

Moses Lake Municipal Code Section No.: 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 1335 E Megan Dr, you are hereby notified that the undersigned, pursuant to Chapter 8.14.030U of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds and grasses in excess of 12" in height are present the in front, side, and back area of this home.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030U

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.

Exhibit 2
Page 1 of 2

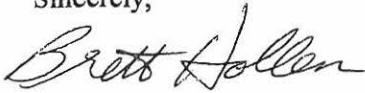
You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice and order to correct the condition will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED:

Weeds and grass must be cut down and or removed from these areas.

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 509-764-3748 or come see me at City Hall.

Sincerely,

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

Brett Hollen

Code Enforcement

bhollen@cityofml.com



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Robert Sampson
1335 E Megan Dr
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

1335 E Megan Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 2 Block 2 Crossroads Phase 1 091325605

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

Action Necessary to Correct Violation:

Weeds and grass must be cut down and or removed from these areas.

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

Monday, May, 26, 2014

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


Exhibit 3
Page 1 of 2

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 Friday, May 16, 2014



Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748



05/01/2014 08:04



Exhibit 4
Page 2 of 3

05/01/2014 08:02



05/01/2014 08:03



June, 24, 2014

Robert Sampson
1335 E Megan Dr
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 1335 E Megan Dr, Parcel 091325605, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Robert Sampson

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 2 Block 2 Crossroads Phase 1.

This property is located at: 1335 E Megan Dr, Parcel 091325605, Moses Lake, WA 98837

On Friday, May 16, 2014 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of June 24, 2014, 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 Tuesday, July 08, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At 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.

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

Sincerely,

Rick Rodriguez
Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 5