

CITY OF KIRKLAND
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PLANNING AND COMMUNITY DEVELOPMENT

To: Hearing Examiner

From: Craig Salzman, CCEO
 Code Enforcement Officer

Date: September 15, 2011

Subject: HEARING FOR Karen Gorham, NOTICE OF CIVIL VIOLATION FOR
 VIOLATION OF THE Kirkland Property Maintenance Code
 REGULATIONS, KMC 21.41, LOCATED AT 11229 NE 116th St Kirkland,
 WA; PLANNING DEPARTMENT FILE NO. COM05-00247

I. INTRODUCTION

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter.

II. ISSUES PRESENTED

1. Whether owner, Karen Gorham, is in violation of the provisions of the Kirkland Property Maintenance Code (KPMC) as adopted in Chapter 21.41 in the Kirkland Municipal Code.
2. Whether owner, Karen Gorham is responsible for fines of \$100.00 per day until the violations have been corrected.
3. If the City of Kirkland can proceed with abatement actions under the KPMC if the owner fails to correct the violations in a timely manner with the costs of the abatement attached to the property as a lien.

III. STATEMENT OF FACTS

- The property in this matter is located at 11229 NE 116th St in Kirkland, WA. The parcel number is 322605-9063. The property owner is listed as Karen

Gorham. The City has received complaints regarding the appearance of the property, among other issues, since 1994. In October 2000 the City shut off the domestic water supply to the residence due to non-payment of bills. The water-meter was locked in June of 2004 and there is a lien against the property for non-payment of the water bill. The residence has been without water-service since 2004.

- As the attached photos show, several of the outbuildings are in a rundown and dilapidated condition. There are extension cords and trouble lights run from the main residence to the outbuildings to supply electricity to the outbuildings.
- There have been reports of rats and raccoons on the property. Much of the lot is overgrown with vegetation exceeding 18 inches in height. There are accumulations of junk on the property, including a pile of several used tires against a fence.
- A group of volunteers has been conducting a property cleanup for the past six months resulting in a noticeable improvement to the appearance and conditions on the actual property. However the conditions of the buildings on the site have not been addressed, several of the roofs are sagging, and the roof of the main residence building is covered in moss.
- On August 24, 2011 Tom Phillips and Officer Salzman inspected the property, with the verbal consent of Mrs. Gorham. We observed the above conditions and took the submitted photographs. On the following day I posted a 2nd Notice of Civil Violation, amended from the first Notice posted on August 2nd, 2011.
- Mrs. Gorham also stated that she was aware of the dilapidated condition of buildings on the property, however she was unable to perform the required maintenance.

IV. LEGAL ANALYSIS

This part of the report will analyze the following issues: 1) if the subject property is covered by the Kirkland Property Maintenance Code, specifically if the structures located on the property constitute a significant danger and are subject to abatement by the City of Kirkland if not corrected by the owner. 2) If the owner, Karen Gorham, is responsible for civil fines of \$100.00 per day in monetary penalties accruing beyond the date set for compliance by the Examiner and/or for the costs of the City to perform the abatement and for the costs of the abatement as well as applicable costs and fines to be placed as a lien upon the property.

Due to the extent of the violation the applicable Codes will be cited and the actual language will be attached as an exhibit.

- **21.41.101.3 Intent.** Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- **21.41.108.1.1 Unsafe structures** such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- **21.41.108.1.5 Dangerous *structure or premises*.**

The photos attached demonstrate that the buildings on the property have fallen under neglect to constitute a hazard to anyone on or entering the property. The trouble lights are providing lighting for the main house. The wires supplying the outbuildings are tangled in tree branches.

The KPMC allows for the City to take action to secure dangerous structures, KMC 21.41. The City is allowed to lien the property for the costs involved in securing these structures. Specifically KMC 21.41.108.2 Closing of vacant structures and 21.41.109.2 Temporary safeguards allow this action by the City.

A secondary and corrected Notice of Civil Violation was issued and posted on August 25, 2011. The affidavit of service is attached as an exhibit. The amount of the monetary penalty per day or portion thereof is \$100.00, (KMC 1.12.040). If the Hearing Examiner determines that there has been a Code violation in this case staff requests that Mrs. Gorham be found liable for \$100.00 in monetary penalties for the Code violations existing from the date set for compliance in the finding and when the code violations are certified as corrected by the Department of Planning and Community Development.

The actual cost of abatement incurred by the City including staff time, materials and other incidental costs will also be the responsibility of the property owner. These costs will be attached to the property as a lien by the City.

V. CONCLUSION

The photographs provided and the testimony of City staff regarding the conditions of the property demonstrate that there is in fact an existing violation of the Kirkland Property Maintenance Code. Accordingly the City respectfully asks that Mrs. Gorham

be found liable for the violation and be ordered to correct the violation by abating or bringing into compliance the buildings and utilities on the subject property.

We also ask that the City be allowed to inspect the interior of the structures to determine the extent of the damage and to require the owner to repair any defects found within 60 days, or shorter if determined to be a clear hazard to the occupants of the residence of the date of the decision. Failure to correct these defects and have the inspections completed will constitute a separate violation subject to civil fines. In addition Staff asks that monetary penalties of \$100.00 per day from the date of compliance set by the Examiner forward until the violations is certified as corrected by the Department of Planning and Community Development be imposed and that the Hearings Examiner retain jurisdiction for a follow up hearing in 60 days to determine compliance.

EXHIBITS

