



**CITY OF KIRKLAND**  
**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
**123 FIFTH AVENUE, KIRKLAND, WA 98033**  
**425.587.3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**To:** Hearing Examiner

**From:** Judd Tuberg  
Code Enforcement Officer

**Date:** October 10, 2012

**Subject:** HEARING FOR PATRICIA L. EVANS, NOTICE OF CIVIL VIOLATION FOR TWO VIOLATIONS OF THE KIRKLAND PROPERTY MAINTENANCE CODE LOCATED AT 15026 116<sup>th</sup> PL NE; KIRKLAND, WA 98034, PLANNING DEPARTMENT FILE NO. COM11-00309

## **I. INTRODUCTION**

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter. The person(s) responsible for the violation is Patricia I. Evans ("respondent").

## **II. ISSUES PRESENTED**

- A. Regarding Violation #1:
- a. Do the weeds, grass and blackberries currently maintained on the premises and exterior property at the above address violate the Kirkland Property Maintenance Code (KPMC) regulating weeds, grass in excess of eighteen inches?
  - b. Is the respondent required to maintain all premises and exterior property free from weeds and grass in excess of eighteen inches from all premises and exterior property at the above address?
- B. Regarding Violation #2:
- a. Does the current accumulation of rubbish and junk maintained by the respondent on the premises and exterior property including 1 white metal, partially collapsed, leaning and damaged shed structure (approx. 7 feet by 5 feet in size) and the contents therein, violate the Kirkland Property Maintenance Code regulating rubbish, junk, unmaintained exterior shed structures with unsafe and unsound exterior structures?
  - b. Is the respondent required to remove all rubbish and junk, the small metal shed structure with exterior structural damage and junk/rubbish contents therein?

- C. Is the respondent responsible for monetary penalties of \$100.00 per day for both Violation #1 and for Violation #2 if she fails to comply with the applicable provisions of the KPMC herein referenced after a compliance date is set by the Hearing Examiner if the Notice of Civil Violation is affirmed?

### III. STATEMENT OF FACTS

- A. The site is zoned RSA 6. The subject property is owned by the respondent who has not been occupied the residence for the past 2 years. The residence is currently unoccupied. The respondent currently resides with her daughter in Renton, WA.
- B. The City received a written complaint from a neighbor dated October 11, 2011, stating (in part) ".....This property has not been lived in for over a year. I have lived in the neighborhood for over 5 years and the yard has only been maintained by neighbors who are tired of the mess. The owner has packed the house full of stuff. The back yard is ridden with junk and there is an old truck broken down in the driveway..."
- C. I have contacted the respondent several times in the past year and asked her (1) to remove all grass, weeds, and blackberries in excess of eighteen inches from the exterior property and premises, and (2) to remove all junk and rubbish from the exterior property and premises. The respondent has generally agreed to work on removing excess grass and weeds and junk items from the violation site but has failed to follow through consistently over the past year to correct the violations of the KPMC.
- D. The 5' by 7' white metal shed structure in the SE corner of the violation site has in past years been struck by a 12 inch diameter large dead tree trunk. It is currently lodged on the top west side of the exterior shed structure; it's impact and weight has damaged the exterior structural integrity of the shed causing it to partially collapse, and to lean significantly to the south, and causing the approximately 20'-25' top of the broken dead tree trunk to hang precariously over an occupied adjacent property located SE of the violation site. This metal shed is currently utilized to store old household items and furniture. Despite the significant damage to the shed structure the respondent has failed to maintain the shed structure in a plumb, structurally sound, and sanitary condition. The exterior structure of the shed is currently in an unsafe condition.

### IV. LEGAL ANALYSIS

- A. With regard to Violation #1, the weeds, grass and blackberries currently maintained on the premises and exterior property of the violation site in excess of eighteen inches continue to be a violation of KMC 21.41.302.d.2. The respondent has failed to maintain the unoccupied property free from

overgrown weeds and grass in excess of eighteen inches at the violation site during the past year. At this time the respondent has removed only a portion of the grass and weeds in excess of eighteen inches from the violation site. The Planning Dept. will monitor compliance of this violation.

- B. With regard to Violation #2, the junk and rubbish maintained on the premises and exterior property of the violation site by the respondent has been partially gathered up on the violation site but the many items comprising the entire junk and rubbish accumulation as listed in the Notice of Civil Violation dated October 4, 2012, have not been cleaned up and permanently removed from the violation site at this time to comply with KMC 21.41.308. The Planning Dept. will monitor compliance of this violation.
- C. With regard to Violation #2 and white metal shed previously described; because the respondent has failed to maintain the exterior of the shed structure so as not to pose a threat to public safety or welfare, the subject white metal shed is subject to abatement for unsafe conditions as provided by KMC 21.41.304.a.1. E,F, and G.
- D. If the respondent fails to complete the required Corrective Action in a timely manner, applicable code KMC1.12.040 designates that a monetary penalty of \$100.00 per day for each of two violations be assessed to the respondent.
- E. Patricia I. Evans is the "person responsible for the violation" regarding two pending violations of the KPMC at parcel#701600-0530 because KMC 1.12.020 defines the term, in part, as "...any person who is required by applicable regulation to comply therewith, or commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon the property in the city, and includes but is not limited to owner(s) .....tenants, or other persons entitled to control, use, or occupy a property where a civil violation occurs...."

## V. CONCLUSION

- A. The Planning Department's investigation has confirmed two violations of the KPMC.
- B. The City requests that if the Notice of Civil Violation is affirmed that the monetary penalties of \$100.00 per day for Violation #1 and for Violation #2 be imposed on the respondent, as the person responsible for the violations, setting a compliance date that allows a reasonable time for the abatement of the two violations, and thereafter commencing monetary penalties of \$100.00 per day for each violation until the assigned code enforcement officer certifies that the violations have been corrected.

Exhibit:

A. Staff Report

Attachments:

1. Notice of Civil Violation
2. Affidavit of Service
3. Pictures



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 Planning and Community Development  
 Code Enforcement  
 123 5<sup>th</sup> Avenue, Kirkland, WA 98033  
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**NOTICE OF CIVIL VIOLATION**  
 (Kirkland Municipal Code 1.12.040)

Date: October 4, 2012 <b>Property Owner Information</b> Name: Patricia I. Evans Address: 4914 NE 24th Street City, State, Zip: Renton, WA 98059	Case Number: COM11-00309 <b>Violation Information</b> Site Address: 15026 116th PL NE, City, State, Zip: Kirkland, WA 98034 Parcel #: 701600-0530
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Code Provision(s) Violated:	Violation#1: KMC 21.41.302.d.2. Violation#2: KMC 21.41.308.a. & b., or KMC 21.41.302.h., Kirkland Property Maintenance Code.
Description of Violation:	Violation#1: Failure to maintain all premises and exterior property free from weeds and grass in excess of eighteen inches. Violation#2: Failure to maintain all exterior property and premises, and the interior of 1 leaning, partially collapsed and damaged metal shed structure (approx. 8 feet by 10 feet in size) free from any accumulation of rubbish, junk, scrap metal, trash, debris, or wastes, together with 1 inoperative 1978 green Ford pickup truck (Wash. License #B70567L expired 7-31-2012) parked outside at the violation site continuously since October 14, 2011.
Inspection Dates:	The first inspection date was October 14, 2011. The most recent inspection date was September 25, 2012.
Date(s) of Violation:	October 4, 2012, and each day or portion thereof thereafter until the 2 violations are certified as corrected by the assigned Code Enforcement Officer.
Person(s) Responsible For:	Patricia I. Evans, the owner of the unoccupied violation site.
Request for Voluntary Compliance:	Patricia I. Evans, the absentee property owner has not responded to my several verbal requests over the past year to promptly correct Violation#1 and Violation#2.
	By 5:00 p.m., October 15, 2012, Violation#1: remove all weeds, grass, and blackberries in excess of eighteen inches from all premises and exterior property at parcel #701600-0530; and Violation #2: permanently remove all accumulations of rubbish and junk consisting of dishes, broken crockery, 2 large metal frames, 2 metal boxes, many 18 foot sections of fabricated metal, 1 power mower, lawn furniture, 1 cloth blanket, many hand tools, scrap roofing material, scrap metal, 1 large black metal barbecue, 1 rusted 10 gallon milk container, 1 xmas tree base, 2 bicycles, 1 large double sliding glass door with metal frame, many plastic milk carton containers, several piles of cut weeds and grass, several large unknown items covered with plastic tarps, old garden hose, and 1 inoperative 1978 green Ford pickup truck (expired Wash. License #B70567L) and all other debris, trash and wastes from the exterior property and premises at parcel#701600-0530, including 1 leaning, partially collapsed and damaged approx. 8 foot by 10 foot white metal shed structure located in the southeast side of the violation site and all contents and items contained therein.
Hearing Date:	October 18, 2012.

**HEARING NOTICE:** On October 18, 2012 at 9:00 AM the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5<sup>th</sup> Avenue, Kirkland, WA, 98033, 2<sup>nd</sup> floor, Kirkland City Hall relating to the above issued Notice of Civil Violation. If the required corrective action is completed AND written approval is obtained from the issuing party at least 48 hours prior to the hearing, the hearing shall be cancelled and no monetary penalty assessed. If you choose NOT to complete the required corrective action by that time, the hearing shall continue as scheduled.

**HEARING EXAMINER HEARING:** At the hearing, staff may request the Examiner to issue an order assessing the monetary penalties in the amounts described below. All costs and expenses of abatement incurred by the City pursuant to KMC 1.12.060(D) and monetary penalties in the amount per day for each violation as specified in KMC 1.12.040(E) may be assessed against the person responsible for the civil violation as listed above.

- First violation..... \$100.00
- Second violation ..... \$200.00
- Third violation ..... \$300.00
- Additional violation in excess of three ..... \$500.00

*Payment of a monetary penalty pursuant to Chapter KMC 1.12.040 does not relieve the person to whom the Notice of Civil Violation was issued of the continued duty to correct the violation.*

ISSUED BY: Judd Tuberg, Code Enforcement Officer  
 Phone: (425)587-3290 - Email: jtuberg@kirklandwa.gov

**METHOD OF SERVICE:**

- Hand Delivered
- Postal Mail
- Posted at Subject Property Site





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## DECLARATION OF SERVICE

I am an employee of the City of Kirkland, over eighteen years of age and competent to be a witness herein. On the date written below, I served copies of the Notice of Civil Violation upon the following parties by:

Patricia I. Evans 4914 NE 24th Street Renton, WA 98059  (REFERENCING COM11-00309)	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Posted on-site <input type="checkbox"/> Served to person
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: October 9, 2012

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 Judd Tuberg, Code Enforcement Officer

















