

## RESOLUTION NO. 2022-05

A RESOLUTION DETERMINING THAT [Owner's Name] 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 [Enforcing Official] of the City, a person authorized to enforce the ordinances and municipal code of the City of Electric City, that the real property located at [Legal Description of Property], Parcel # [Assessor's Tax Number], [Street Address], is the site of public nuisance violations of Electric City Municipal Code (ECMC) 6.21.010. The records of Grant County show the owner of the subject property to be [Owner's Name, Street Address as listed in County's information].
2. **Notice:** On [Date of Notice of Violation and Order to Correct or Cease Activity], the [Enforcing Official] caused to be delivered [in person OR 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 [Date of Notice of Consideration of Resolution], the [Enforcing Official] caused to be delivered to [Owner] a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of [Date of Council Meeting]. Such notice was in writing, in the English language and was delivered [in person OR by regular mail and certified 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 ECMC 6.21.010 – property owner, occupant, or agent has failed to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang or obstruct any part of any sidewalk or street or which are growing thereon, in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.
4. **Hearing:** On [Date of Council Meeting] the City Council of Electric City conducted a public hearing to consider the allegations of the [Enforcing Official] 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 accomplish 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:

Mike Shear, Code Compliance Officer

[Any other testimony]

5.2 The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Electric City Municipal Code Chapters 6.21 and 6.30.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated [Date of Notice and Order] from the [Enforcing Official] addressed to [Owner's Name, Street Address as listed in County's information].

EXHIBIT #3: Pictures taken by the [Enforcing Official] of the property located at [Street Address, Tax Parcel #].

EXHIBIT #4: Letter dated [Date of Notice], from the [Enforcing Official] to [Owner] advising the property owner of the public hearing regarding abatement of property, scheduled for [Date of Council Meeting].

**RESOLVED:**

1. A public nuisance in violation of ECMC 6.21.010 exists on the subject property at [Street Address, Tax Parcel #]. [Owner's Name, Street Address as listed in County's information], is the owner of the subject property per the records of Grant County.

2. The public nuisance located upon the subject property consists of:

2.1 A violation of ECMC 6.21.010 – property owner, occupant, or agent has failed to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang or obstruct any part of any sidewalk or street or which are growing thereon, in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.

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. [Owner], the record owner, has 15 (fifteen) 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 [Actions constituting compliance].

5. City staff shall provide a status report to the City Council on the progress of the record owner and occupant to make the cleanup required on the subject property. If the improvements, as listed above, are not to the satisfaction of the [Enforcing Official], 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 Mayor. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the Mayor 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 owner by return receipt and regular mail after its approval by the City Council.

ADOPTED by the City Council of the City of Electric City, Washington, this 12<sup>th</sup> day of April, 2022.

  
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Diane Kohout, Mayor

ATTEST:

  
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Peggy Nevsimal, City Clerk/Treasurer