

AFTER RECORDING PLEASE RETURN TO:

CITY OF ANACORTES
ANACORTES BUILDING DEPARTMENT
P.O. BOX 547
ANACORTES, WA 98221-0547



200611210125
Skagit County Auditor

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CHICAGO TITLE CO.

WB 2035

NOTICE OF ORDER

CITY OF ANACORTES

IMPROVEMENT BOARD

Date: November 17, 2006

TO: Anthony Bacetich
Cynthia Chandler
2301 31st Street
Anacortes, WA 98221

SUBJECT: Address: 2301 31st Street
Parcel Number: P57743

251-35-01

ACCOMMODATION RECORDING

Chicago Title Company has placed
this document for recording as a
customer courtesy and accepts no
liability for its accuracy or validity

Findings of Fact and Conclusions of Law a decision thereon complaint of Nuisance maintained by Anthony Bacetich and Cynthia Chandler at 2301 31st Street.

BACKGROUND

1. General Background

1.1 City of Anacortes Municipal Code Chapter 8.12 regulates unkempt, unsafe, unsanitary or otherwise improperly maintained premises or structures, sidewalks, or easements within the City of Anacortes and provides penalties for the violation thereof.

1.2 On the following dates the City of Anacortes Building Department received complaint(s) and/ or performed site inspections or issued notice.

1.2.1 Visited site and created photo record.

1.2.2 May 3, 2006

1.2.2.1 Visited site.

1.2.2.2 Issued a Correction Notice indicating conditions constitutes a nuisance directing that the nuisance conditions be abated before June 10, 2006.

1.2.2.3 Created a photo record

1.2.3 September 25, 2006

1.2.3.1 Sent a 1st Class letter and first class letter explaining the conditions that constitute a nuisance and directing that the conditions be abated not later than October 18, 2006.

1.2.4 October 16, 2006

Site visit found no work toward abatement of the nuisances.

1.2.5 October 19, 2006

Formal notice of complaint issued and posted.

1.2.6. October 21, 2003

Property owner received notice of violation by registered mail.

1.2.7. November 2, 2006

Site visit found no work toward abatement of the nuisances,
Created a photo record.

1.2.8 November 9, 2006

Created a photo record for the hearing this date.

2. Description of Complaint

2.2. Unkempt front, side, and rear yard of miscellaneous materials.

2.2.1. Three trailerable boats in various states of disrepair.

2.2.2. Weed hazard by overgrown grass in side and rear yard.

2.2.3. Several wheels and tires in 2 or more locations on site.

2.2.4. 2 or more lawnmowers in various states of disassembly.

2.2.5. Continuous piles of miscellaneous material in the front and side yards.

2.2.6. Several batteries stored in one or more of the yards.

2.2.7. Inoperative vehicles.



3. Chapter 8.14 Anacortes Municipal Code

3.1 Section 8.14.020 H

H. "Nuisance" includes:

1. A nuisance defined by statute or ordinance;
2. A nuisance at common law, either public or private;
3. An attractive nuisance, whether in or on a building, a building premises or an unoccupied lot and whether realty, fixture or chattel, which might reasonably be expected to attract children of tender years and constitute a danger to them; including, but not limited to abandoned wells, ice boxes or refrigerators with doors and latches, other abandoned appliances, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris;
4. Uncleanliness or whatever is dangerous to human life or detrimental to health;
5. Overcrowding; or
6. Abandonment or vacancy.

A more extensive definition is set forth in Section 18.14.180 of this chapter.

3.2 Section 18.14.020 L

L. "Weed hazard" means grasses, weeds or other vegetation which have grown and died or which are not irrigated and which exceed six inches in length. Public and private parks, public facility, public and private open space areas, areas of pristine vegetation and natural habitats for indigenous wildlife and agriculturally used property are not weed hazards.

3.3 18.14.070 Nuisances.

A. In determining that a nuisance exists, the director, board or the council will consider whether the conditions:

1. Annoy, injure, or endanger the comfort, repose, health, or safety of others;
2. Offend decency;
3. Offend the sense;
4. Unlawfully interfere, obstruct, tend to obstruct or endanger the passage of any stream, park, parkway, square, street, sidewalk, easement, or way;
5. Render others insecure in life or use of property;
6. Obstruct the full use of property so as to essentially interfere with the comfortable enjoyment of life or property;
7. Constitute a weed hazard;
8. Violate any provision of this code, especially Titles 9, 15 and 18; or
9. Are unlawful or illegal.

B. If the board or council finds a nuisance to exist, it shall order it abated and may order the property otherwise secured pending abatement. If a fire hazard exists, the director may order a suitable firebreak be placed around the property or all vegetation reduced to six inches or less in length.

4. Section 3 Duties of Director

4.1 The premises was inspected and determined to be a nuisance per Sections .020 and .070.



- 4.2 Preparation, service and posting of complaints against the premises determined to be in violation was completed on or before October 21, 2006

5 Duties of the Board

- 5.1 An administrative hearing was scheduled, noticed and held November 9, 2006 at 4:00 pm in the City Council Chambers

6. Hearing Before the Board

- 6.1 The Improvement Board met November 9, 2006 at 4:00pm to review the complaint.
6.2 Staff presented the history of the nuisance.
6.3 Representative of the property owner appeared.


7. Findings of the Board

- 7.1 That the unkempt yard at 2301 31st Street constitutes a nuisance as defined in Chapter 18.14 of the Municipal Code.
7.2 That the nuisances described below shall be immediately removed to an approved place of storage or disposal.
7.2.1 Three boats in various states of disrepair.
7.2.2 Weed hazard by overgrown grass in side and rear yard.
7.2.3 Several wheels and tires in 2 or more locations on site.
7.2.4 2 or more lawnmowers in various states of disassembly.
7.2.5 Continuous piles of miscellaneous material in the front and side yards.
7.2.6 Several batteries stored in one or more of the yards.
7.2.7 Inoperative vehicles.
7.3 Any nuisance conditions remaining on or adjacent to the property after December 9, 2006 will be removed at the owners expense by the City of Anacortes or its contractor.
7.4 Per schedule of costs listed in Section 18.14.130(2) b an administration fee of \$500.00 is assessed.

7. Appeal

- 7.1 The decision of the Anacortes Improvement Board may be appealed to the City Council within 30 days of the date of decision. If appeal is not made or compliance of the order is not met, the City shall have the power without further notice of proceedings to vacate and secure the building or premises and do any act required of the owner in the order of the Board, and to charge any expenses incurred thereby to the owner.
7.2 If no appeal is filed, a copy of this order shall be filed with the Auditor of Skagit County and shall be final order.

BY:

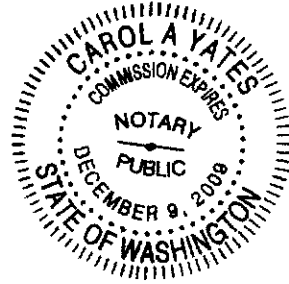

Edwin Frank, Building Official

NOVEMBER 29, 2006
Date



ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SKAGIT.....) ss.



On this 20th day of November, 2006, before me personally appeared Edwin Frank, to me known to be the Building Official of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he/she/they is/are authorized to execute said instrument.

GIVEN under my hand and official seal this 20th day of November, 2006.

Carol A Yates, Carol A Yates
Notary Public in and for the State of Washington
Residing at Anacortes

My commission expires: 12/9/09



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Skagit County Auditor