

Kittitas County

Prosecutor

Agenda Staff Report

AGENDA DATE:

1/8/2013

ACTION REQUESTED:

Authorize abatement action against Vern Thompson.

BACKGROUND:

Vern Thompson was cited by code enforcement for having an unlicensed junkyard. The matter came before the hearing examiner who found there to be an unlicensed junkyard and a public nuisance. Mr. Thompson was ordered to remove the listed vehicles and pay a \$500 fine. He appealed and the Superior Court affirmed finding that his property was an unlicensed junkyard and a public nuisance and ordered him to clean it up and pay a fine by a certain date. None of which has happened. Mr. Thompson has appealed to the Court of Appeals, but no stay of enforcement is in place.

INTERACTION:

KCC 18.05.030 provides for petitioning the BOCC for authority to abate a public nuisance, to appropriate funds for such effort, and to set a timetable for its completion. The Prosecutor's office continues to litigate this matter. Since there is no stay of enforcement, and there is an order of from both the Superior Court and the Hearings Examiner that has not been complied with, the BOCC needs to make the KCC 18.05.030 authorization and appropriation for the matter to move forward.

RECOMMENDATION:

Grant authorization to proceed with abatement, appropriate funds for same, and establish a timetable for its completion. Should Mr. Thompson seek and be granted a stay of enforcement, this step is still necessary once Mr. Thompson loses the appeal.

HANDLING:

None

LEAD STAFF:

Neil Caulkins