

**HEARING EXAMINER
MEETING*VIRTUAL***

**August 21st, 2023
1:00 p.m.**

AGENDA



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

www.ci.bonney-lake.wa.us

Location: Virtually.

The public is invited to attend Hearing Examiner Meetings via conference call or over the internet. The information for attending is provided below.

Hearing Examiner Meetings attendance options:
By phone: 408-419-1715 (Meeting ID: 710 910 170#)
By internet: Chrome- <https://bluejeans.com/710910170>

Hearing Time: 1:00 P.M., OR AS SOON THEREAFTER AS POSSIBLE

I. Unfit Dwelling Hearing for Binning

- City ID Number: Cityworks 708
- Responsible Staff Member: Shailey Wilkinson
- Property Owner: Ronald L. Binning, Jr.
- Tax Parcel Number: 7110000963
- Address: 7222 193rd Ave E
- Request: A determination that the buildings and/or structures located at the above referenced address are unfit for human habitation as defined by Bonney Lake Municipal Code (BLMC) Chapter 14.130 BLMC and Chapter 35.80 Revised Code of Washington (RCW).

II. Unfit Dwelling Hearing for Predmore

- City ID Number: Cityworks 682
- Responsible Staff Member: Shailey Wilkinson
- Property Owner: Michael F. Predmore II
- Tax Parcel Number: 2947001110
- Address: 9512 203rd Ave. E
- Request: A determination that the buildings and/or structures located at the above referenced address are unfit for human habitation as defined by Bonney Lake Municipal Code (BLMC) Chapter 14.130 BLMC and Chapter 35.80 Revised Code of Washington (RCW).

III. Adjournment

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CITY OF BONNEY LAKE HEARING EXAMINER

CITY OF BONNEY LAKE, a Washington
municipal corporation,

Plaintiff,

vs.

RONALD L. BINNING, JR. and JOHN
DOE BINNING, AND ANY SUCCESSORS
IN INTEREST TO 7222 193rd AVE E,
BONNEY LAKE, WA, and 7222 193rd
AVE E, BONNEY LAKE, WA, *in rem*,

Defendants.

NO.

Parcel No. 7110000963

COMPLAINT AND NOTICE OF
HEARING

NOTICE OF HEARING

TO: The owners, occupants, lenders, or other parties of interest in the Premises
located at 7222 193rd Ave E, Bonney Lake, Pierce County, Washington and specifically

Ronald L. Binning, Jr.
7222 193rd Ave E
BONNEY LAKE, WA 98391

You are hereby notified that the property located at 7222 193rd Ave E, Bonney Lake,
WA, parcel number 7110000963, and legally described as follows:

LOT 2 OF PIERCE COUNTY SHORT PLAT NO. 8206150180, RECORDS OF
PIERCE COUNTY, WASHINGTON.

1 SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON

2 contains buildings and/or structures that are unfit for human habitation as defined by Bonney
3 Lake Municipal Code (BLMC) Chapter 14.130 BLMC and Chapter 35.80 Revised Code of
4 Washington (RCW). A hearing shall be held before the Bonney Lake Hearing Examiner at **1:00**
5 **p.m. on Monday, July 17, 2023, via this link:**
6 <https://bluejeans.com/710910170?src=calendarLink>, to consider the City’s Complaint and to
7 determine what action must be taken to correct the conditions described herein. **You can also**
8 **call into the meeting by dialing 1-408-419-1715 or 1-408-915-6290, and the Meeting ID is**
9 **710 910 170. Please read this Complaint and Notice of Hearing thoroughly, as it details**
10 **the City’s Complaint, your rights, and the action that may be taken by the City.**

11 The purpose of this hearing is for the building/property owner(s) and/or other parties
12 with interest in the property or building(s) to respond to the City’s Complaint and to provide
13 testimony if they wish. **You are not required to respond or attend this hearing; however,**
14 **this is your opportunity to respond to this Complaint. Failure to answer or attend the**
15 **hearing will result in this matter being decided without your input.** You may appear and
16 testify at the hearing with or without an attorney or you may respond in writing. Written
17 responses must be mailed or delivered to the City Clerk at the address listed below and received
18 no later than the date of hearing.

19 If the director determines that the building(s)/structure(s) are unfit for human habitation,
20 an order may be issued requiring the owner or other party in interest to take certain actions within
21 a time limit specified in the order. Such actions may include – but are not limited to – vacating
22 and closing, repairing, altering, improving, or demolishing the building(s)/structure(s). The
23 order may also authorize the City to take the required action, if you fail to do so, and direct that

24 COMPLAINT - Page 2

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1 the cost of the City’s action shall be assessed against the real property upon which the cost was
2 incurred.

3 **Interpreter/Special Needs: If you need an interpreter due to limited ability**
4 **to speak English or due to a hearing or speech impairment, we will provide**
5 **an interpreter at no cost to you. If you have a disability and need**
6 **accommodation by the City of Bonney Lake when using its facilities or**
7 **services, the City may be able to help. Please contact Shailey Wilkinson at**
8 **253-447-4352.**

9 This Complaint and Notice of Hearing is being supplied to you pursuant to the provisions
10 of Chapter 35.80 RCW and Chapter 14.130 BLMC. A copy of this Complaint and Notice of
11 Hearing is also filed with the Pierce County Auditor and such filing shall have the same force
12 and effect as other lis pendens notices provided by law.

13 If you have any questions, please contact Code Enforcement Officer Shailey Wilkinson
14 at 253-447-4352.

15 COMPLAINT

16 COMES NOW the Plaintiff, City of Bonney Lake (“City” or “Bonney Lake”), by and
17 through its attorney of record, Jackson B. Marchant of the law firm of Inslee, Best, Doezie &
18 Ryder, P.S., and alleges the following as its causes of action.

19 I. PARTIES

20 1.1 The City is a municipal corporation, organized under Title 35, doing business in
21 Pierce County, Washington, and is fully authorized to bring this action.

22 1.2 Defendant Ronald L. Binning, Jr. (“Binning”) is an individual who owns real
23 property located within the City’s jurisdiction at 7222 193rd Ave E, Bonney Lake, WA 98391
24 with Pierce County Tax Parcel No. 7110000963.

1 1.3 On information and belief, Defendant John Doe Binning is an individual believed
2 to be Ronald L. Binning's heir in interest to the Property. Upon learning John Doe Binning's
3 correct name, the City will amend its complaint to reflect John Doe Binning's correct name.

4 1.4 At such time as other individuals with ownership interest in the Property come
5 forward, the City will amend its complaint to reflect their identities.

6 **II. JURISDICTION AND VENUE**

7 2.1 The Hearing Examiner has jurisdiction over this action by virtue of Bonney Lake
8 Municipal Code ("BLMC") 14.130.160 and RCW 35.80.030.

9 2.2 Venue is proper because the real property that is the subject of this action is
10 within the City's territorial limits.

11 **III. FACTS**

12 3.1 Defendants are the owners of real property located at 7222 193rd Ave. E, Bonney
13 Lake, WA 98391 with Pierce County Tax Parcel No. 7110000963 (the "Property").

14 3.2 Defendants have caused or have allowed dwellings, buildings, structures, or
15 premises that are unfit for human habitation to remain on the Property in violation of BLMC
16 14.130.160.

17 3.3 On July 5, 2022, the City issued a Notice of Violation to Binning and to the
18 current resident of the Property pursuant to BLMC 14.130.080 by serving it by mail pursuant to
19 BLMC 14.130.050. A true and correct copy of the First Notice of Violation is attached hereto
20 as **Exhibit 1**.

21 3.4 In the First Notice of Violation, the City noted, *inter alia*, that there was no
22 garbage service to the Property that there were several large piles of trash, refuse, and rubbish
23 on the Property, and that there were roof repairs and/or alterations without proper permits.

1 3.5 A resident, Zoey Marshal, contacted the City to create a Code Enforcement Work
2 Plan to address the issues in the Notice of Violation.

3 3.6 On August 16, 2022, Ms. Marshall and the City agreed to a Code Enforcement
4 Work Plan to remove trash, restart trash collection, remove junk vehicles, and obtain a reroof
5 permit. A true and correct copy of the Work Plan is attached hereto as **Exhibit 2**.

6 3.7 Work was not completed under the Code Enforcement Work Plan.

7 3.8 On March 31, 2023, the City issued a Notice of Violation and Order to Binning
8 via U.S. Mail pursuant to BLMC 14.130.080. A true and correct copy of the Notice of Violation
9 and Order is attached hereto as **Exhibit 3**.

10 3.9 In the Second Notice of Violation, the City noted that there was no water service
11 to the Property, and ordered the Defendants to restore and maintain water service to the Property
12 within 30 days.

13 3.10 Without water service, there is no running water for showers, lavatories, water
14 closets, or kitchen sinks as required by International Property Maintenance Code (“IPMC”) 502
15 as adopted by the City in BLMC 15.04.020.

16 3.11 The Notice of Violation and Order advised that failure to restore water service to
17 the house within 30 days from the date of service would result in the City pursuing declaration
18 of the building and/or site as unfit for human habitation pursuant to BLMC 14.130.160 and
19 Chapter 35.80 RCW.

20 3.12 The Notice of Violation and Order also stated that failure to respond would cause
21 the City to deem the violation committed, and failure to restore water service may subject
22 Binning to civil penalties in the amount of \$1,000.00 per day for each day the violation has been
23 documented, pursuant to BLMC 13.130.100.

1 3.13 Binning did not respond to the Notice of Violation, nor did anyone else.

2 3.14 On May 17, 2023, the City issued a Notice of Potential Unfit Dwelling to Binning
3 and current residents via U.S. Mail pursuant to BLMC 14.130.080. A true and correct copy of
4 the Notice of Potential Unfit Dwelling is attached hereto as **Exhibit 4**.

5 3.15 The Notice of Potential Unfit Dwelling notified the owner and occupants that the
6 Property is in violation of International Property Maintenance Code (IPMC) provisions as
7 adopted by the City in BLMC 15.04.020.G, to wit, there was no water service to the Property
8 and the main structure was missing a significant portion of the roof, which portion had not been
9 covered by tarps.

10 3.16 Even if the structure on the Property was covered with tarps, the structure's
11 interior is exposed to the elements, the roof appears to be close to cave-in and is unsafe, and the
12 Property is thus unfit for human habitation.

13 3.17 On June 6, 2023, Code Enforcement confirmed that the Property continued to
14 lack water service.

15 IV. CAUSES OF ACTION

16 A. First Cause of Action: Determination That the Property is Unfit for Human Habitation.

17 4.1 The City realleges the foregoing paragraphs as though fully set forth herein.

18 4.2 The Hearing Examiner may determine the fitness of a premises by referencing
19 Chapter 8.20 BLMC and the building codes adopted pursuant to Chapter 15.04 BLMC, or any
20 other pertinent provision of the development code in accordance with RCW 35.80.030(1)(d) and
21 (e).

1 4.3 The conditions on the Property, to wit, the lack of water service for adequate
2 sanitary facilities violate the development code and the International Building Code as adopted
3 by reference by the City.

4 4.4 The City is empowered to abate unfit dwellings, buildings, and structures by
5 Chapter 35.80 RCW and BLMC 14.130.

6 4.5 The conditions on the Property render the Property unfit for human habitation
7 because the Property lacks adequate sanitary facilities.

8 **B. Second Cause of Action: Order Defendants to Abate Code Violation(s).**

9 4.6 The City realleges the foregoing paragraphs as though fully set forth herein.

10 4.7 RCW 35.80.030(f) provides that “if, after the required hearing, the board or
11 officer determines that the dwelling is unfit for human habitation...it shall state in writing its
12 findings of fact in support of such determination, and shall issue and cause to be served upon
13 the owner or party in interest thereof... and shall post in a conspicuous place on the property, an
14 order that (i) requires the owner or party in interest, within the time specified in the order, to
15 repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human
16 habitation...or to vacate and close the dwelling, building, structure, or premises, if such course
17 of action is deemed proper...or (ii) requires the owner or party in interest, within the time
18 specified in the order, to remove or demolish such dwelling, building, structure, or premises, if
19 this course of action is deemed proper... If no appeal is filed, a copy of such order shall be filed
20 with the auditor of the county in which the dwelling, building, structure, or premises is located.”

21 4.8 Code violation(s) pursuant to RCW 35.80.010 and BLMC 14.130.160 exist on
22 the Defendants’ property.

1 4.9 The Hearing Examiner should issue an order requiring Defendants to abate the
2 code violations on Defendants' property.

3 **D. Third Cause of Action: For an Order That Costs of Abatement, Including**
4 **Attorney Fees, Shall Be Assessed Against the Real Property as a Tax**

4.13 The City realleges the foregoing paragraphs as though fully set forth herein.

5 4.14 RCW 35.80.030(1)(h) and BLMC 14.130.160(G) provide that the cost of
6 abatement by the City shall be assessed against the real property upon which such cost was
7 incurred, which assessment the county treasurer shall enter upon the tax rolls against the property
8 for the current calendar year.

9 4.15 The City has incurred expenses bringing this action for abatement in attorney
10 fees and in the time and labor of City employees.

11 4.16 If the Defendants do not abate the nuisance pursuant to the Hearing Examiner's
12 Order, then the City will incur expenses if it chooses to abate the violations.

13 4.17 The City asks that all costs of abatement, including attorney fees and costs, be
14 assessed against the Property.

15 **V. REQUEST FOR RELIEF**

16 WHEREFORE, the City prays for judgment against Defendants as follows:

17 1. Determining that the dwellings, building, structures, and premises located on the
18 Property are unfit for human habitation because they lack adequate sanitary facilities and thus
19 violate the Bonney Lake Municipal Code;

20 2. Determining that service of this Complaint was proper;

21 3. For an order requiring Defendants to abate the code violation(s) on the Property
22 within a time to be determined by the Hearing Examiner by prohibiting people from living on

1 the Property and boarding up the buildings, or else by restoring water service to the Property
2 and otherwise coming into full compliance with the law;

3 4. Determining that the costs of code enforcement against the Property shall be
4 assessed against the property.

5 DATED this 8th day of June 2023.

6 INSLEE, BEST, DOEZIE & RYDER, P.S.

7
8 By /s/ Jackson B. Marchant

9 Jackson B. Marchant, WSBA No. 56868
10 10900 NE 4th Street, Suite 1500
11 Bellevue, WA 98004
12 Phone: (425) 455-1234
13 Fax: (425) 635-7720
14 E-mail: jmarchant@insleebest.com

EXHIBIT 1

NOTICE OF VIOLATION

7/5/2022

Ronald L. Binning Jr.
7222 193rd Ave. E.
Bonney Lake, WA 98391

Current Resident
7222 193rd Ave. E.
Bonney Lake, WA 98391

Re: VIO-2018-01051

The City received a request for action related to the property located at 7222 193rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel:7110000963) and determined that the following violation(s) of the Bonney Lake Municipal Code (BLMC) has occurred or is occurring on the property:

1. There are several large piles of trash, refuse and rubbish surrounding the existing structure. Rubbish is defined in Section 202 of the International Property Maintenance Code (IPMC) to include combustible materials (e.g. mattress), cartons, boxes, metal, and similar materials. BLMC 8.20.020.E and IPMC 308.1 adopted pursuant to BLMC 15.04.020.G requires that the property remain free of trash, rubbish, and refuse.
2. There has not been garbage service at this location since 2016. BLMC 8.04.020 requires mandatory garbage and refuse service for properties located within the City of Bonney Lake.
3. There is a recreational vehicle parked in the yard, in clear view of the public right-of-way and neighbors. BLMC 10.16.020.E requires all recreational vehicles to be parked in a driveway or on an impervious surface that is adequately screened from adjoining properties and the view of the public right-of-way.
4. There have been roof repairs and/or alterations without proper permits. The International Residential Code (IRC) section R105.1 states that all installs and replacements to be performed require a permit.

In order to abate these violations you will need to:

1. Remove all the trash, refuse, and rubbish from the property and keep it properly maintained, free of trash, refuse and rubbish to comply with BLMC 8.20.020.E and IPMC 308.1.
2. Restore and maintain garbage service through Murrays Disposal to comply with BLMC 8.04.020.
3. Park the recreational vehicle on impervious surface, properly screened from adjoining properties and the public right-of-way to comply with BLMC 10.16.020.E.
4. Obtain proper re-roofing permits to comply with IRC R105.1

Attached photos taken at time of inspection.

Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

Once these violations have been abated, please contact the staff member listed below to schedule an inspection. Failure to respond to this notice of violation (NOV) or attend any hearings will cause the City to deem the violation committed without requiring any further action on the part of the City.

The City's preferred approach is to seek voluntary compliance. Voluntary abatement must be completed within thirty (30) days of the date of service as determined by BLMC 14.130.050. If you need longer than thirty (30) days to correct the violation the City provides the opportunity to enter into a six (6) month work plan or a voluntary correction agreement, that allows for a long time period and has a \$500 fee. Please contact the City staff member listed below if you have questions regarding the contents of this letter and/or to request a work plan or voluntary correction agreement to provide additional time to remedy the violation.

Please note that BLMC 10.16.020.C prohibits any trailer and/or recreational vehicle from being occupied on any premises for more than two weeks within a six-month period. If the City verifies that that trailer is occupied for more than two weeks within a six-month period, that would be separate violation in addition to the ones listed above.

Staff Contact: Shailey Wilkinson

Email: wilkinsons@cobl.us

Phone: (253) 447-4352

Failure to resolve this violation or enter in to a work plan or VCA within thirty (30) days may result in the City assessing a civil penalty of \$1,000 per day that the City documents that the violation exist on the property. Additionally, failure to abate may result in the issuance of additional notices, criminal charges and additional civil or criminal penalties. Payment of a civil penalty does not relieve any party of the duty to abate the violation(s).

This NOV is appealable to the Hearing Examiner as provided in BLMC 14.120.020 and BLMC 14.130.120. An appeal must be filed within fifteen (15) days of the date of service as determined by BLMC 14.130.050.





EXHIBIT 2



Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

CODE ENFORCEMENT WORK PLAN

Date of Work Plan: 8/16/22

Date of Abatement: 2/16/23

Staff Contact: Shailey Wilkinson

Email: wilkinsons@cobl.us

Phone: 253-447-4352

Property Owner: Ronald Binning Jr

Contact:

Contact for Property (if different than owner):

Name: Zoey Marshall

Contact: 253-878-4535

This work plan represents an agreement between the property owner and the City of Bonney Lake that there exists a code enforcement violation at the property located at 7222 193rd Ave E, Bonney Lake, WA 98391 (Tax Parcel: 7110000963)

The parties listed above map out the following resolution to the code enforcement violation:

- Trash to be removed
- Trash collection to be started
- Rodent/pest/insect infestation to be corrected
- Nuisance/abandoned/junk vehicles to be removed
- Unlicensed vehicles to be licensed or removed
- Other:
- Other: *Per roof permit*
- Other:

The property owner agrees that during the length of this work plan code enforcement staff from the City of Bonney Lake shall have access to the property to inspect the status of the violation including but not limited to taking pictures, talking to residents, and updating this work plan. Visits for code enforcement are scheduled for the following days:

Failure to adhere to the work plan and complete all necessary corrections by six (6) months from the date this work plan is begun or an increase in violation(s) may result in civil penalties or criminal charges in accordance with the Bonney Lake Municipal Code 14.130.030. Additionally, the City may abate the code violation and assess the costs against the owner or property if the work plan is not followed.

Ronald Binning Jr

Shailey Wilkinson

Property Owner Name

City Staff Member Name

Zoe Marshall.
Sign and Date

Shailey Wilkinson 8/16/22
Sign and Date

EXHIBIT 3



Public Services Department
21719 96th St. E.
Buckley, WA 98321
Phone: 253-447-4352

**NOTICE OF VIOLATION AND ORDER
CITY OF BONNEY LAKE**

March 31, 2023

Sent via U.S. Mail, Postage Pre-Paid

Ronald L. Binning Jr.
Current Resident
7222 193rd Ave. E
Bonney Lake, WA 98391

RE: Notice of Violation and Order
Property Address: 7222 193rd Ave. E.
Bonney Lake, WA 98391

Dear Current Resident:

The City received a request for action related to the property located at 7222 193rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 7110000963). You are listed in County records as the legal owner of this property. The property is zoned R-2 and is currently developed as a single-family residence.

This Notice of Violation and Order provides you with notice of the violations of the City's code that are present on your property and provides with the action you are required to take to bring your property into compliance.

The City has determined that the following violation(s) of the Bonney Lake Municipal Code (BLMC) are present on your property:

1. ***Water Service Required.*** International Property Maintenance Code (IPMC) 502.1 & 505 adopted pursuant to Bonney Lake Municipal Code (BLMC) 15.04.202 requires all dwellings to have water service.

A. Description of Violations.

1. ***Water Service Required.***

The water service to the above-mentioned property (Parcel # 7110000963) was shut off due to non-payment on November 16, 2022. International Property Maintenance Code (IPMC) 502.1 & 505

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adopted pursuant to Bonney Lake Municipal Code (BLMC) 15.04.202 requires all dwellings to have water service. IPMC 502.1 requires all dwellings to have adequate sanitary facilities, to include, water supplied to all showers, lavatories, water closets and kitchen sinks. IMPC 505 states that all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water. A site visit was conducted on March 17, 2023, and it appears the house is occupied (Photo A).

B. Order for Compliance.

In order to abate these violations, you are hereby ordered to do the following by the below dates:

1. **Restore and maintain water service to the property within 30 days.** Water service must be restored within 30 days of the date of service of this Notice of Violation and Order. BLMC 14.130.050.B states that “If service is accomplished by mail or posting, service shall be deemed complete upon the third business day following the day on which the document is placed in the mail or posted.”

Failure to restore water service to the house within 30 days from the date of services as defined in BLMC 14.130.050.B unless additional time is granted through a work plan will result in the City pursuing declaration of the building and/or the site as unfit/or human habitation as authorized by BLMC 14.13.160 and Chapter 35.80. These provisions were established to address issues associated with buildings, structure, and sites that are unfit/or human habitation due to uncleanliness, inadequate sanitary facilities, or due to other conditions which are inimical to the health and welfare of residents. This provisions also authorizes of the City to order the site and buildings vacated if the building and/or sites is declared unfit/or human habitation.

Once these violations have been abated, please contact the staff member listed below to schedule an inspection so that your compliance may be documented.

C. Warning Notices.

Failure to respond to this notice of violation (NOV) or attend any hearings will cause the City to deem the violation committed without requiring any further action on the part of the City. In addition, failure to complete the above actions by their due dates may subject you to additional enforcement action by the City, including the City’s enforcement of this Notice of Violation and Order in court and/or civil penalties in the amount of \$1,000.00 per day for each day that the violation has been documented. BLMC 14.130.100. Please note, that payment of a civil penalty does not relieve you from your duty to abate the violation(s). Failure to abate may result in the

issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties. BLMC 14.130.030; 14.130.080.

If the violations have not been corrected by the deadlines above, and/or an appeal has not been timely filed, the City may pursue additional enforcement action.

D. Alternative Options for Voluntary Compliance.

The City's preferred approach is to seek voluntary compliance. If you need longer than to the time provided in order to correct the violation(s), the City provides the opportunity to enter into a six (6) month Work Plan or a Voluntary Correction Agreement, that allows for a longer time period, subject to a \$500 fee. Please contact the City staff member listed below if you have questions regarding the contents of this letter and/or to request a work plan or voluntary correction agreement to provide additional time to remedy the violation.

Code Enforcement Contact: Shailey Wilkinson,
Email: wilkinsons@cobl.us
Phone: 253-447-4352

Permit Center Email: permit@cobl.us
Permit Center Phone: 253-447-4356

E. Appeals.

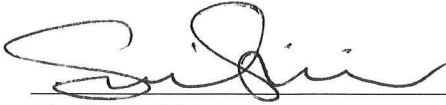
You may appeal this Notice of Violation by requesting a hearing in front of the Hearing Examiner by filing an Appeal within fifteen (15) calendar days after service of this notice, as provided in BLMC 14.120.020 and BLMC 14.130.120. The date of service shall be as determined by BLMC 14.130.050. All appeals must be submitted in writing and must comply with the appeal requirements in BLMC 14.120.020. The link to the City's appeal form can be found on the City's Code Enforcement webpage which can be accessed at the link or by use of the QR code provided below. If you do not have internet access, please contact us as soon as possible and we will provide alternative options for filing an appeal, including providing you a print out of the appeal form.

Failure to timely file a complete appeal will constitute a waiver of your right to an administrative hearing.

https://www.ci.bonney-lake.wa.us/Government/Departments/Public_Services/Code_Enforcement



Sincerely,



Shailey Wilkinson
Code Enforcement Officer

Date: 3/31/23

Enclosures *Photo A*

Cc: *City Attorney*

DECLARATION OF SERVICE

I, Shailey Wilkinson, declare:

On March 31, 2023, I placed this Notice of Violation and Order in the U.S. Mail, postage pre-paid to the Property Owner at the following address:

Ronald L. Binning Jr.
Current Resident
7222 193rd Ave. E
Bonney Lake, WA 98391

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Bonney Lake, Washington, this 31st day of March 2023.


 3/31/23
Shailey Wilkinson, Code Enforcement Officer

Photo A



EXHIBIT 4



Public Services Department
21719 96th St. E.
Buckley, WA 98321
Phone: 253-447-4352

NOTICE OF POTENTIAL UNFIT DWELLING

May 17, 2023

Sent via U.S. Mail, Postage Pre-Paid

Ronald L. Binning Jr.
7222 193rd Ave. E.
Bonney Lake, WA 98391

Current Resident
7222 193rd Ave. E.
Bonney Lake, WA 98391

RE: Cityworks 708


Dear Current Resident/Mr. Binning,

On March 31, 2023, the City issued a Notice of Violation and Order (NOV) to the property owner/occupants that the property located at 7222 193rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 7110000963) is in violation of the International Property Maintenance Code (IMPC) adopted by reference in Bonney Lake Municipal Code (BLMC) 15.04.020.G. **There has not been water service at this location since November 2022. As of the date of this letter, water service has not been restored to the property.**

The NOV provided that failure to restore water service to the house within 30 days from the date of services as defined in BLMC 14.130.050.B and remove the garbage, trash, and rubbish from the site within 30 from the date of services as defined BLMC 14.130.050.B unless additional time is granted through a work plan will result in the City pursuing declaration of the building and/or the site as unfit for human habitation as authorized by BLMC 14.13.160 and Chapter 35.80 RCW. These provisions were established to address issues associated with buildings, structure, and sites that are unfit for human habitation due to uncleanliness, inadequate sanitary facilities, or due to other conditions which are inimical to the health and welfare of residents. This provisions also authorizes of the City to order the site and buildings vacated if the building(s) and/or site(s) is declared unfit for human habitation.

In addition, the roof on the main structure is in violation of IMPC 108. IMPC 108.1.3 states that structures in disrepair are unfit for human occupancy. The main structure on this property is missing a significant portion of the roof, which has been covered with tarps. IMPC 304.1.1.8 lists unsafe conditions regarding roofing as the following: *“Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration or fatigue, are not properly anchored, or are incapable of supporting all nominal loads and resisting all load effects.”*

There has been no response to the City's attempts to contact either the occupants or the owner of the property and the violations have not been abated. **The City is now moving forward with the process of declaring the structures and premises unfit for human habitation due to inadequate sanitary facilities.** You will receive Notice of Hearing once the Hearing has been scheduled. If you have any questions, please reach out to Code Enforcement at the listed contact information or use the QR code to access the Code Enforcement web page.

 5/17/23

Shailey Wilkinson, Code Enforcement Officer (Date)

wilkinsons@cobl.us 253-447-4352

21719 96th St. E. Second Floor

Buckley, WA 98321





Public Services Department
21719 96th St. E.
Buckley, WA 98321
Phone: 253-447-4352

NOTICE OF POTENTIAL UNFIT DWELLING

May 17, 2023

Sent via U.S. Mail, Postage Pre-Paid

Ronald L. Binning Jr.
7222 193rd Ave. E.
Bonney Lake, WA 98391

Current Resident
7222 193rd Ave. E.
Bonney Lake, WA 98391

RE: Cityworks 708


Dear Current Resident/Mr. Binning,

On March 31, 2023, the City issued a Notice of Violation and Order (NOV) to the property owner/occupants that the property located at 7222 193rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 7110000963) is in violation of the International Property Maintenance Code (IMPC) adopted by reference in Bonney Lake Municipal Code (BLMC) 15.04.020.G. **There has not been water service at this location since November 2022. As of the date of this letter, water service has not been restored to the property.**

The NOV provided that failure to restore water service to the house within 30 days from the date of services as defined in BLMC 14.130.050.B and remove the garbage, trash, and rubbish from the site within 30 from the date of services as defined BLMC 14.130.050.B unless additional time is granted through a work plan will result in the City pursuing declaration of the building and/or the site as unfit for human habitation as authorized by BLMC 14.13.160 and Chapter 35.80 RCW. These provisions were established to address issues associated with buildings, structure, and sites that are unfit for human habitation due to uncleanliness, inadequate sanitary facilities, or due to other conditions which are inimical to the health and welfare of residents. This provisions also authorizes of the City to order the site and buildings vacated if the building(s) and/or site(s) is declared unfit for human habitation.

In addition, the roof on the main structure is in violation of IMPC 108. IMPC 108.1.3 states that structures in disrepair are unfit for human occupancy. The main structure on this property is missing a significant portion of the roof, which has been covered with tarps. IMPC 304.1.1.8 lists unsafe conditions regarding roofing as the following: *“Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration or fatigue, are not properly anchored, or are incapable of supporting all nominal loads and resisting all load effects.”*

There has been no response to the City's attempts to contact either the occupants or the owner of the property and the violations have not been abated. **The City is now moving forward with the process of declaring the structures and premises unfit for human habitation due to inadequate sanitary facilities.** You will receive Notice of Hearing once the Hearing has been scheduled. If you have any questions, please reach out to Code Enforcement at the listed contact information or use the QR code to access the Code Enforcement web page.

 5/17/23

Shailey Wilkinson Code Enforcement Officer (Date)

wilkinsons@cobl.us 253-447-4352

21719 96th St. E. Second Floor

Buckley, WA 98321



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CITY OF BONNEY LAKE HEARING EXAMINER

CITY OF BONNEY LAKE, a Washington
municipal corporation,

Plaintiff,

vs.

MICHAEL F. PREDMORE II, an individual, and
9512 203RD AVE, BONNEY LAKE, WA, *in
rem*,

Defendants.

NO.

Parcel No. 2947001110

COMPLAINT AND NOTICE OF HEARING

NOTICE OF HEARING

TO: The owners, occupants, lenders, or other parties of interest in the Premises located at 9512 203rd Ave E, Bonney Lake, Pierce County, Washington and specifically

Michael F. Predmore II
9512 203rd Ave. E
Bonney Lake, WA 98391

You are hereby notified that the property located at 9512 203rd Ave. E, Bonney Lake, WA, parcel number 2947001110, and legally described as follows:

SECTION 34 TOWNSHIP 20 RANGE 05 QUARTER 34 CEDARVIEW L4B3
ADMIN COMB FOR SR/EX MH 42000-02400 COMB WITH THIS PARCEL
SEG 2005-1273 MC 2-8-05 MC

contains buildings and/or structures that are unfit for human habitation as defined by Bonney Lake Municipal Code (BLMC) Chapter 14.130 BLMC and Chapter 35.80 Revised Code of

COMPLAINT - Page 1

10609172.5 - 370563 - 0014

1 Washington (RCW). A hearing shall be held before the Bonney Lake Hearing Examiner at **1:00**
2 **p.m. on Monday, July 17, 2023, via this link:**
3 <https://bluejeans.com/710910170?src=calendarLink>, to consider the City’s Complaint and to
4 determine what action must be taken to correct the conditions described herein. **You can also**
5 **call into the meeting by dialing 1-408-419-1715 or 1-408-915-6290, and the Meeting ID is**
6 **710 910 170. Please read this Complaint and Notice of Hearing thoroughly, as it details**
7 **the City’s Complaint, your rights, and the action that may be taken by the City.**

8 The purpose of this hearing is for the building/property owner(s) and/or other parties
9 with interest in the property or building(s) to respond to the City’s Complaint and to provide
10 testimony if they wish. **You are not required to respond or attend this hearing; however,**
11 **this is your opportunity to respond to this Complaint. Failure to answer or attend the**
12 **hearing will result in this matter being decided without your input.** You may appear and
13 testify at the hearing with or without an attorney or you may respond in writing. Written
14 responses must be mailed or delivered to the City Clerk at the address listed below and received
15 no later than the date of hearing.

16 If the director determines that the building(s)/structure(s) are unfit for human habitation,
17 an order may be issued requiring the owner or other party in interest to take certain actions within
18 a time limit specified in the order. Such actions may include – but are not limited to – vacating
19 and closing, repairing, altering, improving, or demolishing the building(s)/structure(s). The
20 order may also authorize the City to take the required action, if you fail to do so, and direct that
21 the cost of the City’s action shall be assessed against the real property upon which the cost was
22 incurred.

1 **Interpreter/Special Needs: If you need an interpreter due to limited ability**
2 **to speak English or due to a hearing or speech impairment, we will provide**
3 **an interpreter at no cost to you. If you have a disability and need**
4 **accommodation by the City of Bonney Lake when using its facilities or**
5 **services, the City may be able to help. Please contact Shailey Wilkinson at**
6 **253-447-4352.**

7 This Complaint and Notice of Hearing is being supplied to you pursuant to the provisions
8 of Chapter 35.80 RCW and Chapter 14.130 BLMC. A copy of this Complaint and Notice of
9 Hearing is also filed with the Pierce County Auditor and such filing shall have the same force
10 and effect as other lis pendens notices provided by law.

11 If you have any questions, please contact Code Enforcement Officer Shailey Wilkinson
12 at 253-447-4352.

13 **COMPLAINT**

14 COMES NOW the Plaintiff, City of Bonney Lake (“City” or “Bonney Lake”), by and
15 through its attorney of record, Jackson B. Marchant of the law firm of Inslee, Best, Doezie &
16 Ryder, P.S., and alleges the following as its causes of action.

17 **I. PARTIES**

18 1.1 The City is a municipal corporation, organized under Title 35, doing business in
19 Pierce County, Washington, and is fully authorized to bring this action.

20 1.2 Defendant Michael F. Predmore II (“Defendant”) is an individual who owns real
21 property located within the City’s jurisdiction at 9512 203rd Ave. E., Bonney Lake, WA 98391
22 with Pierce County Tax Parcel No. 2947001110.

23 1.3 At such time as other individuals with ownership interest in the Property come
24 forward, the City will amend its complaint to reflect their identities.

1 **II. JURISDICTION AND VENUE**

2 2.1 The Hearing Examiner has jurisdiction over this action by virtue of Bonney Lake
3 Municipal Code (“BLMC”) 14.130.160 and RCW 35.80.030.

4 2.2 Venue is proper because the real property that is the subject of this action is
5 within the City’s territorial limits.

6 **III. FACTS**

7 3.1 Defendant Michael F. Predmore II is the owner of real property located at 9512
8 203rd Ave. E., Bonney Lake, WA 98391 with Pierce County Tax Parcel No. 2947001110 (the
9 “Property”).

10 3.2 Defendant has caused or has allowed dwellings, buildings, structures, or premises
11 that are unfit for human habitation to remain on the Property in violation of BLMC 14.130.160.

12 3.3 On September 8, 2022, the City issued a Notice of Violation to the Defendant
13 and to the current resident of the Property pursuant to BLMC 14.130.080 by serving it by first
14 class mail pursuant to BLMC 14.130.050. A true and correct copy of the Notice of Violation is
15 attached hereto as **Exhibit 1**.

16 3.4 In the Notice of Violation, the City noted, *inter alia*, that there was no water
17 service to the Property.

18 3.5 Without water service, there is no running water for showers, lavatories, water
19 closets, or kitchen sinks as required by International Property Maintenance Code (“IPMC”) 502
20 as adopted by the City in BLMC 15.04.020.

21 3.6 The Notice of Violation advised that failure to restore water service to the house
22 within 30 days from the date of service would result in the City pursuing declaration of the

1 building and/or site as unfit for human habitation pursuant to BLMC 14.130.160 and Chapter
2 35.80 RCW.

3 3.7 The Defendant did not respond to the Notice of Violation, nor did anyone else.

4 3.8 On October 20, 2022, the City issued a Notice of Civil Penalty to the Defendant
5 and to the current resident of the Property by serving it by first class mail pursuant to BLMC
6 14.130.050. A true and correct copy of the Notice of Civil Penalty is attached hereto as **Exhibit**
7 **2.**

8 3.9 The Notice of Civil Penalty advised, “Failure to demonstrate the violations have
9 been corrected by November 10, 2022, may result in the issuance of additional notices,
10 additional civil penalties and/or criminal charges,” and that the “Notice of Civil Penalty is
11 appealable to the Bonney Lake Hearing Examiner under BLMC 14.120.020 and BLMC
12 14.130.120. The appeal must be filed [with the] Public Services Department within fifteen days
13 of the date of services as determined in BLMC 14.130.050.”

14 3.10 Defendant did not appeal the Notice of Civil Penalty, nor did anyone else.

15 3.11 On May 17, 2023, the City issued a Notice of Potential Unfit Dwelling to the
16 Defendant and to the current resident of the Property by serving it by first class mail pursuant to
17 BLMC 14.130.050. A true and correct copy of the Notice of Potential Unfit Dwelling is attached
18 hereto as **Exhibit 3.**

19 3.12 The Notice of Potential Unfit Dwelling notified the Defendant and resident that
20 the Property is in violation of International Property Maintenance Code (IPMC) provisions as
21 adopted by the City in BLMC 15.04.020.G, to wit, there was no water service at the Property
22 since August 2022 and the main structure was missing a significant portion of the roof.

1 3.13. Even covered with tarps, the Property’s interior is exposed to the elements and
2 further renders the Property unfit for human habitation.

3 3.14 On June 8, 2023, Code Enforcement determined that water service had been
4 restored to the Property. However, the remaining roof of the dwelling on the Property is still in
5 danger of collapse, rendering the Property unfit for human habitation.

6 **IV. CAUSES OF ACTION**

7 **A. First Cause of Action: Determination That the Property is Unfit for Human**
8 **Habitation.**

8 4.1 The City realleges the foregoing paragraphs as though fully set forth herein.

9 4.2 The Hearing Examiner may determine the fitness of a premises by referencing
10 Chapter 8.20 BLMC and the building codes adopted pursuant to Chapter 15.04 BLMC, or any
11 other pertinent provision of the development code in accordance with RCW 35.80.030(1)(d) and
12 (e).

13 4.3 The conditions on the Property, to wit, the lack of adequate roofing on the
14 dwelling on the Property violate the development code and the International Building Code as
15 adopted by reference by the City.

16 4.4 The City is empowered to abate unfit dwellings, buildings, and structures by
17 Chapter 35.80 RCW and BLMC 14.130.

18 4.5 The conditions on the Property render the Property unfit for human habitation
19 because the Property lacks adequate sanitary facilities.

20 **B. Second Cause of Action: Order Defendants to Abate Code Violation(s).**

21 4.6 The City realleges the foregoing paragraphs as though fully set forth herein.

1 4.7 RCW 35.80.030(f) provides that “if, after the required hearing, the board or
2 officer determines that the dwelling is unfit for human habitation...it shall state in writing its
3 findings of fact in support of such determination, and shall issue and cause to be served upon
4 the owner or party in interest thereof... and shall post in a conspicuous place on the property, an
5 order that (i) requires the owner or party in interest, within the time specified in the order, to
6 repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human
7 habitation...or to vacate and close the dwelling, building, structure, or premises, if such course
8 of action is deemed proper...or (ii) requires the owner or party in interest, within the time
9 specified in the order, to remove or demolish such dwelling, building, structure, or premises, if
10 this course of action is deemed proper... If no appeal is filed, a copy of such order shall be filed
11 with the auditor of the county in which the dwelling, building, structure, or premises is located.”

12 4.8 Code violation(s) pursuant to RCW 35.80.010 and BLMC 14.130.160 exist on
13 the Defendant's property.

14 4.9 The Hearing Examiner should issue an order requiring Defendant to abate the
15 code violations on Defendant’s property within 30 days by boarding up the buildings or by
16 restoring water service to the Property and otherwise coming into full compliance with the law,
17 or else requiring the Defendant to vacate the Property until the Defendant abates the code
18 violations on Defendant’s property.

19 **C. Third Cause of Action: For an Order That the Costs of Abatement, Including Attorney Fees, Shall Be Assessed Against the Real Property as a Tax.**

20 4.10 The City realleges the foregoing paragraphs as though fully set forth herein.

21 4.11 RCW 35.80.030(1)(h) and BLMC 14.130.160(G) provide that the cost of

1 abatement by the City shall be assessed against the real property upon which such cost was
2 incurred, which assessment the county treasurer shall enter upon the tax rolls against the property
3 for the current calendar year.

4 4.12 The City has incurred expenses bringing this action for abatement in attorney
5 fees and in the time and labor of City employees.

6 4.13 If the Defendant does not abate the nuisance pursuant to the Hearing Examiner's
7 Order, then the City will incur expenses if it chooses to abate the violations.

8 4.14 The City asks that all costs of abatement, including attorney fees and costs, be
9 assessed against the Property.

10 **V. REQUEST FOR RELIEF**

11 WHEREFORE, the City prays for judgment against Defendant as follows:

12 1. Determining that the dwellings, building, structures, and premises located on the
13 Property are unfit for human habitation because they lack adequate shelter and protection from
14 the elements and thus violate the Bonney Lake Municipal Code;

15 2. Determining that service of this Complaint was proper;

16 3. For an order requiring Defendant to abate the code violation(s) on the Property
17 within 30 days by prohibiting people from living on the Property and boarding up the buildings,
18 or by restoring water service to the Property and otherwise coming into full compliance with the
19 law, or in the alternative requiring the property to be vacated within 30 days until the Defendant
20 abates the code violations on the property;

21 //

22 //

1 4. Determining that the costs of code enforcement against the Property shall be
2 assessed against the property.

3 DATED this 12th day of June 2023.

4 INSLEE, BEST, DOEZIE & RYDER, P.S.

5 By /s/Jackson B. Marchant

6 Jackson B. Marchant, WSBA No. 56868

7 10900 NE 4th Street, Suite 1500

8 Bellevue, WA 98004

9 Phone: (425) 455-1234

10 Fax: (425) 635-7720

11 E-mail: jmarchant@insleebest.com

EXHIBIT 1

NOTICE OF VIOLATION

9/8/2022

Michael F. Predmore II
9512 203rd Ave. E.
Bonney Lake, WA 98391

RE: Cityworks 682

The City received a request for action related to the property located at 9512 203rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 2947001110) and determined that the following violation(s) of the Bonney Lake Municipal Code (BLMC) has occurred or is occurring on the property:

1. Repairs are being done on the roof without proper permits. International Property Maintenance Code (IPMC) 304.1 requires the exterior of structures to be maintained in good repair. Unsafe conditions are listed in IPMC 304.1.1, IMPC 304.1.1.8 states that roofing and roofing structures with defects must be repaired.
2. There are several piles of rubbish throughout the property. Rubbish is defined in Section 202 of the International Property Maintenance Code (IPMC) to include combustible materials, cartons, boxes, metal, and similar materials. BLMC 8.20.020.E and IPMC 308.1 adopted pursuant to BLMC 15.04.020.G requires that the property remain free of trash, rubbish, and refuse.
3. There are several fuel containers being stored outdoors on the property. BLMC 8.20.020.N prohibits outdoor storage of fuel containers unless adequately screened from adjoining properties and the public right-of-way.
4. There has not been garbage service at this address since June 2022. BLMC 8.04.020 requires mandatory garbage and refuse service for properties located within the City of Bonney Lake.
5. There are recreational vehicles parked on the property. BLMC 10.16.020.E requires all recreational vehicles to be parked on an impervious surface in the driveway or on impervious surface that is adequately screened from adjoining properties and the view of the public right-of-way.
6. There is no water service at this address. IPMC 502.1 all dwellings are required to have adequate sanitary facilities, to include, water supplied to all showers, lavatories, water closets and kitchen sinks. IMPC 505 all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

Attached photos taken at the time of inspection.

In order to abate these violations you will need to:

1. Obtain the proper permits and complete all necessary roof repairs to comply with IPMC 304.1.

2. Clear the property of trash, rubbish and refuse to comply with BLMC 8.20.020.E, BLMC 15.04.020.G and IPMC 308.1.
3. Remove or utilize proper storage for the fuel containers to comply with BLMC 8.20.020.N.
4. Restore garbage service to the property to comply with BLMC 8.04.020.
5. Park all recreational vehicles on impervious surface either in the driveway or properly screened to comply with BLMC 10.16.020.E.
6. Restore, repair, and maintain water service to the location to comply with IPMC 502.1 and IPMC. Restore running water to the property to comply with IPMC 505.

Failure to restore water service to the house within 30 days from the date of services as defined in BLMC 14.130.050.B and remove the garbage, trash, and rubbish from the site within 30 from the date of services as defined BLMC 14.130.050.B days unless additional time is grant through a work plan will result in the City pursuing declaration of the building and/or the site as unfit for human habitation as authorized by BLMC 14.13.160 and Chapter 35.80. These provisions were established to address issues associated with buildings, structure, and sites that are unfit for human habitation due to uncleanliness, inadequate sanitary facilities, or due to other conditions which are inimical to the health and welfare of residents. This provisions also authorizes of the City to order the site and buildings vacated if the building and/or sites is declared unfit for human habitation.

Once these violations have been abated, please contact the staff member listed below to schedule an inspection. Failure to respond to this notice of violation (NOV) or attend any hearings will cause the City to deem the violation committed without requiring any further action on the part of the City.

The City's preferred approach is to seek voluntary compliance. Voluntary abatement must be completed within thirty (30) days of the date of service as determined by BLMC 14.130.050. If you need longer than thirty (30) days to correct the violation the City provides the opportunity to enter into a six (6) month work plan or a voluntary correction agreement, that allows for a long time period and has a \$500 fee. Please contact the City staff member listed below if you have questions regarding the contents of this letter and/or to request a work plan or voluntary correction agreement to provide additional time to remedy the violation.

Please note that BLMC 10.16.020.C prohibits any trailer and/or recreational vehicle from being occupied on any premises for more than two weeks within a six-month period. If the City verifies that that trailer is occupied for more than two weeks within a six-month period, that would be separate violation in addition to the ones listed above.

Staff Contact: Shailey Wilkinson

Email: wilkinsons@cobl.us

Phone: 253-447-4352

Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

Failure to resolve this violation or enter into a work plan or VCA within thirty (30) days may result in the City assessing a civil penalty of \$1,000 per day that the City documents that the violation exist on the property. Additionally, failure to abate may result in the issuance of additional notices, criminal charges and additional civil or criminal penalties. Payment of a civil penalty does not relieve any party of the duty to abate the violation(s).

This NOV is appealable to the Hearing Examiner as provided in BLMC 14.120.020 and BLMC 14.130.120. An appeal must be filed within fifteen (15) days of the date of service as determined by BLMC 14.130.050.



Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116





EXHIBIT 2



Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

Notice of Civil Penalty

October 20, 2022

Michael F. Predmore II
9512 203rd Ave. E.
Bonney Lake, WA 98391

Re: Cityworks 682

The purpose of this letter is to inform you of civil penalties have been assessed due to the violations of the Bonney Lake Municipal Code (BLMC) that exist on the property located at 9512 203rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 2947001110) as the violation have not been abated within the timeframe provided in the Notice of Violation (NOV) issued on September 8, 2022.

Date(s) the violation(s) was documented: August 3, 2022, and October 20, 2022

Total civil penalty assessed at this time: \$2,000

This amount is due within fifteen (15) days from the date of service as determined by BLMC 14.130.050. Fees may be paid at the Finance Department located in the Justice and Municipal Center at 9002 Main St E, Bonney Lake, WA.

Violations apparent on this site:

1. Repairs are being done on the roof without proper permits. International Property Maintenance Code (IPMC) 304.1 requires the exterior of structures to be maintained in good repair. Unsafe conditions are listed in IPMC 304.1.1, IMPC 304.1.1.8 states that roofing and roofing structures with defects must be repaired.
2. There are several piles of rubbish throughout the property. Rubbish is defined in Section 202 of the International Property Maintenance Code (IPMC) to include combustible materials, cartons, boxes, metal, and similar materials. BLMC 8.20.020.E and IPMC 308.1 adopted pursuant to BLMC 15.04.020.G requires that the property remain free of trash, rubbish, and refuse.
3. There are several fuel containers being stored outdoors on the property. BLMC 8.20.020.N prohibits outdoor storage of fuel containers unless adequately screened from adjoining properties and the public right-of-way.
4. There has not been garbage service at this address since June 2022. BLMC 8.04.020 requires mandatory garbage and refuse service for properties located within the City of Bonney Lake.
5. There are recreational vehicles parked on the property. BLMC 10.16.020.E requires all recreational vehicles to be parked on an impervious surface in the driveway or on impervious surface that is adequately screened from adjoining properties and the view of the public right-of-way.



Public Services Department
9002 Main St. E., Suite 300
PO Box 7380
Bonney Lake, WA 98391-0944
Phone: 253-862-8602
Fax: 253-862-1116

6. There is no water service at this address. IPMC 502.1 all dwellings are required to have adequate sanitary facilities, to include, water supplied to all showers, lavatories, water closets and kitchen sinks. IMPC 505 all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

In order to abate these violations you will need to:

1. Obtain the proper permits and complete all necessary roof repairs to comply with IPMC 304.1.
2. Clear the property of trash, rubbish and refuse to comply with BLMC 8.20.020.E, BLMC 15.04.020.G and IPMC 308.1.
3. Remove or utilize proper storage for the fuel containers to comply with BLMC 8.20.020.N.
4. Restore garbage service to the property to comply with BLMC 8.04.020.
5. Park all recreational vehicles on impervious surface either in the driveway or properly screened to comply with BLMC 10.16.020.E.
6. Restore, repair, and maintain water service to the location to comply with IPMC 502.1 and IPMC. Restore running water to the property to comply with IPMC 505.

Failure to demonstrate the violation(s) have been corrected by November 10, 2022 may result in the issuance of additional notices, additional civil penalties and/or criminal charges. Payment of a civil penalty does not relieve any party of the duty to abate the violation(s).

This Notice of Civil Penalty (NOCP) is appealable to the Bonney Lake Hearing Examiner under BLMC 14.120.020 and BLMC 14.130.120. The appeal must be filed Public Services Department within fifteen days of the date of services as determined in BLMC 14.130.050. Please note, this appeal may only relate to the civil penalty and not the NOV, as the NOV appeal period is already closed.

Please contact the City staff member listed below if you have questions regarding the contents of this letter, to schedule an inspection to verify that the violation has been abated, and/or to request a work plan or voluntary correction agreement to provide additional time to remedy the violation.

Staff Contact: Shailey Wilkinson, Code Enforcement Officer

Email: wilkinsons@cobl.us

Phone: 253-447-4352

Jason Sullivan – Planning and Building Supervisor

EXHIBIT 3



Public Services Department
21719 96th St. E.
Buckley, WA 98321
Phone: 253-447-4352

NOTICE OF POTENTIAL UNFIT DWELLING

May 17, 2023

Sent via U.S. Mail, Postage Pre-Paid

Michael F. Predmore II
9512 203rd Ave. E.
Bonney Lake, WA 98391

Current Resident
9512 203rd Ave. E.
Bonney Lake, WA 98391

RE: Cityworks 682


Dear Current Resident/Mr. Predmore,

On September 8, 2022, the City issued a Notice of Violation and Order (NOV) to the property owner/occupants that the property located at 9512 203rd Ave. E. Bonney Lake, WA 98391 (Tax Parcel: 2947001110) is in violation of the International Property Maintenance Code (IMPC) adopted by reference in Bonney Lake Municipal Code (BLMC) 15.04.020.G. **There has not been water service at this location since August 2022. As of the date of this letter, water service has not been restored to the property.**

The NOV provided that failure to restore water service to the house within 30 days from the date of services as defined in BLMC 14.130.050.B and remove the garbage, trash, and rubbish from the site within 30 from the date of services as defined BLMC 14.130.050.B unless additional time is granted through a work plan will result in the City pursuing declaration of the building and/or the site as unfit for human habitation as authorized by BLMC 14.13.160 and Chapter 35.80 RCW. These provisions were established to address issues associated with buildings, structure, and sites that are unfit for human habitation due to uncleanliness, inadequate sanitary facilities, or due to other conditions which are inimical to the health and welfare of residents. This provisions also authorizes of the City to order the site and buildings vacated if the building(s) and/or site(s) is declared unfit for human habitation.

In addition, the roof on the main structure is in violation of IMPC 108. IMPC 108.1.3 states that structures in disrepair are unfit for human occupancy. The main structure on this property is missing a significant portion of the roof, which has been covered with tarps. IMPC 304.1.1.8 lists unsafe conditions regarding roofing as the following: *“Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration or fatigue, are not properly anchored, or are incapable of supporting all nominal loads and resisting all load effects.”*

There has been no response to the City's attempts to contact either the occupants or the owner of the property and the violations have not been abated. **The City is now moving forward with the process of declaring the structures and premises unfit for human habitation due to inadequate sanitary facilities.** You will receive Notice of Hearing once the Hearing has been scheduled. If you have any questions, please reach out to Code Enforcement at the listed contact information or use the QR code to access the Code Enforcement web page.

 5/17/23

Shailey Wilkinson, Code Enforcement Officer (Date)

wilkinsons@cobl.us 253-447-4352

21719 96th St. E. Second Floor

Buckley, WA 98321





Public Services Department
21719 96th St. E.
Buckley, WA 98321
Phone: 253-447-4352

NOTICE OF POTENTIAL UNFIT DWELLING

May 17, 2023

Sent via U.S. Mail, Postage Pre-Paid

Michael F. Predmore II
9512 203rd Ave. E.
Bonney Lake, WA 98391

Current Resident
9512 203rd Ave. E.
Bonney Lake, WA 98391

RE: Cityworks 682

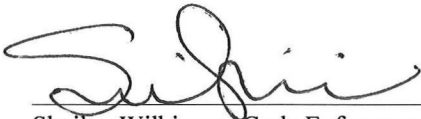
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