

**CITY OF DICKINSON
BOARD OF CITY COMMISSIONERS**

RE: 22 S 10th Ave. West, Dickinson, ND 58601
Lots 3, 4 and 5, Block 26, Young's Fifth Addition
Sheldon Thompson, Romy Thompson, Skye Thompson, Property Owners

FINDINGS OF FACT & ORDER

1. On Wednesday, May 28, 2025, the Board of City Commissioners met to hear evidence regarding the structure located on 22 S 10th Ave. West, Dickinson, ND 58601 ("the Property"), specifically whether the structure located on the Property should be demolished pursuant to the Dickinson Municipal Code ("DMC").
2. The City asserts that the primary structure located on the Property is a dangerous building and must be demolished.
3. The Property Owner, Sheldon Thompson, was present at the hearing. The Property Owners Skye Thompson and Romy Thompson were not present at the hearing.
4. The Board of City Commissioners finds that the structure located on the Property is a dangerous structure pursuant to Chapter 8 of DMC and must be demolished pursuant to Chapter Section 8-184, Section 8-185 and Section 8-186 of the DMC and hereby makes the following Findings of Fact:

FINDINGS OF FACT

5. That the DMC contains the following provisions:

Sec. 8-184. - Conditions constituting dangerous buildings or structures.

For the purposes of this article, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. For the purposes of this article, the term "Building Code" shall mean the Building Code adopted by the City in Section 8-11.

- 1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- 2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- 3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1.5 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- 4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- 5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- 6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- 7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- 8) Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause; is likely to partially or completely collapse.
- 9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- 10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- 11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- 12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor for vagrants, criminals, or immoral persons; or

- c. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- 13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of the State or jurisdiction relating to the condition, location or structure of buildings.
- 14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics; required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- 15) Whenever a building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
- 16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- 17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- 18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Sec. 8-185. - Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Building Inspector and the Board of City Commissioners in ordering repair, vacation or demolition:

- (1) If the dangerous building can be reasonably repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupant, it shall be ordered to be vacated.
- (3) In any case where a dangerous building cannot be repaired so that it will no longer exist in violation to the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation

of the terms of this article or any ordinance of the City or statute of the State, it shall be demolished.

Section 8-186 - Dangerous buildings, nuisances.

All dangerous buildings within the terms of Section 8-184 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.

6. That Sheldon Thompson (“Shel”), Romy Thompson (“Romy”) and Skye Thompson (“Skye”) are the record title owners (the “Owners”) of the Property. (Exhibit A).
7. That the City notified the Owners of the hearing with the Board of City Commissioners. (Exhibit B, Exhibit C-1, C-2, and C-3, Exhibit D-1 and D-2).
8. That the City first became aware of concerns with the Property in February of 2008 after the City was notified that the sewer had collapsed and needed to be repaired. (Exhibit F).
9. That the City required the sewer be fixed by March 31, 2008. (Exhibit F).
10. That on March 31, 2008, an inspection of the Property was conducted by City staff for the purpose of determining if the sewer had been fixed and found that the repairs had not been completed. Based on this inspection, the City deemed the Property unfit for human habitation. (Exhibit F).
11. That on June 25, 2014, City staff conducted an inspection of the Property and determined that the Property was in violation of the Property Maintenance Code (“PMC”) due to grass and weed growth being greater than ten (10) inches high. (Exhibit G).
12. That per the June 25, 2014 inspection, the City required that the Owners remedy the grass and weeds violation by July 2, 2014. (Exhibit G).
13. That on May 10, 2016, City staff conducted an inspection of the Property and determined that the Property was in violation of the PMC due to grass and weed growth being greater than ten (10) inches high. (Exhibit H).

14. That per the May 10, 2016 inspection, the City required that the Owners remedy the grass and weeds violation by May 20, 2016. (Exhibit H).
15. That on August 23, 2021, City staff conducted an inspection and took photographs of the Property and determined that the structure's dilapidation made it unfit for human habitation and deemed it a public nuisance. (Exhibit I-1 and I-2 and Testimony of Tiffany Stewart).
16. That on August 24, 2021, the City Building and Codes department determined it would pursue the condemnation process per the DMC. (Exhibit I-1 and I-2 and Testimony of Tiffany Stewart).
17. That on August 24, 2021, City staff notified the Owners of its findings and notified them that they would be posting the Property. (Exhibit I-1 and I-2 and Testimony of Tiffany Stewart).
18. That on August 24, 2021, City staff posted a notice on the entrance of the Property notifying the public of its inhabitable state and public nuisance status. (Exhibit I-1 and I-2, Exhibit M, and Testimony of Tiffany Stewart).
19. That on June 13, 2022, City staff notified the Owners that the Building Department required the Property to be demolished. (Exhibit J-1, J-2, J-3 and Testimony of Tiffany Stewart).
20. That on July 17, 2024, City staff conducted an inspection and took photographs of the Property. (Exhibit M and Testimony of Tiffany Stewart).
21. That on August 28, 2024, City staff, accompanied by two of Owner Shel Thompson's representatives, inspected and took photographs of the interior of the Property with permission from Owner Shel Thompson. (Exhibit K-1, K-2, K-3, Exhibit M and Testimony of Tiffany Stewart).

22. That on August 29, 2024, City staff placarded the property with a notice stating the Building Department's intent to move forward with the demolition process. (Exhibit K-1, K-2, K-3, Exhibit M and Testimony of Tiffany Stewart).
23. That on August 29, 2024, City staff notified the Owners of the Building Department's intent to move forward with the demolition process. (Exhibit K-1, K-2, K-3 and Testimony of Tiffany Stewart).
24. That the City maintained records and note pertaining to the Property. (Exhibit E, Exhibit L and Testimony of Tiffany Stewart).
25. That as of May 28, 2025, the Owners had made no attempts to repair, remedy, or otherwise rehabilitate the Property since the August 23, 2021 inspection or after any subsequent inspections or notifications. (Testimony of Tiffany Stewart and of Leonard Schwindt).
26. That as of May 28, 2025, the Owners have failed to secure or complete a structural engineers report or have a code analysis completed since the August 24, 2021 notice or after any subsequent inspections or notifications. (Testimony of Tiffany Stewart and of Leonard Schwindt).
27. That City staff recommended the structure located on the Property be demolished because it is uninhabitable and remains a public nuisance with no attempts or plans to remedy the Property (Testimony of Tiffany Stewart and of Leonard Schwindt).

ORDER

28. The Board of City Commissioners has reviewed the relevant portions of the Dickinson Municipal Code and has accepted exhibits offered by the parties, as well as heard testimony offered by the witnesses called.
29. Based on the foregoing facts and evidence presented to the Board of City Commissioners, this Commission finds that the structure located at 22 S 10th Ave. West, Dickinson, ND 58601 is

a dangerous structure and must be demolished pursuant to the Dickinson Municipal Code, more specifically underlined, as follows:

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30. That this Order may be appealed to the District Court within thirty (30) days.
31. That if the owner, occupant, mortgagee or lessee fails to comply with this Order or fails to appeal to the District Court within thirty days, the City through its officers and employees shall cause such building or structure to be demolished and shall bill the owner, occupant, mortgagee or lessee for the costs of such demolition. If the bill is not paid when due, the costs may be assessed against the land on which the building existed pursuant to Section 8-189 of the DMC.

Dated this ____ day of _____ 2025.

Scott Decker
Mayor, Board of City Commissioners