

**CITY OF DICKINSON
BOARD OF CITY COMMISSIONERS**

RE: 348 East Broadway, Dickinson, ND 58601
Ulises Barrios Flores, Property Owner

FINDINGS OF FACT & ORDER

1. On Wednesday, December 18, 2024, the Board of City Commissioners met to hear evidence regarding the primary structure located on 348 East Broadway, Dickinson, ND 58601 (“the Property”), specifically whether the primary 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, Ulises Barrios Flores, was not present at the hearing.
4. The Board of City Commissioners finds that the primary structure located on the Property is a dangerous structure pursuant to Chapter 7.030 of DMC and must be demolished pursuant to Chapter 7.030.020 of the DMC and hereby makes the following Findings of Fact:

FINDINGS OF FACT

5. That the DMC contains the following provisions:

Section 7.030:

Dangerous Buildings or Structures: For the purpose of this ordinance, 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 purposes of this ordinance, the term “Building Code”, shall mean the building code adopted by the City of Dickinson in Chapter 7 of the Dickinson City Code.

Section 7.030.020:

Dangerous Buildings: All “dangerous buildings” within the terms of section 7.030 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance.

6. That Ulises Barrios Flores (“Flores”) is the record title owner of the Property. (Exhibit A).
7. That the City notified Flores of the hearing with the Board of City Commissioners. (Exhibit B, Exhibit C-1, C-2, and C-3).
8. That the City first became aware of concerns with the Property in 2022 after City staff noticed construction materials outside the home, and City records indicated there were no building or plumbing permits on file. (Exhibit D).
9. That the City issued a stop work order on the Property. (Exhibit D).
10. That on September 2, 2022, an inspection of the Property was conducted by City staff for the purpose of determining what permits were needed for the Property. (Exhibit D).
11. That a subsequent inspection of the Property was done on September 2, 2022, by City staff and photographs of the Property were taken. (Exhibit E).
12. That the inspection revealed that repairs were being made to the primary structure without the necessary permits. (Exhibit E and Testimony of Tiffany Stewart).
13. That the City communicated to Flores that he needed to obtain the necessary permits. (Testimony of Tiffany Stewart).
14. That the City sent Flores a letter dated April 26, 2023, advising him that he needed to obtain a building permit. (Exhibit F).
15. That subsequent to the April 26, 2023 letter, Flores did not obtain a building permit. (Testimony of Tiffany Stewart).

16. That on February 7, 2024, the City sent Flores a letter declaring the primary structure located on the Property as a dangerous structure and informing Flores it was proceeding with the condemnation process. (Exhibit G).
17. That the City placarded the Property as a dangerous structure. (Exhibit D and Testimony of Tiffany Stewart).
18. That the City conducted a drive by inspection and determined that Flores did not demolish the primary structure located on the Property. (Testimony of Tiffany Stewart).
19. That on April 9, 2024, the City sent a follow up letter via certified mail to Flores advising him once again of the condemnation process. (Exhibit H and Exhibit I).
20. That on July 29, 2024, the City sent a demolition notice via certified mail to Flores advising him that the primary structure located on the Property had to be demolished by August 28, 2024. (Exhibit J and Exhibit K).
21. That on August 29, 2024, the City placarded the Property as a dangerous structure. (Exhibit L).
22. That on August 29, 2024, the City sent a follow up demolition notice via certified mail to Flores advising him that the primary structure on the Property had to be demolished by September 28, 2024. (Exhibit L and Exhibit M).
23. That as of December 18, 2024, Flores has not demolished the primary structure located on the Property.
24. That City staff recommended the primary structure located on the Property be demolished because it is uninhabitable due to the authorized remodeling efforts exposing wiring and walls and creating unsafe conditions. (Exhibit D and Testimony of Tiffany Stewart).

ORDER

25. 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.

26. Based on the foregoing facts and evidence presented to the Board of City Commissioners, this Commission finds that the primary structure located at 348 East Broadway, Dickinson, ND 58601 is a dangerous structure and must be demolished pursuant to the Dickinson Municipal Code, more specifically, as follows:

Section 7.030:

Dangerous Buildings or Structures: For the purpose of this ordinance, 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 purposes of this ordinance, the term “Building Code”, shall mean the building code adopted by the City of Dickinson in Chapter 7 of the Dickinson City Code.

Section 7.030.020:

Dangerous Buildings: All “dangerous buildings” within the terms of section 7.030 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance.

27. That this Order may be appealed to the District Court within thirty (30) days.

28. 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 7.030.050 of the DMC.

Dated this ___ day of January 2025.

Scott Decker
Mayor, Board of City Commissioners