

**CITY OF DICKINSON
BOARD OF CITY COMMISSIONERS**

RE: 45 7th Ave West, Dickinson, ND 58601
Lot 1, Block k18, Young's 5th Addition to the City of Dickinson, Stark County, ND
Curtis W. Everson, II, Property Owner

FINDINGS OF FACT & ORDER

1. On Tuesday, February 17, 2026, the Board of City Commissioners met to hear evidence regarding the structure located on 45 7th 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, Curtis W. Everson, II ("Everson"), was not present at the hearing.
4. No representative on behalf of the Mortgagee, United States of America, acting through the Rural Housing Service (hereinafter "the Bank") appeared at the hearing.
5. 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

6. 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.

7. That Everson is the record title owner of the Property. (Exhibit A).
8. That the City notified Everson and the Bank of the hearing with the Board of City Commissioners. (Exhibit B, Exhibit C, Exhibit D, Exhibit E).
9. That Everson was personally served a copy of the Notice of Hearing. (Exhibit F and F-1).
10. That the City first became aware of concerns with the Property in July 2024 after the City was notified there was an issue with the watermain replacement at the Property. (Exhibit G).
11. That in July 2024, the City discovered the Property did not have potable water since 2017. (Exhibit H).
12. That on July 25, 2024, the City notified Everson that it had deemed the Property Unfit for Human Occupancy. (Exhibit H). The Property was placarded at this time. (Testimony of Tiffany Stewart).
13. That the City requested an inspection of the Property via certified mail on August 12, 2024, and no answer was received. (Exhibit I and Exhibit J).
15. That on August 20, 2024, the City notified the Bank that the City intended to proceed with demolition of the Property. (Exhibit K).
16. That on August 29, 2024, the City notified Everson that the City intended to proceed with demolition of the Property. (Exhibit L).

17. That on October 3, 2024, the City obtained an Administrative Search Warrant for Code Violations with the District Court. (Exhibit M1-M2).

18. That on October 9, 2024, an inspection of the Property was conducted by City staff. Based on this inspection, the City deemed the Property unfit for human habitation and in violation of the DMC. (Exhibit N, Testimony of Tiffany Stewart).

19. That City staff placarded the Property as a dangerous structure with a notice stating the Building Department's intent to move forward with the demolition process. (Exhibit N, Testimony of Tiffany Stewart).

20. That as of February 17, 2026, Everson had made no attempts to repair, remedy, or otherwise rehabilitate the Property. (Testimony of Tiffany Stewart).

21. That based on a search completed by the City, there is no active foreclosure regarding the Property. (Testimony of Tiffany Stewart). The Bank has been in contact with City staff regarding the status of the Property. (Testimony of Tiffany Stewart).

22. 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).

ORDER

23. 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.

24. Based on the foregoing facts and evidence presented to the Board of City Commissioners, this Commission finds that the structure located at 45 7th Ave West, Dickinson, ND 58601 is a

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

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.

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 - i. The deterioration, decay or inadequacy of its foundation; or
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Section 8-186 - Dangerous buildings, nuisances.

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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 _____ 2026.

Scott Decker
Mayor, Board of City Commissioners