



"Year Round Playground"  
June 20, 2023

## CITY OF GLADSTONE, MICHIGAN

CITY HALL, 1100 DELTA AVENUE

GLADSTONE, MI 49837

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[www.gladstonemi.org](http://www.gladstonemi.org)

Jeff Diebolt  
703 Michigan Ave  
Gladstone, MI 49837

### RE: Orders on Condemned Property | 11 S 9<sup>th</sup> St

Dear Jeff,

As a follow up to our letter dated March 9, 2023 regarding the transfer of ownership of the condemned property **11 S 9<sup>th</sup> St** in Gladstone, the City of Gladstone has noted that work to resolve the property violations has begun on the property.

We learned in an email correspondence dated June 2<sup>nd</sup> that no permits had been pulled at the county level with the Building Inspector, Jack Smith. It was understood that you would begin the permit process with the county the following Monday (June 5<sup>th</sup>, 2023). The City of Gladstone contacted Jack Smith on June 20, 2023 to inquire about the progress of those permits, and was made aware that no permits have been pulled at this time.

Following a site visit of the property on June 19, 2023, we've noticed that progress has stalled. At the time of the site visit, it was noted that the building is not properly secure to the public and continues to pose a safety risk, further deeming it a public nuisance to our community.

#### Orders Effective 06/20/2023

Immediate action is required to resolve the issues below, with cited violations to the City's Code of Ordinances and Property Maintenance Code enclosed on the following pages. The full Code of Ordinances and Property Maintenance Code can be found on the City of Gladstone website, at [www.gladstonemi.org](http://www.gladstonemi.org). Your deadline to resolve these orders has been set for **Friday, June 23, 2023**.

- **Secure the building from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the enclosed photographs. Furthermore, we recommend barricading off the portion of the property under construction from the public to reduce your liability of an accident.
- **Eliminate any materials or equipment from the exterior of the building which could be seen as an attractive nuisance to children**, specifically items such as ladders or scaffolding which can be used as an access point to the beams and/or roof.

As outlined in our Property Maintenance Code, if the property owner fails to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

 A WPPI Energy community

 The City of Gladstone is an equal opportunity employer and provider.

Failure to meet the established deadline will result in a fee or penalty. Once the orders have been resolved, please notify me (Patricia West) by email at [pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov).

Finally, I understand Renée Barron is working with you and Jack Smith to get the proper permitting in place at the county level and documented for the City. Once the City of Gladstone has the proper permitting information and project plans in place, I will follow up with you to establish a formal timeline for completion of the project. Given the long-standing history of the violations on the property, and the severity of the compromised section of the building, it is essential that the City of Gladstone sees timely progress towards resolution. Again, we ask that you proactively keep us informed of any progress or barriers.

We look forward to seeing the property meet compliance. Please reach out with any questions.

Sincerely,

A handwritten signature in black ink that reads "Patricia West". The signature is written in a cursive, flowing style.

Patricia West

Code Enforcement Official

Email: [pwest@gladstonemi.org](mailto:pwest@gladstonemi.org)

Phone: (906) 428-4586

City of Gladstone

# CODE OF ORDINANCES

## Chapter 22 – Environment

### Article II. – Public Nuisances

#### *Sec. 22-31. - Statement of purpose.*

The city has a valid interest in protecting the health, safety, morals and general welfare of its citizens. The interest in protecting the general welfare of the citizens includes an interest in protecting property values and promoting aesthetic considerations.

#### *Sec. 22-32. - Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends the public decency; interferes with, obstructs or renders dangerous any street, alley, public place, highway, navigable lake or stream; unreasonably lowers property values; offends the aesthetic sensibilities of the public; or in any way renders the public insecure in life or property. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this article.

#### *Sec. 22-33. - Prohibited.*

It shall be unlawful for any person to commit, create or maintain any nuisance within the city. Each day a nuisance shall remain unabated shall be construed as a separate violation.

#### *Sec. 22-34. - Abatement.*

The city manager may, at his option, enforce the provisions of this article by one or more of the following methods:

- (1) Prosecution. The city manager may prosecute the person committing, creating or maintaining a nuisance for a violation of the provisions of this article.
- (2) Removal. The city manager may cause a nuisance to be abated immediately, provided the nuisance involves the public health and safety or injury to property.
- (3) Notice. The city manager may give notice in the manner provided in section 2-2 to the person committing, creating or maintaining a nuisance to abate the nuisance within a reasonable length of time.

#### *Sec. 22-35. - Abatement by city.*

If the owner, possessor or occupier of any property within the city which is subject to an order of abatement of a public nuisance issued by the city commission or city manager shall fail or refuse to abate the nuisance within the length of time prescribed by the notice, the city manager shall abate the nuisance after the date prescribed in the notice of abatement.

# PROPERTY MAINTENANCE CODE

## Section PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

### PM-105.2 Notices and orders:

The code official shall issue all necessary notices or orders to ensure compliance with the code.

### PM-105.7 Rule making authority:

The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violation accepted engineering practice involving public safety.

## Section PM-106.0 VIOLATIONS

### PM-106.1 Unlawful acts:

It shall be unlawful for any person firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

### PM-106.2 Penalty:

Any person who shall violate a provision of this code shall be responsible for a civil infraction subject to payment of a civil fine of not less than Fifty (\$50.00) or more than Five Hundred (\$500.00) Dollars plus costs and other sanctions for each infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### PM-106.3 Prosecution:

In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

## Section PM-107.0 Notices and Orders

### PM-107.1 Notice to owner or to person or persons responsible:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with section PM-108.3.

### PM-107.2 Form:

Such notice prescribed in Section PM-107.1 shall:

1. Be in writing;

2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

#### PM-107.3 Method of service:

Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by first class mail addressed to the owner at the last known address. If the letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

#### PM-107.4 Penalties:

Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

#### PM-107.5 Transfer of ownership:

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy or any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### Section PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT

#### PM-108.1 General:

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

##### *PM-108.1.1 Unsafe structure:*

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

##### *PM-108.1.3 Structure unfit for human occupancy:*

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

#### PM-108.2 Closing of vacant structures:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the

order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

#### PM-108.3 Notice:

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

#### PM-108.4 Placarding:

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

#### PM-108.5 Prohibited occupancy:

Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

#### PM-108.6 Removal of placard:

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

### SECTION PM-111.0 MEANS OF APPEAL

#### PM-111.1 Application for appeal:

Any person affected by a decision of the code official or a notice of order issued under this code shall have the right to appeal to the board of appeals. The petition requesting a hearing shall be in writing, and shall specify the name, address and telephone number of the petitioner, and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee in the amount established by resolution. Such petition shall be filed within ten days after the day the notice and order are served. Upon receipt of such a petition, the building official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.

### SECTION PM-302.0 DEFINITIONS

#### PM-302.1 General:

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**Infestation:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**Public nuisance (defined):** Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;

2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

## SECTION PM 303.0 EXTERIOR PROPERTY AREAS

### PM-303.5 Birds, rodents and skunk harborage:

All structures shall be kept free from bird, rodent, and skunk infestation. Where birds, rodents, and skunks are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

## SECTION PM 304.0 EXTERIOR STRUCTURE

### PM-304.1 General:

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### PM-304.6 Exterior walls:

All exterior walls shall be free from holes, breaks, and loose, or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

## SECTION PM 305.0 INTERIOR STRUCTURE

### PM-305.1 General:

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.





