



## **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**

On November 6, 2015, I, Tim Teddy, Director of Community Development for the City of Columbia, Missouri, conducted an administrative hearing to determine if a nuisance structure, as defined in the International Property Maintenance Code as adopted by the City of Columbia, exists on the property located at 608 McBaine Avenue, Columbia, Missouri. The hearing was held in the fifth floor conference room in the Community Development Department in City Hall, 701 East Broadway, Columbia, Missouri 65201.

Assistant City Counselor Steve Richey appeared on behalf of the City of Columbia. One of the current property owners, Charliss Taylor, appeared at the hearing.

Senior Code Enforcement Specialist Bruce Martin and Building Regulations Supervisor John Simon testified for the City of Columbia. The City of Columbia offered into evidence the Exhibits noted in the transcript, including certified copies of the relevant ordinances, certified proof of ownership for 608 McBaine, copies of notices provided to the owner, inspection reports, and numerous photographs of the property.

A person owning property located next door, Ms. Sharon Erdel, also attended the hearing and provided testimony.

All testimony was taken under oath.

Court reporter Tracy Taylor was also in attendance.

### **Findings of Fact**

After hearing all of the testimony and reviewing the evidence, I hereby find the following facts to be true.

1. Charliss Taylor, Charles Lee Hill, Damon Courtney Ballenger, and Erica Sutton are the property owners of 608 McBaine Avenue, Columbia, Missouri.
2. The property is improved with two dwellings, which are identified herein as "building #1" and "building #2" or "structure #1" and "structure #2." Both dwellings are vacant. There is one address assigned to both buildings.
3. City of Columbia records indicate that utility services were terminated for 608 McBaine Avenue on November 5, 2007. There is no evidence that utilities were re-activated after that date.
4. Mr. Bruce Martin, Senior Code Enforcement Specialist ("the inspector") performed an inspection of the property on August 12, 2015 and completed an inspection report listing violations of current City building codes.
5. Mr. Martin sent the inspection report/notice of violations, via certified and first class mail, to the Gertrude Robinson Estate c/o Charliss Taylor in a letter dated August 13, 2015.

6. The letter/notice of violations cites property maintenance violations in need of correction that shall be repaired, reconditioned, remodeled or demolished.
7. In violation of the 2012 International Property Maintenance Code (2012 IPMC) Section 301.3 the buildings on the property have not been maintained in a clean, safe, secure and sanitary condition.

The following findings apply to structure #1 unless otherwise noted:

8. In violation of the 2012 IPMC Section 302.3 the front steps are in a poor state of repair and hazardous.
9. In violation of 2012 IPMC 304.7 there is vegetation in the gutters to be obstructing the flow of water.
10. In violation of the 2012 IPMC the front insect screen is in a poor state of repair.
11. In violation of the 2012 IPMC 304.2 there is peeling paint on the window frames, trims and sills. Portions of the ceiling soffits of the front porch are missing.
12. In violation of Section 302.1 there is trash and debris on the ground and in the basement (as viewed through a window).
13. In violation of 2012 IPMC 304.5 there is a distress crack in the corner of a basement foundation wall.
14. In violation of 2012 IPMC 304.7 a downspout drainpipe has been disconnected.
15. In violation of 2012 IPMC section 304.2 there is peeling paint and missing wall covering on an exterior wall.
16. In violation of IPMC 2012 605.1 electrical service wires have not been properly maintained; the wires show evidence of deterioration.
17. In violation of 2012 IPMC 304.1 there is evidence of a deteriorated structural plate, rim joist and wall covering; the east wall is out of plumb and rafters are detached from the top wall plate; roof and exterior walls have a temporary covering as if to prevent the intrusion of moisture.
18. In violation of 2012 IPMC 304.13 the east basement window glass is broken.

The following findings apply to structure #2:

19. In violation of 2012 IPMC 304.2 there are areas of peeling paint on the gutters and trim of structure #2.
20. In violation of 2012 IPMC 304.7 there is improper placement of roof shingles on structure #2.

General:

21. Testimony indicated that the City of Columbia Water & Light Department responded to a report of an electrical hazard at the property on August 13, 2015. In violation of IPMC 605.1, electrical service wires between structures #1 and #2 were not properly secured and electrical lines were hanging within reach from ground level.
22. The notice of violations letter dated August 13, 2015 from Senior Code Enforcement Officer Bruce Martin and Building Regulations Supervisor John Simon ordered that work to repair, recondition, remodel or demolish to correct

property maintenance violations commence by Monday, September 7, 2015 and all repair, reconditioning and remodeling work shall be completed by Monday, February 1, 2015 (180 days). In the event the owner opted to demolish the structures, the violations letter provided a deadline of Tuesday, September 22, 2015 (45 days) to complete demolition.

23. As of this date, the two structures remain on the property and no building permit or demolition permit applications have been received.
24. The Senior Code Enforcement Officer placarded the property as provided by the 2012 IPMC Section 107.12 on August 13, 2015.
25. The structure had not been repaired or demolished as of the time of the hearing on June 30, 2015.
26. No repairs have been made to the property nor has staff received any representations or assurances that repairs will be made to the property.
27. No building permits are pending on the property.
28. The structure exists in violation of numerous provisions of the International Residential Code and the Building Code of Columbia, Missouri and other ordinances of this city, as noted in the inspection report of October 20, 2014, and which are a danger to the life, safety, health or welfare of the occupants or residents of the city.
29. The structure, if occupied, constitutes a hazard to the safety, health, or welfare of the occupants because it fails to comply with the construction codes adopted by the City of Columbia and has never been deemed fit for human occupancy.

### **Conclusions of Law**

Based upon all of the evidence and testimony presented, I hereby find competent, substantial and sufficient evidence that the property located at 608 McBaine Avenue, Columbia, Missouri is a public nuisance. I find this public nuisance exists as charged in the abatement notice. There is competent, substantial and sufficient evidence that the property at 608 McBaine Avenue Columbia, Missouri is a nuisance in violation of Section 107.1 of the International Property Maintenance Code as adopted and amended by sections 6-71 and 6-72 of the Code of Ordinances of the City of Columbia, in that:

1. Charliss Taylor, Charles Lee Hill, Damon Courtney Ballenger, and Erica Sutton are the owners of the property located at 608 McBaine, Columbia, Missouri.
2. The City inspector obtained a search warrant as required by City ordinance to enter the property and perform an inspection.
3. The inspection conducted on August 12, 2015 detailed a number of violations of the Building Code (Chapter 6) of the City of Columbia Code of Ordinances.
4. The City inspector prepared and sent, via certified mail, a letter to the property owners (Gertrude Robinson Estate c/o Charliss Taylor) enumerating the code violations and setting time limits to either demolish the structures or repair the structures.
5. The structures are in violation of numerous provisions of Chapter 6 (Buildings and Building Regulations), Article VII, Property Maintenance Code.
6. There is evidence of structural failure to a wall and the roof in structure #1. The east wall

is out of plumb and rafters are detached from the top wall plate. Roof and exterior walls have a temporary covering.

7. Vegetation in the gutters and a missing downspout drainpipe impedes drainage on structure #1.
8. Since November 2007 the structures on the property have had no utility service.
9. The structures on the property have not been maintained in a safe, clean, or sanitary condition with broken glass in window frames, peeling paint, cracked foundation wall, missing wall covering and soffit panels, improper placement of roof shingles, and overgrown vegetation and debris observed on the structures and the property (Section 6-72, 107.3 Standards (2)).
10. The structures are a hazard to the safety, health and welfare of the public because it lacks sanitary facilities and equipment – there are no connections to utilities - and is unsanitary because of an accumulation of debris and vegetation (6-72, 107.3 Standards (4)).
11. To date, the property owners have not obtained permits to either demolish or repair the structures.
12. The City of Columbia properly notified the owners of the administrative hearing to be held on November 6, 2015.
13. 608 McBaine Avenue, Columbia, Missouri is a nuisance and a danger to the life, safety, health, or welfare of the occupants or residents of the city.

**ORDER**

I hereby order the nuisances to be abated. The property owners are ordered:

**To obtain a demolition permit from the City of Columbia and complete demolition of the nuisance structures at 608 McBaine Avenue on or before Monday, June 6, 2016.**

Should the property owners not abate the nuisance and demolish the property as ordered, the City may have the nuisance abated by city employees or by persons under contract with the city. Section 6-72, subsection 107.9 of the Code of Ordinances provides the process and sets forth the procedure to be followed upon noncompliance:

*107.9 Special Tax Bills: If the work or act ordered by the director under 107.7 is not done within the time as stated in the order, and if no appeals of the order are pending, the director may certify such fact to the city council. The city council shall consider such certified facts and may order the city manager to have the work done either by city employees or bidding the work through the purchasing division. No person shall enter private property to perform such work unless the property owner or occupant has consented to the entry or unless the municipal judge has issued a warrant for the entry. The actual cost of the performance including administrative costs, shall be submitted to the owner of the property. If the charge is not paid within thirty (30) days of receipt, the city manager shall certify the actual cost of performance, including administrative costs to the director of finance, who shall cause a special tax bill against the property to be prepared and collected. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. If any installment is not paid when due, the balance of the tax bill shall be then due and payable in full, together with all accrued interest. The tax bill from date of issuance shall be a personal debt against the property owner and shall also be a lien on the property until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of ten (10) percent per annum for the first two (2) years and twelve (12) percent per annum thereafter.*


***A copy of this order shall be mailed, via certified mail, return receipt requested, and by regular U.S. Mail, to:***

***Gertrude Robinson (Estate)  
c/o Charliss Taylor  
Columbia, Missouri 65201***

***All Parties of Interest***

***By posting a copy of the director's findings of fact and order, upon the affected property.***

***SO ORDERED on this 27th day of April, 2016.***



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***Timothy Teddy, Community Development Director, Administrative Hearing Officer***