

**To:** Builder's Advisory Board  
**From:** Randall Fryar Chief Building Official  
**Date:** June 04, 2024  
**Subject:** Property at 10901 SE 29<sup>th</sup> Street has been declared uninhabitable.

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**Executive Summary:** The property at 10901 SE 29<sup>th</sup> Street is designated as an EPA/DEQ Superfund site, and due to the current investigation, we are unable to determine whether any use of the land is permitted because of soil and groundwater contamination. The city has prohibited any use of the property, including determining that any structures on the property are uninhabitable until we receive the final decision from the EPA/DEQ.

Additionally, currently, the site is zoned for industrial use (I-2) and residential uses are prohibited.

**Date of Hearing:** Builder's Advisory Board

**Council Ward:** Ward 6, Rick Favors

**Owner:** Matthew Salmon

**Zoning District:**  
Subject Site- I-2, Moderate Industrial District

**Land Use:**  
Eagle Industries (abandoned); Single-family residence

**Municipal Code Citation:**  
**Section 9-29 Declaration of Uninhabitable Property.**

- a) When any building or premises has been inspected by the City and is found to be unsafe, defective, or insanitary to such an extent that it constitutes a menace to public health, a notice to that effect shall be served upon the owner or his agent specifying the required alterations or improvements to be made. If such repairs, alterations or improvements as specified in the notice are not commenced in good faith within five (5) calendar days from the date of the service of such notice and completed within a reasonable time, the Chief Building Official or Fire Marshal may declare the property as being uninhabitable and unfit for human habitation and its occupancy thereafter is prohibited.
- b) When a building has been declared uninhabitable, the occupants, if any, shall vacate immediately and the premises shall remain vacant until such time as all repairs and alterations specified in the notice above provided have been made. A warning sign shall be placed upon the premises to read as follows:



"This building has been declared uninhabitable and unfit for human habitation and it is unlawful for any person to reside in or occupy the same."

- c) Any appeal of suspension or revocation shall follow the proper process as set forth in this Chapter.

## **Staff Comments**

### **Building:**

In December 2022, we began to receive complaints from both the Police and Fire Departments that someone was living in the structure. The property owner was residing inside the commercial building illegally. The property owner was issued a temporary CO back in 2020 but has likely been living inside the building during this entire time until caught by the fire department. The property owner was caught by the Fire Marshal illegally tapping into and stealing natural gas and was told to vacate the building. One stolen vehicle was removed by the police department. A 24-hour notice for no water was given on 1/16/23, as the owner refused to vacate the building. The property owner was charged multiple times for trespassing after the building was placarded. Since that time Code Enforcement has worked on the property five times for being open and unsecured. Open and unsecured is enforced because it allows the building to become an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enable persons to resort to the building or structure for committing a nuisance or an unlawful act.

In January 2023 I spoke with Mr. Salmon and explained to him that we would not allow the water to be turned back on, because there is not an active CO at that time. And that we would not allow anyone to use the property, because of the ongoing investigation by the EPA and DEQ. Since that time we have had multiple people contact us stating that they have leased the property from Mr. Salmon and need the utilities turned on to be able to use the building. Each time to their dismay we have educated them to the ongoing issues with the property and refused to allow services.

April 15, 2024, the water services to the house on the parcel were ended by the tenant, at that point it was determined that no new service would be granted for this building in the future. And that the property would be declared uninhabitable until we have the final decisions by the EPA

On May 14<sup>th</sup>, 2024, we mailed an official notice to the owner and also posted both structures on the property stating the city's intent to declare the property uninhabitable.

### **Fire Department Comments:**

- This location has not had an approved CO for any occupancy type that has been found in the past. For this location to be utilized the proper requirements regarding its use shall be conformed to.
  - o If the occupancy type is required, a fire suppression system shall be installed in accordance with NFPA 13.
  - o If a fire alarm and detection system is required, it shall be installed in accordance with NFPA 72.
  - o Fire extinguishers in quantity and size shall be installed and maintained in accordance with NFPA 10.
  - o All exit and egress paths shall be reviewed during plan submittal for proper sizing and accessibility.

- If any commercial cooking applications are to be installed, these items shall be plan reviewed and designed with consideration for a hood suppression system and proper hood ventilation.
  - Fire hydrant locations, size, type and quantity shall be verified from an engineered site plan for approval.
  - Fire department access roads shall be improved to meet the current weight requirements for commercial occupancies. This includes improvements to the drive leading to the ancillary structure on the North end of the structure.
  - Facility will have to conform to any other specific requirements as outlined by the International Fire Code. These requirements can not be determined until an occupancy type has been submitted for review by the property owner.
- **Planning:**
  - In October 1988, City Council approved an ordinance rezoning the subject property from R-1-D (Single-Family Detached Residential) to I-2 (Moderate Industrial). See City of Midwest City ordinances 2307 and 2309. The staff report (PC-1050) indicates the applicant intended to “construct a building to be utilized by Eagle Industries” and to remove all other buildings “except for the existing dwelling located in the southeast corner of the area of request which is to be converted to future office facilities.” The current zoning does not allow for any residential uses, and the project file from the rezoning of this site affirms that residential uses were not intended to be allowed.

**Action Required:**

Confirm or overrule the Chief Building Officials' decision concerning the property.

Respectfully  
Randall J Fryar  
Chief Building Official