



July 31, 2023

BPH 1 LLC/Ideal Property Investments  
323 N Washington Ave 200  
Minneapolis MN 55401-1314

BPH 1 LLC  
PO Box 127  
Levittown NY 11756-0127

Wilmington Trust, NA  
1100 N Market St  
Wilmington DE 19890

Dominique Bergeron  
693 Western Ave N #1  
St Paul MN 55103

## Order to Abate Nuisance Building(s)

Dear Responsible or Interested Party:

**The Vacant/Nuisance Buildings Unit, Department of the Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:**

**1726 4TH ST E**

With the following Historic Preservation information: NONE

**and legally described as follows, to wit:**

HEINEMANN SHIRK & STIERLES SUB LOT 14 BLK 2

**to comprise a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 45.02, and subject to demolition under authority of Chapter 45.11.**

On July 26, 2023, a Building Deficiency Inspection Report was compiled and the following conditions were observed.

**This list of deficiencies is not necessarily all the deficiencies present at this time. This building(s) is subject to the restrictions of Saint Paul Ordinance Chapter 33.03 and shall not again be used for occupancy until such time as a Certificate of Compliance or a Certificate of Occupancy has been issued. All repairs must be in accordance with appropriate codes. Changes or additions to the electrical system, mechanical system, or the plumbing system may necessitate updating or upgrading the systems involved.**

This is a two story, wood frame, duplex with an accessory woodshed.

The following is excerpted from August 12, 2021, Code Compliance Report:

**BUILDING:**

1. Remove mold, mildew and moldy or water damaged materials.
2. Install floor covering in bathroom and kitchen that is impervious to water.
3. Repair walls, ceiling, and floors throughout, as necessary.
4. Prepare and paint interior and exterior as necessary. Observe necessary abatement procedures (EPA, MPCA and St. Paul Legislative Code, Chapter 34 for additional information) if lead base paint is present.
5. Any framing members that required repair or do not meet code (where wall and ceiling covering is removed, members that are over-spanned, over-spaced, not being carried properly, door and window openings that are not adequately supported, etc.) are to be reconstructed in an approved manner.
6. Where wall and ceiling covering is removed install full thickness or code-specified insulation.
7. Air-seal and insulate attic/access door.
8. Install Smoke Detectors/Carbon Monoxide Detectors per MN Conservation Code and the MN Dept. of Labor and Industry: Install per code where feasible.
9. Provide major clean-up of premises.
10. Install water-proof enclosure in shower area.
11. Verify proper venting of bath exhaust fan to exterior.
12. Provide adequate access, ventilation, and clearance in crawl space area.
13. Provide weather sealed, air sealed and vermin sealed exterior.
14. Replace or repair landing and stairway per code.
15. Repair siding, soffit, fascia, trim, etc. as necessary.
16. Install downspouts and a complete gutter system.
17. Repair chimney in an approved manner.
18. Remove storage building from rear of property.
19. Remove awning from east side of property.
20. Provide an adequate, code approved accessible route into the building.
21. Remove skirt from front porch area to verify proper insulation at front room. Front room added without permits or inspection.
22. Install handrails (34 inches - 38 inches above each nosing) and guardrails (36 inch minimum) at all stairways, and return handrail ends into a newel post or wall per attachment.
23. Repair or replace any deteriorated window sash, broken glass, sash holders, re-putty, etc as necessary.
24. Provide complete storms and screens, in good repair for all door and window openings.
25. Provide functional hardware at all doors and windows.
26. Exit doors shall be capable of being opened from the inside, easily and without the use of a key. Remove all surface bolts.
27. Repair or replace damaged doors and frames as necessary, including storm doors.

28. Weather seal exterior doors, threshold, and weather-stripping.
29. A building permit is required to correct the above deficiencies. All work is to be done in a workmanship like manner.

**ELECTRICAL:**

1. Illegally upgraded service panel. Wire and ground to current NEC.
2. Properly support/wire exterior luminaire (light fixture) at entry door.
3. Remove and/or rewire all illegal, improper, or hazardous wiring to current NEC.
4. Replace electrical service panel due to excessive corrosion. Including mast and meter socket.
5. Repair damaged electrical due to vandalism to current NEC.
6. Properly wire furnace to current NEC.
7. Ensure/rewire all electrical associated with NM cables to current NEC. An electrical permit was never purchased for that wiring.
8. No power at time of inspection. Test all electrical outlets and ensure all luminaires (light fixtures) are working properly when power is restored.
9. Repair the electrical service grounding conductor to the metallic water piping system. Install a conductor sized to Table 250.66 (NEC) from the electrical service to within 5' of the entrance point of the water service, and bond around the water meter.
10. Properly strap and support cables and/or conduits.
11. Remove all cord wiring used as a substitute for fixed wiring.
12. Repair or replace all broken, painted over, corroded, missing or loose receptacles, luminaires (light fixtures), switches, covers and plates to current code.
13. Check all receptacles for proper polarity (including 2-prong) and verify ground on 3-prong receptacles. Ensure all GFCI receptacles are functioning properly. Rewire and/or replace receptacles that are improperly wired or not functioning properly.
14. Install hard-wired smoke detector as specified in Chapter 58 of the Saint Paul Legislative Code, and other smoke detectors and carbon monoxide detectors as required by the Minnesota State Building Code.
15. All electrical work must be done by a Minnesota-licensed electrical contractor under an electrical permit.

**PLUMBING:**

1. Basement -Unable to access basement. All plumbing shall meet the minimum requirements of the Minnesota Uniform Plumbing Code, Chapter 4714.
2. First Floor -Gas Piping - Install an approved shut off; connector and gas piping for the range.
3. First Floor -Sink - Install a proper fixture vent to code.
4. First Floor -Sink - Install the waste piping to code.
5. First Floor -Toilet Facilities - Install a proper flanged fixture connection on a firm base.
6. First Floor -Tub and Shower - Replace the waste and overflow.
7. Second Floor Lavatory - Install a proper fixture vent to code.
8. Second Floor -Lavatory - Install the waste piping to code.

9. Second Floor -Toilet Facilities - Install a proper flanged fixture connection on a firm base.
10. Second Floor -Tub and Shower - Provide a code compliant faucet with the proper air gap.
11. Second Floor -Tub and Shower - Replace the waste and overflow.
12. All the above corrections to waste, vent, water, and gas piping shall be per the Minnesota Plumbing Code Chapter 4714, Minnesota Rules Chapter 326, 4716, 1300, the Minnesota Mechanical Code, the Minnesota Fuel Gas Code, and Saint Paul Regional Water Services Water Code. All plumbing must be done by a plumbing contractor licensed in the State of Minnesota and the City of St. Paul by a plumber licensed in the State of Minnesota who also possess a City of Saint Paul Competency Card and after obtaining an approved City of Saint Paul Plumbing Permit.

**MECHANICAL:**

1. Install approved level handle manual gas shutoff valve on furnace/boiler and remove unapproved valve.
2. Install approved automatic gas valve for furnace/boiler.
3. Install approved lever handle manual building shutoff gas valve in an accessible location ahead of the first branch tee.
4. Clean and Orsat test furnace/boiler burner. Check all controls for proper operation. Check furnace heat exchanger for leak; provide documentation from a licensed contractor that the heating unit is safe.
5. Vent clothes dryer to code.
6. Provide adequate combustion air and support duct to code.
7. Provide support for gas lines to code.
8. Plug, cap and/or remove all disconnected gas lines.
9. Bathrooms require a means to ventilate the space. Provide a window with an aggregate glazing area of not less than 3 square feet, one half of which must be operable. Alternative is a bath fan properly vented to the outside. All kitchen exhaust must be venting to exterior. A mechanical ventilation permit will be required for the bath fan and/or kitchen exhaust.
10. Provide all supply and return ducts for warm air heating system must be clean before final approval for occupancy. Documentation is required from a licensed duct-cleaning contractor that the duct system has been cleaned.
11. Repair and/or replace heating registers as necessary.
12. Provide heat in every habitable room and bathrooms.
13. Mechanical permits are required for the above work.

As owner, agent, or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **August 30 2023**, the Department of Safety and Inspections, Division of Code Enforcement, will begin a substantial abatement process to demolish and remove the building(s). The costs of this action, including administrative costs and demolition costs will be assessed against the property taxes as a special assessment in accordance with law.

As first remedial action, a Code Compliance Inspection Report must be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989. This inspection will identify specific defects, necessary repairs, and legal requirements to correct this nuisance condition. You may also be required to post a five thousand dollars (\$5,000.00) performance deposit with the Department of Safety and Inspections before any permits are issued, except for a demolition permit. Call the Department of Safety and Inspections for more information at 651-266-8989.

If this building is located in a historic district or site (noted on page 1, above, just below the property address) then you must contact Heritage Preservation (HPC) staff to discuss your proposal for the repairs required by this order and compliance with preservation guidelines. Copies of the guidelines and design review application and forms are available from the Department of Safety and Inspections web site (see letterhead) and from the HPC staff. No permits will be issued without HPC review and approval. HPC staff also can be reached by calling 651-266-9078.

As an owner or responsible party, you are required by law to provide full and complete disclosure of this "Order to Abate" to all interested parties, all present or subsequent renters and any subsequent owners. The property shall not be sold, transferred, or conveyed in any manner until the Nuisance Conditions have been abated and the Certificate of Code Compliance or Certificate of Occupancy has been issued.

The Enforcement Officer is required by law to post a placard on this property which declares it to be a "nuisance condition", subject to demolition and removal by the City. This placard shall not be removed without the written authority of the Department of Safety and Inspections, Division of Code Enforcement. The department is further required to file a copy of this "Order to Abate" with the City Clerk's Office.

If corrective action is not taken within the time specified in this order, the Enforcement Officer will notify the City Council that abatement action is necessary. The City Clerk will then schedule dates for Public Hearings before the City Council at which time testimony will be heard from interested parties. After this hearing the City Council will adopt a resolution stating what action if any, it deems appropriate.

If the resolution calls for abatement action the Council may either order the City to take the abatement action or fix a time within which this nuisance must be abated in accordance with the provisions of Chapter 33 of the Saint Paul Legislative Code and provide that if corrective action is not taken within the specified time, the City shall abate this nuisance. The costs of this action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

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If you have any questions or request additional information, please contact **Joe Yannarely** at **651-266-1920**, or you may leave a voicemail message.

Sincerely,

***Joe Yannarely***

Vacant Buildings Enforcement Inspector