

SAD 15-57
RLH ~~15-57~~



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 23 2015

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 794017)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>August 4, 2015</u>
Time 7:00 a.m. <u>11:00 a.m.</u>
Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 2215 William Tell City: St. Paul State: MN Zip: 55119

Appellant/Applicant: James Smith Email smith2jamschool@gmail.com

Phone Numbers: Business 715-410-1700 Residence 715-410-1700 Cell 715-410-1700

Signature: [Signature] Date: 23 July 15

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Please see attached.

was not clear or proper notice to take care

July 23, 2015

On October 10, 2014, the City of St. Paul sent a Fire Inspection Correction Notice, which stated that to renew the property's Fire Certificate of Occupancy, a list of 17 items would need to be corrected (see attached). The notice stated that the items would need to be corrected prior to the re-inspection date of November 13, 2014 and that failure to comply *may* result in revocation of the Fire Certificate of Occupancy. The notice further stated that no building shall be occupied without the certificate. The notice did not, however, identify which, among the list of 17 items, might warrant revocation, and it did not explain why failure to correct those items could result in revocation.

On November 14, 2014, the City of St. Paul sent a Revocation of Fire Certificate of Occupancy and Order to Vacate. The order identified the same list of items to be corrected and stated that it had become necessary to revoke the Certificate of Occupancy for failure to comply with the applicable requirements. Again, the order did not identify the items that warranted revocation or the reasons why failure to correct them had resulted in revocation. The order provided an appeal provision, and when I filed an appeal application, I was told the time for filing an appeal had expired.

We take the City's concerns seriously and want to resolve them. We are committed to complying with the City's legislative code and other applicable regulations. We were not, however, given any extension to make the corrections, some of which were difficult to complete during the winter, particularly work on the garage. Further, the gap in the driveway pavement where the garage door closes (an item listed for correction) is a condition that existed when I bought the property and had not previously been identified as a compliance issue.

To our knowledge, the items identified for correction were substantially completed more than five months ago. Since then, we have requested a re-inspection but no re-inspection has been made. Instead, a Registered Vacant Building Notice was posted on the front door on approximately July 17.

It is unclear to us why the house has been registered as vacant. Mikelynn Mertica moved into the house in May and lives there with her three children, the youngest of whom is 7 years old. She has been told that the house will be boarded while she is living there, and a Summary Abatement Order directing us to board the property was posted at the house.

We do not believe that any of the items listed in the City's notifications warrant action to register the house as vacant or justify condemning the property. None of the items, individually or cumulatively, appear to render the house a hazard to the health, safety, or welfare of the occupants or to the public. We do not believe that the property is dangerous or unfit for occupancy, or that the items listed for correction rise to the level of material endangerment. We do not believe that the City, in stating that failure to fix all 17 items within the 35 days given *may* result in revocation of the Fire Certificate of Occupancy, has provided clear reasons or a reasonable basis for the determinations made.

We request the opportunity to work with someone at the City who can help us resolve these issues. In 2014, we had significant financial and health difficulties but tried, to the best of our ability, to work cooperatively on fixing the items listed in the City's notice.

We appreciate the opportunity to file this appeal and to be heard in this matter.

Sincerely,

Jamie and Molly Smith

NOTICE

REGISTERED VACANT BUILDING

THE CITY OF SAINT PAUL, DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE ENFORCEMENT HAS REGISTERED THE PREMISES LOCATED AT:

2215 WILLIAM TELL RD

AS A VACANT BUILDING IN ACCORDANCE WITH SAINT PAUL LEGISLATIVE CODE, CHAPTER 43, THIS BUILDING SHALL NOT BE SOLD OR OCCUPIED WITHOUT FIRST RECEIVING WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL, DEPARTMENT OF SAFETY AND INSPECTIONS. ANY PERSON HAVING OWNERSHIP RESPONSIBILITY OR FINANCIAL INTEREST IN THIS PREMISES SHOULD CALL THE ENFORCEMENT OFFICER.

CITY OF SAINT PAUL
DSI - CODE ENFORCEMENT
375 JACKSON STREET, SUITE 220
SAINT PAUL, MN 55101-1806
PHONE: (651) 266-8989

THIS NOTICE SHALL NOT BE REMOVED WITHOUT
AUTHORIZATION FROM THE DIVISION OF CODE
ENFORCEMENT

266.1945

Rich Singerhouse

Office Phone: (651)

ENFORCEMENT OFFICER

DATE POSTED

Yog hais das koj hais hui Hmoob thab koj tsis to tshab tsab ntauv no. hu rau tus exhais lus ntauwm (651) 266-8989. Nws yog pub dawb zwth
Si omdad habula el Español y no entienda esta nota, llaman (651) 266-8989 para un traductor. No costo.



CITY OF SAINT PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 DIVISION OF CODE ENFORCEMENT
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101-1806

July 14, 2015

15 - 000790

SUMMARY ABATEMENT ORDER

331

- Yog tias koj tsis to taub tsab ntawv no, hu rau (651) 266-8989. Peb mam nhriav ib tug Hmoob los pab txhais Nws yuav pab dawb xwb.
- Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

James R Smith/Molly Smith
 2160 State Road 35
 Somerset WI 54025-7422

Occupant
 2215 WILLIAM TELL ROAD
 St. Paul, MN 55119-5643

US Bank Nat Assoc As Trustee
 P O Box 65250
 Salt Lake City UT 84165-0250

As owner or person(s) responsible for: **2215 WILLIAM TELL ROAD** you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

- Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas.
- Cut and remove tall grass, weeds and rank plant growth.
- Remove and properly dispose of all animal feces from yard areas.
- IMMEDIATELY secure all buildings which are open to unauthorized entry, including: BOARD OVER ALL FIRST FLOOR DOORS AND WINDOWS**
- Other:

If you do not correct the nuisance or file an appeal before **July 25, 2015**, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes. Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260.00 per hour plus expenses for abatement.

You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION

Issued by: Rich Singerhouse Badge Number 331 Phone Number 651-266-1945
If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Appeals: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310, City Hall, St. Paul, MN 55102. The telephone number is (651) 266-8585. You must submit a copy of this Correction Order with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

November 13, 2014

JAMES R SMITH
MOLLY SMITH
2160 STATE ROAD 35
SOMERSET WI 54025-7422

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

I CERTIFY THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL

DATE 7/17/2015 SIGNED Mari Notarini

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 2215 WILLIAM TELL ROAD
Ref. # 116804

Dear Property Representative:

Your building was inspected on November 13, 2014, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on December 1, 2014 at 2:30pm or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Basement - Center bedroom - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.-
2. Basement - Center bedroom - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-Repair the bedroom door handle that was loose.
3. Basement - Center room - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-The closet doors were off and leaning up against the wall.

4. Basement - North west bedroom - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.-There is a broken outlet in the bedroom.
5. Basement - North west bedroom - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-The closet doors were broken.
6. Exterior - Driveway in front of overhead doors - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090.-The pad in front of the overhead door is sinking and leaving a large gap underneath the overhead garage door.
7. Exterior - Garage - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.-The left side of the gutter on the two car stall is falling off and needs to be refastened.
8. First floor - Hallway - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.-
9. First floor - Master bedroom closet - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.-
10. First floor - Master bedroom next to sliding door - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.
11. First floor - Kitchen - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.- Remove the flexible drain pipe from under the kitchen sink.
12. Garage - Multiple locations - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-
13. Garage - Overhead doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-The bottom panel on both overhead doors are deteriorating.
14. Garage - Single car side - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-
15. Interior - Throughout - SPLC 34.19 - Provide access to the inspector to all areas of the building for a certificate of occupancy inspection.-

16. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.

17. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: george.niemeyer@ci.stpaul.mn.us or call me at 651-266-8991 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

George Niemeyer
Fire Inspector

Ref. # 116804



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

October 10, 2014

JAMES R SMITH
MOLLY SMITH
2160 STATE ROAD 35
SOMERSET WI 54025-7422

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

I CERTIFY THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL

DATE 1/17/2015 SIGNED Marie Yotter

FIRE INSPECTION CORRECTION NOTICE

RE: 2215 WILLIAM TELL ROAD
Ref. #116804
Residential Class: C

Dear Property Representative:

Your building was inspected on October 10, 2014 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date.

A re-inspection will be made on November 13, 2014 at 2:00pm.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

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-The closet doors were off and leaning up against the wall.
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Sincerely,

George Niemeyer
Fire Inspector

Reference Number 116804