



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JAN 22 2016

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 waived - SMRLS 651-222-5863)
 - 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>Jan. 26</u>	
Time <u>11:30 am</u>	
Location of Hearing:	
Room 330 City Hall/Courthouse	

Address Being Appealed:

Number & Street: 287 Page St. East City: St. Paul State: MN Zip: 55107

Appellant/Applicant: Alicia Garcia (Attorney: Paul Ziezulowicz) Email paul.ziezulowicz@smrls.org

Phone Numbers: Business 651-894-6914 Residence _____ Cell NA

Signature: [Signature] Date: 1-22-16

Name of Owner (if other than Appellant): Bill Bernier

Mailing Address if Not Appellant's: 846 3rd Avenue South. South St. Paul, MN 55075

Phon _____ Residence _____ Cell _____

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Phone: (651) 222-5863 | Fax: (651) 297-6457
55 East Fifth Street, Suite 400 | Saint Paul, MN 55101
paul.ziezulowicz@smrls.org | Website: www.smrls.org

SMRLS
SOUTHERN MINNESOTA
REGIONAL LEGAL SERVICES
Paul Ziezulowicz
Attorney at Law

Appealed and Why? Attachments Are Acceptable

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 ance, etc.)

We believe the majority of repairs will be completed. We believe the problems in the correction notice do not warrant this family having to vacate on 2/1/16. We ask that the filing fee be waived as the family is indigent and represented by SMRLS.



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

January 20, 2016

BILL BERNIER
846 3RD AVE S
SOUTH ST PAUL MN 55075-3007

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 287 PAGE ST E
Ref. # 113474

Dear Property Representative:

Your building was inspected on January 19, 2016, 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 re-inspection will be made on February 1, 2016 at 12:00 pm 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. Interior - Throughout - 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.-
2. Lower unit - Snow blower - MSFC 315.2.5 - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building.-Snow blower was being stored in the entry area for the lower unit.
3. Lower unit - Hallway - 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 smoke detector in the lower unit hallway was hanging from the wires.

4. Lower unit - Kitchen - SPLC 34.11(4), 34.34(1) SPC 4715.0200A - Provide an adequate water supply to all water closets, sinks, showers and tubs.-The lower unit kitchen had very low water pressure.
5. Lower unit - Living room - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.-
6. Lower unit - Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Multiple extension cords throughout the lower unit.
7. Upper unit - Kitchen entry - SPLC 34.09 (3) i - Repair and maintain an approved one-inch throw single cylinder deadbolt lock.-The dead bolt would not operate, and the strike plate was loose.
8. Upper unit - North West bedroom - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.-
9. Upper unit - Bathroom - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner.
10. Upper unit - Bedroom by kitchen - Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-
11. Upper unit - Bedroom by kitchen - 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.-There was an empty smoke detector bracket in the bedroom.
12. Upper unit - Kitchen - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-The refrigerator was being powered by an extension cord.
13. Upper unit - Kitchen - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.-The refrigerator was being powered by an extension cord.
14. Upper unit - Kitchen - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner.-The counter top in the upper unit kitchen was falling apart.
15. Upper unit - Kitchen screen door - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-The handle to the kitchen screen door was broken.
16. Upper unit - Overcrowding - SPLC 34.13 (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the sleeping rooms to: 0 in the south bedroom. Room is only 63 square feet, and is occupied by 2 minors.-The south west bedroom measured: 180 square feet, and was occupied by 3 people. The North West bedroom measured: 120 square feet and was occupied by 1 person. The east bedroom measured: 115 square feet and was occupied by 2 people.

17. Zoning - Illegal use - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue: use as an illegal duplex.-Building is being used as an illegal duplex without approval from zoning.
18. 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.
19. 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.

****NOTE: In accordance with Harassment Restraining Order 62-HR-CV-15-343, you are currently prohibited from having direct or indirect contact with any employee of the Department of Safety and Inspections. This includes, but is not limited to visits, phone calls, contact via electronic means such as email or social networking sites and threats or assaultive behavior.**

In addition, you were recently sentenced for Felony Terroristic Threats under File 62-CR-15-5281. In addition to other provisions of your sentence, the NCO and Stay Away Orders issued in connection with that case prohibit you from going to 375 Jackson Street in the City of St. Paul.

You must arrange for a third party to meet the inspector and address any issues at 287 Page street East.

Sincerely,

George Niemeyer
Fire Inspector

Ref. # 113474