

RLH FCO 19-56

MAY 16 2019

CITY CLERK

# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

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 820665)
  - 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

<p><b>HEARING DATE &amp; TIME</b>          (provided by Legislative Hearing Office)          Tuesday, <u>MAY 28, 2019</u>          Time <u>1:30</u>          Location of Hearing:          Room 330 City Hall/Courthouse</p>
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### Address Being Appealed:

Number & Street: 1151 Marion St City: St Paul State: MN Zip: 55117

Appellant/Applicant: Chris Cadem Email: andersoc13@hotmail.com

Phone Numbers: Business 218-739-4357 Residence 1005 Pebble Lake Road, Fergus Falls, 56537 Cell \_\_\_\_\_

Signature: \_\_\_\_\_ Date: 05/09/2019

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.)

**Comments:**

The fire inspector is requiring repairs and maintenance not required by St. Paul city code. The fire inspector is enforcing city code in a discriminatory manner and in a manner that violates equal protection. The city code as it applies to the issues identified in # 2, 3, 5, and 6 do not reasonably relate to health and safety and are therefore unconstitutional. The city code conflicts with State Building Code and is therefore unenforceable. The city building code is void for vagueness. The enforcement of the codes exceeds the scope and authority of the office of the fire inspector.

DEPARTMENT OF SAFETY AND INSPECTIONS  
Fire Inspections Division*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

May 2, 2019

CHRISTOPHER J CADEM  
27890 LITTLE PLEASANT DR  
UNDERWOOD MN 56586RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES  
1151 MARION ST

Ref. # 107022

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on April 26, 2019. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately.

**A reinspection will be made on May 23, 2019 at 2:30 PM.**

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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

## DEFICIENCY LIST

1. Exterior - Back Yard - MSFC 307.1 - All fires on the ground must be a minimum of 25 feet from structures or contained in a grill or outdoor fireplace. Wind speeds must be under 10 mph, constantly attended, a means of extinguishment must be provided. Only natural firewood can be burned (no construction materials, brush or waste materials), and fire shall be extinguished if the smoke is deemed a nuisance. A citation will be issued for non-compliance. -Discontinue burning construction wood and remove the fire pit. The yard is too small to have the fire pit.
2. Exterior - Fence - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements. -The front fence has been damaged and has broken pickets. The surface of the railings is worn and unprotected from the elements.

3. Exterior - Guardrails - SPLC 34.09 (3), 34.33(2) - Repair or replace the damaged guardrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-8989.-Finish painting the front guardrail.
4. Exterior - Stairs & Steps - SPLC 34.09 (3), 34.33(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-8989.  
On the backside of the back stairs, there is a broken support cross-bar.  
The front concrete steps are damaged with a chunk broken off.
5. Exterior - Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -There is one window on the South side of the house that was not repaired and painted.
6. Unit 2 - Smoke Alarms - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area. -An expired smoke alarm has been installed. Provide a new hard-wired smoke alarm. Documentation is required.

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 the original orders.

If you have any questions, email me at [Efrayn.Franquiz@ci.stpaul.mn.us](mailto:Efrayn.Franquiz@ci.stpaul.mn.us) or call me at 651-266-8955 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz  
Fire Safety Inspector  
Ref. # 107022

Attached you will find the Application for Appeal as discussed by telephone. I have also attached a copy of the envelope that was returned to our office with the attached documents and payment for the Appeal. If you have any questions or concerns, please contact our office.

Hannah Sterzinger  
Senior Legal Assistant

1005 Pebble Lake Rd.

Suite 209

Fergus Falls, MN 56537

TEL: 218.739.4357

FAX: 218.736.3411

**OF CADDEM**  
**LAW GROUP**  
 1005 Rebble Lake Road, Suite 209  
 Rogers Falls, MN 56537

Legislative Hearing  
 15 Kellogg Boulevard W, 310 City Hall  
 St Paul, MN 55102

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