



APPLICATION FOR APPEAL

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CITY CLERK

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Saint Paul, Minnesota 55102
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The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

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| Date and Time of Hearing: |
| Tuesday, <u>May 17, 2011</u> |
| Time <u>1:30 p.m.</u> |
| Location of Hearing: |
| Room 330 City Hall/Courthouse <u>WALKIN</u> |

Appellant/Applicant: David Morissette / Jeannette Morissette

Address: 1539 Birmingham St. City: St. Paul State: MN Zip: 55109

Phone Numbers: Business _____ Residence 651-710-7189 Cellular 651-263-1793

Signature: David Morissette Date: 4/27/11

Name of Owner (if other than Appellant): David Morissette /

Address: 1601 22nd St. Court N. City: Oakdale State: MN Zip: 55128

Phone Numbers: Business _____ Residence 651-710-7189 Cellular 651-263-1793

State specifically what is being appealed and why (use an attachment if necessary):

I am appealing item 3 on the attached April 18, 2011 Fire Inspection Correction Notice. The dryer exhaust ducts are 4" and are constructed of smooth metal. There are no transition ducts as referenced in the Minnesota Mechanical Code (attached) and therefore labeling is not required. Per Code 504.2 the exhaust penetration goes through an outside building wall which is not required to be fire resistant therefore construction of galvanized steel is not required.

NOTE: Any person unsatisfied by the final decision of the City Council may obtain judicial review by timely filing an action as provided by law in District Court or Court of Appeals

Fee Received: 25.00 Receipt Number: 517567



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

April 18, 2011

DAVID MORISETTE
JEAN MORISETTE
7601 -- 22ND ST COURT N
OAKDALE MN 55128-5308

FIRE INSPECTION CORRECTION NOTICE

RE: 1539 BIRMINGHAM ST
Ref. #105555
Residential Class: C

Dear Property Representative:

Your building was inspected on March 23, 2011 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 May 16, 2011 at 11:00 A.M.

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

1. 1539 - NFPA - 58 -8.3.5. - STORAGE WITHIN RESIDENTIAL BUILDINGS. Storage of cylinders within a residential building , including the basement or any storage area in a common basement storage area in multiple family buildings and ATTACHED GARAGES, shall be limited cylinders each with maximum water capacity of 2.7lb (1.2kg) and shall not exceed 5.4lb (2.4kg) aggregate water capacity for smaller cylinders per each living space unit.-Remove propane tanks from garage.
2. 1539 - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.- Garage entry door to apartment.

An Equal Opportunity Employer

3. 1539 - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work will require a permit(s). Call DSI at (651) 266-8989.-the dryer duct is not the code required duct. No label.
4. 1539 - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.-Rear exit door
5. 1539 - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort. Remove the keyed chain lock.
6. 1539 - MSFC MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.-Front entry door
7. 1541 - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. Remove dresser and or bed that prevent escape through escape window.- Bedroom South West Side.
8. 1541 - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.-Rear exit door.
9. 1541 - MSFC MSFC 1003.3.1.8 - The maximum number of locks on unit doors is two. Remove all locks in excess of two.-Front entry door.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas
Fire Inspector

Reference Number 105555

DESIGN WORKING PRESSURE. The maximum allowable working pressure for which a specific part of a system is designed.

DIRECT REFRIGERATION SYSTEM. A system in which the evaporator or condenser of the refrigerating system is in direct contact with the air or other substances to be cooled or heated.

DIRECT-VENT APPLIANCES. Appliances that are constructed and installed so that all air for combustion is derived from the outdoor atmosphere and all flue gases are discharged to the outdoor atmosphere.

DRAFT. The pressure difference existing between the appliance or any component part and the atmosphere, that causes a continuous flow of air and products of combustion through the gas passages of the appliance to the atmosphere.

Induced draft. The pressure difference created by the action of a fan, blower or ejector, that is located between the appliance and the chimney or vent termination.

Natural draft. The pressure difference created by a vent or chimney because of its height, and the temperature difference between the flue gases and the atmosphere.

DRIP. The container placed at a low point in a system of piping to collect condensate and from which the condensate is removable.

DRY CLEANING SYSTEMS. Dry cleaning plants or systems are classified as follows:

Type I. Those systems using Class I flammable liquid solvents having a flash point below 100°F (38°C).

Type II. Those systems using Class II combustible liquid solvents having a flash point at or above 100°F (38°C) and below 140°F (60°C).

Type III. Those systems using Class III combustible liquid solvents having a flash point at or above 140°F (60°C).

Types IV and V. Those systems using Class IV nonflammable liquid solvents.

DUCT. A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

DUCT FURNACE. A warm-air furnace normally installed in an air distribution duct to supply warm air for heating. This definition shall apply only to a warm-air heating appliance that, for air circulation, depends on a blower not furnished as part of the furnace.

DUCT SYSTEM. A continuous passageway for the transmission of air that, in addition to ducts, includes duct fittings, dampers, plenums, fans and accessory air-handling equipment and appliances.

DWELLING. A building or portion thereof that contains not more than two dwelling units.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ELECTRIC HEATING APPLIANCE. An appliance that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors or dissimilar material junctions.

ENERGY RECOVERY VENTILATION SYSTEM. Systems that employ air-to-air heat exchangers to recover energy from or reject energy to exhaust air for the purpose of pre-heating, pre-cooling, humidifying or dehumidifying outdoor ventilation air prior to supplying such air to a space, either directly or as part of an HVAC system.

ENVIRONMENTAL AIR. Air that is conveyed to or from occupied areas through ducts which are not part of the heating or air-conditioning system, such as ventilation for human usage, domestic kitchen range exhaust, bathroom exhaust and domestic clothes dryer exhaust.

EQUIPMENT. All piping, ducts, vents, control devices and other components of systems other than appliances which are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

EQUIPMENT, EXISTING. Any equipment regulated by this code which was legally installed prior to the effective date of this code, or for which a permit to install has been issued.

EVAPORATIVE COOLER. A device used for reducing the sensible heat of air for cooling by the process of evaporation of water into an airstream.

EVAPORATIVE COOLING SYSTEM. The equipment and appliances intended or installed for the purpose of environmental cooling by an evaporative cooler from which the conditioned air is distributed through ducts or plenums to the conditioned area.

EVAPORATOR. That part of the system in which liquid refrigerant is vaporized to produce refrigeration.

EXCESS AIR. The amount of air provided in addition to theoretical air to achieve complete combustion of a fuel, thereby preventing the formation of dangerous products of combustion.

EXHAUST SYSTEM. An assembly of connected ducts, plenums, fittings, registers, grilles and hoods, including domestic kitchen exhaust hoods, domestic kitchen and bathroom exhaust fans, clothes dryers, central vacuums, and radon exhaust systems through which air is conducted from the space or spaces and exhausted to the outside atmosphere or an attached residential garage.

EXTRA-HEAVY-DUTY COOKING APPLIANCE. Extra-heavy-duty cooking appliances include appliances utilizing solid fuel such as wood, charcoal, briquettes, and mesquite to provide all or part of the heat source for cooking.

FAN-ASSISTED APPLIANCE. An appliance equipped with an integral mechanical means to either draw or force products of combustion through the combustion chamber or heat exchanger.

FIREPLACE. An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid fuels.

Exceptions:

1. Mechanical ventilation systems that are interlocked with a gas detection system designed in accordance with the *International Fire Code*.
2. Mechanical ventilation systems in garages that are used only for the repair of vehicles fueled by liquid fuels or odorized gases, such as CNG, where the ventilation system is electrically interlocked with the lighting circuit.

502.17 Tire rebuilding or recapping. Each room where rubber cement is used or mixed, or where flammable or combustible solvents are applied, shall be ventilated in accordance with the applicable provisions of NFPA 91.

502.17.1 Buffing machines. Each buffing machine shall be connected to a dust-collecting system that prevents the accumulation of the dust produced by the buffing process.

502.18 Specific rooms. Specific rooms, including bathrooms, locker rooms, smoking lounges and toilet rooms, shall be exhausted in accordance with the ventilation requirements of Chapter 4.

502.19 Indoor firing ranges. Ventilation shall be provided in an approved manner in areas utilized as indoor firing ranges. Ventilation shall be designed to protect employees and the public in accordance with OSHA 29 CFR 1910.1025 where applicable.

**SECTION 503
MOTORS AND FANS**

503.1 General. Motors and fans shall be sized to provide the required air movement. Motors in areas that contain flammable vapors or dusts shall be of a type approved for such environments. A manually operated remote control installed at an approved location shall be provided to shut off fans or blowers in flammable vapor or dust systems. Electrical equipment and appliances used in operations that generate explosive or flammable vapors, fumes or dusts shall be interlocked with the ventilation system so that the equipment and appliances cannot be operated unless the ventilation fans are in operation. Motors for fans used to convey flammable vapors or dusts shall be located outside the duct or shall be protected with approved shields and dustproofing. Motors and fans shall be provided with a means of access for servicing and maintenance.

503.2 Fans. Parts of fans in contact with explosive or flammable vapors, fumes or dusts shall be of nonferrous or nonsparking materials, or their casing shall be lined or constructed of such material. When the size and hardness of materials passing through a fan are capable of producing a spark, both the fan and the casing shall be of nonsparking materials. When fans are required to be spark resistant, their bearings shall not be within the airstream, and all parts of the fan shall be grounded. Fans in systems-handling materials that are capable of clogging the blades, and fans in buffing or woodworking exhaust systems, shall be of the radial-blade or tube-axial type.

503.3 Equipment and appliances identification plate. Equipment and appliances used to exhaust explosive or flammable

vapors, fumes or dusts shall bear an identification plate stating the ventilation rate for which the system was designed.

503.4 Corrosion-resistant fans. Fans located in systems conveying corrosives shall be of materials that are resistant to the corrosive or shall be coated with corrosion-resistant materials.

**SECTION 504
CLOTHES DRYER EXHAUST**

504.1 Installation. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture and any products of combustion to the outside of the building.

Exception: This section shall not apply to listed and labeled condensing (ductless) clothes dryers. The room where a listed and labeled condensing (ductless) clothes dryer is installed shall be provided with an exhaust ventilation system of 70 cfm or greater and shall have a floor drain or other approved plumbing fixture or disposal area for condensate.

504.2 Exhaust penetrations. Ducts that exhaust clothes dryers shall not penetrate or be located within any fireblocking, draftstopping or any wall, floor/ceiling or other assembly required by the *International Building Code* to be fire-resistance rated, unless such duct is constructed of galvanized steel or aluminum of the thickness specified in Section 603.4 and the fire-resistance rating is maintained in accordance with the *International Building Code*. Fire dampers, combination fire/smoke dampers and any similar devices that will obstruct the exhaust flow, shall be prohibited in clothes dryer exhaust ducts.

504.3 Cleanout. Each vertical riser shall be provided with a means for cleanout.

504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.

504.5 Makeup air. Installations exhausting more than 200 cfm (0.09 m³/s) shall be provided with makeup air. Where a closet is designed for the installation of a clothes dryer, an opening having an area of not less than 100 square inches (0.0645 m²) shall be provided in the closet enclosure.

504.6 Domestic clothes dryer ducts. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4 inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place. The male end of the duct at overlapped duct joints shall extend in the direction of airflow. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet (2438 mm) and shall

be listed and labeled for the application. Transition ducts shall not be concealed within construction.

504.6.1 Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet (7620 mm) from the dryer location to the outlet terminal. The maximum length of the duct shall be reduced 2½ feet (762 mm) for each 45 degree (0.79 rad) bend and 5 feet (1524 mm) for each 90 degree (1.6 rad) bend. The maximum length of the exhaust duct does not include the transition duct.

Exception: Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for such dryer are provided to the code official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions.

504.6.2 Rough-in required. Where a compartment or space for a domestic clothes dryer is provided, an exhaust duct system shall be installed in accordance with Sections 504.6 and 504.6.1.

504.7 Commercial clothes dryers. The installation of dryer exhaust ducts serving Type 2 clothes dryers shall comply with the appliance manufacturer's installation instructions. Exhaust fan motors installed in exhaust systems shall be located outside of the airstream. In multiple installations, the fan shall operate continuously or be interlocked to operate when any individual unit is operating. Ducts shall have a minimum clearance of 6 inches (152 mm) to combustible materials. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet (2438 mm) in length and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction.

**SECTION 505
DOMESTIC KITCHEN EXHAUST EQUIPMENT**

505.1 Domestic systems. Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwellings, the hoods and appliances shall discharge to the outdoors through ducts constructed of galvanized steel, stainless steel, aluminum, or copper. The ducts shall have smooth inner walls and shall be air tight and equipped with a backdraft damper. Domestic kitchen exhaust hoods ducted to the outdoors shall have makeup air provided according to part 1346.0501. Refer to Appendix C for Table C-1, "Recommended Capacities for Domestic Kitchen Exhaust Hoods."

Exceptions:

1. Where installed according to the manufacturer's installation instructions and where mechanical or natural ventilation is otherwise provided according to IMC Chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.
2. Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe

provided that the installation complies with all of the following:

- 2.1. The duct shall be installed under a concrete slab poured on grade.
- 2.2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.
- 2.3. The PVC duct shall extend not greater than 1 inch (25 mm) above the indoor concrete floor surface.
- 2.4. The PVC duct shall extend not greater than 1 inch (25 mm) above grade outside of the building.
- 2.5. The PVC ducts shall be primed and solvent cemented in accordance with ASTM D2564.

**SECTION 506
COMMERCIAL KITCHEN HOOD VENTILATION
SYSTEM DUCTS AND EXHAUST EQUIPMENT**

506.1 General. Commercial kitchen hood ventilation ducts and exhaust equipment shall comply with the requirements of this section. Commercial kitchen grease ducts shall be designed for the type of cooking appliance and hood served.

506.2 Corrosion protection. Ducts exposed to the outside atmosphere or subject to a corrosive environment shall be protected against corrosion in an approved manner.

506.3 Ducts serving Type I hoods. Commercial kitchen exhaust systems serving Type I hoods shall be designed, constructed, and installed in accordance with NFPA 96-2008, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

IMC Sections 506.3.1 to 506.3.12.3 are deleted and replaced with NFPA 96-2008, sections 5.1.1 and 7.5.2, with the following amendments:

5.1.1 The hood or that portion of a primary collection means designed for collecting cooking vapors and residues shall be constructed of stainless steel not less than 0.94 mm (0.037 in.) (No. 20 MSG) in thickness or other approved material of equivalent strength and fire and corrosion resistance. Refer to the Minnesota Food Code, Minnesota Rules, chapter 4626, for additional requirements for commercial kitchen hoods licensed and inspected by the Department of Agriculture, Department of Health, or local authorities that conduct inspections of food establishments.

7.5.2.1 All seams, joints, penetrations, and duct-to-hood collar connections shall have a liquid tight continuous external weld. Listed grease ducts and ducts complying with 7.5.1 through 7.5.5.5 that are installed within a concealed enclosure shall maintain an air pressure test of at least 1.0 inch water column positive pressure for a minimum of 20 minutes, unless an equivalent alternate test is specified by the building official.

506.4 Ducts serving Type II hoods. Single or combined Type II exhaust systems for food-processing operations shall be independent of all other exhaust systems. Commercial kitchen