



326

April 10, 2013

10-603939

Bank of New York Mellon
475 Cross Point Pky
Getzville NY 14068-1609

BAC Home Loans Servicing, LP
400 Countrywide Way
Simi Valley, CA 93065-6298

Order to Abate Nuisance Building(s)

Dear Sir or Madam:

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

736 EARL ST

With the following Historic Preservation information: NONE

and legally described as follows, to wit:

Terrys Addition N 45 Ft Of Lots 13 And Lot 14 Blk 10

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 March 27, 2013 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 one and one-half story, wood frame, duplex with a two-stall, detached, wood frame, garage.

The following is excerpted from the January 27, 2012 Code Compliance Report:

BUILDING

- Tuck Point interior/exterior of foundation.
- Dry out basement and eliminate source of moisture.
- Remove mold, mildew and moldy or water damaged materials.
- Weather seal basement bulk head using approved materials.
- Install 20 minute fire rated doors, with self closing device, between common areas and individual units. All penetrations required to have property intumescent device or caulk (per current building codes).
- Maintain one hour fire separation between dwelling units and between units and common areas.
- Install handrails (34 inches - 38 inches above each nosing) and guardrails (36 inch minimum) at all stairways, and return hand rail ends into a newel post or wall per attachment.
- Strap or support top of stair stringers for structural stability.
- Provide complete storms and screens, in good repair for all door and window openings.
- Provide functional hardware at all doors and windows
- Weather seal exterior doors, threshold and weather-stripping.
- Install floor covering in bathroom and kitchen that is impervious to water.
- Repair walls, ceiling and floors throughout, as necessary.
- 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.
- Provide fire block construction as necessary and seal chases in basement ceiling.
- Where wall and ceiling covering is removed install full thickness or code-specified insulation.
- Install Smoke Detectors/Carbon Monoxide Detectors per MN Conservation Code and the MN Dept. of Labor and Industry: Install per code where feasible. Second floor smoke detectors to be hardwired and interconnected.
- Provide major clean-up of premises.
- Provide proper drainage around house to direct water away from foundation of house.
- Provide proper drainage around house to direct water away from foundation of garage.
- Install downspouts and a complete gutter system on east side of garage.
- Replace garage roof covering and vents to code.
- Provide general rehabilitation of garage.
- Install address numbers visible from street and on the alley side of garage.
- Provide ground cover capable of controlling sediment and erosion.
- Review all applicable codes & policies when replacing windows including egress windows for sleeping rooms.
- Openings in stair risers must be less than 4 inches.
- Grade must drain away from foundation of dwelling. Maintain 6 inch clearance between wood and soil.
- Redo grading on east side of garage, needs to have 6 inch clearance from siding and slope away from structure.

- Replace siding on southeast first floor addition after weather barrier and deck flashing are installed and inspected.
- Front porch headers not properly tied into house.
- Replace or sister floor joist on first floor north side of house that are cut or damaged.
- Remove wall covering from southeast first floor addition.
- Remove all wall covering from second floor walls and have framing inspected.
- Install step flashing on roof wall connections as required.
- Remove siding and properly install weather barrier as required with inspection before covering. Also soffits and trim.
- Rebuild rear basement outside entry to code.
- A building permit is required to correct the above deficiencies.

ELECTRICAL

- Ground the electrical service to the water service with a copper conductor within 5 feet of the entrance point of the water service
- Bond around water meter with a copper wire sized for the electrical service per Article 250 of the NEC.
- Provide a complete circuit directory at service panel indicating location and use of all circuits
- Verify/install a separate 20 ampere laundry circuit and a separate 20 ampere kitchen appliance circuit
- Close openings in service panel/junction boxes with knockout seals, breaker blanks, and/or junction box covers
- Properly strap cables and conduits in basement/ service conduit on the exterior of the house.
- Provide one (1) light for each 200 square feet in unfinished basement. One light must be switched on from the top of the stairs
- Repair or Replace all broken, missing or loose light fixtures, switches and outlets, covers and plates
- Check all outlets for proper polarity and verify ground on 3-prong outlets
- Install exterior lights at side/back entry doors
- Remove and or/ re-wire all illegal, improper or hazardous wiring in basement/garage. No access.
- Replace electrical panels in basement and second floor.
- All electrical damaged from vandalism throughout building must be replaced or repaired to 2011 NEC.
- Based on repair list purchase permit for service and all circuits.
- All added receptacles must be grounded, tamper-resistant and be on an Arc-Fault Circuit Interrupter-protected circuit.
- Any open walls or walls that are opened as part of this project must be wired to the standards of the current NEC.
- All buildings on the property must meet the St. Paul Property Maintenance Code (Bulletin 80-1).
- All electrical work must be done by a Minnesota-licensed electrical contractor under an electrical permit.

PLUMBING

- Basement - Water Meter - corroded piping; incorrect piping (MPC 0200 0.)
- Basement - Water Meter - meter is removed or not in service (MPC 4715.1700)
- Basement - Water Meter - raise meter to a minimum 12 inches above floor (MPC 2280)
- Basement - Water Meter - remove meter from pit (MPC 88.08)
- Basement - Water Meter - service valves not functional or correct (MPC 1800 Subp 3,4)
- Basement - Water Meter - support meter properly (MPC 2280)
- Basement - Water Piping - add appropriate hangers (MPC 1430 Subp. 4)
- Basement - Water Piping - improper fittings or usage (MPC 0420)
- Basement - Water Piping - improper piping or usage (MPC 0520)
- Basement - Water Piping - provide water piping to all fixtures and appliances (MPC 1700)
- Basement - Water Piping - repair or replace all corroded, broken or leaking piping (MPC 4715.1720)
- Basement - Water Piping - run 1 inch water line from meter to first major take off (SPRWS Water Code)
- Basement - Gas Piping - add appropriate metal hangers (IFGC 407.2)
- Basement - Gas Piping - replace corroded piping (IFGC 406.1.2)
- Basement - Gas Piping - run dryer vent to code (IFGC 613.1 - IMC 604.1)
- Basement - Soil and Waste Piping - add appropriate hangers (MPC 1430 Subp. 4)
- Basement - Soil and Waste Piping - improper connections, transitions, fittings or pipe usage (MPC 2420)
- Basement - Soil and Waste Piping - improper pipe supports (MPC 1430 Subp. 4)
- Basement - Soil and Waste Piping - no front sewer clean out (MPC 1000)
- Basement - Soil and Waste Piping - no soil stack base clean out
- Basement - Soil and Waste Piping - replace corroded cast iron or steel waste piping (MPC 0200)
- Basement - Soil and Waste Piping - unplugged or open piping; back pitched piping (MPC 1000)
- Basement - Laundry Tub - faucet is missing, broken or parts missing (MPC 0200. P.)
- Basement - Laundry Tub - fixture is broken or parts missing (MPC 0200 0.)
- Basement - Laundry Tub - waste incorrect (MPC 2300)
- Basement - Laundry Tub - water piping incorrect (MPC 0200 P.)
- First Floor - Sink Lavatory and Toilet - no fixtures present.
- First Floor - Gas Piping - replace improper piping or fittings (IFGC 406.1.2)
- First Floor - Lavatory - unvented (MPC 0200. E)
- First Floor - Lavatory - waste incorrect (MPC 2300)
- First Floor - Lavatory - water piping incorrect (MPC 0200 P.)
- First Floor - Sink - faucet is missing, broken or parts missing (MPC 0200.P.)
- First Floor - Sink - fixture is broken or parts missing (MPC 0200 0.)
- First Floor - Sink - incorrectly vented (MPC 2500)
- First Floor - Sink - unvented (MPC 0200. E)
- First Floor - Sink - waste incorrect (MPC 2300)
- First Floor - Toilet Facilities - unvented (MPC 0200. E)
- First Floor - Toilet Facilities - waste incorrect (MPC 2300)
- First Floor - Tub and Shower - faucet is missing, broken or parts missing (MPC 0200. P.)

- First Floor - Tub and Shower - fixture is broken or parts missing (MPC 0200 0.)
- First Floor - Tub and Shower - incorrectly vented (MPC 2500)
- First Floor - Tub and Shower - provide anti-scald valve (MPC 1380. Subp. 5)
- First Floor - Tub and Shower - waste incorrect (MPC 2300)
- Second Floor - Laundry Tub - no fixture present. Walls need to be open to verify plumbing is correctly installed.
- Second Floor - Lavatory - no fixture present.
- Second Floor - Laundry Tub - incorrectly vented (MPC 2500)
- Second Floor - Laundry Tub - waste incorrect (MPC 2300)
- Second Floor - Lavatory - incorrectly vented (MPC 2500)
- Second Floor - Lavatory - unvented (MPC 0200. E)
- Second Floor - Lavatory - waste incorrect (MPC 2300)
- Second Floor - Toilet Facilities - fixture is broken or parts missing (MPC 0200 0.)
- Second Floor - Tub and Shower - faucet is missing, broken or parts missing (MPC 0200. P.)
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- Second Floor - Tub and Shower - incorrectly vented (MPC 2500)
- Second Floor - Tub and Shower - waste incorrect (MPC 2300)
- Exterior - Lawn Hydrants - Broken or parts missing (MPC 0200 K)
- Exterior - Lawn Hydrants - Requires backflow assembly or device (MPC 2000)
- Comments: - Walls and ceilings need to be opened to verify all waste, vent and water pipe is installed per Minnesota Plumbing code.
- Obtain plumbing permits prior to commencement of work.

HEATING

- Install approved level handle manual gas shutoff valve on furnace and remove unapproved valve
- Clean and Orsat test furnace 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
- Install approved metal chimney liner
- Replace furnace flue venting to code
- Connect furnace and water heater venting into chimney liner
- Provide adequate clearance from flue vent pipe on furnace to combustible materials or provide approved shielding according to code
- Vent clothes dryer to code
- Provide adequate combustion air and support duct to code
- Provide support for gas lines to code
- Plug, cap and/or remove all disconnected gas lines
- All supply and return ducts for warm air heating system must be clean before final approval for occupancy. Provide access for inspection of inside of ducts or provide documentation from a licensed duct-cleaning contractor that the duct system has been cleaned.
- Repair and/or replace heating registers as necessary
- Provide heat in every habitable room and bathrooms

- Provide a window in the bathrooms with an aggregate glazing area of not less than 3 square feet, one-half of which must be openable or provide exhaust system vented to outside. A mechanical ventilation permit is required if an exhaust system is installed.
- Mechanical gas permit is 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 **May 10, 2013** 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 dollar (\$5,000.00) performance bond 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

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action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

If you have any questions or request additional information please contact **Dave Nelmark** between the hours of 8:00 and 9:30 a.m. at **651-266-1931**, or you may leave a voice mail message.

Sincerely,

Dave Nelmark
Vacant Buildings Enforcement Inspector

cc: Legistar Approval list and City Council

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