

RLH FCO 18.52



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

APR 09 2018

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 payable to the City of Saint Paul (if cash: receipt number ck # 1489)
 - 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, APRIL 17, 2018 Time 1:30 Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 613 Parkway Drive City: St. Paul State: MIN Zip: 55106

Appellant/Applicant: Ray Kaiser Email _____

Phone Numbers: Business _____ Residence _____ Cell 651 336 8109

Signature: [Signature] Date: 4/5/2018

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 613 Parkway Drive St. Paul MN 55106

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
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Attached deficiency list findings are being appealed as the structure is compliant with attached legislative code 34.10(3) and 34.09(4) as highlighted. SPLC 34.34(2) is not applicable to single family residential as highlighted in attachments. Furthermore property is occupied by immediate family member (Mother) for no financial compensation and has no commercial activity.

March 26, 2018

RAYMOND L KAISER
10570 GREY CLOUD ISLAND DR S
ST PAUL PARK MN 55071-1135

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
613 PARKWAY DRIVE

Ref. # 119231

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on March 26, 2018. 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 April 26, 2018 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 be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. Interior - Basement Stairs - SPLC 34.10 (3) 34.34(2) - Provide an approved guardrail. Intermediate balustrade must not be more than 6 inches apart. Intermediate rails must be provided if the height of the platform is more than 30 inches.
2. Interior - SPLC 34.09 (4) i - Repair and maintain an approved one-inch throw single cylinder deadbolt lock.-Provide deadbolt for all entry doors.

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.

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Sec. 34.04. - Pre-existing structures, buildings and modifications.

This chapter establishes minimum standards for the occupancy of all structures and buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of building equipment or facilities.

Alterations, repairs, additions or modifications that required a permit at the time of construction must have been approved in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.

(C.F. No. 05-740, § 1, 9-14-05; Ord 16-58, § 1, 1-4-17)

Sec. 34.10. - Interior structures on residential properties.

The owner of any premises regulated by this section, shall maintain the interior property in compliance with these requirements, except as otherwise provided in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

- (1) *Basements.* Every basement and crawl space shall be maintained reasonably free from dampness and free of any mold or mildew. Every basement area accessible to tenants shall have its floor paved with concrete or other durable, dustless surfacing to permit such floor to be kept in a clean and sanitary condition.
- (2) *Structural members.* The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration and shall be capable of bearing imposed loads in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- (3) *Stairs.*
 - a. Every stairwell shall be kept in a professional state of maintenance and repair, be constructed safely and be capable of supporting a load in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every stairway, porch, balcony, or deck shall have guardrails.
 - b. Every flight of stairs shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every required handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- (4) *Bathroom floors.* Every bathroom floor surface shall be kept in a professional state of maintenance and repair and be constructed and maintained substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (5) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.
- (6) *Insect and rodent harborage.* Every owner of a structure shall be responsible for the control and/or elimination of insects, rodents or other pests wherever infestation exists.
- (7) *Interior walls, floors, ceilings, woodwork and cabinets.* All interior walls, floors, ceiling, woodwork and cabinets must be maintained in a sound condition and in a professional state of maintenance and repair.

(8) *Use of paint containing lead:*

- a. No person shall apply paint or other surface-covering material containing lead equal to or greater than six-hundredths (0.06) percent by weight of the total solids contained in such paint or surface-covering material to the interior or exterior surface of any residential structure.
- b. No interior surface of any residential structure or accessory thereto shall have exposed accumulated paint or surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight, or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.

(C.F. No. 05-740, § 1, 9-14-05; Ord 16-58, § 1, 1-4-17)

Sec. 34.34. - Same—Interior standards on **nonresidential, industrial, commercial and institutional properties.**

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Structural members.* The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration and capable of bearing imposed loads in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- (2) *Stairs.* Every stairwell shall be kept in a professional state of maintenance and repair, be constructed safely and be capable of supporting a load in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every stairway, porch, balcony, or deck shall have guardrails.
- (3) *Bathroom floors.* Every toilet room and bathroom floor surface shall be kept in a professional state of maintenance and repair and be constructed and maintained substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (4) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.
- (5) *Insect and rodent harborage.* Every owner of a structure shall be responsible for the extermination of insects, rodents or other pests wherever infestation exists.
- (6) *Interior walls, etc.* Interior walls, floors and ceilings must be maintained in a sound condition and in a professional state of repair.

(C.F. No. 05-740, § 1, 9-14-05; Ord 16-58, § 1, 1-4-17)

- e. All screens shall be maintained in a professional state of maintenance and repair.
 - f. Every exterior door and its hardware shall be in sound condition and fit within its frame.
- g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- h. Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key. Exceptions to the requirements of this subsection for single-family homes and grade level duplex and townhouse units are contained in 326B.106.
- i. **Doors and door frames shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.**
- j. Patio and glider doors shall be maintained in a professional state of maintenance and repair. Patio and glider door locks incapable of repair may be substituted with a suitable device.

34.09 (4)

(C.F. No. 05-740, § 1, 9-14-05; Ord 16-58, § 1, 1-4-17)

Sec. 34.03. - Applicability and scope.

Every portion of a structure occupied or intended to be occupied for residential purposes and its premises shall comply with sections 34.01 through 34.30, and non-residential property shall comply with sections 34.01 through 34.07 and sections 34.18 through 34.36, irrespective of when such structure shall have been constructed, altered or repaired. Any alterations thereof or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with applicable sections of the Minnesota Building Code and the St. Paul Zoning Code. Nothing in this chapter shall be applicable to rest homes, convalescent homes, nursing homes or hotels, except that hotels shall meet the requirements of Chapter 407 of the Saint Paul Legislative Code.

(C.F. No. 05-740, § 1, 9-14-05; Ord 16-58, § 1, 1-4-17)

Person. An individual, firm, corporation, association or partnership.

Plumbing. "Plumbing" or "plumbing fixture" shall mean water heating facilities, water pipes, gas pipes, garbage and disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connection to water, gas, sewer or vent lines.

Plumbing code. The Minnesota State Plumbing Code, as adopted by the city under Chapter 33 of the Legislative Code.

Premises. A lot, plot or parcel of land, easement or right-of-way, including any buildings or structures thereon.

Professional state of maintenance and repair. Whenever the words "professional state of maintenance and repair" are used in this chapter, they shall mean that such maintenance and repair shall be complete and made in a reasonable and skillful manner. For example, generally plumb, level, square, sound, in line, undamaged and without marring adjacent work.

Refuse. Putrescible and nonputrescible solid waste, except body waste, and includes garbage, rubbish, ash, incinerator residue, street cleanings, and solid industrial and market wastes.

Residential structure. A "residential structure," except when classified as an institution under the building code, shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

Rest home. For purposes of this Code, a "rest home" shall be defined the same as contained in the regulations of the state board of health.

Right-of-way or public right-of-way. The area in, on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Roominghouse. Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer, any residential structure or dwelling unit which provides single room occupancy (SRO) housing, as defined in the Federal Regulations CFR 882.102, to more than four (4) unrelated individuals, or any building housing more than four (4) unrelated individuals which has any one (1) of the following characteristics shall be considered and regulated as a roominghouse:

- (a) Rental arrangements are by the rooming unit rather than the dwelling unit.
- (b) Rooming unit doors are equipped with outer locks or chains which require different

NEWS

St. Paul updates housing code to give older homes a break

By **FREDERICK MELO** | fmelo@pioneerpress.com | Pioneer Press

PUBLISHED: January 9, 2017 at 6:00 am | UPDATED: January 9, 2017 at 6:06 pm

The city of St. Paul is ripping up its approach to housing inspections, at least on paper.

Rather than demand old homes meet modern property maintenance standards, dozens of technical changes recently adopted by the St. Paul City Council indicate city inspectors must abide by statewide building and fire codes. And those codes for existing homes and rental properties defer to building standards in place at the time of construction — even if that construction is a century old.

For homeowners looking to pass inspection before renting out a house or selling a property, the code changes could add up to hefty savings — in both costs and time.

“I think it’s good for the public to know that with aging housing stock, the quality doesn’t have to always be brought up to current code, which can be virtually impossible or extremely cost prohibitive,” said Mark Lentsch, a St. Paul-based Realtor.

The council decision represents a bit of a win for the Builders Association of Minnesota, which several years ago took a legal case against the city over egress windows as far as the Minnesota Court of Appeals.

“A home that was built in 1974 must meet the 1974 code,” said Remi Stone, an executive vice president with the association. “A local government cannot force a homeowner to bring it up to a code that didn’t exist at the time the home was built. That’s not the way it works.”

The change is potentially sweet relief for landlords who have long complained that city inspectors are overzealous or inconsistent in imposing inspection standards.

For instance, [the code amendments adopted by the city council Wednesday](#) allow pre-existing driveways to be maintained as currently constructed — including gravel — unless they are being expanded.

Previously, “the driveways were required to be hard or impervious — blacktop, asphalt or concrete, take your pick,” said Robert Humphrey, a spokesman for the St. Paul Department of Safety and Inspections. “Now you can maintain them as-is as long as they’re not being expanded.”

That’s a bit of a free pass for property owners, but it’s moot when it comes to new construction, such as home additions and alterations, Humphrey said.

WHEN IMPROVEMENTS ARE REQUIRED

“Everything will go back to the historical reference to when that house was built, unless you alter that property,” Humphrey said. “If you alter the property, you have to bring it up to the current code.”

Stone, of the builders association, said that in practice, city inspectors have been adjusting inspections accordingly since her organization fought the city in court five years ago. The council vote makes it official.

“My experience with their department has been that they’re fairly consistent with enforcing the state building code, and the code that was in place ... when the building was constructed,” she said. “The city is just making sure that what’s on their books is technically consistent with the law of the state.”

The changes were also applauded by the St. Paul Area Association of Realtors, which noted that easing regulations can improve affordability.

“Homebuyers, sellers and current residents will benefit from a more straightforward application of property maintenance standards that everybody can easily understand,” the group’s president Tina Angell said in a prepared statement.

TWO LEGAL CHALLENGES

A Nov. 18 memo from DSI director Ricardo Cervantes to city council members indicated St. Paul’s written property maintenance code needed to be updated. The move was largely in reaction to two legal challenges: a Minnesota Supreme Court ruling from 2008 ([City of Morris v. Sax Investments Inc.](#)) and the Minnesota Court of Appeals ruling from 2012 ([Builders Association of Minnesota v. City of St. Paul](#)).

“These rulings have determined that municipalities cannot require existing buildings to meet local property maintenance code standards that were not in effect at the time the property was originally constructed,” Travis Bistodeau, a deputy director for the St. Paul Department of Safety and Inspections, [told council members on Wednesday](#).



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