



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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361

November 1, 2011

10-505189

E Diane Smith/Oscar T Oliver  
870 Fuller Ave  
St Paul MN 55104-4742

Malik Davis  
786 Hague Avenue  
Saint Paul MN 55104

## 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:**

**869 FULLER AVE**

With the following Historic Preservation information: NONE

**and legally described as follows, to wit:**

Milton Addition Lot 28 Blk 2

**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 October 25, 2011, 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 two story wood frame house and its two stall detached garage.

The following Deficiency List is excerpted from the March 9, 2011 Code Compliance Report.

**BUILDING**

- Insure basement cellar floor is even, is cleanable, and all holes are filled.
- Permanently secure top and bottom of support posts in an approved manner.
- 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.
- Repair or Replace any deteriorated window sash, broken glass, sash holders, re-putty, etc as necessary.
- Provide complete storms and screens, in good repair for all door and window openings.
- Provide functional hardware at all doors and windows
- Exit doors shall be capable of being opened from the inside, easily and without the use of a key. Remove all surface bolts.
- Repair or replace damaged doors and frames as necessary, including storm doors.
- 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.
- Air-seal and insulate attic/access door.
- Install Smoke Detectors/Carbon Monoxide Detectors per MN Co Conservation Code and the MN Dept. of Labor and Industry.
- Provide major clean-up of premises.
- Repair siding, soffit, fascia, trim, etc. as necessary.
- 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 rain leaders to direct drainage away from foundation.
- Install flashing in an approved manner at the intersection of the roof with walls, chimneys, and other conjoined surfaces.
- 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.
- Tuck point and repair top of chimney.
- Replace front sidewalk and steps at front door.

- Install tempered glass in first and second floor bathrooms.
- Replace basement stairs and landing.
- Remove furnace from hole in basement floor and cement in hole.
- Install tempered glass in window on stair landings at front and rear stairs to second floor.
- Install handrail and guardrail on attic stairs.
- Install guardrail, handrail and riser boards on rear second floor outside stairs.
- 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
- Verify that fuse/circuit breaker amperage matches wire size
- Close openings in service panel/junction box with knock out seals, breaker blanks and/or junction boxes
- Properly strap cables and conduits in basement/ service conduit on the exterior of the house.
- Ground bathroom light in first and second floor bathroom and disconnect receptacle on fixture
- Install globe-type enclosed light fixture on all closet lights
- Remove all cord wiring
- 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
- Remove any 3-wire ungrounded outlets and replace with 2-wire or ground 3-wire to code
- Remove and or/ re-wire all illegal, improper or hazardous wiring in basement/garage
- Replace all painted-over receptacles.
- Note: Both Units - provide ground rod.
- 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 Heater - Vent must be in chimney liner (IFGC 501.12)
- Basement - Water Heater - not fired or in service (MPC 2180)

- Basement - Soil and Waste Piping - improper connections, transitions, fittings or pipe usage (MPC 2420) tub drain
- Basement - Soil and Waste Piping - replace corroded cast iron or steel waste piping (MPC 0200) top of steps
- First Floor - Sink - waste incorrect (MPC 2300) ABS/ PVC
- First Floor - Toilet Facilities - fixture is broken or parts missing (MPC 0200 0.) ILD
- First Floor - Tub and Shower - incorrectly vented (MPC 2500)
- First Floor - Tub and Shower - provide stopper (MPC 1240)
- First Floor - Tub and Shower - waste incorrect (MPC 2300)
- Obtain plumbing permits prior to commencement of work.

### HEATING

- Clean and Orsat test furnace burner. Check all controls for proper operation. Check furnace heat exchanger for leaks; provide documentation from a licensed contractor that the heating unit is safe.
- Replace furnace flue venting to code.
- Connect furnace and water heater venting into chimney liner.
- Vent clothes dryer to code.
- 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.
- 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.
- Submit documentation from a licensed contractor that the wood burning fireplace is clean and safe for use or permanently seal openings.
- A separate heating system is required for each dwelling unit if the furnace is replaced.
- A gas mechanical 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 **December 1, 2011**, 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 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 **Matt Dornfeld** between the hours of 8:00 and 9:30 a.m. at **651-266-1902**, or you may leave a voice mail message.

Sincerely,

Matt Dornfeld  
Vacant Buildings Enforcement Inspector

cc: Legistar Approval list and City Council