



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

AUG 17 2016

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 (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - 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>HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>August 23, 2016</u></p> <p>Time <u>1:30 p.m.</u></p> <p>Location of Hearing: <u>Room 330 City Hall/Courthouse</u></p>

Address Being Appealed:

Number & Street: 2149 Edgcombe Rd City: St. Paul State: MN Zip: 55116

Appellant/Applicant: Ivan Wijetunge Email: iwijetunge@yahoo.com

Phone Numbers: Business 651.698.8059 Residence _____ Cell 712.292.9088

Signature: Ivan Wijetunge Date: 8/17/16

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.)

I believe that the above address ^{qualifies} ~~qualifies~~ for exception. Document attached

page 3.



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989
Saint Paul, MN 55101-1806 Fax: 651-266-8951

August 9, 2016

Ivan Wijetunge

IWAN WIJETUNGE

EDGCUMBE MONTESSORI

2149 EDGCUMBE ROAD

ST PAUL MN USA

CORRECTION NOTICE – CHILD CARE INSPECTION

RE: 2149 EDGCUMBE ROAD -EDGCUMBE MONTESSORI
Ref. # 15801

Dear Property Representative:

An inspection was made of your building on August 5, 2016 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A reinspection will be made on September 6, 2016 at 11:00AM.

Failure to comply may result in a criminal citation or revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. CHILD CARE CENTER - SUBMIT PLANS FOR FIRE SPRINKLER COVERAGE - MSFC 903.2.5 Required Fire Sprinkler Systems. An automatic sprinkler system shall be provided throughout all buildings containing a Group I-4 Child Care Center.-**Submit fire sprinkler plans for review to meet the Change in Occupancy requirements.**
2. DAY CARE CENTER CHANGE IN OCCUPANCY - SUBMIT PLANS FOR REVIEW - SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-9021 for a code analysis and to comply with requirements for approved occupancy.-**The addition of 7 children 2 1/2 years of age or less would change the Day Care Center Occupancy to Group I-4 (Institutional). Submit floor plans and fire protection requirements for plan review.**

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: james.perucca@ci.stpaul.mn.us or call me at 651-266-8996 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 Perucca
Fire Inspector

Ref. # 15801

James Williams 651.266.9077
Jeff Fishbach 651.266.9106

MINNESOTA STATE DEPARTMENT OF PUBLIC SAFETY



State Fire Marshal Division

444 Cedar Street, Suite 145, St. Paul, Minnesota 55101-5145
Phone: 651/201-7200 FAX: 651/215-0525 TTY: 651/282/6555
Internet: <http://www.dps.state.mn.us>

CHILD CARE CENTER INFORMATION SHEET

SECTION 1 — INTRODUCTION

- Alcohol & Gambling Enforcement
- Bureau of Criminal Apprehension
- Capitol Security
- Crime Victim Services
- Driver & Vehicle Services
- Emergency Management / Emergency Response Commission
- State Fire Marshal / Pipeline Safety
- State Patrol
- Traffic Safety

This fire safety information sheet is based on the 2007 Minnesota State Fire Code (MSFC) and the 2007 Minnesota State Building Code (MSBC). It contains a summary of the major rules that apply to child care centers, including day care, preschools, and head-start programs.

The requirements outlined in this information sheet apply only to preschool and head-start programs, child day care centers and similar child care programs. A child care center may be required to meet other requirements that are not listed in this publication. This information sheet provides an overview of the major code requirements that apply in this type of occupancy and does not attempt to cover every situation. References to the applicable code sections are found in brackets, [].

Prospective child care operators must contact the child care licensing agency (county or state) for a site inspection prior to requesting a fire inspection. A fire inspection is required prior to licensure [MN Rules 9503.0155, subp.2].

Additional information is available from the Minnesota State Fire Marshal Division at (651) 201-7200. You can email questions to firecode@state.mn.us or visit our web page at www.fire.state.mn.us for the latest information on fire in Minnesota.

1.1 Classification of Child Care Centers

Child Day Care (Group E) is the use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2-1/2 years of age. Such uses shall be classified as a Group E Occupancy [MSFC (07) Section 202].

Child Care Center (Group I-4) is the use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children 2-1/2 years of age or less. Such uses shall be classified as Group I-4 Occupancies [MSFC (07) Section 202].

Child care centers will be classified as Group E occupancies with the exception of those providing care for more than five children 2-1/2 years of age or less. Such facilities shall be classified as Group I-4.



Exception: A child care center which provides care for more than 5 but not more than 100 children 2-1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as a Group E [MSFC (07) Section 202].

1.2 Other Child Care Classifications

Child care that is provided within a residence for not more than 14 children may be licensed as either Family Day Care or Group Family Day Care under Minn. Rules § 9502.0315 to 9502.0445. Group and Family Day Care licensing allows limited child care to be provided within a private residence without having to meet the more stringent MSFC requirements for child care centers. See SFMD Information Sheet - Group and Family Day Care for more information.

1.3 Applicable Requirements

Child care centers constructed or occupied prior to July 10, 2007 are considered existing occupancies and are required to meet the minimum requirements specified in the MSFC for existing buildings. Compliance with previous editions of the Minnesota State Fire Code may be considered as an acceptable alternative. Buildings constructed or occupied on or after May 31, 2007 are considered new and are required to meet the MSFC provisions for new buildings. Any change in use (i.e. change in occupancy classification) of a new or existing building will require compliance with MSFC provisions for new buildings [MSFC (07) Section 102.3].

1.4 Occupancy Specific Inspection

Buildings are inspected to the requirements of the Minnesota State Fire Code based upon the occupancy types present. State Fire Marshal Deputies will inspect each building according to its use or character and apply the MSFC requirements applicable to the specific occupancy classification. Buildings about which there is a question as how to classify shall be included in the occupancy group that its use or character most closely resembles.

SECTION 2 – SPECIAL EXITING PROVISIONS FOR YOUNG CHILDREN

2.1 Level of Exit Discharge - New and Existing Occupancies

Rooms and areas used for child day care, preschool, head-start and similar programs located in educational occupancies shall be located on the floor level of exit discharge [MSFC (07) Section 1001.3; MSBC (07) Section 421] Exceptions for buildings equipped with automatic sprinkler and/or fire alarm systems are as follows:

Buildings Protected with an Automatic Fire Sprinkler and Fire Alarm System

Child care rooms and areas may be located on any floor level below the fourth story if the following conditions exist:

1. The building is protected throughout with an approved automatic fire sprinkler system; and
2. The building is protected throughout with an approved automatic fire alarm system having automatic smoke detection devices installed throughout the exiting system

and within every room or area used for any purposes other than a classroom or office.

Buildings Protected with Automatic Fire Sprinklers or Fire Alarm System

Child care rooms or areas may be located on floor levels other than the level of exit discharge if one of the following conditions is met:

1. An approved automatic fire sprinkler system is provided throughout the building and the use of the affected room or space is limited to one grade level at a time and exiting is provided from the room or area which is independent from the exiting system used by older students or other occupancies; or
2. An approved automatic fire alarm system is provided throughout the building consisting of automatic smoke detection installed throughout the exiting system and within all rooms and areas other than classroom and office areas, and the use of the affected room or space is limited to one grade level at a time, and exiting is provided from the room or area which is independent from the exiting system used by older students or other occupancies.

Note: For the purposes of Section 2.1, pupils from the second grade down are considered one grade level.

2.2 Accessory Spaces – New and Existing Occupancies

Accessory spaces, including spaces used for gymnasiums, cafeterias, media centers, auditoriums, libraries, and band and choir rooms, used on an occasional basis by preschool, kindergarten, first and second grade students are permitted to be located one level above or one level below the story of exit discharge if the building is protected throughout by an approved automatic sprinkler system or an approved corridor smoke detection system [MSFC (07) 1001.3; MSBC (07) 421].

SECTION 3 — GENERAL FIRE SAFETY PROVISIONS

3.1 Combustible Waste Material – New and Existing Occupancies

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings [MSFC (07) Section 304.1].

Dumpsters must be outside and at least 5 feet from combustible walls or openings [MSFC (07) Section 304.3.3].

3.2 Fire Apparatus Access Roads – New Occupancies

For all newly constructed buildings, approved fire apparatus access roads shall be provided and maintained [MSFC (07) Section 503]. See SFMD Policy - Fire Department Access for more information.

3.3 Water Supply – New Occupancies

For all newly constructed buildings, an approved water supply capable of providing the required fire flow for fire protection shall be provided. Fire flow requirements shall be determined by an approved method [MSFC (07) Section 508]. See SFMD Policy - Fire Department Water Supplies for more information.