



CITY OF SAINT PAUL

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Saint Paul, MN 55101-1806

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June 11, 2018

Mai Vue  
1232 7th St E  
Saint Paul MN 55106-4014

MERS  
PO Box 2026  
Flint MI 48501-2026

Carrington Mortgage Services LLC  
1600 S Douglass Road Suite 200-A  
Anaheim CA 92806

Shapiro & Zielke LLP  
12550 W Frontage Road #200  
Burnsville MN 55337

## 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:**

**1232 7TH ST E**

With the following Historic Preservation information: NONE

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

Messerli Eschbachs Addition W 60 Ft Of Lot 1 Blk 3

**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 May 23, 2018 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, triplex.

The following is excerpted from the April 18, 2017 Fire Inspection Code Compliance Report:

**DEFICIENCY LIST**

General/ Building/ Fire Safety

1. Basement - Near Stairway - Repair and maintain the damaged structural member. This repair may require a building permit. Properly support and brace the ceiling joists in area near basement stairway.
2. Basement - Storage - Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operator or repaired within a building. Remove gas can and any fuel-operated equipment from basement.
3. Basement - Structural - Repair joist on east side of stairs, nails pulling out of joist and dropping. Add support footing and post. Properly header off west side cut off floor joist. And anchor all post. Properly support all loads at rear of house with footings, beams and post. Engineers report required for corrections for rear addition and soil support.
4. Exterior - Deck - Deck post at south west corner at rear of house requires additional support for header.
5. Exterior - Drainage - Provide and maintain the property grade to slope away from the building to minimize the accumulation of water near the building. This work may require a permit(s).
6. Exterior - Groundcover - Provide and maintain suitable ground cover on all exterior areas to control erosion.
7. Exterior - Rear - Provide address numbers on building. Post address numbers visible from the alley side of building.
8. Exterior - Rear - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
9. Exterior - Rear Stairway - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Repair loose guardrail and rotting wood on exterior stairway to 2nd floor.
10. Exterior - Windows - Repair and maintain the window in good condition. Repair damaged or broken window glass as necessary.
11. Exterior - Windows - Repair and maintain the window frame. Repair deteriorated and damaged window frames as necessary throughout exterior
12. Exterior - Windows - Provide or repair and maintain the window screen. Repair damaged screens, replace where missing. All openable windows require a screen.
13. Exterior - Wood Surfaces - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.- Repair damaged or missing window trim and other wood surfaces as necessary throughout the exterior.
14. Throughout - CO Alarms - Provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions.
15. Throughout - Fire Extinguishers - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.

16. Throughout - Fire Extinguishers - Provide approved fire extinguishers in accordance with the following types, sizes and locations.-Provide one minimum 1A10BC fire extinguisher within each apartment unit or a minimum 2A10BC not be more than 50' travel distance from each apartment entrance. They must be permanently mounted between 3 and 5 feet high in readily visible and easily accessible locations.
17. Throughout - Fire Separation - Ensure all ceilings and walls between units and between units and common areas are 1 hour fire rated. Seal and fire-stop any penetrations.
18. Throughout - Handrails - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair. - Provide handrails where missing, re-install properly where existing rails are too low and not securely mounted.
19. Throughout - Smoke Alarms - Smoke Alarms - Single or multiple-station smoke alarms shall be installed or maintained in the following locations - On ceiling/wall outside of each sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposes, and in each story within a dwelling unit including basements. - Provide/maintain smoke alarms inside of each bedroom and outside of sleeping rooms. Where hard-wired smoke alarms have previously been installed, alarms must be maintained as hard-wired with battery backup. Also replace all existing smoke alarms which are more than 10 years old.
20. Throughout - Unit Doors and Basement - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: 20 minutes. Doors must be self-closing and latching.-Provide approved fire-rated doors at all entries to units from the common areas. Provide approved fire-rated door at top of basement stairway.
21. Unit 2 - Windows - Repair and maintain the window in good condition.-There are windows that have cracked and damaged integrated lift rails, damaged and missing interlocking sash components, missing latches and does not close properly.
22. Unit 3 - Floor - Repair and maintain the floor in an approved manner.-Repair sagging area of floor near the loft area.
23. Unit 3 - Kitchen - Repair and maintain the cabinets in an approved manner.

#### Electrical

1. Electrical Service - Repair the electrical service grounding conductor to the metallic water piping system. Install a conductor sized to Table 250.66 (NEC) from the electrical service to within 5' of the entrance point of the water service, and bond around the water meter.
2. Electrical Panels - Provide a complete circuit directory at the electrical panel(s) indicating location and use of all circuits.
3. Electrical Panels - Replace circuit breakers in electrical panel that are not listed for that manufacturer's panelboard, with properly listed breakers.
4. Electrical Panels -Verify that circuit breaker amperage matches wire size in panel. Replace improperly sized overcurrent devices.
5. Throughout - Close all openings in service panel/junction boxes with knockout seals, breaker blanks, proper cable clamps, and/or junction box covers.
6. Basement/Throughout - Properly strap and support cables and/or conduits, and repair damaged/improperly installed surface metal raceways to current NEC.
7. Throughout - Repair or replace all broken, painted over, corroded, missing or loose receptacles, luminaires (light fixture), switches, covers and plates to current code. All receptacles shall be installed so the receptacle is flush with the finish plate.

8. Throughout - Check all receptacles for proper polarity (including 2-prong) and verify ground on 3-prong receptacles. Ensure all GFCI receptacles are functioning properly. Rewire and/or replace receptacles that are improperly wired or not functioning properly to current NEC. Due to excessive clutter many walls and counters were inaccessible to inspect. Ensure all electrical accessible at final inspection.
9. Basement/Suspended Ceilings - Remove and/or rewire all illegal, improper or hazardous wiring to current NEC. Couldn't inspect above suspended ceilings, ensure properly wired.
10. Throughout – Appears electric baseboard heater(s), or receptacles above heaters, were installed without an electrical permit. Receptacles are not allowed above baseboard heaters per the baseboard heater listing installation instructions. Ensure proper wiring to baseboard heaters, and move either heaters or receptacles, so receptacles are not above baseboard heat.
11. Electrical Service - All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the residential structures and dwelling units in accordance with the provisions of the electrical code presently in force. A load calculation of the service(s) shall be required due to the additional electric baseboard heaters throughout, and the installation of an electric water heater, to ensure the service is adequate for the structure
12. Unit 1 and 3 – Remove open bulb lamp holders, or install globe type light fixtures, in clothes closets.
13. All Units – Physically protect exposed NM Cable where required per the current NEC.
14. Unit Bathrooms – Ensure exhaust fans above bathtubs do not require GFCI protection per the fan listing requirements on the nameplate of the fan. GFCI protect exhaust fans if required
15. Throughout - Ensure/Rewire all electrical associated with NM cables dated after 2003 to current NEC. The City of St. Paul's files indicate an electrical permit was never purchased for this wiring. Illegally installed wiring must comply with the current addition of the NEC, and an electrical permit must be purchased for installation/repair prior to work being performed. Any sheetrock covering the illegal wiring must be removed for a rough in inspection.

### Mechanical

1. Basement - Install approved lever handle manual gas shutoff valve on furnace and remove unapproved valves.
2. Basement - Install approved automatic gas valve for furnace
3. Basement - Install approved lever handle manual building shutoff gas valve in an accessible location ahead of the first branch tee.
4. Basement- Heating Report - 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.
5. Basement - Provide a minimum of thirty inches of clearance in front of furnace/boiler for service or as specified in the furnace manufacturer's installation instructions.
6. Basement- Move return air intake a minimum of ten feet from furnace flue draft diverter or relocate it to another room.
7. Basement - Install approved metal chimney liner.
8. All Units - Replace furnace flue venting to code.
9. Basement - Connect furnace and water heaters venting into chimney liner.

10. Basement - Provide adequate clearance from flue vent pipe on furnace/boiler to combustible materials or provide approved shielding according to code.
11. Basement, All Units - Vent clothes dryer to code.
12. Basement - Provide adequate combustion air and support duct to code.
13. Basement, All Units - Provide support for gas lines to code.
14. Basement, All Units - Plug, cap and/or remove all disconnected gas lines and unapproved valves.
15. All Units - 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.
16. Basement - Install furnace air filter access cover.
17. All Units - 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.
18. All Units - Repair and/or replace heating registers as necessary.
19. All Units - Provide heat in every habitable room and bathrooms.
20. A forced warm air heating system may only serve one dwelling unit – dwelling separation required.
21. Provide a means of returning air from every habitable room to the furnace. Return air cannot be taken from closets, bathrooms, toilet rooms, kitchen or mechanical rooms.
22. Mechanical permits are required for the above work.

## Plumbing

### Basement:

1. Water Heater - A pressure and temperature relief valve is required. Install the water heater gas venting to code. The water heater venting requires a chimney liner. Install the water piping for the water heater to code. The water heater must be fired and in service.
2. Water Meter - Install water meter to a min. 12 and max. 48 inches above floor. Support the water meter to code. The water meter must be installed and in service. The service valves must be functional and installed to code. Repair the corroded or incorrect water meter piping.
3. Water Piping - Repair or replace all the corroded, broken, or leaking water piping. Replace all the improperly sized water piping. Replace all the improper fittings and fittings that have improper usage. Provide a 1 inch water line to the first major take off.
4. Soil/Waste Piping - Install a front sewer clean out. Install a clean out at the upper terminal at each horizontal drainage pipe. Plug all open piping and properly pitch all piping. Install proper pipe supports. Replace all improper connections, transitions, fittings or pipe usage. Replace all corroded cast iron or steel waste or vent piping
5. Gas Piping - Replace all corroded gas piping. Replace all improperly installed gas piping and fittings. Remove all disconnected gas lines and unapproved valves.

### First Floor:

1. Sink - Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code.

2. Lavatory -Install a proper fixture vent to code. Install the waste piping to code. Repair/replace the fixture that is missing, broken or has parts missing
3. Toilet - Install the proper flanged fixture connection on a firm base.
4. Tub/Shower - Install a proper fixture vent to code. Install the waste piping to code. Install scald and thermal shock protection, ASSE Standard 1016. Replace the waste and overflow.
5. Gas Piping - Install an approved shut off; connector and gas piping for the range.

#### Second Floor:

1. Sink: Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code. Repair/replace the fixture that is missing, broken or has parts missing.
2. Lavatory - Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code. Repair/replace the fixture that is missing, broken or has parts missing
3. Toilet - Repair/replace the faucet that is missing, broken or has parts missing. Install the proper flanged fixture connection on a firm base.
4. Tub/Shower -Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code. Repair/replace the fixture that is missing, broken or has parts missing. Install a hot water temperature limiting device, ASSE Standard 1070
5. Gas Piping: - Replace all improperly installed gas piping and fittings. Remove improperly sized gas piping and install to code. Install an approved shut off; connector and gas piping for the range.

#### Third Floor

1. Lavatory - Install the water piping to code. Repair/replace the fixture that is missing, broken or has parts missing.
2. Toilet -Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code. Repair/replace the fixture that is missing, broken or has parts missing.
3. Tub/Shower - Install a proper fixture vent to code. Install the waste piping to code. Install the water piping to code. Install scald and thermal shock protection, ASSE Standard 1016. Replace the waste and overflow.
4. Gas Piping - Replace all improperly installed gas piping and fittings. Install an approved shut off; connector and gas piping for the range.

General - Provide a water tight joint between the fixture and the wall or floor. Obtain permits and provide tests/inspections for the plumbing performed without permits. Remove unused waste, vent, water, and gas piping to the main and cap/plug to code. Provide proper fixture spacing.

As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **July 11, 2018** 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 **Tom Friel** at **651-266-1906**, or you may leave a voice mail message.

Sincerely,

***Tom Friel***

Vacant Buildings Enforcement Inspector

cc: Legistar Approval list and City Council