

RLH FCO 19-59



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8585

RECEIVED

MAY 20, 2019

We need the following to process your appeal. **CITY CLERK**

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number # 820668)
  - 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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>MAY 28, 2019</u>  Time <u>1:30</u>  Location of Hearing: <u>Room 330 City Hall/Courthouse</u>
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### Address Being Appealed:

Number & Street: 254 Maria Ave City: St Paul State: MN Zip: 55106

Appellant/Applicant: Thomas Gilbertson Email tommygilby@hotmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651-983-2648

Signature:  Date: 5-20-2019

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.)

**Comments:**  
254 Maria Ave is an owner occupied residence which state in SPLC Sec. 40.02 is an exception for Sec 40.01 which is the stated deficiency made by Jacob Wheeler.

SPLC Sec. 40.02 states: Exception, certain residential dwelling units. An owner-occupied single family house shall be exempted from the requirement to have and maintain a fire certificate of occupancy.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

May 15, 2019

Thomas Gilbertson  
1917 Country Club Drive  
Willmar, MN 56201-2160

## **CORRECTION NOTICE - COMPLAINT INSPECTION**

RE: 254 MARIA AVE  
Ref. #

Dear Property Representative:

A referral has been made to our office regarding code deficiencies that are reported to exist in your building or on the premises. An inspection has not been conducted by the Fire Prevention Division. If these deficiencies do in fact exist, you are hereby notified that the following deficiencies must be corrected immediately.

**The following deficiencies shall be corrected by June 14, 2019.**

### **DEFICIENCY LIST**

1. SPLC Sec. 40.01. - Fire certificate of occupancy requirement
  - (a) All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public.
  - (b) Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional certificate of occupancy, a completed owner's self-evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use.

Under SPLC 40.03, owner and owner-occupied is defined as:

**Owner.** The person, firm, corporation or other entity listed in the records on file in the recorder's office as holding fee title to the building. For purposes of notice only, "owner" includes the owner's authorized agent or other person in control of the premises.

Owner-occupied. Dwellings which are the principal residence of the owner of record of the building and in which the owner resides. "Owner," for the purposes of this definition, means a natural person and does not include a corporation, partnership, or other entity.

**-Apply for a Provisional Certificate of Occupancy through this office or change status to an owner-occupied home. Documentation approved by this office shall be provided to reflect owner-occupied status.**

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 MN55102 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: [jacob.wheeler@ci.stpaul.mn.us](mailto:jacob.wheeler@ci.stpaul.mn.us) or call me at 651-266-8993 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,

Jacob Wheeler  
Fire Safety Inspector

Ref. #

Sec. 40.01. - Fire certificate of occupancy requirement.

- (a) All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public.
- (b) Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional certificate of occupancy, a completed owner's self evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 1, 2-25-09; Ord 13-52, § 1, 12-4-13; Ord 14-50, § 1, 1-7-15)

Sec. 40.02. - Exception, certain residential dwelling units.

An owner-occupied single-family house, duplex, or condominium unit shall be exempted from the requirement to have and maintain a fire certificate of occupancy. "Owner-occupied" means the house, duplex or condominium dwelling unit for which the exemption is claimed is the owner's principle residence. For the purposes of this exception, "owner" means a natural person and does not include a corporation, partnership, or other entity.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 2, 2-25-09; Ord 13-52, § 1, 12-4-13)

Sec. 40.03. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

*Authorized agent.* An individual(s) with legal authority capable of executing documents for the sale of the building(s) and authority over the proceeds of such sale.

*Building.* Any structure intended for supporting or sheltering any use or occupancy, including the land surrounding the structure. If the building is a multi-unit residential dwelling, a hotel or motel, or a commercial or office building, the term "building" for purposes of this ordinance means only the portion of the building within or outside the structure in which a nuisance is maintained or permitted; such as a dwelling unit, room, suite of rooms, office, common area, storage area, garage, or parking area.

*Certificate of code compliance.* A document or emblem issued by the department of safety and inspections indicating that the rehabilitation of an existing structure complies with all state and local safety codes. A valid certificate of code compliance allows for the issuance of a fire certificate of occupancy for use as a commercial building or a residential occupancy.

*Certificate of occupancy.* A document issued by the city building official under the authority of both state and city building codes indicating a newly constructed or substantially rehabilitated structure is, at the time of inspection, code compliant, habitable and otherwise meets all requirements for its intended use.

*Code compliance inspection.* An inspection of a registered vacant building by one or more inspectors including fire, code enforcement and construction trades to determine necessary repairs and permits required for the rehabilitation of the existing structure.

*Owner-occupied.* Dwellings which are the principal residence of the owner of record of the building and in which the owner resides. "Owner," for the purposes of this definition, means a natural person and does not include a corporation, partnership, or other entity.

*Partial fire certificate of occupancy.* A document issued by the department of safety and inspections indicating that a portion of an existing structure complies with all state and local safety codes allowing its use as a commercial building or for residential occupancy. The partial fire certificate of occupancy shall describe specifically which portion of the building is approved for occupancy.

*Property manager or responsible party.* An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance and repairs relating to applicable safety codes.

*Provisional fire certificate of occupancy.* A document or emblem issued by the department of safety and inspections to temporarily permit continued occupancy pending a fire certificate of occupancy inspection of the existing structure. Buildings with a provisional fire certificate of occupancy will be granted a fire certificate of occupancy upon the successful completion of fire certificate of occupancy inspection.

*Recorder's office.* The county department of property records and taxation, or its division which maintains title and property records, and any successor agency or department thereof.

*Rental dwelling unit.* Any room or rooms, or space, in any dwelling designed or used for residential occupancy by one (1) or more persons who are not the owner.

*Residential occupancy.* Occupancy in a building or portion thereof, for residential purposes, used or intended to be used for living, sleeping, and/or cooking or eating purposes.

*Revoked fire certificate of occupancy.* A status indicating that the building or dwelling is not in compliance with relevant safety codes or that the structure is vacant. Additional inspections are required to gain compliance and to reinstate the fire certificate of occupancy prior to any occupancy or use of the building or dwelling. The structure or portion thereof cannot be occupied while under revocation.

*Safety code or safety codes.* Any building, fire, housing, health, safety, zoning or other similar code, law and ordinance, promulgated or enacted by the United States, the State of Minnesota, the County of Ramsey and the City of Saint Paul, or any lawful agency or department thereof, which are applicable to a building in such city. Safety code includes, without any limitation of the foregoing sentence as a result of this specification, the provisions of Chapters 33, 34, 43, 45, 49, 55, 56 and 58 of the Legislative Code.

*Suspended fire certificate of occupancy.* A status indicating that the building or dwelling is not in compliance with safety codes and that an enforcement action has been taken. A notice of intent to take additional action is also given at this time. A final period for compliance has been established. Failure to comply may result in additional enforcement action including, but not limited to, revocation or condemnation. The structure or portion thereof may continue to be occupied while under suspension pending compliance.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 3, 2-25-09; Ord 13-52, § 1, 12-4-13; Ord 16-34, § 1, 9-28-16)



**tommygilby@hotmail.com**

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**From:** Wheeler, Jacob (CI-StPaul) <Jacob.Wheeler@ci.stpaul.mn.us>  
**Sent:** Wednesday, May 15, 2019 9:34 AM  
**To:** tommygilby@hotmail.com  
**Subject:** 254 Maria Ave  
**Attachments:** 254 Maria Ave.pdf; 2015 PROVISIONAL CERTIFICATE Application.pdf

Good morning Thomas,

Per our phone conversation today, please find the following attached documents and links:

- The correction order list is attached, along with the Legislative Hearing Officer office information to file an appeal should you chose to do so. The letter is also being sent in the mail today.
- The Provisional Certificate of Occupancy application is attached for your review.
- The link to Chapter 40 of the St Paul Legislative Code is listed below, describing the requirements for the Certificate of Occupancy:
  - [https://library.municode.com/mn/st.\\_paul/codes/code\\_of\\_ordinances?nodeld=PTIILECO\\_TITVIBUHO\\_C40FICEOC](https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeld=PTIILECO_TITVIBUHO_C40FICEOC)

I strongly encourage you to file an appeal of the orders. As I stated over the phone, it is not uncommon for owners in situations similar to yours to have multiple homes, and this would be an opportunity to present your information before the Legislative Hearing Officer, who acts on behalf of the city council. Appeals for situations similar to yours have been filed in the past; however, I cannot tell you one way or the other if the appeal would be granted or not.

One item of note to consider is that once an appeal is filed, the orders for the property essentially get put on “pause” until the appeal can be heard. This would mean I would not be able to move forward with anything re: the property until you have an opportunity to present to the Legislative Hearing Officer.

If there are any further questions, please let me know. If not, I will see you at the property on 5/20/19 at 11:00 am.

Thank you,



The Most Livable  
City in America

**Jacob Wheeler**  
***Fire Safety Inspector II***  
Department of Safety and Inspections  
375 Jackson St, Suite 220  
Saint Paul, MN 55101  
P: 651-266-8993  
C: 651-248-4321  
F: 651-266-8951  
[Jacob.Wheeler@ci.stpaul.mn.us](mailto:Jacob.Wheeler@ci.stpaul.mn.us)

***DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.***



**CITY OF SAINT PAUL**  
 Department of Safety & Inspections  
 Fire Safety Inspection Division

**OWNER'S SELF EVALUATION AFFIDAVIT**

375 Jackson Street Suite 220  
 Saint Paul, MN 55101-1806  
 (P) 651-266-8989 (F) 651-266-9124

Revised 04/2015

**This pre-inspection checklist will help you prepare for your Fire Certificate of Occupancy inspection. It is not all inclusive of the items we will look for during the actual Fire Certificate of Occupancy inspection.**

**Address of Property:**

**Owner/Responsible Party Name and Address:**

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**EXTERIOR**

**Address**

Yes No

- Is the building address visible from the street and or alley with numbers at least four inches high?

**Windows/Patio Doors**

Yes No

- Do windows and doors open and close freely?
- Is a window provided in each room used for sleeping?

**INTERIOR**

**Electrical**

Yes No

- Are all outlets/switch plate covers present, secured, and is all wiring concealed?
- Are extension cords used only on portable appliances?

**Stairs & Porches**

- Are handrails and guardrails present on stairs?
- Do decks over 30" tall have guardrails?

**Garbage**

- Is a garbage pick-up service provided?
- Are garbage containers provided?

**Plumbing Fixtures**

- Do sinks and wash basins have both hot and cold running water?

**Hazardous Storage**

- Is gasoline and propane stored in the dwelling unit?

**Smoke/Carbon Monoxide Alarms**

- Are smoke alarms present and working?
- Are carbon monoxide (CO) alarms within 10' of sleeping rooms and working?

**Emergency Contacts**

- Are 24 hour emergency contact numbers provided to tenants?

**Exit Doors and Pathways**

- Are exit doors and pathways clear, maintained and usable?

**OCCUPANCY**

Number of sleeping rooms:

\_\_\_ Basement      \_\_\_ Main Floor  
 \_\_\_ Second Floor      \_\_\_ Third Floor/Attic

Total Number of Occupants \_\_\_\_\_

**Additional Safety Tips:**

- The leading cause of home fires is unattended cooking, followed closely by carelessly discarded smoker's materials
  - Maintain 3 feet of clearance around cooking surfaces
  - Never leave the room with food on the stove
  - Discard smoking materials in metal, glass or ceramic containers
- Clean dryer vents regularly
- Maintain 3 feet of clearance around heating appliances
- Do not overload outlets
- Do not leave open flames and candles unattended
- Test smoke alarms monthly
- Create an escape plan

I hereby certify that the above information is true to the best of my knowledge, and belief. I understand the property owner is responsible for the continued maintenance and habitability of this property.

Send To:  
 Department of Safety & Inspections  
 Fire Safety Inspection Division  
 375 Jackson Street – Suite 220  
 Saint Paul, MN 55101-1806  
 Fax: 651-266-9124

\_\_\_\_\_  
 Owner / Responsible Party signature

\_\_\_\_\_  
 date

