



August 31, 2023

Wesley Hart  
378 Sims Ave  
St Paul MN 55130-4034

Wesley Hart  
13130 Quail Creek Drive NE  
Blaine MN 55449

MERS  
PO Box 2026  
Flint MI 48501-2026

Everett Financial  
d/b/a Supreme Lending  
14801 Quorum Dr Suite 300  
Dallas TX 75254

First Bank & Trust  
1909 Highway 36 W  
Roseville MN 55113

## Order to Abate Nuisance Building(s)

Dear Responsible or Interested Party:

**The Vacant/Nuisance Buildings Unit, Department of the Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:**

**378 SIMS AVE**

With the following Historic Preservation information: NONE

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

EDMUND RICE'S FOURTH ADDITION LOT 6 BLK 6

**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 August 23, 2023, 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, duplex with a detached two-stall garage.

The following is excerpted from the December 3, 2021 expired Code Compliance Report:

**BUILDING:**

1. Ensure basement cellar floor is even, is cleanable, and all holes are filled.
2. Provide complete storms and screens, in good repair for all door and window openings.
3. Provide functional hardware at all doors and windows.
4. Exit doors shall be capable of being opened from the inside, easily and without the use of a key. Remove all surface bolts.
5. Repair or replace damaged doors and frames as necessary, including storm doors.
6. Weather seal exterior doors, threshold, and weather-stripping.
7. Install floor covering in bathroom and kitchen that is impervious to water.
8. Repair walls, ceiling, and floors throughout, as necessary.
9. 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.
10. Any framing members that required repair or do not meet code (where wall and ceiling covering is removed, members that are over-spanned, over-spaced, not being carried properly, door and window openings that are not adequately supported, etc.) are to be reconstructed in an approved manner.
11. Charred building components shall be scraped or sandblasted completely clean and water-damaged components replaced. A determination of necessary fire damage corrective measures shall be made by this department or by a registered structural engineer as to replacement, repairs, etc. All smoke damaged and charred members shall be cleaned, sealed, and deodorized.
12. Tuck Point interior/exterior of foundation as necessary.
13. Provide fire block construction as necessary and seal chases in basement ceiling.
14. Where wall and ceiling covering is removed install full thickness or code-specified
15. insulation.
16. Air-seal and insulate attic/access door.
17. Install Smoke Detectors/Carbon Monoxide Detectors per MN Conservation Code and the MN Dept. of Labor and Industry: Install per code where feasible.
18. Install water-proof enclosure in shower area.
19. Verify proper venting of bath exhaust fan to exterior.
20. Repair siding, soffit, fascia, trim, etc. as necessary.
21. Install downspouts and a complete gutter system.
22. Install rain leaders to direct drainage away from foundation.
23. Grade must drain away from foundation of dwelling. Maintain 6-inch clearance between wood and soil.
24. Dry out basement and eliminate source of moisture.
25. Remove wall covering from basement.
26. Remove mold, mildew and moldy or water damaged materials.
27. 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).

28. 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 handrail ends into a newel post or wall per attachment.
29. Strap or support top of stair stringers for structural stability.
30. Repair or replace any deteriorated window sash, broken glass, sash holders, re-putty, etc as necessary.
31. A building permit is required to correct the above deficiencies. All work is to be done in a workmanship like manner.

**ELECTRICAL:**

1. Properly wire electric dryer receptacle/branch circuit/overcurrent device to current NEC.
2. All areas with wall and ceilings removed shall be wired to the current NEC.
3. No access to garage at time of inspection. Insure garage is wired to NEC standards.
4. Install listed boxes for all lighting fixtures.
5. Provide a complete circuit directory at service panel indicating location and use of all circuits.
6. Properly strap and support cables and/or conduits.
7. Repair or replace all broken, painted over, corroded, missing or loose receptacles, luminaires (light fixtures), switches, covers and plates to current code.
8. 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.
9. Install box extensions on devices mounted in wood paneling.
10. Properly support/wire exterior luminaire (light fixture) at entry door.
11. Remove and/or rewire all illegal, improper, or hazardous wiring to current NEC.
12. Repair damaged electrical due to current NEC.
13. All electrical work must be done by a Minnesota-licensed electrical contractor under an electrical permit.

**PLUMBING:**

1. Basement -Gas Piping - Replace corroded gas piping/fittings.
2. Basement -Laundry Tub - Install a proper fixture vent to code.
3. Basement -Laundry Tub - Install the waste piping to code.
4. Basement -Plumbing - General - Obtain permits and provide tests/inspections for any plumbing performed without permits.
5. Basement -Plumbing - General - Remove all unused waste, vent, water, and gas piping to the main and cap or plug to code.
6. Basement -Soil and Waste Piping - Install a front sewer clean out.
7. Basement -Soil and Waste Piping - Plug all open piping and properly pitch all piping.
8. Basement -Soil and Waste Piping - Replace all improper connections, transitions, fittings, or pipe usage.

9. Basement -Soil and Waste Piping - Replace all corroded cast iron, steel waste or vent piping.
10. Basement -Water Heater - Install the gas shut off and the gas piping to code.
11. Basement -Water Heater - Install the water heater gas venting to code.
12. Basement -Water Heater -The water heater must be fired and in service.
13. Basement -Water Meter - Raise the water meter to a minimum of 12 inches above the floor.
14. Basement -Water Meter - Support the water meter to code.
15. Basement -Water Meter - The service valves must be functional and installed to code.
16. Basement -Water Piping - Repair or replace all the corroded, broken, or leaking water piping.
17. Basement -Water Piping - Provide a one (1) inch water line to the first major take off.
18. Bathroom -Plumbing - General - Provide a water-tight joint between the fixture and the wall or floor.
19. Bathroom -Plumbing - General - Provide proper fixture spacing.
20. Exterior -Lawn Hydrants - Repair or replace the lawn hydrants that are broken or have parts missing.
21. First Floor -Lavatory - Install the water piping to code.
22. First Floor -Lavatory - Repair/replace the fixture that is missing, broken or has parts missing.
23. First Floor -Sink - Install a proper fixture vent to code.
24. First Floor -Sink - Install the waste piping to code.
25. First Floor -Sink - Install the water piping to code.
26. First Floor -Sink - Repair/replace the fixture that is missing, broken or has parts missing.
27. First Floor -Toilet Facilities - Install a proper fixture vent to code.
28. First Floor -Toilet Facilities - Install the waste piping to code.
29. First Floor -Toilet Facilities - Install a proper flanged fixture connection on a firm base.
30. First Floor -Tub and Shower - Install a proper fixture vent to code.
31. First Floor -Tub and Shower - Install the waste piping to code.
32. First Floor -Tub and Shower - Install scald and thermal shock protection, ASSE Standard 1016.
33. First Floor -Tub and Shower - Replace the waste and overflow.
34. Second Floor -Lavatory - Install a proper fixture vent to code.
35. Second Floor -Lavatory - Install the waste piping to code.
36. Second Floor -Lavatory - Install the water piping to code.
37. Second Floor -Lavatory - Repair/replace the fixture that is missing, broken or has parts missing.
38. Second Floor -Sink - Install the water piping to code.
39. Second Floor -Sink - Repair/replace the fixture that is missing, broken or has parts missing.
40. Second Floor -Toilet Facilities - Install a proper flanged fixture connection on a firm base.
41. Second Floor -Tub and Shower - Install a proper fixture vent to code.
42. Second Floor -Tub and Shower - Install the waste piping to code.

43. Second Floor -Tub and Shower - Install the water piping to code.
44. Second Floor -Tub and Shower - Install scald and thermal shock protection, ASSE Standard 1016.
45. All the above corrections to waste, vent, water, and gas piping shall be per the Minnesota Plumbing Code Chapter 4714, Minnesota Rules Chapter 326, 4716, 1300, the Minnesota Mechanical Code, the Minnesota Fuel Gas Code, and Saint Paul Regional Water Services Water Code. All plumbing must be done by a plumbing contractor licensed in the State of Minnesota and the City of St. Paul by a plumber licensed in the State of Minnesota who also possess a City of Saint Paul Competency Card and after obtaining an approved City of Saint Paul Plumbing Permit.

**MECHANICAL:**

1. Install approved level handle manual gas shutoff valve on furnace/boiler and remove unapproved valve.
2. Clean and Orsat test furnace/boiler burner. Check all controls for proper operation. Check furnace heat exchanger for leak; provide documentation from a licensed contractor that the heating unit is safe.
3. Replace furnace/boiler flue venting to code.
4. Vent clothes dryer to code.
5. Provide adequate combustion air and support duct to code.
6. Provide support for gas lines to code.
7. Plug, cap and/or remove all disconnected gas lines.
8. Bathrooms require a means to ventilate the space. Provide a window with an aggregate glazing area of not less than 3 square feet, one half of which must be operable. Alternative is a bath fan properly vented to the outside. All kitchen exhaust must be venting to exterior. A mechanical ventilation permit will be required for the bath fan and/or kitchen exhaust.
9. Provide heat in every habitable room and bathrooms.
10. Attach metal tag to expansion tank valve stating that this valve must be open at all times except when draining the expansion tank.
11. Support supply and return piping from heating system according to code.
12. Conduct witnessed pressure test on hot water heating system and check for leaks.
13. Install boiler pressure relief valve and pipe discharge to within 18 inches of the floor.
14. Repair or replace radiator valves as needed.
15. Remove or abate all friable asbestos material. Provide documentation that this work was performed by a state licensed asbestos abatement contractor.
16. Mechanical permits are 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 **September 30, 2023**, 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 dollars (\$5,000.00) performance deposit 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.

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If you have any questions or request additional information, please contact **Joe Yannarely** at **651-266-1920**, or you may leave a voicemail message.

Sincerely,

***Joe Yannarely***

Vacant Buildings Enforcement Inspector