



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
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355

September 26, 2011

10-906165

Lee Bush
1050 Hawthorne Avenue E
Saint Paul MN 55106

Sullivan Construction Co
6655 Oakgreen Avenue S
Hastings MN 55033

Kit and Glenn Heath
1319 Westminster Street Apt 4
Saint Paul MN 55130

Jackie Burton
1325 Leslie Avenue
Helena MT 59601

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:

1057-1059 MARYLAND AVE E

With the following Historic Preservation information: NONE

and legally described as follows, to wit:

J A And W M Stees Addition Vac Sts Accruing & E 30 Ft Of Lot 29 & All Of Lot 30
Blk 7

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 September 21, 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 commercial/residential building.

The following list is excerpted from the December 20, 2010 Fire Inspection Code Compliance Notice.

DEFICIENCY LIST

1. ADDRESS - SPLC 71.01 - The address posted is not visible from street.-Provide four inch numbers on the front side of the building.
2. ALL UNITS - SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
3. ALL UNITS - MNRC R303.3 - Provide and maintain a window or approved ventilation system in all bathrooms.
4. ALL UNITS - MNMC 103 - 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.
5. ALL UNITS - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.
6. ALL UNITS - MNMC 103 - Repair and/or replace heating registers as necessary.
7. ANTI-SCALD VALVE - MPC 1380.5 - Provide anti-scald valve. Work requires a permit. - **LOCATIONS:** First floor and second floor tub and shower.
8. Apartment - SPLC 33.05 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
9. BASEMENT - NORTH FURNACE - MFGC 409.5 - Provide an approved gas shut off valve within 6 feet of the appliance in accordance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989.
10. BASEMENT - MFGC 503 - Provide, repair or replace the fuel equipment vent or vent liner to develop a positive flow adequate to convey all products of combustion to the outside. This work may require a permit(s). Call DSI at (651) 266-8989.
11. BASEMENT - MNMC 103- Provide leak tight caps or plugs on disconnected or unused gas lines.
12. BASEMENT - MNFGC 407 - Install proper hangers and support for the gas piping in compliance with the mechanical code.
13. BASEMENT - MNFGC 409.1 - Install approved lever handle manual building shutoff gas valve in an accessible location ahead of the first branch tee.
14. COMMERCIAL RESTROOM - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
15. FIRE EXTINGUISHERS - MSFC 906.1, MN Stat. 299F.361 - Provide approved fire extinguishers in accordance with the following types, sizes and locations.-Provide minimum 2A10BC fire extinguishers spaced not more than 75 feet travel distance from any point in the building to an extinguisher. They must be permanently mounted between 3 and 5 feet high in readily visible and easily accessible locations.

16. FIRST FLOOR - LAVATORY - MPC 0200.P - Water piping incorrect. Work requires a permit.
17. FIRST FLOOR - MNFGC 501.15.4 - Maintain adequate clearance from flue vent pipes on unit heaters to combustible materials or provide approved shielding according to code.
18. FLOORS - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.
19. GAS PIPING - IFGC 402.1 - Range gas shutoff, connector or piping installed incorrectly. Work requires a permit. - **LOCATIONS:** First floor range, second floor range, dryer.
20. GAS/MECHANICAL WORK - MN RULES 1300.0120 - A gas mechanical permit is required for the above work.
21. PORCH - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
22. PORCH - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
23. RESIDENTIAL - MN State Statute 299F.50 Immediately 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 manufacturers instructions.
24. RESIDENTIAL - MFGC 406.5.2 - Immediately repair or replace the leaking fuel equipment piping. This work may require a permit(s). Call DSI at (651) 266-8989.
25. RESIDENTIAL - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
26. RESIDENTIAL - SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.
27. SECOND FLOOR - MNFGC 613.1, MNMC 604.1 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work may require a permit(s). Call DSI at (651) 266-8989.
28. SOIL AND WASTE - MPC 1300 - Replace the floor drain cover or clean out plug.
29. SOIL AND WASTE - MPC 1430.4 - Provide approved support for all plumbing piping.
30. SOIL AND WASTE - MPC 2420 - Improper connections, transitions, fittings or pipe usage.
31. SOIL AND WASTE - MPC 1000 - No soil stack base clean out.
32. STORAGE - MSFC 1010.3 - Provide and maintain approved external or internal lighting of the exit sign.-Provide exit signs in storage areas.
33. STORE - MSFC 1003.3.1.8 - Remove unapproved locks from the exit doors. The door must be open able from the inside without the use of keys or special knowledge or effort.-Remove slide bolts and chains from front door.

34. STORE - MSFC 2703.4 - Provide Material Safety Data Sheets on all flammable and combustible liquids, hazardous materials, and chemicals on site. The sheets are to be kept on site in an orderly fashion in a readily accessible area.
35. STORE BATHROOM - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.
36. VENTING - MPC 2500 - Incorrectly vented. Work requires a permit. - **LOCATIONS:** First floor tub and shower, second floor laundry tub, sink.
37. WALLS/CEILINGS - THROUGHTOUT - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.
38. WASTE INCORRECT - MPC 2300 - Waste connection incorrect. Provide approved methods in accordance with the plumbing code. Work requires a permit.-Second floor sink and lavatory.
39. WATER METER - MPC 2280 - Raise meter to minimum 12 inch above floor. Work requires a permit.
40. WINDOWS - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.
41. Bond around water meter with a copper wire sized for the electrical service per Article 250 of the NEC, NEC 250.53
42. Provide a complete circuit directory at service panel indicating location and use of all circuits, NEC 408.4
43. Install "S"-type fuse adapters and proper size "S" fuses in all panels, NEC 240.52
44. Verify that fuse/circuit breaker amperage matches wire size, NEC 240.4
45. Close open knockouts in service panel/junction boxes with knockout seals, MSFC 605.6.3
46. Properly strap cables and conduits in basement, secure meter on back of building, NEC 300.11
47. Provide one (1) light for each 200 square feet in unfinished basement. One light must be switched from the top of the stairs, SPLC 34.14(2)e
48. Ground bathroom light in second bathroom and disconnect receptacle on fixture, NEC 410.40
49. Install globe-type enclosed light fixture on all closet lights, NEC 410.16
50. Remove all cord wiring, MSFC 605.5
51. Repair or replace all broken, missing or loose light fixtures, switches & outlets, covers and plates, MSFC 605.6
52. Check all outlets for proper polarity and verify ground on 3-prong outlets, NEC 406.3
53. Install hard-wired, battery backup smoke detector as specified in Bulletin 80-1 and other smoke detectors as required by the IRC. Also, Install carbon monoxide detector(s) within 10 feet of all bedrooms, SPLC 34.15
54. All electrical work must be done by a Minnesota- licensed electrical contractor under an electrical permit, MN Stat 326B.36

55. Any open walls or walls that are opened as part of this project must be wired to the standards of the 2008 NEC, MN Stat 326B.35
56. All buildings on the property must meet the St. Paul Property Maintenance Code (Bulletin 80-1), SPLC 34.14
57. Remove exposed wiring and plug hole in disconnect switch above east window by front entry.
58. Replace fluorescent lights in storage area that do not have listed cord assemblies.
59. Rewire illegally wired subpanel in west storage area, associated wiring, and wiring in exposed walls by garage.
60. Insure electrical in each commercial and residential space originates in their panel board. Tenants must have access to their over current devices.

As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **October 26, 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 **Tom Friel** between the hours of 8:00 and 9:30 a.m. 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