



CITY OF SAINT PAUL
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January 11, 2012

Ron and Diane Staeheli
4300 Blackhawk Rd
Eagan MN 55122

VIA EMAIL: amercentralinsp@aol.com and Tobiecat39@aol.com

RE: Appeal of Code Compliance Inspection for property at 633 Palace Avenue

Dear Mr. Staeheli:

As we discussed in the December 13, 2011 Legislative Hearing, I have further evaluated your appeal. Let me begin with the policy premise that under the definition of vacant building, it is clear this property should be considered a "category 2" building, as it has been condemned and has major code violations. Under the City's Legislative Code, being a "category 2 vacant building" means that the building requires a code compliance certificate prior to re-occupation.

You indicated in your appeal you believed the code compliance inspection report outlined repairs which exceeded the building codes at the time of construction and, therefore; you were not required to undertake the vast majority of repairs. There are several codes which need to be taken into account in assessing your appeal in this matter. They include the City's Legislative Code, pertaining to building and property maintenance, vacant building registration and issuance of permits. The Building, Conservation and trade-specific codes must be considered, as well as the Fire Code. Finally, the Code applied at the time of construction is pertinent. These codes are very consistent in that various building components must be maintained over time; e.g. if present, they shall be maintained.

Code compliance inspections determine relevant code deficiencies on the properties, using the afore-mentioned codes as they apply. For example, the code compliance inspection will not require storm windows and screens be provided for windows. However, if the windows in the house were constructed to include these elements, the window must be maintained with those elements. Also, dryer duct work must meet code standards to minimize the risk for one of the most common sources of residential fires. Finally, proper waste venting has been an intrinsic part of building codes since their inception, as has the requirement that water be directed as to flow away from the building and its foundation. Therefore, I recommend that your appeal regarding all repair and maintenance items be denied.

I looked specifically at those items where the word “install” is used, in order to determine if in these cases the order was requiring that current building code applied. These are as follows, and I have included my commentary on each of these:

- Install plinth blocks as needed under posts in basement & ensure adequate footing for load imposed. *All relevant codes indicate the structure must be properly supported. If it is not, this work is necessary by way of repairing and existing building element. Installation of plinth blocks is the method prescribed by the building inspector.*
- Install 20 minute fire rated doors, with self closing device, between common areas and individual units. All penetrations required to have property in tumescent device or caulk (per current building codes). *Fire Code, therefore, applicable safety code.*
- Install handrails (34 inches - 38 inches above each nosing) and guardrails (36 inch minimum) at all stairways, and return hand rail ends into a newel post or wall per attachment. *Fire Code, therefore, applicable safety code.*
- Install Smoke Detectors/Carbon Monoxide Detectors per MN Co Conservation Code and the MN Dept. of Labor and Industry. *Fire Code, therefore, applicable safety code.*
- Install address numbers visible from street and on the alley side of garage. *Saint Paul Code so emergency services personnel can identify building from front and back.*
- Install level floor in basement. Floor needs to be level to properly support foundation and supporting members. *Order should be amended to more accurately read “Repair floor to level condition. This work shall be subject to building permit plan review.”*
- Install vapor barrier in crawl space. *Health and safety codes pertaining to radon infiltration, and mold and mildew.*
- Install 1 hour fire rated wall from foundation to roof deck on east and west garage walls. *Fire Code, therefore, applicable safety code.*
- Install/replace GFCI receptacle in first and second floor bathroom adjacent to the sink. *Installation of GFCI receptacle where none exists is not necessary. However, if one does exist, it must be maintained in proper repair.*
- Install globe-type enclosed light fixture on all closet lights. *Fire Code, therefore, applicable safety code.*
- Install hard-wired, battery backup smoke detector per bulletin 80-1 and other smoke detectors as required by the IRC. Also, Install carbon monoxide detector(s) within 10 feet of all bedrooms. *Fire Code, therefore, applicable safety code.*
- Install approved lever handle manual gas shutoff valve on all gas appliances and remove all unapproved valve. *This is necessary by way of repair/replacement of non-code valves, manufacturer specifications, and as it provides a distinct safety hazard.*
- Install water heater venting according to code. *Order should read repair venting.*
- Install bathroom exhaust vented and terminated to the outside with approved material according to code. Ventilation permit is required. *Order should read repair venting.*
- Install correct style of return air grilles. *Required at time of installation and per building codes at time of construction*
- Install furnace air filter access cover. *Required at time of installation and per manufacturer specifications.*

I recommend denial of your appeal of these items, except as specified above. This recommendation will be put on the record in legislative hearing on Tuesday January 10, 2012 and on the Council agenda February 1, 2012.

Sincerely,

/s/

Marcia Moermond
Legislative Hearing Officer

c: Jim Bloom (email)
Stephen Ubl (email)
Jim Seeger (email)