

RLH vs 15-64



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

NOV 19 2015

CITY CLERK

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

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 794608)
 - 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

HEARING DATE & TIME (provided by Legislative Hearing Office) <u>Tuesday, December 1, 2015</u>
<u>Time 11:30 P.M</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 1734 7TH STE City: ST PAUL State: MN Zip: 55106

Appellant/Applicant: CHARLES MCCARTY Email: CMONEY392@GMAIL.COM

Phone Numbers: Business _____ Residence _____ Cell 651-442-0233

Signature: [Signature] Date: 11-19-15

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 REVOCATION OF C/O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

November 17, 2015

CHARLES MCCARTY
324 -- 3RD ST N
HUDSON WI 54016-1003

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1734 7TH ST E
Ref. # 123517

Dear Property Representative:

Your building was inspected on November 5, 2015, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A re-inspection will be made on November 19, 2015 at 2:00 PM or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Exterior - Doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-The front entry screen door is missing the bottom screen. The back entry screen door has the screen torn. The patio door on the right side is missing one of the glass pane. The patio door does not work properly is difficult to open and is not install properly into the frame.
2. Exterior - Front of House - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090. The front concrete stairs are cracked and damaged.

3. Exterior - Garage - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements. The garage has chipping and peeling paint on it. On the East side of the garage there are panels that are broken, have holes on them and panels that are becoming loose from the garage. The main garage door is damaged. The side garage entry door is damaged and the locking hardware is missing and damaged.
4. Exterior - Inside of Garage - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-There is an excessive amount of garbage inside the garage. The garbage disposal service has been discontinued for 3 weeks.
5. Exterior - West Side of House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass. The glass for the window on the West side of the house is missing.
6. Exterior - Inside the Garage - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes were missing. There is an electrical junction box in the garage that is missing the cover.
7. Interior - Dining Room Area - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-The hard-wired smoke detector in the dining room area is missing.
8. Interior - Near Bedrooms - 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 manufacturer's instructions. The carbon monoxide detector near the bedrooms is missing the battery cover.
9. Interior - Stairwell - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition. The second floor stairwell window frame is rotting.
10. Interior - Throughout - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the walls in an approved manner. There is a large hole on the wall in the second floor hallway. The wall next to the back entry door has an opening that is allowing cold air to enter. The hole is being temporarily being filled with plastic bags.
11. Interior - Throughout - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.

12. SPLC 40.06.04 - Suspension, revocation and denial. (A) Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor: (4) If the owner , in a material matter, fails to comply with regulations in section 40.09 of this chapter; or in situations where the fire code official after a good faith effort cannot identify an owner or interested party; The fire official has several attempts to contact the owner of this property and they have hung-up the phone on me and do not return my phone calls. There has been no response from the owner, because we have not been able to make contact with the owner we are revoking the certificate of occupancy.
13. SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-The hard-wired smoke detector on the upper level is missing and the carbon monoxide detector is missing a battery and the battery cover. The tenant has fixed this problem on November 5, 2015. Under Chapter 40.06.04 - The fire official has made several attempts to contact the owner of this property and they have hung-up the phone on me and do not return my phone calls. There has been no response from the owner.
14. 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.
15. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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 MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: brian.schmidt@ci.stpaul.mn.us or call me at 651-266-8981 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Brian Schmidt
Fire Inspector

Ref. # 123517

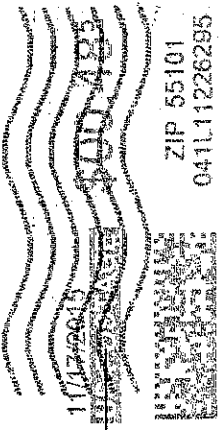
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806



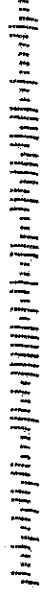
CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

ST PAUL MN 551

17 NOV 2015 PM 5T



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CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101- 1806
SUMMARY ABATEMENT ORDER

November 05, 2015

15 - 176355

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

CHARLES MCCARTY
324 3RD ST N
HUDSON WI 54016- 1003

As owner or person(s) responsible for : 1734 7TH ST E you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

1. Remove improperly stored or accumulated refuse including: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. REMOVE TOILET, APPLIANCE FROM BACK PORCH AND OTHER LOOSE AND SCATTERED REFUSE THROUGHOUT BACK SIDE OF THE PROPERTY. Comply before November 12, 2015

If you do not correct the nuisance or file an appeal before November 12, 2015 , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Sean Westenhofer Badge: 330 Phone Number: 651- 266- 1924

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Also Sent To:

Occupant

Peter K McCarty 1734 7th St E Saint Paul MN 55106- 4206

Charles McCarty 324 - - 3rd St N Hudson WI 54016- 1003

APPEALS: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

*WARNING Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15

State of Minnesota

District Court

County
Ramsey

Judicial District:
Court File Number: 62-HG-CV-15-2570
Case Type: Housing

CHARLES MCCARTY

Plaintiff's Date of Birth: _____
(if known)

Plaintiff (Landlord)
324 3RD ST N

HUDSON WI 54016

Address

Eviction Action Complaint
(Minn. Stat. § 504B.321)

vs. MEGAN ROSE LOCKHART ET AL

Defendant (Tenant)
1734 7TH ST E ST PAUL MN 55106

Tenant's Date of Birth: 10-20-1979
(if known)

I, CHARLES MCCARTY state upon oath/affirmation:

1. Landlord leased or rented to tenant(s) on 11-7-2013 by an ORAL WRITTEN agreement the premises at: 1734 7TH ST E the state of Minnesota, zip code 55106, in the county of RAMSEY. The agreement was from 11-7-2013 to 12-1-2014. The current rent due and payable under this agreement each month is \$ 1097.00 due on the 1ST day of the month.

2. The landlord of the premises described above is CHARLES MCCARTY

3. Landlord having present right of possession of said property, has complied with Minn. Stat. § 504B.181 by:
 a. disclosing to the tenant either in the rental agreement or otherwise in writing prior to beginning of the tenancy the name and address of
i. the person authorized to manage the property AND
ii. a landlord or agent authorized by the landlord to accept service of process and receive and give receipt for notices and demands, AND
 b. posting in a conspicuous place on the property a printed or typewritten notice containing the above information FROM OFF HOUSE OR

c. the above information was known by the tenant not less than 30 days before the filing of this action because: _____

4. Landlord seeks to have the tenant evicted for the following reasons:
 a. The tenant is still in possession of above premises and has failed to pay rent for the month(s) of NOVEMBER 2015 in the amount of \$ 1097.00 per month payable on the 1ST day of each month for a total due of \$ 2129.00.
 b. The tenant has failed to vacate property after tenant was given gave written notice to do so. This notice was served on Tenant Landlord on _____ and tenant was told Gave notice to vacate the property by _____
 c. The tenant has broken the terms of the rental agreement with property landlord by: (be specific) NOT PAYING MONEY OWED DAMAGES TO PROPERTY
 d. The tenant has breached the covenants set forth in Minn. Stat. §504B.171 by: (be specific) _____
 e. Defendant defaulted on the mortgage and the property has been sold at a Sheriff's sale. The Redemption period has expired and Plaintiff is entitled to possession.
 f. Defendant defaulted on a contract for deed and is holding over after proper cancellation of the contract.

5. The landlord seeks judgment against the above tenant(s) for restitution of said premises plus costs and disbursements herein.

I, (Name) CHARLES MCCARTY Verification and Affidavit of Non Military Status being sworn/affirmed, state that I am the plaintiff/agent/attorney in this action, that I have read the complaint and that it is true to the best of my knowledge; that tenant(s) is/are not now in the military service of the United States, to the best of my information and belief.

****Notice: A licensed attorney must sign the Complaint and appear in court on behalf of a corporation or LLC. In Hennepin County only, Housing Court Rule 603 may permit a corporation or LLC to file and appear in court without a licensed attorney.****

Dated: 11-2-15

Signature (Sign only in front of notary public or court administrator)
Name: CHARLES MCCARTY

Address: 324 3RD ST N
City/State/Zip: HUDSON WI 54016
Telephone: (651) 354-1342

Sworn/affirmed before me this _____ day of Nov, 2015
[Signature]
Notary Public \ Deputy Court Administrator

Court

11-12-15