



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
JUL 13 2016
CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - 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) Tuesday, _____ Time _____ Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1209 WEST 7th STREET City: St Paul State: MN Zip: 55102

Appellant/Applicant: SETH CRYER Email scryer@oreillyauto.com

Phone Numbers: Business 417-868-4235 Residence _____ Cell _____

Signature: Seth Cryer Date: 07/05/16

Name of Owner (if other than Appellant): O'REILLY AUTO PARTS

Mailing Address if Not Appellant's: 233 S. PATTERSON AVE

Phone Numbers: Business 417-829-2967 Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O Insurmountable obstacles that allow deadline to be met.
- 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

June 29, 2016

JASON BAYLESS
OREILLY AUTOMOTIVE STORES, INC
PO BOX 1156
SPRINGFIELD MO 65802-2210USA

FM-SPR
JUL 05 2016

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1209 7TH ST W
Ref. # 13464

Dear Property Representative:

Your building was inspected on June 17, 2016, 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 July 15, 2016 at 11:30am. All work including permits being finalled must be completed by the re-inspection 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. Building – Standing Water - SPLC 34.10 (1) – Abate and maintain the basement reasonably free from dampness and free of mold and mildew.-**There is standing water in the basement upon the re-inspection. The basement must be maintained free from water and mold/mildew. Inspector has received documentation indicating that drainage field and sump basket is being installed to resolve the water issue. Plans must be submitted and all work approved under permit.**

Note: Building inspector, Isaac Stensland, has determined that the sump-pump is being discharged into the sanitary sewer system. This is not a code compliant installation and corrections must be made before the open permit can be finalled. It has been proposed to discharge the sump-pump into the City of St Paul storm sewer system. This requires plans to be submitted for approval. Submit the required plans, obtain the approvals/permits, and contact your contractor to make the required code compliant installation. When work is completed have your contractor schedule final inspections with the respective trade inspectors.

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: wayne.spiering@ci.stpaul.mn.us or call me at 651-266-8993 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Wayne Spiering
Fire Inspector

Ref. # 13464

Chapter 18. - Legislative Hearing Officer^[1]

Footnotes:

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Editor's note—C.F. No. 95-105, § 1, adopted Mar. 22, 1995, amended this chapter in its entirety, in effect repealing former ch. 18, property code enforcement board of appeals, §§ 18.01—18.04, and adding new provisions as herein set out. Formerly, such sections derived from §§ 55.01—55.04 of the 1956 Code; Ord. No. 16897, adopted Mar. 18, 1982; Ord. No. 17346, § 1, adopted Apr. 24, 1986; Ord. No. 17565, § 1, adopted May 24, 1988; Ord. No. 17740, § 2, adopted June 5, 1990; Ord. No. 17810, § 1, adopted Mar. 5, 1991; and 17875, § 1, adopted Oct. 22, 1991.

Sec. 18.01. - Legislative hearing officer.

In order to hear and decide appeals of orders, decisions or determinations made by the enforcement officers relative to the enforcement of health, housing, building or fire codes contained in the Saint Paul Legislative Code, and in order to hear appeals and make determinations relative to safe pedestrian crossing areas under section 156.05 and newsracks under chapter 131 of the Saint Paul Legislative Code, there shall be and is hereby created a legislative hearing officer. The legislative hearing officer shall be a city employee appointed by the president of the city council. The legislative hearing officer shall have the authority to hear appeals to orders, decisions or determinations of the enforcement officers or others and make recommendations to the city council. The hearing officer shall not have the power to grant waivers of the Minnesota State Building Code. All matters, orders, decisions and determinations of the hearing officer shall be forwarded to the city council in resolution form within ten (10) days of the hearing officer's actions. The city council shall have the authority to approve, modify, reverse, revoke, wholly or partly, the hearing officer's orders, decisions or determinations and shall make such order, decision or determination as ought to be made. All matters, orders, decisions and determinations of the hearing officer, being recommendations to the city council, are not subject to judicial review.

(C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00; C.F. No. 01-277, § 2, 7-5-01; C.F. No. 02-125, § 1, 3-6-02; C.F. No. 09-312, § 1, 4-8-09)

Sec. 18.02. - Hearing petition, filing, fee, notice.

Any property owner affected by any order which has been issued in connection with the enforcement of a health, housing, building or fire code, or any rule or regulation adopted pursuant thereto, or any newsrack owner affected by any decision made pursuant to section 131.70(B) of the St. Paul Legislative Code, may request and shall be granted a hearing before the legislative hearing officer on all matters set forth in such notice; provided, that such property or newsrack owner shall first file with the legislative hearing officer a written petition requesting such hearing and setting forth a brief statement of grounds therefor within ten (10) days after the date the original notice of code violations, or within ten (10) days after the date on which notice of the newsrack decision under section 131.70(B), was issued.

The filing fee for such petition shall be twenty-five dollars (\$25.00) except that where there is financial hardship, the hearing officer may waive this filing fee subject to the approval of the city council.

Upon receipt of such petition, the hearing officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed.

(C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00; C.F. No. 09-312, § 1, 4-8-09)

Sec. 18.03. - Reserved.

Editor's note— C.F. No. 09-312, § 1, adopted April 8, 2009, amended the Code by repealing former § 18.03 in its entirety. Former § 18.03 pertained to judicial review, and derived from C.F. No. 95-105, § 1, adopted March 22, 1995.

Chapter 19. - Power of Inspectors to Enforce Provisions of Code

Sec. 19.01. - Power of inspectors to issue summonses.

All duly appointed, qualified and acting inspectors of either the departments of the city or the board of water commissioners shall have the same power as possessed by police officers of the city to issue summonses in the same manner and with the same force and effect as summonses issued by police officers, but such summonses shall relate only to violations of the Saint Paul Legislative Code relating to building construction, operation and maintenance; fire and fire prevention; public health and sanitation; water code; and zoning, and the provisions of the Minnesota Code of Agency Rules enforced by the department of safety and inspections. Said summonses shall be such form as approved by the Ramsey County Municipal Court.

(Code 1956, § 75A.01; C.F. No. 00-548, § 1, 7-5-00; C.F. No. 05-974, § 1, 11-9-05; C.F. No. 07-149, § 1, 3-28-07)