



May 2, 2025

Joshua Keith Kirchert
428 Fulton St
St Paul MN 55102-3421

**NOTICE OF CONDEMNATION
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

RE: 1009 MAGNOLIA AVE E
Ref. #

Dear Property Representative:

Your building was inspected on May 2, 2025.

The building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

The following deficiency list must be completed, or the building vacated by the re-inspection date.

A reinspection will be made pending the decision of the Legislative Hearing Officer at the next hearing on May 6, 2025, at 1:30 pm in room 330 at City Hall.

CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

DEFICIENCY LIST

1. Basement - MSFC 604.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.-

- a. Light assembly hanging from fixture by wires
 - b. Repair or replace light fixture
 - c. Remove adapters that are between light bulbs and the light fixture
 - d. Adapters are not approved
2. 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. -
 - a. Chipped, peeling, and bubbling paint
 - b. Overhead door does not close completely, gaps at top of door
 - c. Siding and fascia boards pulling away, not secure, and water damaged
 - d. UPDATE: 05/02/2025 - Overhead door is detached from rails and laying inside garage
 - e. Foundation is cracked and bulging out on alley side
3. Exterior - Rear and Side Entry Doors - SPLC 34.09(4), 34.33 (3) - Repair and maintain the door in good condition. -
 - a. Access doors are not sealed from the elements
 - b. Daylight is visible around and/or under these doors
4. Exterior - MSFC 304.1 - Remove excessive combustible storage and/or vegetation from exterior property areas. -
 - a. Furniture, household items, garbage, dirty diapers, and other items stored in the alley and scattered throughout the yard
 - b. Vegetation and brush under tree, and around the dwelling
5. Exterior - SPLC 34.09 (2)(a), 34.33 (1)(a) - Provide and maintain foundation elements to adequately support this building at all points. -
 - a. Sections of foundation filled with expanding foam
 - b. Expanding foam is not approved
 - c. Repair or replace foundation elements to a professional state
 - d. A permit is required for this work
6. Exterior - SPLC 34.09 (1)(2)(a), 34.33 (1)(b) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint. -
 - a. Multiple wall areas have been filled with expanding foam
 - b. Expanding foam is not approved and does not properly protect the structure from the elements
 - c. Chipped, cracked, and peeling paint
 - d. Sections of siding chipped, cracked, and/or water damaged
7. Exterior - SPLC 34.09 (4), 34.33 (3)- Repair and maintain the window in good condition. All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. -

- a. Multiple windows open and not secured
 - b. Front living room window missing glass
 - c. Rear upstairs window shattered glass
 - d. Repair or replace damaged and missing screens
 - e. Multiple windows missing screen and/or storm windows
 - f. UPDATE: 05/02/2025 – Front Bay window glass has been replaced

- 8. Exterior - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs. -
 - a. Sections of sidewalk and stairs have been filled with expanding foam
 - b. Expanding foam is not approved for sealing sidewalk or stairs
 - c. Repair or replace sidewalk and stairs to a professional state

- 9. Interior - Back Stairwell - SPLC 34.10 (3), 34.34(2) - Provide an approved handrail.
 Every required handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Repair or replace the unsafe stairway in an approved manner. -
 - a. No handrail present
 - b. One stair tread is split and separated

- 10. Interior - Throughout - SPLC 34.09 (4), 34.33 (3)- Repair and maintain the window in good condition. All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. -
 - a. Multiple windows do not stay open without assistance
 - b. Multiple windows are screwed shut, but adjoining window is operational
 - c. One or more windows painted shut
 - d. Window glass is shattered in upstairs back bedroom window
 - e. Repair or replace windows to a professional state of repair

- 11. Interior - Throughout - MN Stat. 299F.362, MSFC 1103.8, MSFC 1103.8.1 -
 Immediately provide and maintain a smoke alarm located in hallways outside sleeping rooms, in sleeping rooms, on each level of the building and in basements. On ceiling or wall (less than 12 inches below ceiling). On center of ceiling above stairways. Smoke alarms must be installed in same locations as originally installed. Single- and multiple-station smoke alarms shall be replaced when: 1. They fail to respond to operability tests. 2.They exceed ten years from the date of manufacture. Smoke alarms shall be replaced with smoke alarms having the same type of power supply. -

- a. Multiple smoke alarms do not test and are missing batteries
 - b. Basement smoke alarm is chirping
 - c. Smoke alarm at base of front stairwell is yellowed, unable to verify manufacture date
 - d. Dwelling would be uncertified until re-inspection if there were a valid Fire Certificate of Occupancy
 - e. Check smoke alarms for manufacture date and replace as need with a smoke or combination smoke/carbon monoxide alarm
12. Interior - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner. -
- a. Holes in ceiling and/or ceiling tiles
13. SPLC Sec. 40.01. - Fire certificate of occupancy requirement - (a) All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public. (b) Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional certificate of occupancy, a completed owner's self-evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use. -
- a. Property is not owner occupied
 - b. Apply for a provisional Fire Certificate of Occupancy by applying in person at our customer service desk, or you may print the form from our website at <https://www.stpaul.gov/dsi> and mail the form in with payment
 - c. Provide copy of TISH inspection and property listing if property is put up for sale
 - d. Compliance by April 1, 2025, or further correction action shall be taken
 - e. UPDATE: April 1, 2025 - Property owner did not arrive for inspection
Property is unsecured and unoccupied
 - f. UPDATE: April 9, 2025 - Property remains unsecured and unoccupied
 - g. UPDATE: May 2, 2025 - Property is secured, front entry door was replaced, and front bay window has been repaired
14. MSFC 110.1.1 Unsafe Conditions - Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by section 311 shall be deemed unsafe. -
- a. Property is not secured
 - b. Windows with damaged or missing glass
 - c. Front door not secured and open
 - d. Property is unoccupied
 - e. UPDATE: 05/02/2025 - Front Bay window glass has been replaced; new entry door installed

15. SPLC 34.23, MSFC 111.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office. -
- a. Condemned for but not limited to long term non-compliance for failing to apply for a Provisional Fire Certificate of Occupancy from correction orders issued on October 15, 2024; November 20, 2024; December 20, 2024; January 28, 2025; March 12, 2025, failure to secure property from unauthorized access, not showing up for April 1, 2025, inspection
16. SPLC 40.04 (5) - The owner of a building used for residential occupancy who is applying for their FIRST Fire Certificate of Occupancy, must complete the Department of Safety and Inspection Landlord 101 course, or other landlord training program approved by the Department of Safety and Inspections. The training must have occurred within the last two years and the owner must submit a certificate of attendance or provide verification of enrollment in the next scheduled class to the Fire Inspection Division-DSI. This requirement shall not apply to an owner who has a Fire Certificate of Occupancy on another building used for residential occupancy. For more information on Landlord 101, or to receive registration materials call DSI at 651-266-8952, email: dsi-landlord101@ci.stpaul.mn.us, or visit the website at: <https://www.stpaul.gov/departments/safety-inspections/rent-buy-sell-property/renting-property/landlord-101>.-
- a. Property owner has not taken Landlord 101
 - b. Register for and complete the Landlord 101 course
 - c. The next Landlord 101 Course is scheduled for July 12, 2025

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 the original orders.

If you have any questions, email me at: Daryl.Chute@ci.stpaul.mn.us or call me at 651-266-9129 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Daryl Chute
Fire Safety Inspector II
Ref. #

cc: Housing Resource Center
Force Unit