APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED
AUG 28 2023
CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585
legislativehearings@ci.stpaul.mn.us

We need the following to process your appeal:

- [x] **$25 filing fee** (non-refundable) **(payable to the City of Saint Paul) (if cash: receipt number_____)**
- [x] **Copy of the City-issued orders/letter being appealed & any attachments you may wish to include**

[x] Walk In [ ] Mail [ ] Email

Appeal taken by: Naylor

HEARING DATE & TIME
(provided by Legislative Hearing staff)
Tuesday, September 5, 2023
Location of Hearing:

[x] **Telephone:** *you will be called between* 3:00 p.m. & 5:00 p.m.

[ ] **In person** *(Room 330 City Hall)* **at:** _____
(required for all condemnation orders and Fire C of O revocations and orders to vacate)

Address Being Appealed:

Number & Street: 376 Beacon Ave City: Saint Paul State: MN Zip: 55104

Appellant/Applicant: Ashley Marie Tieman Email mmjd04@yahoo.com

Phone Numbers: Business 651-808-1133 Residence 651-808-1133 Cell 651-808-1133

Signature: Ashley Marie Tieman Date: 08/26/2023

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Residence _____ Cell _____

What is being appealed and Why? Attachments Are Acceptable

- [ ] **Vacate Order/Condemnation/ Revocation of Fire C of O** _____
- [ ] **Summary/Vehicle Abatement** _____
- [ ] **Fire C of O Deficiency List/Correction** _____
- [ ] **Code Enforcement Correction Notice** _____
- [ ] **Vacant Building Registration** _____
- [x] **Other** (**Fence Variance, Code Compliance, etc.**) See Attached

Ashley Marie and Brett Tieman
376 Beacon Ave
St. Paul, MN 55104

August 25, 2023

Legislative Hearing Office Appeals for Fence Height Variance

To Whom It May Concern:

I am writing today to request a review and appeal of the denial for variance to the maximum height allowable for a fence to be replaced from 4ft to 6ft at the address 376 Beacon Ave, St. Paul, MN 55104. A variance to the maximum height for a fence can be granted if conditions of the site, terrain, or nuisance animal are met and I believe our request for a variance to build a 6ft fence along our property line at the sidewalk of St. Anthony Blvd meets these conditions.

Per the attached email from the city of St. Paul, the interpretation of the definitions of Front Setback line and Lot Lines lead them to believe that St. Anthony Blvd is considered the front of the house and with it the restrictions for the front yard fence be a maximum of 4ft tall. However, what is considered to be the front yard of 376 Beacon Ave is actually what we, the homeowners, must consider our back yard as our home in on a corner lot that faces Beacon Ave (front door and driveway entrance face west on the east side of street) and though it is the side of the house, it is the only yard space and is used as a backyard typically would for children, pets, and entertaining.

When the home was purchased in 01/2015, a 4ft chain link fence enclosed the south, east, and west sides of the corner lot and the east side of the home had the fence built into a 2ft retaining wall that continued to enclose the entrance to the home like a fortress. The retaining wall has been removed and we are intending to remove the deteriorating chain-link fence and replace with new, friendlier wood fencing. However, we now have a small child and medium sized dog (pictures attached) and the increased use of the yard space has brought to our attention that just replacing the 4ft fence along the sidewalk of St. Anthony would still leave us to deal with the many private nuisances (as defined on page 11 of the attached MN Nuisance Laws) that affect the use and enjoyment of our only yard space.

The development along the Green Line and of Allianz Field has brought a significant influx of pedestrian traffic to our area as people park and walk to events. While we welcome the development of our neighborhood, we cannot ignore the safety concerns for our family.

St Paul Code (attached) defines Nuisance regarding animals as "situations in which an animal or animals constitute a hazard or danger to persons or property." Though our animal is not considered a nuisance, I believe that the requirements for a variance to obtain a taller fence due to nuisance animal would be met if we considered the wildlife of the city to be the strangers visiting and passing through our neighborhood. People walking by will use our yard for trash disposal and have dump dangerous items and chemicals into our yard. Broken glass bottles and beer cans have needed to be cleared from the yard after most events. Packages stolen from other properties have ended up in our yard and dangerously, chemotherapy (literal poison) that was stolen from a neighbor's front porch was dumped into our yard for our dog to find in 01/2022. During the MLS Allstar Game in 08/2022, she had to be hospitalized for observation of what our vet told us were classic symptoms of Marijuana poisoning (which did not come from our home). Even with a 4ft fence on St. Anthony Blvd, strangers

can and do reach over and pet our dog without permission. She is registered, up to date on her shots, and friendly, however this is a huge liability for us as the property owners. If it can be done with our medium sized terrier, it is certainly possible that the same could be done with our small child.

Additionally, the site/terrain conditions also hinder our ability to protect our property within the 4ft maximum requirement for fencing in front yards. The same rule that is causing us to consider St. Anthony Blvd our front yard allows us to build a 6ft fence along Beacon Ave. But in 2019 we were able to move the fence line along the east side of the property into the yard 6ft and now do not have the same evidence of trash dumping and have not witnessed anyone leaving the sidewalk to reach over the 4ft existing fence and into our yard. As noted on the attached fence plan, we are opting for the fence to remain 4ft fence on the east side of the lot as we would like to be accessible neighbors. However, due to the size of the lot (currently 27ft from house to sidewalk on St. Anthony Blvd) and the complicated root system of a large, mature Silver Maple tree at the southwest corner of the yard, we are unable to move the fence on the south side of the property into the yard without significant reduction of useable green space.

The neighborhood aesthetics are not mentioned as an issue when reading the codes and rules, but we know this is an important aspect of every neighborhood and have made efforts to ensure the look of the wood fence remains in keeping with the style of our little neighborhood. The block of St. Anthony Blvd between Beacon Ave and Wheeler Ave is the only block between Snelling Ave and Fairview Ave that the single-family residences utilize St. Anthony Blvd as their front yard. The blocks between Wheeler Ave and Aldine St. have their side/back yard fences up against the sidewalk on St. Anthony Blvd, some of which are 6ft privacy (pictures attached). There also commercial buildings on St. Anthony Blvd between Aldine St. and Fry St. that have parking lots up to the sidewalk. And the house across the street at 375 Beacon Ave has their driveway off St. Anthony Blvd, so there would be no concerns about the fence being out of style or negatively impacting the "feel" of the neighborhood. And as Beacon Ave dead ends into St. Anthony Blvd and the MNDOT berm for I-94. Consequently, we have no neighbors to the south on St Anthony Blvd or Beacon Ave that face north that would consider a taller fence a nuisance to their property sightlines.

During the Variance review process, I was told by Steve Uble with the zoning and building inspection department, that the city's primary concern for fence height maximums is pedestrian and vehicle safety, we have worked with Midwest fence to adhere to the corner lot visibility requirements for fencing (plan attached) and have opted for a semiprivate (picture attached) vs fully private picket. In addition, the neighborhood conditions are that there are new full width and ADA compliant sidewalks in good condition on the north side of St. Anthony Blvd and Beacon Ave as of 2019, a baluster protected 2-way bike lane on the south side of St. Anthony Blvd, and St. Anthony Blvd is a one-way street running east to west with a stop sign at Beacon Ave. Our neighbors have protections in place for their use and enjoyment of their outdoor space and we ask that you grant the variance to build a 6ft fence along St. Anthony Blvd, so we also have the ability to protect the use and enjoyment of our outdoor space at 376 Beacon Ave.

Kind Regards,

Ashley Marie Tieman

Brett Tieman

Attachments

1. Variance Appeal Application
2. Homeowner Variance Request Justification Letter
3. Original Variance Request
4. Interpretation of Front Set Back from City of St. Paul
5. City of St. Paul Fence Requirements
6. Midwest Fence Co. fence layout
7. Midwest Fence Co. description of fence style
8. Midwest Fence Co. fence style reference photo
9. MN Public and Private Nuisance Laws (page 11)
10. St. Paul Code of Ordinances (sec 196.02 Definitions)
11. Photo of medium dog and small child residing at 376 Beacon Ave
12. Aerial of St. Anthony Blvd Snelling Ave to Fairview Ave
13. Aerial of St. Anthony Blvd Aldine St to Fairview Ave
14. Photo 376 Beacon Ave and 1781 St Anthony Blvd adjoining yards
15. Photo of south side of St. Anthony Blvd from 376 Beacon Ave
16. Photo of north side St. Anthony Blvd from 376 Beacon Ave
17. Photo of 374 Wheeler Ave at St. Anthony Blvd
18. Photo of 371 Herschel Ave at St. Anthony Blvd
19. Photo of 374 Herschel Ave at St. Anthony Blvd
20. Photo of 375 Beacon Ave at St. Anthony Blvd

(3)

23-070410

CITY OF ST. PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
375 JACKSON STREET, SUITE 220
ST. PAUL, MINNESOTA 55101-1806

REQUEST FOR FENCE VARIANCE
$85.00

Visit our Web Site at **www.stpaul.gov/dsi**

Effective: 02/25/2023

ADDRESS OF VARIANCE:	376 Beacon Ave, Saint Paul MN 55104
OWNER ADDRESS:	Brett and Ashley Marie Tieman
CONTRACTOR ADDRESS:	
CITY:	STATE: ZIP:
PHONE: 6518081133	FAX: EMAIL: mmjd04@yahoo.com

FENCE DETAILS REQUIRED (A site plan indicating the location of the fence must be provided with this application)

Proposed length of fence (total lineal feet)	Proposed height of fence	Will the fence be erected on a corner lot?
Length of Fence: 150	Feet: 6 Inches: 0	Yes X No ____

Type of Fence: ____ Non-Obscuring Fence X Privacy Fence ____ Barbed Wire Fence

Fence Location: X Perimeter of Entire Yard ____ Front Yard Only ____ Rear or Side Yard Only

Sec. 33.07. Fences--Requirements.

Variances. A variance of the fence height regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions.

The property on which the fence is proposed satisfies the variance criteria (underlined in preceding box) for the following reason(s):
Check at least one item below and state the reason(s) you believe the property qualifies for variance consideration

X SITE CONDITIONS X TERRAIN CONDITIONS X NUISANCE ANIMAL CONDITIONS

REASON FOR VARIANCE REQUEST: Site: Side yard is technically the front yard for St Anthony, but it is the entirety of the yard for our property and is only 35' deep and wide. It is a corner lot, but St Anthony is a 1-way running west and the south side of the road is MN-DOT 94 Berm so only area privacy fence would obscure is for drivers turning north and they have a stop sign. Terrain: There is a large mature Silver Maple tree at the corner of the yard whose root system prevents us from being able to move the fence even a few feet off the sidewalk on St Anthony. Nuisance: St Anthony has become a freeway proxy with people ignoring the speed limit and with the addition of Alliance Field and the light rail, we are a major pedestrian walkway. Our dog was drugged during the Soccer All Star Game last year and we don't feel it was malicious, simply the by product of having the low non obscuring fence on the sidewalk where people can and do dump trash.

Office Use Only Below This Line

INSPECTORS OBSERVATIONS: St. Anthony is the designated Front yard. You may appeal to the L.H.O.

INSPECTORS NAME: Steve J. UBF Phone: 651-266-9021

____ **APPROVED** Date: 8/23/23 Building Official: Steve UBF Phone: 651-266-9021

X **DENIED** (This decision may be appealed to the legislative hearing officer by calling 651-266-8560.)

RETURN SIGNED RECOMMENDATION TO: ____ **AT THE FRONT COUNTER.**

****Effective April 3, 2021, a 2.49% service fee will be charged for all credit or debit card transactions and will appear as a separate transaction on your card statement. This fee is charged by the service provider the Department of Safety and Inspections uses to handle credit card transactions. The City will not receive any of the service fees.****

Signature of Cardholder (required for all charges): ____

☐ AMEX ☐ Discover ☐ MasterCard ☐ Visa **Security Code ▶** | **Expiration Date: Month /Year ▶**

BILLING ZIP CODE: ____

Enter Account ▶ Number

3

SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, PE(MN), CBO, DIRECTOR

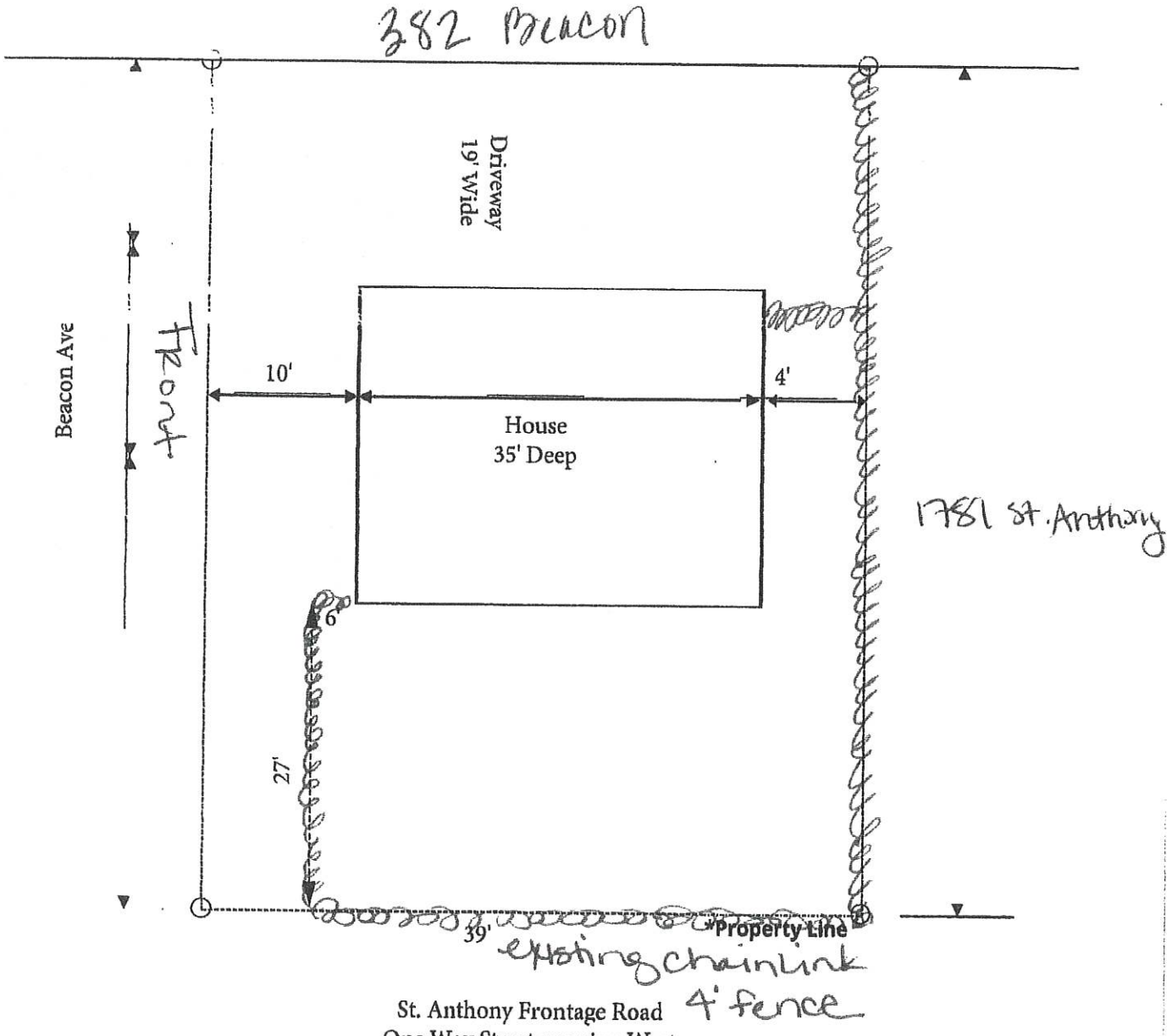
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124
Visit our Web Site at: www.stpaul.gov/dsi

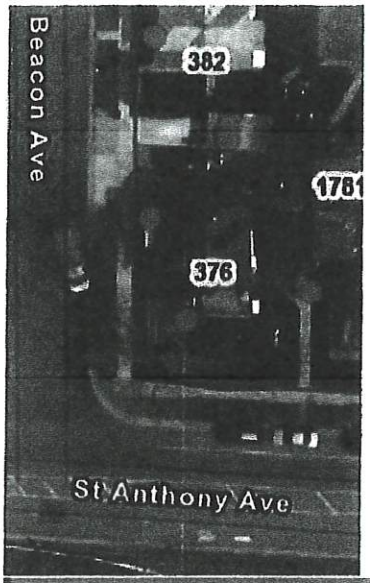
BASIC SITE PLAN

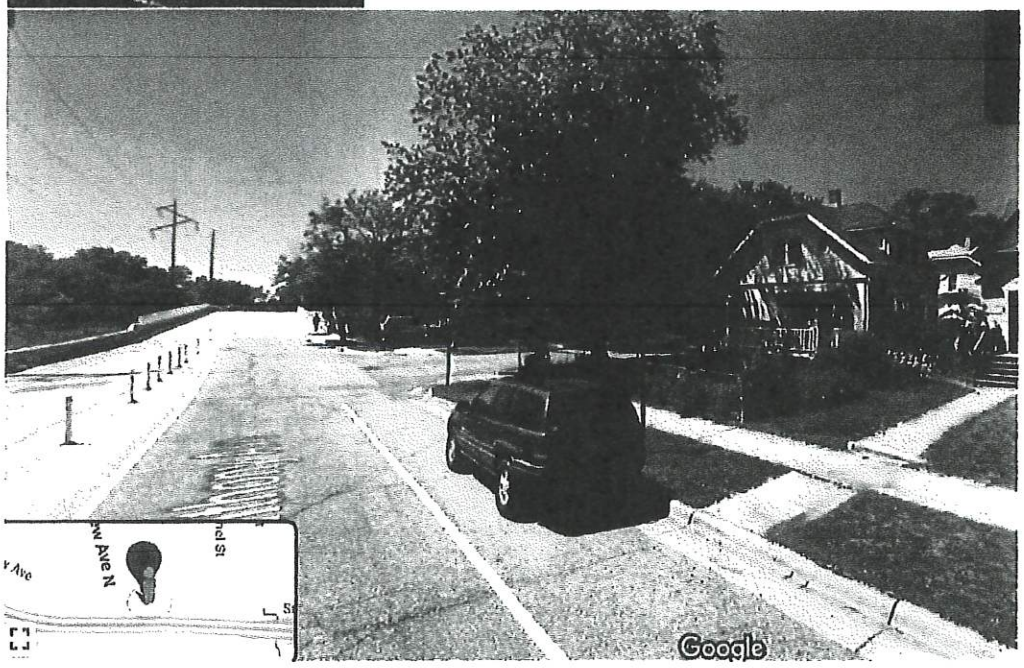
Street Address: 376 Beacon Ave , Saint Paul, MN 55104

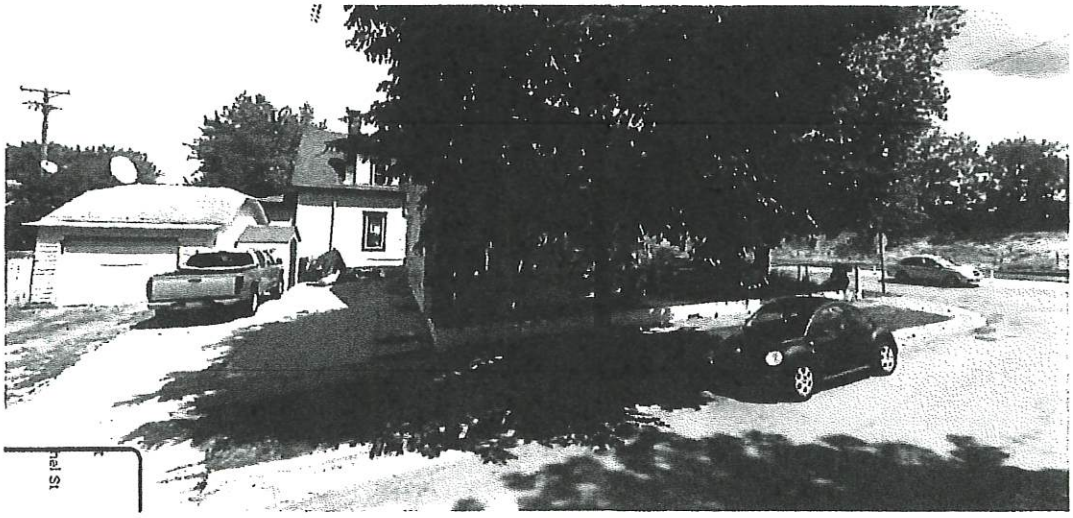
***Owner must verify exact location of all Property Lines.**

If the current site plan is substantially different than the example below, please redraw the site plan.




Beacon Ave
382
1761
376
St Anthony Ave


Google



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Ashley Marie Tieman

From: Ashley Marie Tieman <mmjd04@yahoo.com>
Sent: Friday, August 25, 2023 3:00 PM
To: Ashley Marie Tieman
Subject: Fwd: 376 Beacon - Fence

Sent from my iPhone

Begin forwarded message:

From: Katherine Erickson <Katherine.Erickson@ci.stpaul.mn.us>
Date: August 25, 2023 at 2:39:48 PM CDT
To: mmjd04@yahoo.com
Subject: 376 Beacon - Fence

Hi Ashley,

Below are the two definitions we base the interpretation off of. The "front setback line" definition refers to Chapter 66 which is where the required front setback distance is identified (25 feet). Note, the "front lot line" definition for a corner lot states "either" street, rather than "both" streets like a through lot. So the interpretation is a combination of these two definitions; the front lot line *can* be from either street, however, on this specific lot the front setback line can only be from St. Anthony as the lot doesn't have the depth to meet the required setbacks if we were to consider the front setback line on Beacon Street. Since the lines are parallel to each other and the setbacks are only met along St. Anthony, St. Anthony is thus determined to be the front for this lot.

Front setback line. A line which is parallel to the front lot line which establishes the minimum front yard depth of a zoning lot. The location of such front setback line shall be determined by the required depth of the front yard as prescribed in the dimensional standards of this code (chapter 66).

Lot lines. The lines bounding a lot as defined herein:
(1) *Front lot line:* For an interior lot, the line separating said lot from the street. For a corner lot, the line separating said lot from either street. For a through lot, the line separating said lot from both streets.

Regards,

Katie Erickson
Inspector II
Pronouns: she/her

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DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-9007
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Fence Requirements (Sec. 33.07)

(a) Permit. No person shall construct, or cause to be constructed, any fence in the City of Saint Paul without first obtaining a permit from the building official.

(1) Fee. $37.00 for the first 200 lineal feet or fraction thereof erected and $13.00 for each additional 100 lineal feet or fraction thereof.

(2) Site Plan. A site plan must be submitted showing the property lines, location, length, height and type of fence (wood, chain link, etc.) being installed. A survey may be needed if applicant can not locate property markers.

(b) Height of fences. No fence shall be erected exceeding six (6) feet six (6) inches in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in section 60.207 of the Saint Paul Legislative Code shall be no more than four (4) feet in height. One a corner lot of two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from the sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80% open. Fences for nonresidential uses in residential zoning districts shall not exceed eight (8) feet in height, except fences around tennis courts, which shall not exceed twelve (12) feet in height, back stop fences, which shall not exceed twenty (20) feet in height, and golf range fences, which shall not exceed thirty (30) feet in height. The selvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.

(c) Variances. A variance of the fence height regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions. An application fee of seventy dollars ($70.00) is required for each variance request.

(d) Swimming pool fences. All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use. Commercial and multi-family residential swimming pools require approval from the MN Dept. of Health (651)201-4500 or Steve Klemm (651)201-4503.

(e) Barbed wire fences. No barbed wire fence shall be constructed within the city limits of the City of Saint Paul, except for police and correction facilities, unless the following conditions are complied with:

(1) No fence which uses barbed wire may be built in, or abut, a residentially zoned district or built on or abut a lot occupied residentially.

(2) Barbed wire, not exceeding three (3) strands, may be permitted on the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.

(3) In all cases where a barbed wire fence is requested, an application shall be made to the building official.

(4) A certificate of insurance indemnifying the City of Saint Paul shall be submitted with the application subject to the approval of the city attorney as to form and in an amount as set forth in Minnesota Statutes, Section 466.04.

(f) Electric fences. No above ground electric fence shall be constructed within the city limits of the City of Saint Paul.

(g) Fences in Historic Districts. If a fence is proposed for a designated Historic Site or within a Historic District, there will be a review by the Heritage Preservation Commission (HPC) staff within the Department of Safety and Inspection (DSI) to ensure that the fence meets the Guidelines of the District. A site plan will be required (typical of all fences) and also an elevation drawing which will illustrate all the details of the fence, including height, general

(See reverse for Inspection Procedure)

appearance of the fence materials to be used and whether it will be painted or stained. Call 651-266-9090 if uncertain whether a property is in a Historic District. To reach an HPC staff person, call 651-266-9078.

Fence Inspection Procedure:

The contractor (permittee) is responsible to properly locate the property lines, locate property pins or survey property; also for arranging for the required inspections and assuring that the work is completed in compliance with applicable codes and ordinances.

The fence installer is responsible for locating the fence entirely within the boundaries of the property being fenced. If existing property markers cannot be located, the property boundary must be established by measurement from existing benchmarks or by placement of new property markers through a registered survey.

The inspector for your project is identified on the permit inspection card. If there is any question about the acceptability of existing property markers or benchmarks, contact the building inspector between 7:30 and 9:00 am for approval of the markers prior to installing the fence. Contact the building inspector as identified on the fence permit to arrange for a final inspection after completing the fence.

(6)

Estimate / Order

MIDWEST FENCE
est. 1947

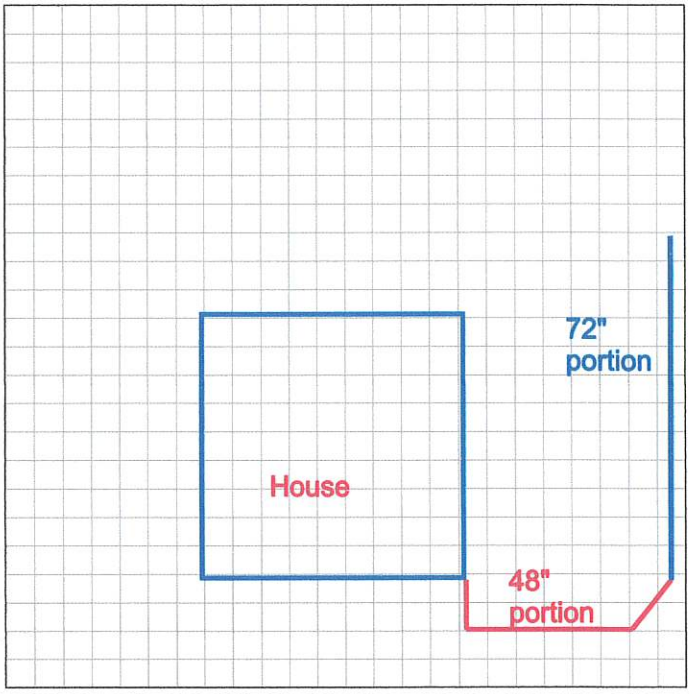
Salesperson Derrick Brown Date 8/21/23

525 E. Villaume Ave
South St. Paul, MN 55075
651-451-2222 / www.midwestfence.com

Celebrating 1947 75 Years 2022

Customer Ashley Marie Tieman
Address 376 Beacon Ave
City St.Paul State MN Zip 55104
Contact
Phone 651-808-1133
Email mmjd04@yahoo.com

Job Site same
Address
City State Zip



Quantity	Description		Amount
34'	72" western red cedar clear grade 1x6/1x4 Capped Rail Picket		
35'	48" western red cedar clear grade 1x6/1x4 Capped Rail Picket		
All	Dura Cedar posts, 10 year warranty		
	Install 1 additional 48" 4x4 wood post off NE of the house		$5,118.00
		Removal	+$670.00
		Haul away	+$250.00
		Total	$6,038.00
	Property Corner Locating by: ☐ Midwest Fence ☐ Customer ☐ N/A		
	Permit Obtained by: ☒ Midwest Fence ☐ Customer ☐ N/A		

- Family owned and operated since 1947
- Licensed, bonded and insured
- MN State Contractors License #BC004739
- BBB Accredited Business

Customer Signature:_____ Date:_____

Order becomes binding upon Manager approval

Form 1

Proposal is valid for 21 days

Down Payment:
10% Chain Link & Wood
30% PVC, Trex & Ornamental
50% On orders less than $3000

Progress Payment:
50% Chain Link & Wood
30% PVC, Trex & Ornamental

Balance: Due at Completion

Capped Rail Wood Picket Fences

Capped rail wood picket fences provide stylish semi-privacy with alternating width pickets and rails at the top and bottom of this fence that is six-feet tall or taller.

Each fence post topped by a cap to give the wooden fence a unique appearance.

This type of wood picket fence provides an enclosure for pets but also provides transparency and allows a breeze through like a chain link fence. It offers the natural appearance and stylish look of a wood fence while providing that functionality of chain link.

Midwest Fence offers DuraCedar™ posts in its wood picket fence options. DuraCedar™ is old-growth Canadian Western Red Cedar pressure-treated with the Durezyme™ process.

The unique process provides the rot-resistance and longevity of pressure treated wood without the warping, twisting, discoloration or buckling typically associated with pressure treating.

While DuraCedar™ retains its appearance and strength longer than wood used in other picket fences, regular maintenance such as painting or staining will extend its life.

Midwest Fence provides a variety of cap options for the wooden fence posts. Call **651-451-2222** for more information or to receive a free estimate.

Cedar fence with post caps in a capped rail style.

any member of a board of public health, county, or city, that refuses or neglects to perform a duty imposed by statute or ordinance is guilty of a misdemeanor.[45]

Private Nuisance Actions

Separate from public nuisance but sometimes overlapping it, Minnesota statutes also recognize private nuisance. Private nuisance is a form of damage caused by wrongful conduct. The wrongful activity may consist of a statute or ordinance violation, or it may be lawful and involve intentional conduct, negligence, or an ultrahazardous activity.

Private nuisance is defined formally as anything "injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property."[46]

Any person whose property is damaged or whose personal enjoyment is affected by the nuisance may bring an action in court to stop the activity.[47] If successful, in addition to having the private nuisance activity stopped, the person filing suit may also recover damages sustained as a result of the activity.

If the conduct both violates a public nuisance statute and interferes with an individual's ability to freely use and enjoy property, the activity can be addressed both by the prosecutor through the public nuisance statute and by an individual's separate private civil action for damages or an injunction.

Business Activities

While case law indicates a business should not be destroyed unless necessary to protect another's rights, abatements have been ordered that have closed down legitimate businesses. Examples of business activities that Minnesota case law has recognized to be private nuisances include industrial plants transferring dust to adjacent residential property;[48] a limestone quarry giving off noise, fumes, and odors;[49] wastewater treatment plant odors;[50] poultry and hog farm odors;[51] and water and sewage runoff.[52]

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[45] Minn. Stat. § 145A.04, subd. 11.

[46] Minn. Stat. § 561.01.

[47] Id.

[48] *Heller v. American Range Corp.*, 234 N.W. 316 (Minn. 1931).

[49] *Brede v. Minnesota Crushed Stone Co.*, 179 N.W. 638 (Minn. 1920).

[50] *Fagerlie v. City of Wilmar*, 435 N.W.2d 641 (Minn. App. 1989).

[51] *Schrupp v. Hanson*, 235 N.W.2d 822 (Minn. 1975).

[52] *Highview North Apts. v. County of Ramsey*, 323 N.W.2d 65 (Minn. 1982).

Sec. 196.02. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Leg-hold trap. The words "leg-hold trap," as used in this chapter, mean and include a steel or metal trap consisting of two (2) jaws which lie horizontally to form a circle or circular shape when the trap is set, or trap which is similar to the above in design and which is intended to catch and secure an animal by the leg.

Nuisance. For purposes of this chapter, "nuisance" shall apply to situations in which an animal or animals constitute a hazard or danger to persons or property and the proposed use of a trapping device will not constitute a hazard to children, other wildlife, domestic animals or birds.

Trap. The word "trap," as used in this chapter, means and includes leg-hold traps, as well as any other mechanical device which is designed, used or set, or which can be used or set, for the purpose of capturing, snaring, holding, killing or catching any animal; provided, however, that it shall not include:

(1) Cage-type live traps used for the control of nuisance animals;

(2) Any device used for or in connection with control of specific nuisance animals as authorized by the director of the department of safety and inspections only if done by federal, state or municipal officers or employees, trappers licensed by the state under Minnesota Statutes, chapter 98, or pest control operators licensed under the Saint Paul Legislative Code, chapter 334. Authorization shall be granted only if the director of the department of safety and inspections determines that no other lawful and reasonable methods of controlling the nuisance animals are adequate to abate the nuisance;

(3) Any mechanical device which is specifically designed or primarily used and suitable for capturing, killing, catching, or controlling rodents or small pests, including mice, rats and moles. This exception shall not cover or exempt leg-hold traps; or

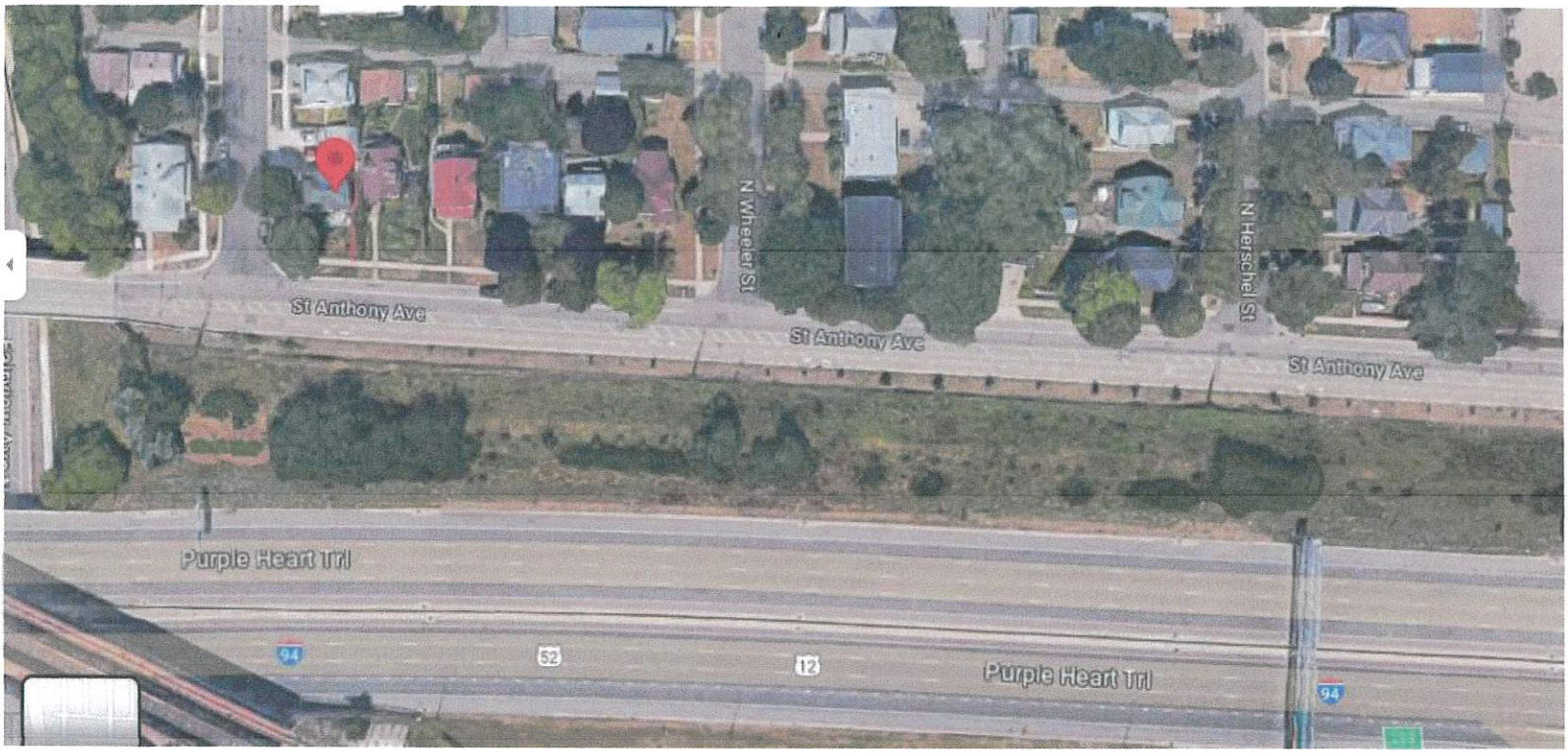
(4) The live trapping of gophers and squirrels is permitted only when the animal is doing damage to property.

Trapping. The word "trapping," as used in this chapter, means and includes setting, placing or leaving traps in an operative condition, in which such traps can be sprung, anywhere in the City of Saint Paul.

(Code 1956, § 328A.02; Ord. No. 16944, 7-13-82; Ord. No. 17007, 3-31-83; C.F. No. 97-283, § 1, 4-9-97; C.F. No. 07-149, § 48, 3-28-07)

12

M Health Fairview
Midway Campus
The Pitch Apartments
Pierce Avenue
Apartments
Health East Parking
Minnesota
Occupational Health
Ta Tas Home Care
St Anthony Ave
Purple Heart Trl
Aldine Pedestrian Bridge
Purple Heart Trl
Scott Latessa Enterprises
Purple Heart Trl
N Wheeler St
Aldine St
Pierce St
N Roy St
53
12
94


St Anthony Ave
N Wheeler St
St Anthony Ave
N Herschel St
St Anthony Ave
Purple Heart Trl
94
52
12
Purple Heart Trl
94

17

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