



August 15, 2023

**NOTICE OF VIOLATION AND REQUEST
FOR IMPOSITION OF A \$500 MATRIX PENALTY**

Duqueiro Cano
d/b/a Duke's Cars & Towing
323 Maria Avenue
Saint Paul, MN 55106-5155

RE: Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing for the premises located at 323 Maria Avenue in Saint Paul
License ID #: 20120001127

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing ("Licensee") herein for the premises located at 323 Maria Avenue (Licensed Premises").

Legal Basis for Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §310.03 (m)(1)(1) provides for a presumptive penalty of \$500 for a first-time violation of the conditions placed on a license.

Saint Paul Legislative Code §310.04 (b) sets forth a variety of reasons on which adverse action may be based. §310.04 (b)(6) allows for adverse action when a licensee has violated or performed any act which is a violation of any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity.



Section 310.04(b)(5) states that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the Department bases its request for adverse action on alleged violations of license conditions #6, #7, #9, #10, #11 and #13 as well as Saint Paul Legislative Code §34.08(1), §65.701 (b) & (c) and Minnesota Fire Code §2404.2 and §2404.3.2

Sec. 34.08 (1) states: The owner of any premises or structure regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Sanitation*...All exterior property areas shall be maintained in a lean, safe and sanitary condition, free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.

Sec. 65.701 (b) & (c) states:

Additional standards and conditions in traditional neighborhood and IT transitional industrial districts:

(b) All repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen. There shall be no exterior storage of parts or merchandise.

(c) All trash shall be stored within an enclosed obscuring wall or fence, shall not exceed the height of the wall or fence, and shall be removed from the lot by licensed waste disposers at least once per week.

Minnesota Fire Code §2404.2 states: Spray-finishing operations conducted in building used for Group A, E, I or R occupancies shall be located in a spray room protected with an approved automatic sprinkler system installed in accordance with Section 903 3.1.1 and separated vertically and horizontally from the remainder of the building by fire barrier walls and horizontal assemblies with not less than a 1 hour fire resistance rating in accordance with the International Building Code. In other occupancies, spray finishing operations shall be conducted in a spray room, spray booth or limited spraying space approve for such use.

Minnesota Fire Code §2404.3.2 states: Floor. Combustible floor construction in spray rooms shall be covered by approved noncombustible, nonsparking material, except where combustible coverings, including but not limited to thin paper or plastic and strippable coatings, are utilized over noncombustible materials to facilitate cleaning operations in spray rooms.

The Licenses issued to the Licensee contains the following conditions:

License Conditions #1-5 are Per Nonconforming Use Permit #11-299856:

1. The applicant applies for and receives any necessary building and/or mechanical permits associated with renovations or upgrades to the building.
2. The applicant receives a Fire Certificate of Occupancy prior to opening the business.
3. No auto sales are permitted on the property.
4. No more than eight (8) automobiles shall be stored or parked outdoors on the parking lot at a time, and no auto parts or partially-dismantled automobiles shall be stored outdoors at any time.
5. Customer and/or employee repaired vehicles shall be parked onsite and not on surrounding streets.



ADDITIONAL LICENSE CONDITIONS:

6. All customer and employee vehicles must be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) (per nonconforming use permit - reestablishment 11-299856, dated December 16, 2011, subject to condition #4) Licensee agrees to maintain the striping of parking spaces in accordance with the approved plan.
7. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
8. At no time shall any vehicles associated with this business be parked in the driveway or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes vehicles awaiting repair, or that have been repaired and are awaiting pick-up by their owner.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. General auto repair is not permitted.
13. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street onto the property, or onto the street from the property is prohibited.
14. Licensee must comply with all federal, state and local laws.

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$500 matrix penalty for a first-time violation of the conditions placed on a license.

Factual basis for imposition of \$500 matrix penalty:

On May 31, 2023, the Department of Safety and Inspections received a complaint concerning excessive vehicles on the property at 323 Maria Avenue and employees working on vehicles outside the building. On June 5, 2023, an inspector from the Department of Safety and Inspections conducted an inspection. On June 20, 2023, a CORRECTION NOTICE was mailed to the licensed premises and your home address that listed the following violations:

1. License condition #4: Thirteen (13) vehicles found on the property
2. License condition #5: Employee and customer vehicles parked on surrounding streets
3. License condition #7: Exterior storage of fenders, hoods, truck bed, metal rack tires, etc...



4. License condition #9: Storage of vehicle parts for the purpose of vehicle salvage
5. License condition #11: Vehicles parked on the property longer than ten (10) days
6. License condition #13: Failure to provide maneuvering space on the property to allow entering and exit

The Correction Notice stated that the violations that were discovered during the inspection must be fully corrected on or before July 5, 2023 and that failure to correct the violations may result in adverse action against all of your licenses.

On July 10, 2023, Inspector Vang came to the licensed premises to conduct a re-inspection. Upon arrival, he spoke with Greg who stated he was an employee and Erwen Loe who stated he was the supervisor. Inspector Vang introduced himself and explained he was here to conduct a re-inspection. He then asked Greg and Erwen to call you to let you know he was here for the re-inspection. Inspector Vang spoke to you and explained why he was on-site and you requested copies of the CORRECTION NOTICES, license conditions and site plan be given to Greg along with the delinquent letter.

Inspector Vang continued the re-inspection where he observed and documented with photographs the following license condition violations:

1. License condition #6 states: All customer and employee vehicles must be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) (per nonconforming use permit reestablishment 11-299856, dated December 16, 2011, subject to condition #4) Licensee agrees to maintain the striping of parking spaces in accordance with the approved plan.

Violation 1: Vehicles were not parked according to approved site plan in violation of license condition #6 (See pages 1 & 2)

2. License condition #7 states: There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.

Violation 2: Exterior storage of vehicle parts, tires, oil, etc. in violation of license condition #7 and Saint Paul Legislative Code §34.08 (1) (See pages 3-11)

3. License condition #9 states: The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.

Violation 3: Storage of vehicles on licensed premises for the purpose of salvaging parts in violation of license condition #9 (See pages 12 & 13)



- License condition #10 states: No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building

Violation 4: Evidence of repair work being done outside the enclosed building in violation of license condition #10 (See pages 14 & 15)

- License condition #11 states: Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.

Violation 5: Vehicles parked on the lot longer than ten (10) days in violation of license condition #11 (See pages 12 & 13)

- License condition #13 states: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street onto the property, or onto the street from the property is prohibited.

Violation 6: Vehicles parked in maneuvering space in violation of license condition #13 (See pages 16 & 17)

- License condition #14 states: Licensee must comply with all federal, state and local laws.

Violation 7: Employees spray painting vehicles outside of an approved spray paint booth in violation of Minnesota Fire Code §2404.2 and §2404.3.2 (See pages 18 - 21)

You have four (4) options to proceed:

- If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **August 25, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.
- You can pay the \$500 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **August 25, 2023**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered an admission to the violation and waiver of the hearing to which you are entitled.



3. If you wish to admit the facts but you contest the \$500 matrix penalty, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **August 25, 2023**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **August 25, 2023**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03 (k).

If you have not contacted me by August 25, 2023, I will assume that you do not contest the imposition of the \$500 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Julie Kraus (651) 266-8776.

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Duqueiro Cano, 3347-3rd Avenue South, Minneapolis, MN 55408
Duqueiro Dejesus Cano, 323 Maria Avenue, Saint Paul, MN 55106-5155
Lissa Jones-Lofgren, Interim Executive Director, Dayton's Bluff Community Council
East Side Enterprise Center, 804 Margaret Street, Saint Paul, MN 55107

Attachments: Department of Safety Complaint form dated May 31, 2023
CORRECTION NOTICE sent to licensed premise and home address dated June 20, 2023
Inspector's Report with 21 photographs dated July 10, 2023
Approved site plan
Screenshots from ECLIPS System
License Group Conditions Text



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Saint Paul Legislative Code §34.08
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.03
Saint Paul Legislative Code §310.04
Saint Paul Legislative Code §65.701
Minnesota Fire Code Section 2404

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 15th day of August she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF A \$500 MATRIX PENALTY** as follows:

Duqueiro Cano
d/b/a Duke's Cars & Towing
323 Maria Avenue
Saint Paul, MN 55106-5155

Duqueiro Cano
3347-3rd Avenue South
Minneapolis, MN 55408

Duqueiro Dejesus Cano
323 Maria Avenue
Saint Paul, MN 55106-5155

Lissa Jones-Lofgren
Interim Executive Director
Dayton's Bluff Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55107

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
This 15th day of August 2023


Notary Public



Folder #: 2023 044793 LIC PIN: 322922420033 Status: Open

In Date: 5/31/23 Ward: 7 Zoning: T1 Subtype: License

Dist Council: 4 Owner: Worktype: Complaint

Complaint Location:

323 MARIA AVE

Census Tract: 34400 Duqueiro Dejesus Cano

Census Block: 2011 323 Maria Ave St Paul MN 55106- 5155

Homesteader:

Tax Owner:

Legal Desc: LYMAN DAYTON ADDITION LOTS 24 AND LOT 25 BLK 32

Complainant:

Details: Auto Shop: Excessive vehicles on property and working outside

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 5/31/23

Comment:

Inspector Assigned: Allan Vang, Phone: 651- 266- 1915

Results	Entered By	Comment



June 20, 2023

Duqueiro Cano
323 Maria Avenue
St Paul, MN 55106

CORRECTION NOTICE

RE: Auto Body Repair / Painting Shop - ID 20120001127 – 323 Maria Avenue – DBA: Duke’s Cars & Towing

Duqueiro Cano,

The above referenced property was inspected on 6/5/2023, due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 7/5/2023, at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to allan.vang@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

Failure to fully correct the violation(s) noted below prior to re-inspection may result in adverse action against all licenses issued at the location up to and including license revocation.

Violation(s) discovered:

- License Condition 4 & 5: Not parking in accordance with the approved site plan, 13 vehicles on the property. Employee and customer vehicle could not be parked on surrounding streets
- License Condition 7 & 9: No exterior storage of fenders, hoods, truck bed, metal rack, tires, etc. Vehicle salvage is not permitted
- License Condition 11 & 13: No vehicles parked on premises for longer than ten (10) days. Must provide maneuvering space on the property to allow vehicle entering and exiting

Section 65.701 paragraph (b) of the Saint Paul Legislative Code requires/states that: There shall be no exterior storage of parts or merchandise.

NOTE: License conditions for the property are listed on the reverse side of this document.

If you have questions regarding this matter or wish to request additional information, I may be reached at phone number 651-266-1915.

Respectfully,

Allan Vang
Inspector, DSI Licensing

C: 3347 3rd Avenue South – Minneapolis, MN 55408



June 20, 2023

Duqueiro Cano
3347 3rd Avenue South
Minneapolis, MN 55408

CORRECTION NOTICE

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Respectfully,

Allan Vang
Inspector, DSI Licensing

C: 323 Maria Avenue – St. Paul, MN 55106



Inspector's Report

Inspectors Name: Allan Vang

Date & Time: 7/10/2023 at 10:10am Staff Member's Name: Greg (employee) Erwen Loe (supervisor)

Business/DBA Name: Duke's Cars & Towing

Property Address: 323 Maria Avenue

Reason for Visit: Correction Notice re-inspection

Observations: Exterior storage of auto parts, vehicle, and painting outside of approved paint booth

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: Inside and outside of property

Action Taken: Education / warning
 Request for Adverse Action

Other: _____

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival I met with Greg who stated he was an employee and Erwen Loe who stated he was the supervisor. I introduced myself as a Licensing Inspector for the City of Saint Paul Safety and Inspections (DSI). I explained to Greg and Erwen that I was here to do the re-inspection. I asked if Greg or Erwen could call and let the license holder know that I was on-site for re-inspection. Greg was able to get a hold of Duke (Duqueiro Cano- license holder), I introduced myself as a Licensing Inspector for the City of Saint Paul Safety and Inspections (DSI). I explained to Duke the reason I was on-site and Duke requested that I give copy of the correction notices, license conditions, and site plan to Greg along with the delinquent letter.

I continued my inspection, there was an employee who was in the process of spray painting a vehicle outside of the paint booth in the general area inside the building. There was nine (9) vehicles on the lot, random auto body parts stored outside of the business property (ex. quarter rear panel, truck bed, hoods, fenders, etc.), and six (6) vehicle inside the building.

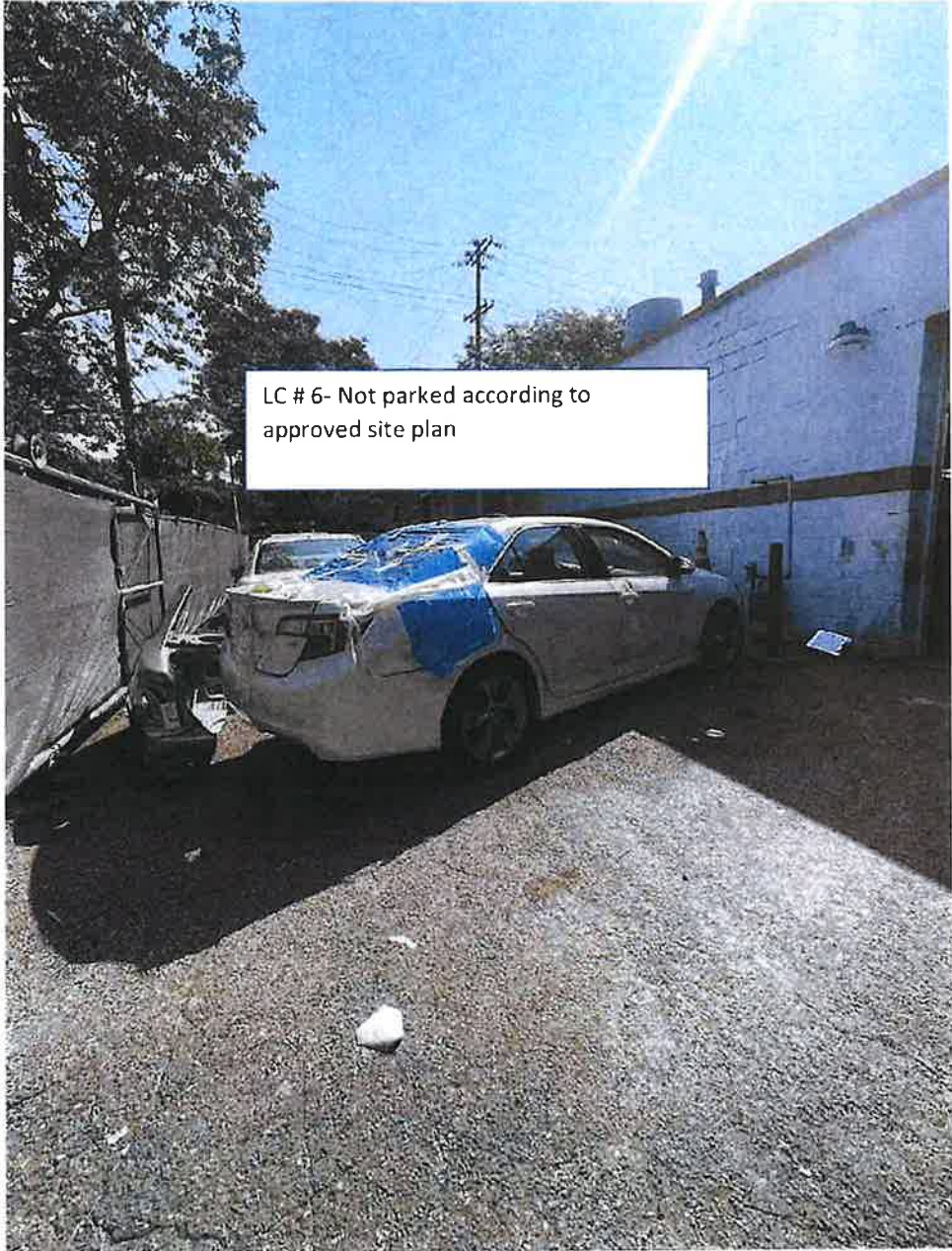


Photo #001

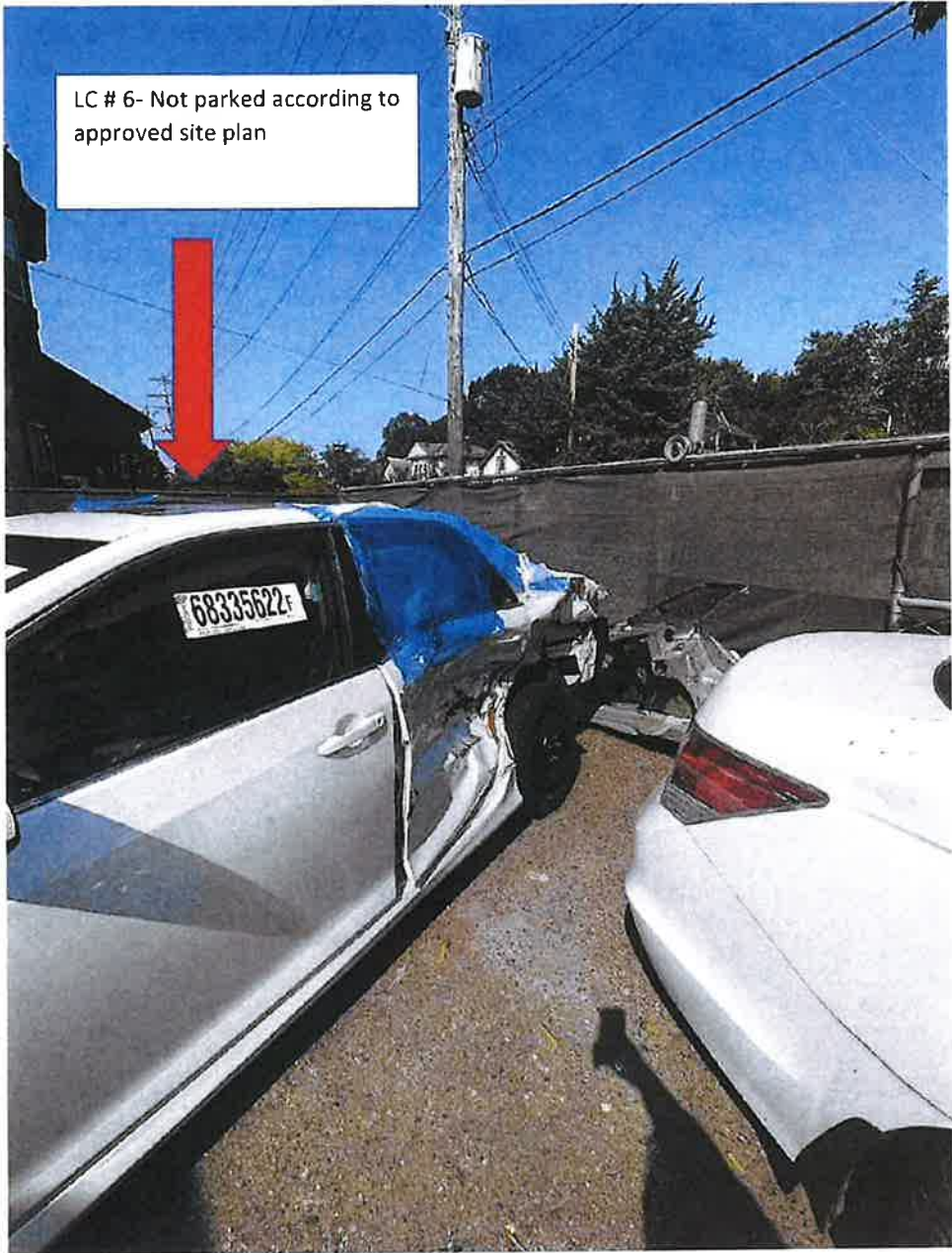
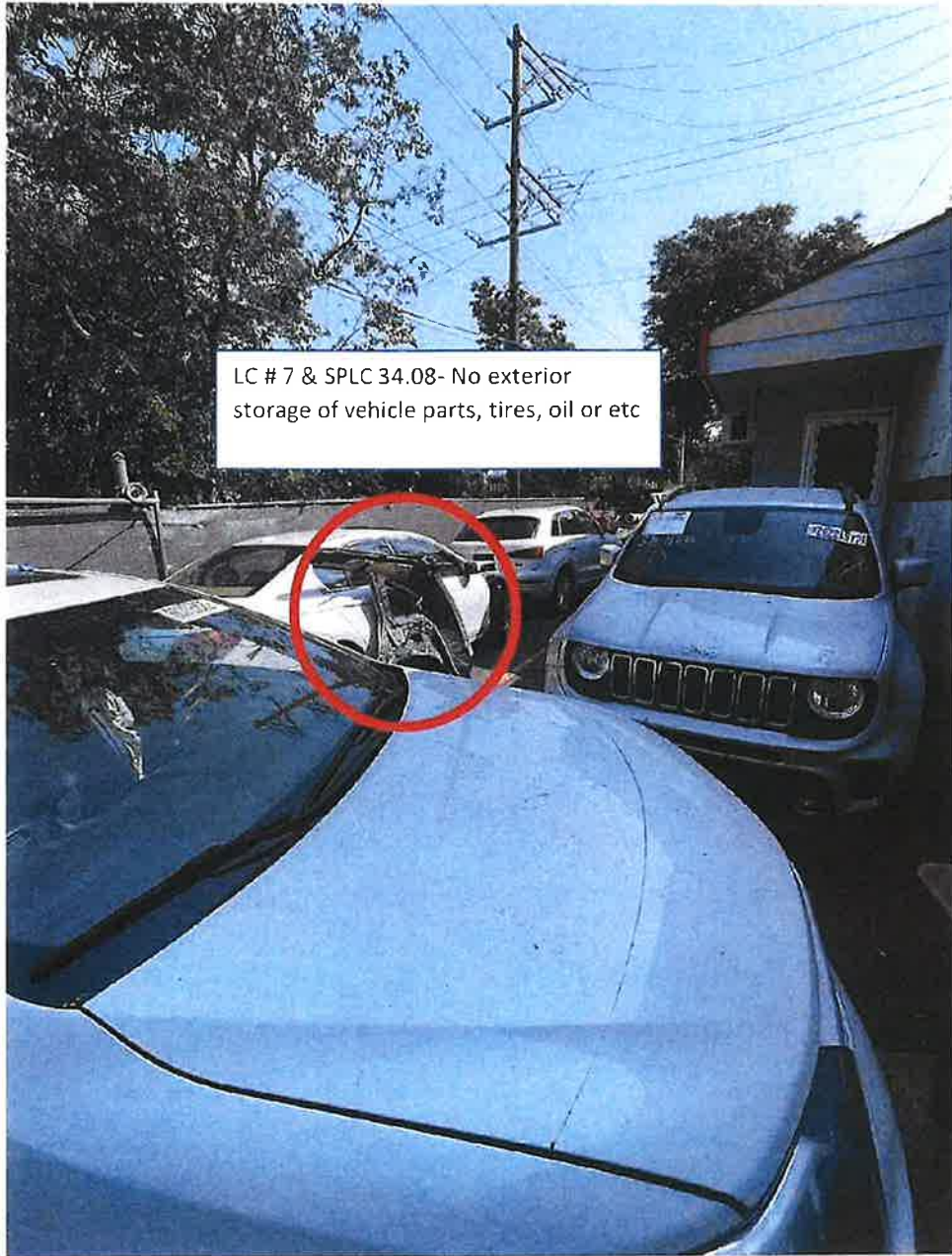


Photo #002







LC # 7 & SPLC 34.08- No exterior storage of vehicle parts, tires, oil or etc

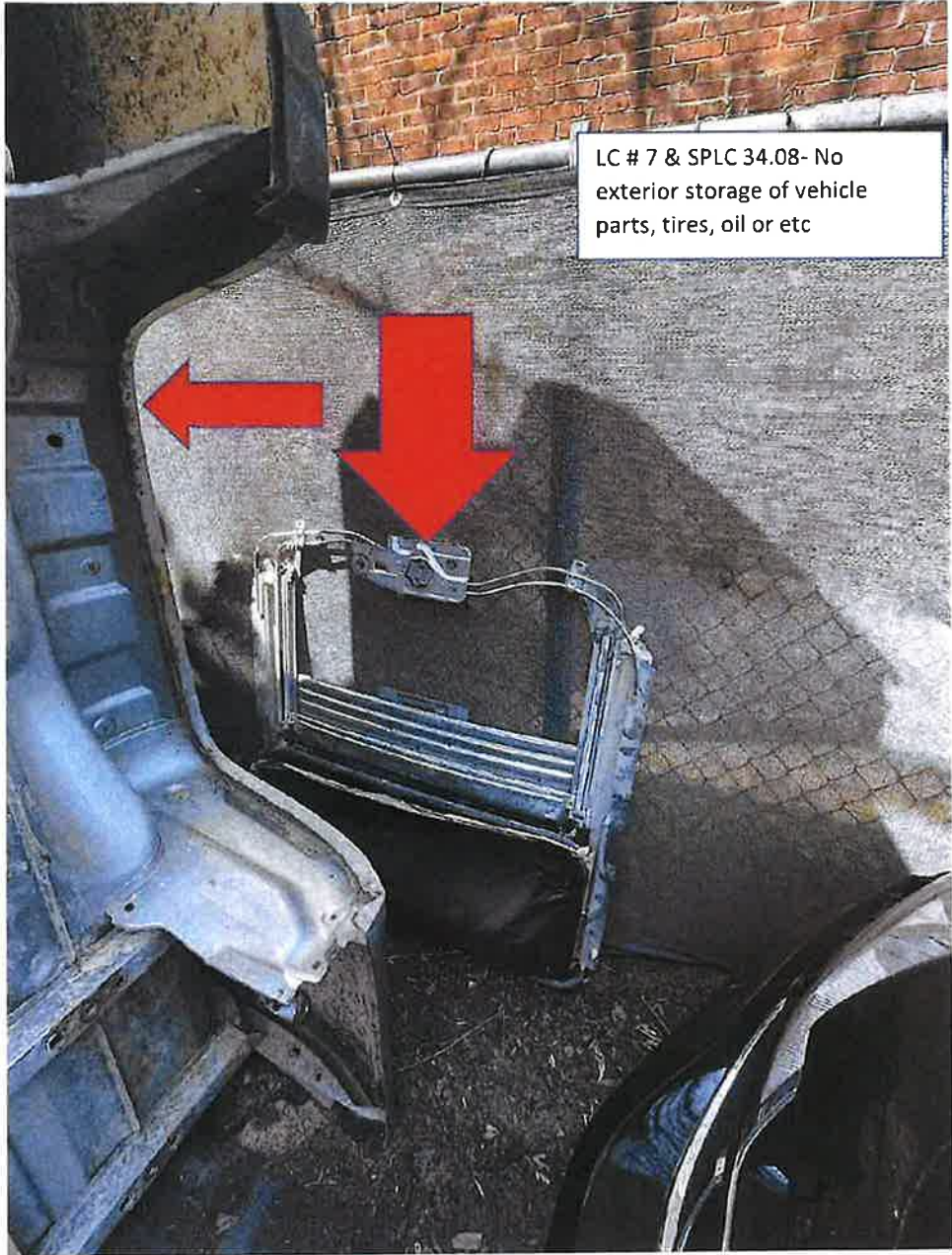


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LC # 7 & SPLC 34.08- No exterior storage of vehicle parts, tires, oil or etc





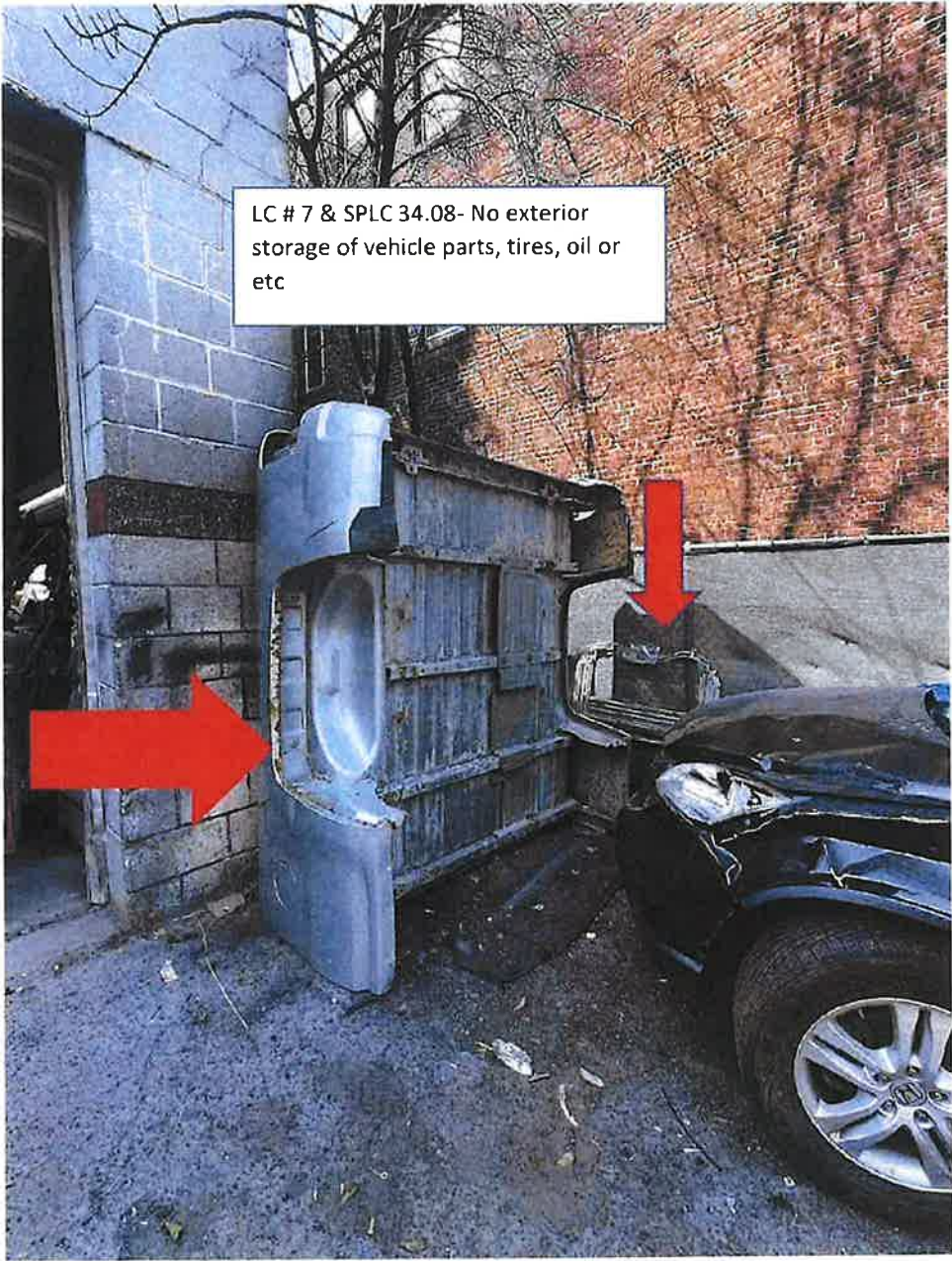
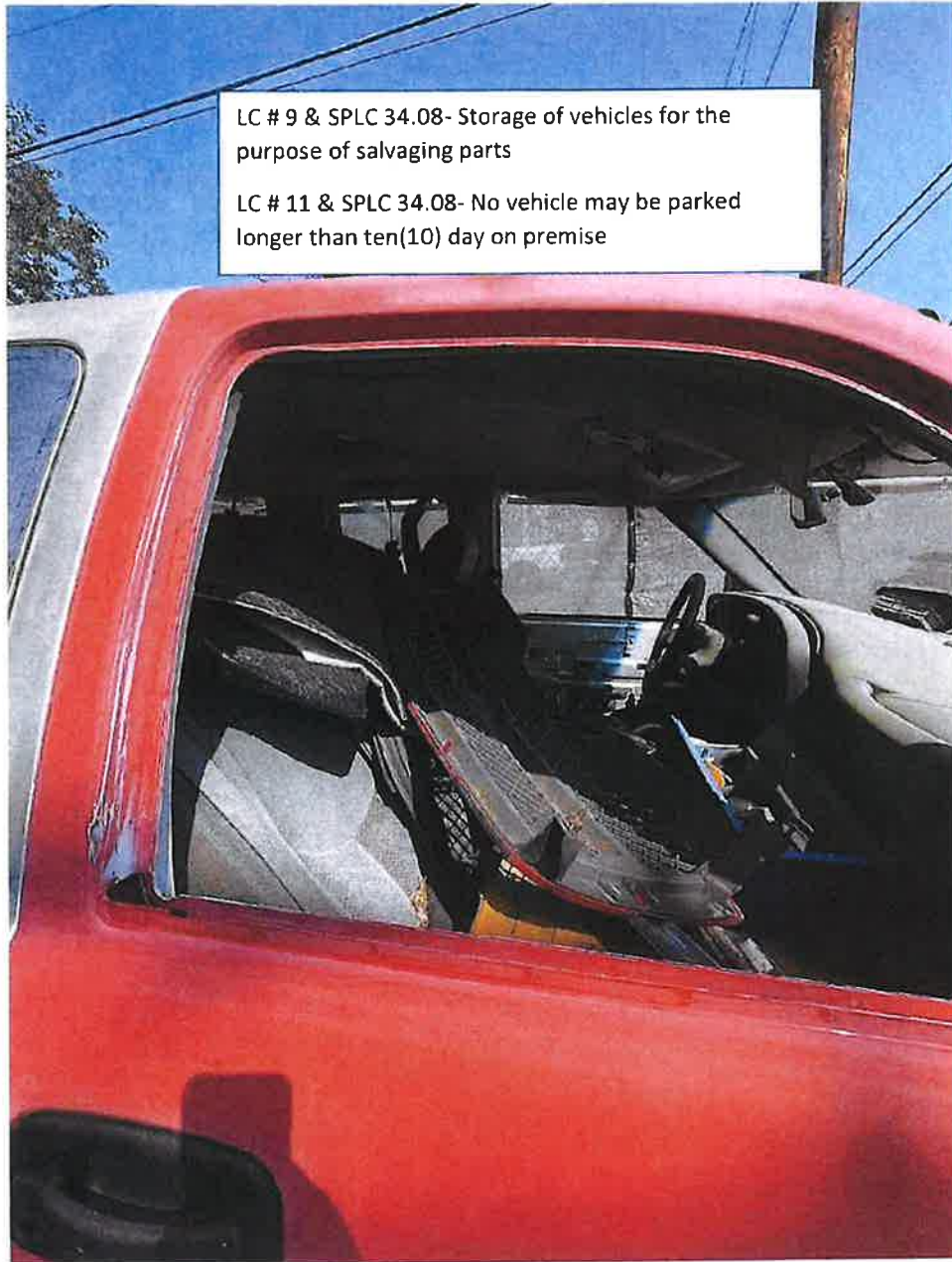
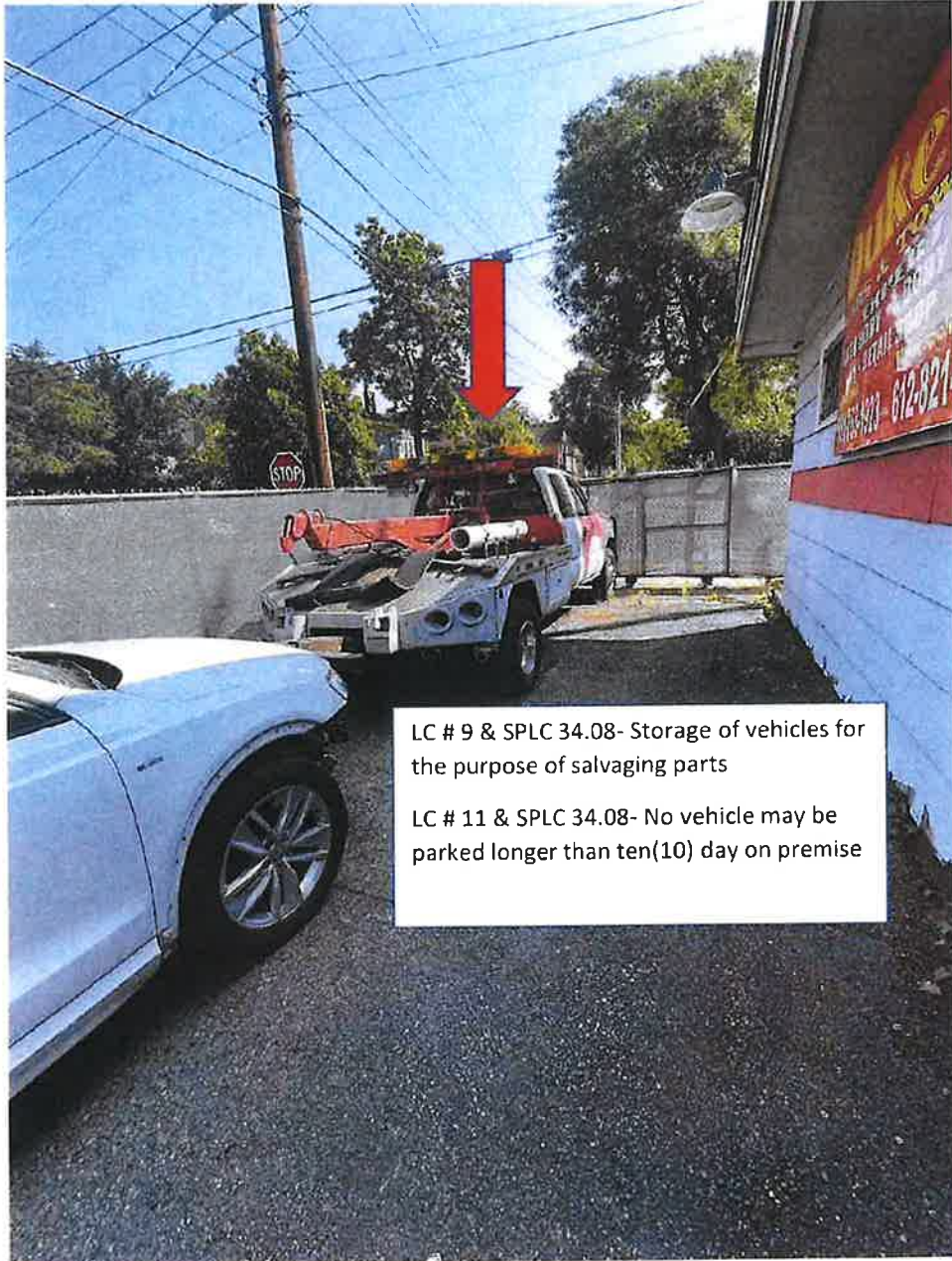


Photo #010

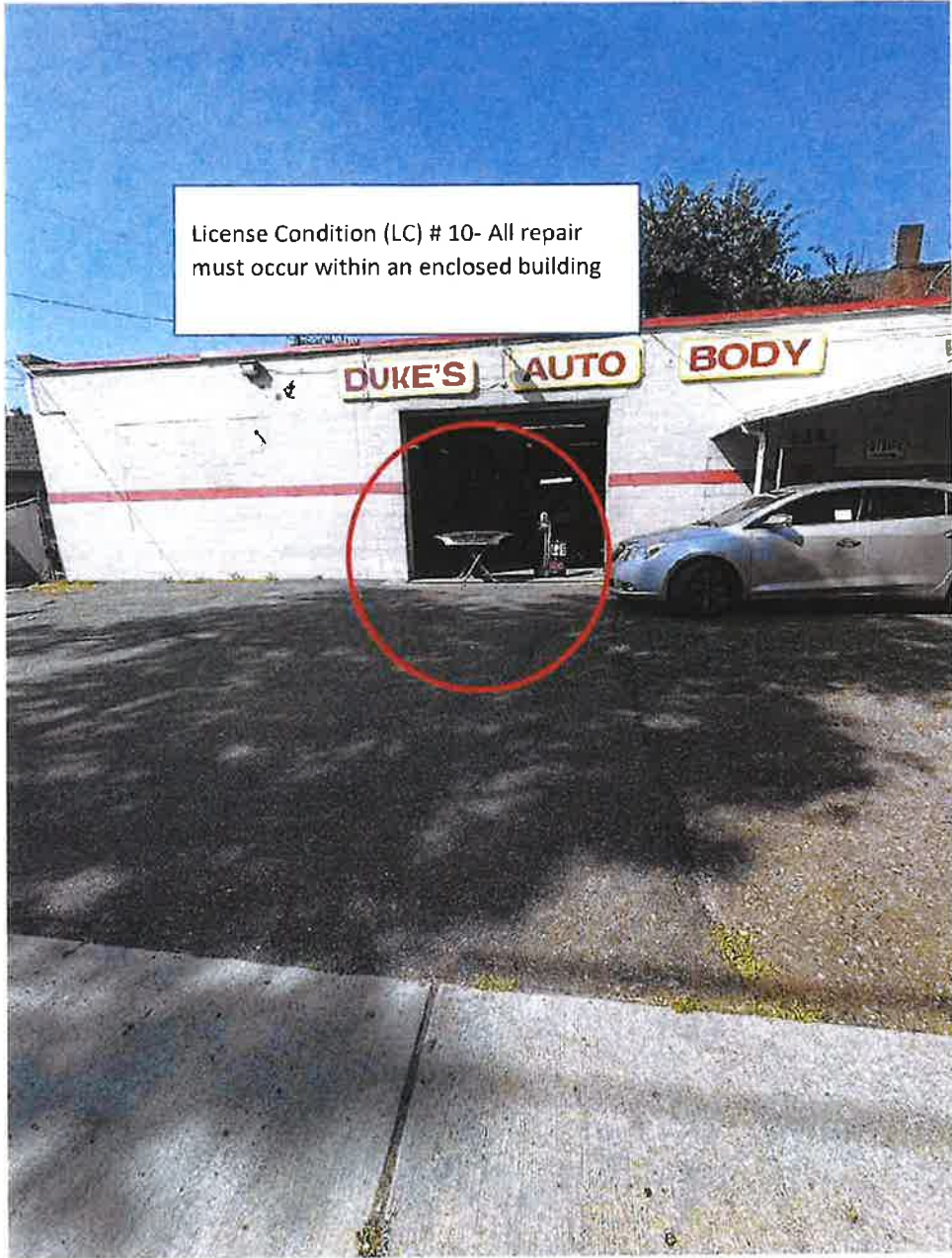






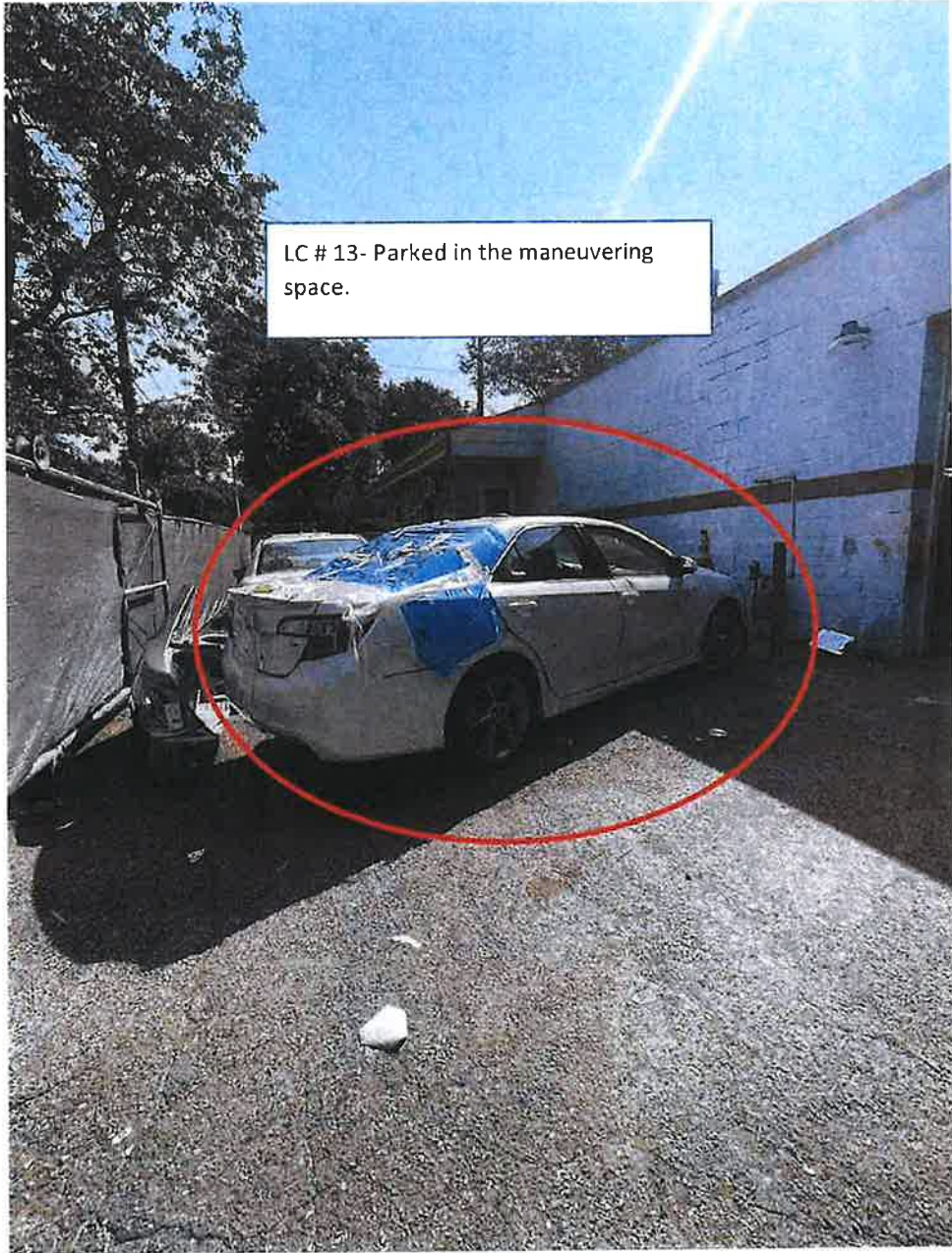
LC # 9 & SPLC 34.08- Storage of vehicles for the purpose of salvaging parts

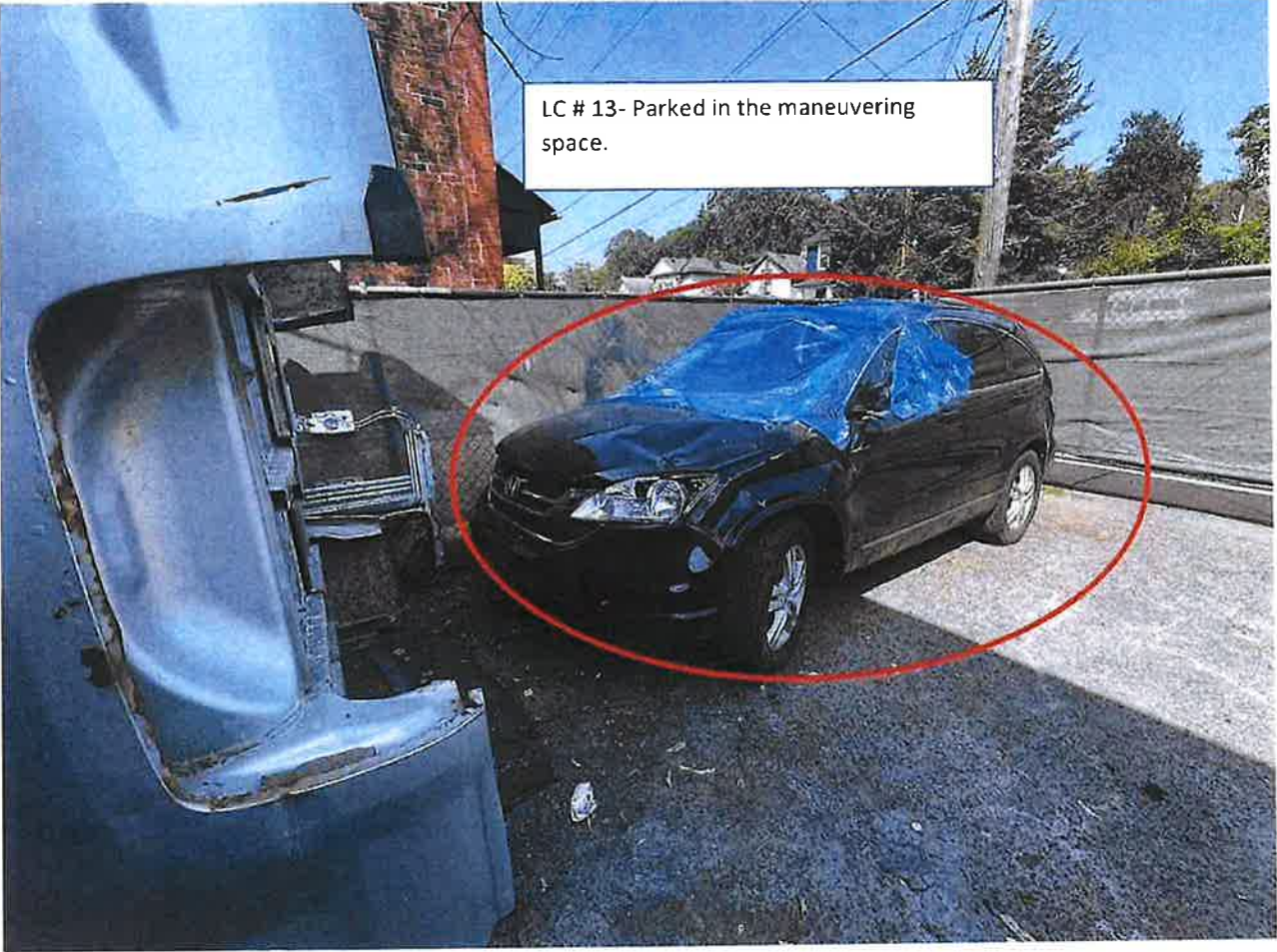
LC # 11 & SPLC 34.08- No vehicle may be parked longer than ten(10) day on premise

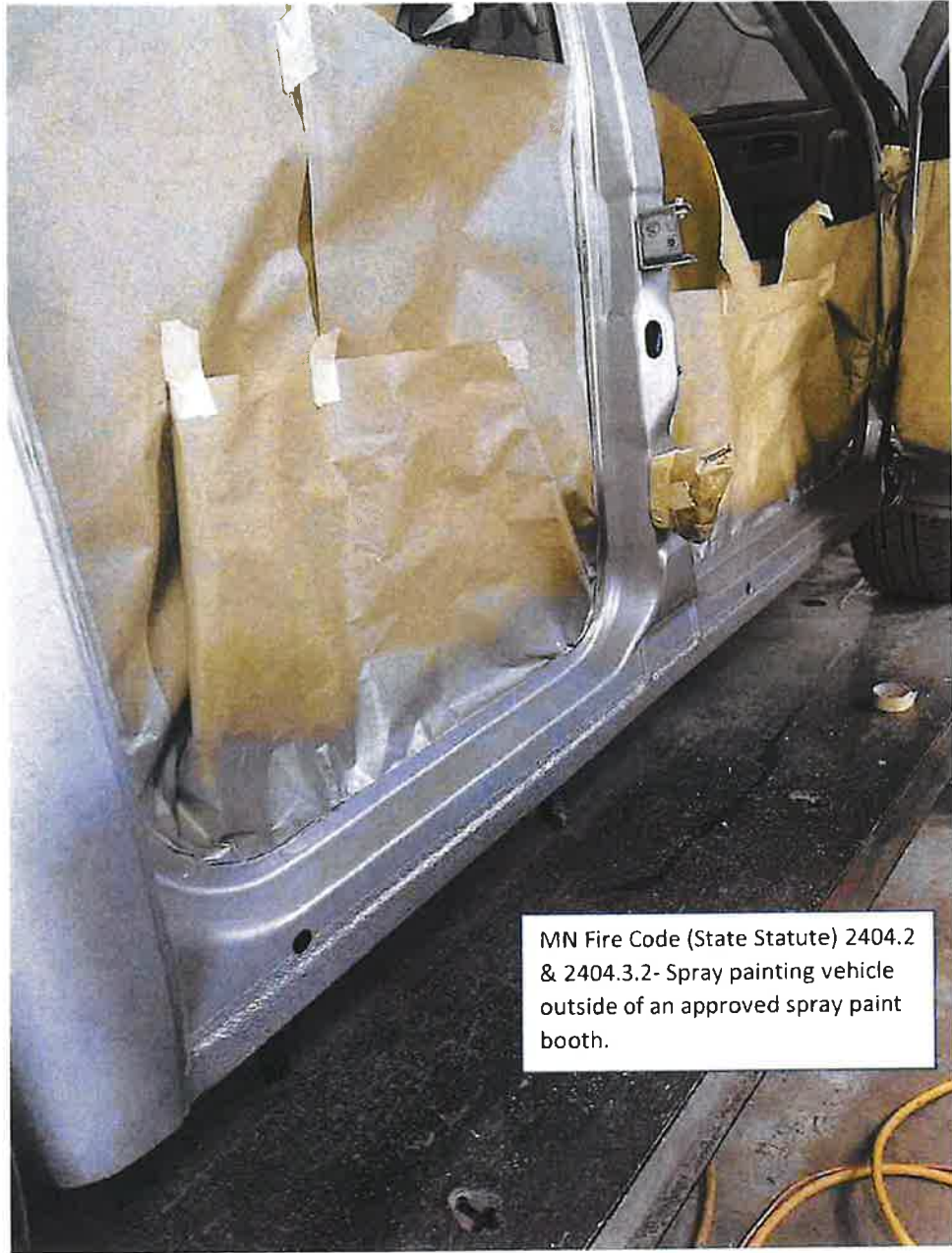




LC # 10- All repair must occur within an enclosed building







MN Fire Code (State Statute) 2404.2 & 2404.3.2- Spray painting vehicle outside of an approved spray paint booth.

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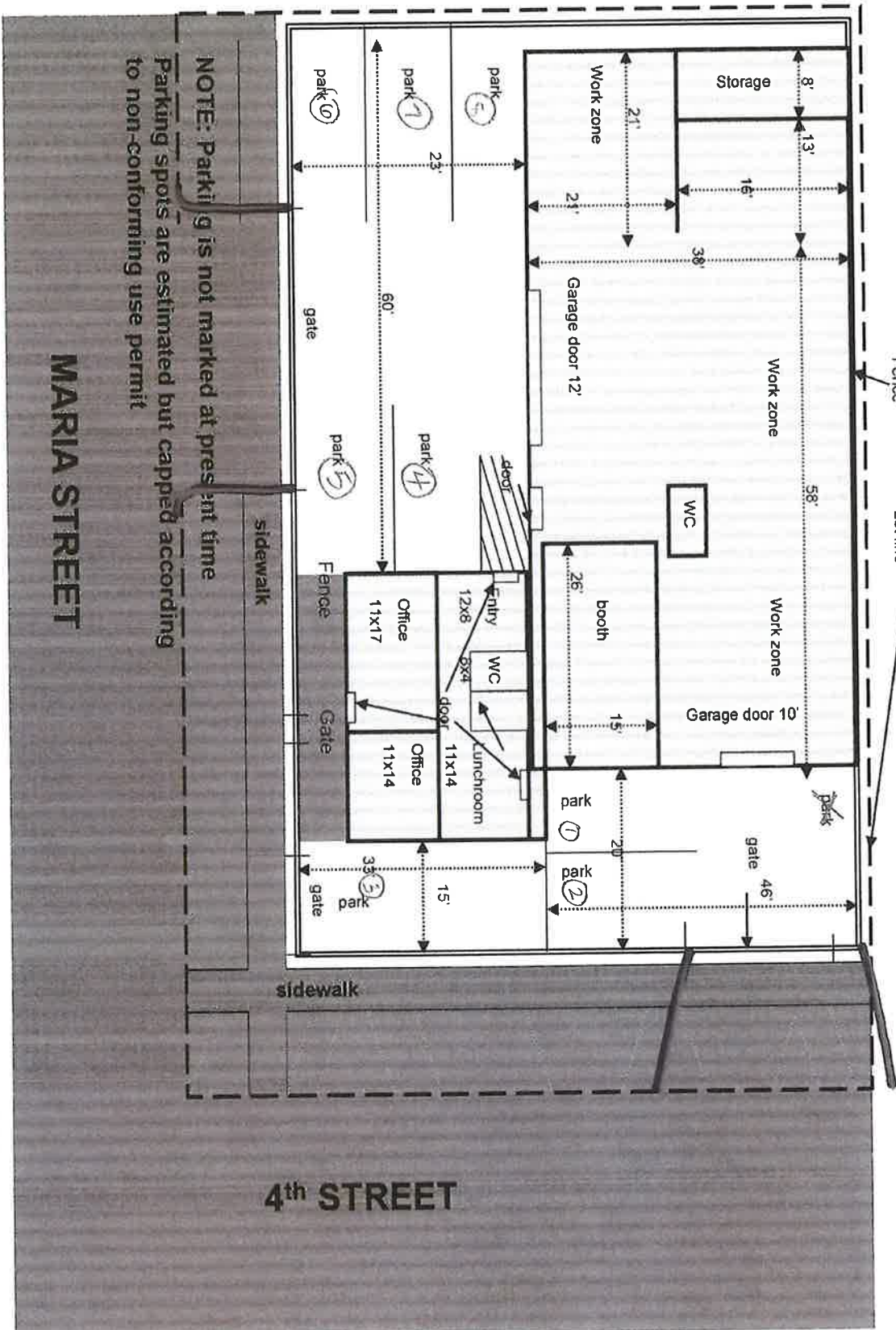


MN Fire Code (State Statute) 2404.2 & 2404.3.2- Spray painting vehicle outside of an approved spray paint booth.



Pete Nonconforming Use Permit -
 RESUBMITTMENT 11-29-9856 DATED 12/16/2011
 323 Maria Saint Paul MN SUBJECT TO CONDITION #4,
 CT

DUTERS cars allowing
 Auto body.



NOTE: Parking is not marked at present time
 Parking spots are estimated but capped according
 to non-conforming use permit

MARIA STREET

4th STREET

DUTERS # 612 282-1659

License Group Comments Text

07/17/2023

Licensee: DUQUEIRO CANO

DBA: DUKE'S CARS & TOWING

License #: 20120001127

7/10/2023 Re-inspection completed, in violation of lic conditions. Delinquent letter was hand delivery and Greg accepted per LH requested. AYV
6/20/2023 Correction Notice was sent. Re-inspection on or after 7/5/2023. AYV
6/5/2023 Complaint inspection completed. In violation of license conditions. AYV
9/30/2022 Sent email to respond by 10/5/2022 to submit Workers Comp form JNV
09/26/2022 No response request for WC form. Emailed to JNV for follow-up. JWF
08/29/2022 Orders submit WC form by 09/19/2022. JWF
07/11/2022 Delinquent letter sent. Response deadline date is August 1, 2022. SLH
10/6/21 Delinq. invoice and W/C form emailed to licensee KS
06/23/2021 Delinquent letter sent. Response deadline date is July 14, 2021. SLH
7/30/2020 Spoke with the owner - delinquent payment extension to August 10th JNV
7/29/2020 Spoke with owner about delinquent license payment - he claims he will pay today JNV
07/23/2020 No response to delinquent letter, to JNV for follow-up. JWF
06/25/2020 Sent delinquent letter. Response deadline date is July 16, 2020. SLH
10/10/2018 Reinspection on complaint/pictures taken/no violations DC
09/21/2018 Inspection on complaint/pictures taken/reinspect in 10 days DC
09/10/2018 \$500.00 fine paid at Front Counter. LKK
08/15/2018 CF #18-347 imposes \$500 matrix penalty (due 30 days) for violations of lic. cond. #7 (observed on 06/05/2018) and violation of lic. cond. #11 (veh. observed on 06/07,06/13 & 06/20/2018). JWF
07/19/2018 Inspection - pictures taken re-inspect in ten days JNV
6/27/18 To CAO for adverse JNV.
20 June 2018 re-inspection Violation found JNV
15 June 18 sent e-mail of license violation and renewal JNV
13 June 2018 follow up Inspection / meet with owner - re- inspection in ten days. JNV
5 June 2018 Inspected complaint , found one violation, verbal Conversation over the phone re-Inspection In 7 days JNV
7/27/2017 - Received letter back from USPS on alternate address (4210 Girard Ave. No. Mpls): "Return to sender-not deliverable as addressed-unable to forward." JAK
7/13/17 To CAO for adverse action KS
07/12/2017 No response to delinquent letter, to KS for adverse action. JWF
06/19/2017 Sent delinquent letter. Response deadline date is July 10, 2017. Max
07/06/2016 Sent delinquent letter. Response deadline date is July 27, 2016. Max
09/11/2014 KS and JWF spoke to Duqueiro Cano and went over license conditions and site plan. JWF
09/10/14 In compliance with all conditions. Went over site plan and cond. with mech. and mgr.KS
09/09/2014 Cust paid \$1000 cash for matrix penalty. NH
09/03/2014 CR letter sent. VS/jwf
08/27/2014 Council file #14-1442 imposes \$1,000 matrix penalty for 06/13/2014 violation (2nd violation), payment due within 30 days. JWF
07/28/14 \$500.00 fine paid.KS
07/23/2014 Notice of Imposition of Fine sent. Has until 08/01/2014 to pay \$500 imposed under previous adverse action (CF #14-1028), & \$1,000 for 2nd violation observed on 06/13/2014. KKO/jwf
06/24/2014 Notice of Imposition of Fine sent. Has until 7/18/2014 to pay \$500 matrix penalty fee. KKO
06/18/2014 Council file #14-1028 imposes \$500 matrix penalty for violations of lic. cond. #6, 7, & 8 observed on 04/21/2014. Payment of \$500 penalty due within 30 days. JWF
06/13/2014 Per site inspection still in violation of lic. cond. #6, 7, 13, & 13. To CAO for adverse action (2nd violation). KS/jwf
4/28/14 To CAO for adverse action 1st violation \$500.00 violation of cond. 6,7and 8.KS
4/21/14 To Deputy Director for pending adverse action. KS
4/21/14 inspected again. In violation of condition 4,6,7,8 and 13.Spoke to Duqueiro and pointed out the violations. KS
4/10/14 inspected gave verbal orders to pick up trash from around the building. Trash pickup on Tues. KS
07/13/2012 Parking lot striped per site inspection by Larry Zangs. Larry did not observe particles coming from exhaust vent or smell paint fumes at time of inspection. JWF
06/26/2012 Parking lot not striped, orders issued to strip parking lot by 07/02/2012. jwf
06/06/2012 Council file #12-1079 approves license with conditions. JWF
05/03/2012 Per Leg. Hearing, Legislative Hearing Officer Nhia Vang will recommend approval with no additional conditions. JWF
04/30/2012 Objection to notification rcvd., leg. hearing scheduled for 05/03/2012 @ 1:30 p.m. room 330 CH. JWF
04/05/2012 Rcvd. signed cond. affidavit and site plan. Site plan to CAT for review. JWF
03/28/2012 License notification sent, 54M/35EM, response date 04/27/2012. jwf

Adverse Action Comments Text

05/31/2023

Licensee: DUQUEIRO CANO

DBA: DUKE'S CARS & TOWING

License #: 20120001127

8/3/2018 - Entered resolution and attachments into Legistar (RES #18-1347) for 8/15/2018 Consent Agenda. JAK
7/20/2018 - Sent Notice of Violation (violation to license condition #11) with a 7/30/2018 deadline to respond. JAK
7/27/2017 - Licensee paid \$581.00 in delinquent license/late fees and submitted required information. Close file. JAK
7/19/2017 - Sent Notice of Intent to Suspend License with a 7/31/2017 deadline to respond. JAK

Licensee: DUQUEIRO CANO

DBA: DUKE'S CARS & TOWING

License #: 20120001127

License Conditions #1-5 are Per Nonconforming Use Permit #11-299856:

1. The applicant applies for and receives any necessary building and/or mechanical permits associated with renovations or upgrades to the building.
2. The applicant receives a Fire Certificate of Occupancy prior to opening the business.
3. No auto sales are permitted on the property.
4. No more than eight (8) automobiles shall be stored or parked outdoors on the parking lot at a time, and no auto parts or partially-dismantled automobiles shall be stored outdoors at any time.
5. Customer and/or employee repaired vehicles shall be parked onsite and not on surrounding streets.

ADDITIONAL LICENSE CONDITIONS:

6. All customer and employee vehicles must be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) (per nonconforming use permit - reestablishment 11-299856, dated December 16, 2011, subject to condition #4) Licensee agrees to maintain the striping of parking spaces in accordance with the approved plan.
7. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
8. At no time shall any vehicles associated with this business be parked in the driveway or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes vehicles awaiting repair, or that have been repaired and are awaiting pick-up by their owner.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. General auto repair is not permitted.
13. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street onto the property, or onto the street from the property is prohibited.
14. Licensee must comply with all federal, state, and local laws.

License Group Conditions Text

Licensee: DUQUEIRO CANO

DBA: DUKE'S CARS & TOWING

License #: 20120001127

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3. No auto sales are permitted on the property.
4. No more than eight (8) automobiles shall be stored or parked outdoors on the parking lot at a time, and no auto parts or partially-dismantled automobiles shall be stored outdoors at any time.
5. Customer and/or employee repaired vehicles shall be parked onsite and not on surrounding streets.

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(per nonconforming use permit - reestablishment 11-299856, dated December 16, 2011, subject to condition #4)
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10. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. General auto repair is not permitted.
13. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street onto the property, or onto the street from the property is prohibited.
14. Licensee must comply with all federal, state, and local laws.

Sec. 34.08. Exterior property areas on residential properties.

The owner of any premises or structure regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to drain water away from structures and minimize the accumulation of water on such premises.
- (3) *Ground cover.* Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by suitable paving or by other means as shall be approved by the enforcement officer.
- (4) *Insect and rodent infestations.* It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.
- (5) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences, shall be kept in a professional state of maintenance and repair and maintained structurally sound. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.
- (6) *Stored materials.* It shall be unlawful to accumulate and store building material, lumber, boxes, cartons, portable storage containers, inter modal cargo containers or other containers, machinery, scrap metal, junk, raw material, or fabricated goods.
- (7) *Parked or stored vehicles.* All existing parking spaces shall consist of asphalt, concrete, gravel, rock, or other durable and dustless surfaces. Existing parking surfaces must be maintained in a professional state of repair and may be maintained with like materials without additional approval from the city. Existing parking surfaces must be contained to eliminate migration onto other adjacent surfaces and must be clearly delineated. In all residential districts, off street parking shall not be located within any front yard or non-interior side yard. Before any existing parking spaces or driveways may be expanded upon, site plan approval must be obtained as specified in the Saint Paul Zoning Code and the lot must be developed in conformance with such approval.
- (8) *Refrigerators and accessible containers.* It shall be unlawful to permit a refrigerator or other container, sufficiently large to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.
- (9) *Exterior lighting.* Exterior lighting at garages and surface parking areas of buildings containing three (3) or more dwelling units shall be illuminated to a level to allow safe, secure access to the parking facility and within it. Exterior lighting shall be in conformance with city ordinances and codes.
- (10) *Exterior sidewalks, walkways and stairs.* All sidewalks, walkways and exterior stairs shall be maintained in a professional state of maintenance and repair, free of defects and hazards.
- (11) *Outdoor swimming pools.* All outdoor swimming pools, in use or temporarily out of use, shall be maintained and secured as defined in section 34.08(12).
 - a. Out-of-service outdoor swimming pool. Any outdoor swimming pool not in use for more than one (1) year shall be free of stagnant water, free of debris, and secured as defined in section 34.08(12).

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- b. Nuisance outdoor swimming pool. Any outdoor swimming pool that has stagnant water, lacks maintenance such as damaged sides, broken ladders, missing or damaged equipment, or is out of service for two (2) years, and/or is not secured as defined in section 34.08(12) is subject to abatement under chapter 45 of the St. Paul Municipal Code.

(12) *Outdoor swimming pool fencing.*

- a. All yards of one- and two-family structures containing outdoor swimming pools shall be enclosed by an obscuring fence or wall not less than four (4) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. All yards of residential structures of three (3) or more units and commercial structures containing outdoor swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the appropriate fence or wall. 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 outdoor swimming pool is not in use.

(C.F. No. 05-740, § 1, 9-14-05; C.F. No. 09-137, § 1, 2-25-09; Ord 15-49, § 1, 10-14-15; Ord 16-58, § 1, 1-4-17)

RESOLVED, that the Council of the City of Saint Paul does ordain:

SECTION 2

Chapter 310.01 of the Saint Paul Legislative Code is hereby amended as follows:

Chapter 310. Uniform License Procedures

The procedures in this chapter are meant to govern the issuance of all licenses and certain permits in the City of Saint Paul unless a different process is required by statute. The requirements laid out in this chapter are meant to supersede all requirements laid out in ordinance related to Applications for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures.

Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section will have the following meanings:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.05 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T, and class N licenses under authority of the city.

Class R licenses means those licenses and certain permits which can be issued by the Director without council approval if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class R Licenses follow the Procedures for Application for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(1). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Sec. 310.03 (m) - *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, the General Presumptive Penalty Matrix applies to all license types, except that in the case of a violation involving a liquor license the Penalty Matrix for Intoxicating Liquor; Nonintoxicating Malt Liquor applies and for a violation involving tobacco, the Penalty Matrix for Tobacco applies. These penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate.

1. General presumptive penalties matrix - The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00 fine	\$1,500.00 fine	5-day suspension	Revocation

(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00 fine	Revocation	n/a	n/a
(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Taxi fail to display driver's license as required by 376.16(f)	\$100.00 fine	\$250.00 fine	\$500.00 fine	Revocation
(10) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00 fine	\$250.00 fine	\$500.00 fine	Revocation
(11) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00 fine	\$400.00 fine	\$800.00 fine	Revocation

Sec. 310.04. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions must be initiated and carried out in accordance with the procedures outlined in section 310.03; provided, however, that the formal notice of hearing must be used to initiate the adverse action.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed, or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

Sec. 65.701. Auto body shop.

A shop that provides substantial motor vehicle body repair, painting or undercoating services, including collision repair services such as body, frame or fender straightening and repair.

Standards and conditions:

- (a) A ten-foot buffer area with screen planting and an obscuring wall or fence (not including cyclone fence with vinyl slats), shall be required along any property line adjoining a residential zoning district.

Additional standards and conditions in traditional neighborhood and IT transitional industrial districts:

- (b) All repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen. There shall be no exterior storage of parts or merchandise.
- (c) All trash shall be stored within an enclosed obscuring wall or fence, shall not exceed the height of the wall or fence, and shall be removed from the lot by licensed waste disposers at least once per week.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-22, § 5, 8-21-13; Ord 13-44, § 1, 8-28-13)

MINNESOTA FIRE CODE

SECTION 2404 SPRAY FINISHING

2404.1 General

The application of flammable or combustible liquids by means of spray apparatus in continuous or intermittent processes that shall be in accordance with the requirements of Section 2403 and 2402.2 through 2404.9.4

2404.2 Location of spray-finishing operations.

Spray-finishing operations conducted in buildings used for Group A, E, I or R occupancies shall be located in a spray room protected with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 and separated vertically and horizontally from the remainder of the building by *fire barrier walls* and horizontal assemblies with not less than a 1-hour *fire-resistance rating* in accordance with the *International Building Code*. In other occupancies, spray-finishing operations shall be conducted in a spray room, spray booth or limited spraying space *approved* for such use.

Exceptions:

1. Automobile undercoating spray operations and spray-on automotive lining operations conducted in areas with *approved* natural or mechanical ventilation shall be exempt from the provisions of Section 2404 when *approved* and where utilizing Class IIIA or IIIB *combustible liquids*.
2. In buildings other than Group A, I, or R occupancies, *approved limited spraying space in accordance with Section 2404.9*.
3. Resin application areas used for manufacturing of reinforced plastics complying with Section 2409 shall not be required to be located in a spray room, spray booth or spraying spa

2404.3.2 Floor.

Combustible floor construction in spray rooms shall be covered by *approved*, noncombustible, nonsparking material, except where combustible coverings, including but not limited to thin paper or plastic and strippable coatings, are utilized over noncombustible materials to facilitate cleaning operations in spray rooms.