



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED 310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

OCT 02 2014

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number check 042476)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, Oct 21, 2014

Time 10:30 AM.

Location of Hearing:

Room 330 City Hall/Courthouse

e-mailed on 10-2-14

Address Being Appealed:

Number & Street: 1400 JACKSON ST City: ST PAUL State: MN Zip: 55117

Appellant/Applicant: Karen Haug CEO ADVANCE SHORING COMPANY Email: KHAUG@ADVANCECOS.COM

Phone Numbers: Business 651-489-8888/Residence _____ Cell 612-875-8510

Signature: [Signature] Date: 9/30/2014

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

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

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

ADVANCE SHORING COMPANY

September 30, 2014

Legislative Hearings
310 City Hall
15 Kellogg Boulevard W
St. Paul, MN 5512

Re: Corrective Notice – Complaint Inspection Ref. # 20899

As required by the City's Legislative Code, we are submitting this appeal along with the \$25 appeal fee. The basis for the appeal is as follows:

1. The City's Legislative Code defines nuisance in Section 45.03 as a "condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city." SPLC 45.03. The actions allegedly complained about do not meet the stated definition of a "nuisance" because (a) there is no threat to the public peace, safety or sanitary condition of the city and (b) there was no activity that was offensive or had a blighting influence on the community. Indeed, it remains far from clear that any individual, much less a "community" was in any way impacted.

2. This property is located in an industrial district in St. Paul specifically zoned and guided for this type of use. In addition to be zoned for this use, the storage, repair, and maintenance of construction equipment and related uses is "grandfathered" and may continue indefinitely.

3. It is not possible to fully respond to the Correction Notice without understanding the nature of the complaint, the circumstances under which the complaint was made and the specific facts giving rise to the complaint. For example, it appears to us that the activity in question was not occurring at all on the date alleged. We respectfully request the identity of the accuser and the ability to examine the accuser at any hearing.

We are reserving such other claims and defenses as may become apparent as this matter progresses. In addition, we are reserving such legal action as may be necessary to protect our interests.

Regards,



Karen Haug
CEO / General Counsel



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989
Saint Paul, MN 55101-1806 Fax: 651-266-8951

September 26, 2014

ADVANCED SHORING COMPANY
1400 JACKSON ST
SAINT PAUL MN 55117

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 1400 JACKSON ST

Ref. # 20899

Dear Property Representative:

An inspection was made of your property on September 25, 2014 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A reinspection will be made on or after October 27, 2014.

Failure to comply may result in a criminal citation or revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. SPLC 45.03 Recent spray painting of oil paints around exterior areas is in violation of Saint Paul nuisance ordinance and Minnesota State Fire Code. All spray finishing of oil paints must be conducted inside approved spray booths. Painting using a pad, roller, or brush is permitted. Immediately cease all spray painting outside of an approved booth.

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: david.bergman@ci.stpaul.mn.us or call me at 651-266-8944 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Dave Bergman
Fire Inspector

Ref. # 20899