



CITY OF SAINT PAUL
Mayor Melvin Carter

Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

December 6, 2018

NOTICE OF COUNCIL HEARING

Keith Kamp
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117

RE: Second-Hand Dealer–Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars for the premises located at 370 Maryland Avenue West in Saint Paul
License ID #20170001209

Dear Licensee:

Please take notice that this matter has been set on the Public Hearing Agenda for a City Council meeting on **Wednesday, December 19, 2018 at 5:30 p.m.**, in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.

Enclosed are copies of the faxed letter you sent on November 27, 2018, indicating that you were not contesting the facts related to the incident, but were requesting the opportunity to address the Council regarding the penalty, the resolution and any supporting documents. This information will be presented to City Council for their consideration.

This is an uncontested matter related to an inspection of the licensed premises on October 11, 2018 and re-inspection on October 24, 2018 where an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs a repeated violation to license condition #10.

This is the second violation within the past twelve (12) months. Pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000.00 matrix penalty.

Sincerely,

Therese Skarda
Assistant City Attorney

Cc: KKamp Enterprises, LLC, 1020 Arundel Street, St. Paul, MN 55117
Kerry Antrim, Executive Director, North End Neighborhood Organization, 171 Front Avenue, St. Paul, MN 55117

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 6th day of December she served the attached **NOTICE OF COUNCIL HEARING** and a correct copy thereof in an envelope addressed as follows:

Keith Kamp
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117


KKamp Enterprises, LLC
1020 Arundel Street
St. Paul, MN 55117

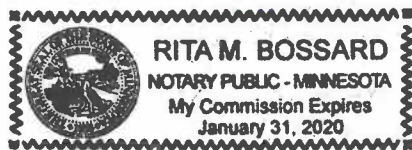
Kerry Antrim, Executive Director
North End Neighborhood Organization
171 Front Avenue
St. Paul, MN 55117

(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 6th day of December 2018


Notary Public



UNCONTESTED LICENSE MATTER

Licensee Name: KKamp Enterprises, LLC d/b/a K2 Cars

Address: 370 Maryland Avenue West
St. Paul, MN 55117

Council Date: Wednesday, December 19, 2018 at 5:30 p.m.

Violation: During an inspection of the licensed premises on October 11, 2018 and re-inspection on October 24, 2018 an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs a repeated violation to license condition #10.

This is the second violation within twelve (12) months.

Recommendation of Assistant City Attorney on behalf of client, Department of Safety and Inspections:

\$1,000.00 matrix penalty

Attachments:

1. Resolution
2. Photograph with inspection note dated 10/11/2018 (1 page)
3. Photograph with inspection note dated 10/24/2018 (1 page)
4. Notice of Violation with Affidavit of Service dated 11/07/2018 (3 pages)
5. Letter from licensee requesting a public hearing dated 11/27/2018 (1 page)
6. Inspection report and photographs dated 6/14/2018 (12 pages)
7. Notice of Violation with Affidavit of Service dated 7/03/2018 (5 pages)
8. Email indicating \$500.00 matrix penalty payment dated 7/10/2018 (1 page)
9. Approved Site Plan #15-128236 dated 8/7/2015 (1 page)
10. Signed license condition affidavit dated 5/12/2017 (1 page)
11. License Group Comments Text from ECLIPS system dated 10/31/2018 (5 pages)
12. STAMP – Ownership/Zoning Information (1 page)
13. Saint Paul Legislative Code § 310.05 (m)

WHEREAS, the Second-Hand Dealer-Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars (License ID#20170001209) for the premises located at 370 Maryland Avenue West was the subject of a Notice of Violation dated November 7, 2018; and

WHEREAS, the Notice stated that during an inspection of the licensed premises on October 11, 2018 and a re-inspection on October 24, 2018 an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs a repeated violation to license condition #10; and

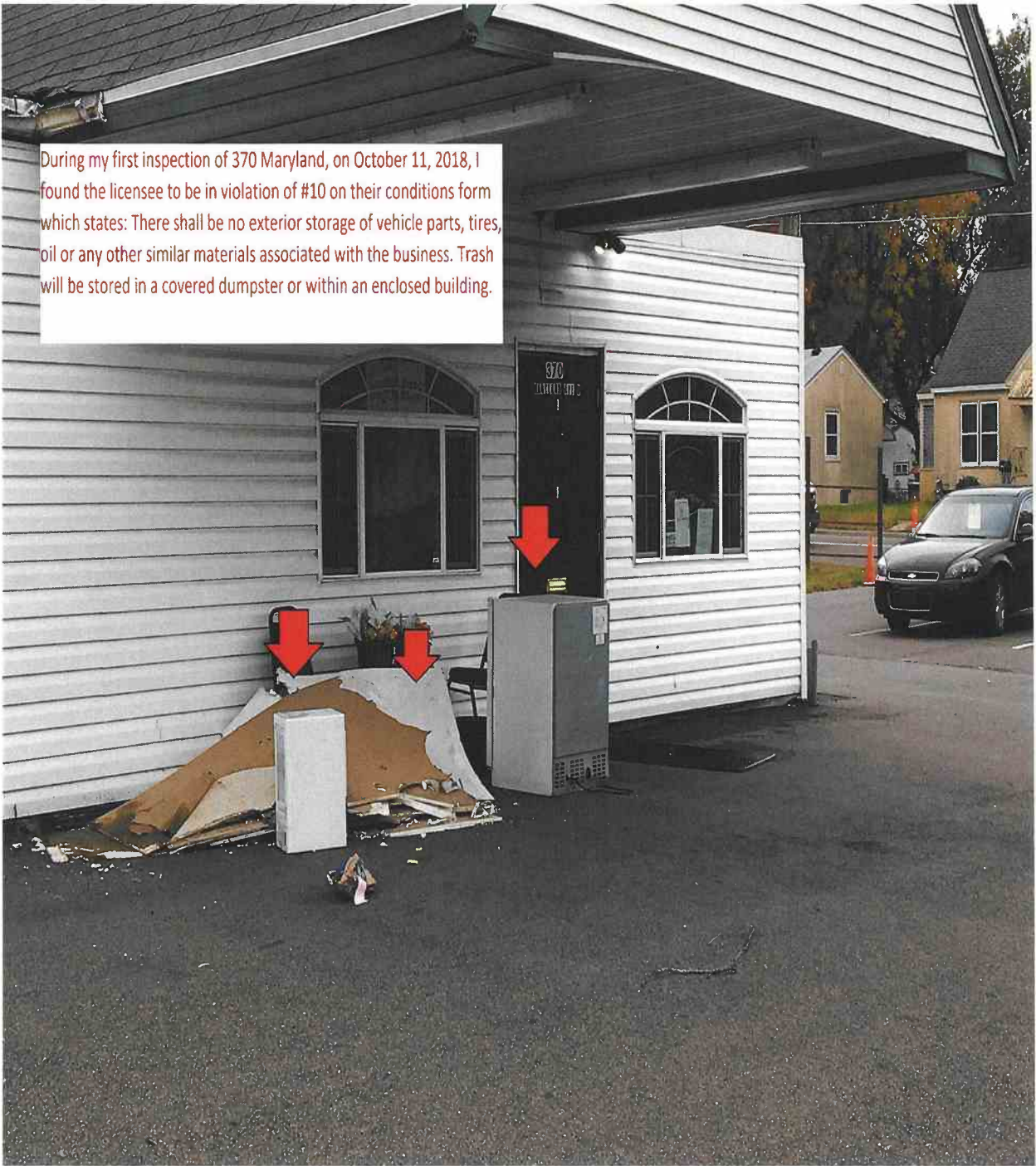
WHEREAS, this was the second violation within twelve (12) months so pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office recommended a \$1,000.00 matrix penalty; and

WHEREAS, the licensee responded to the Notice of Violation to request a public hearing which was held on December 19, 2018; now therefore be it;

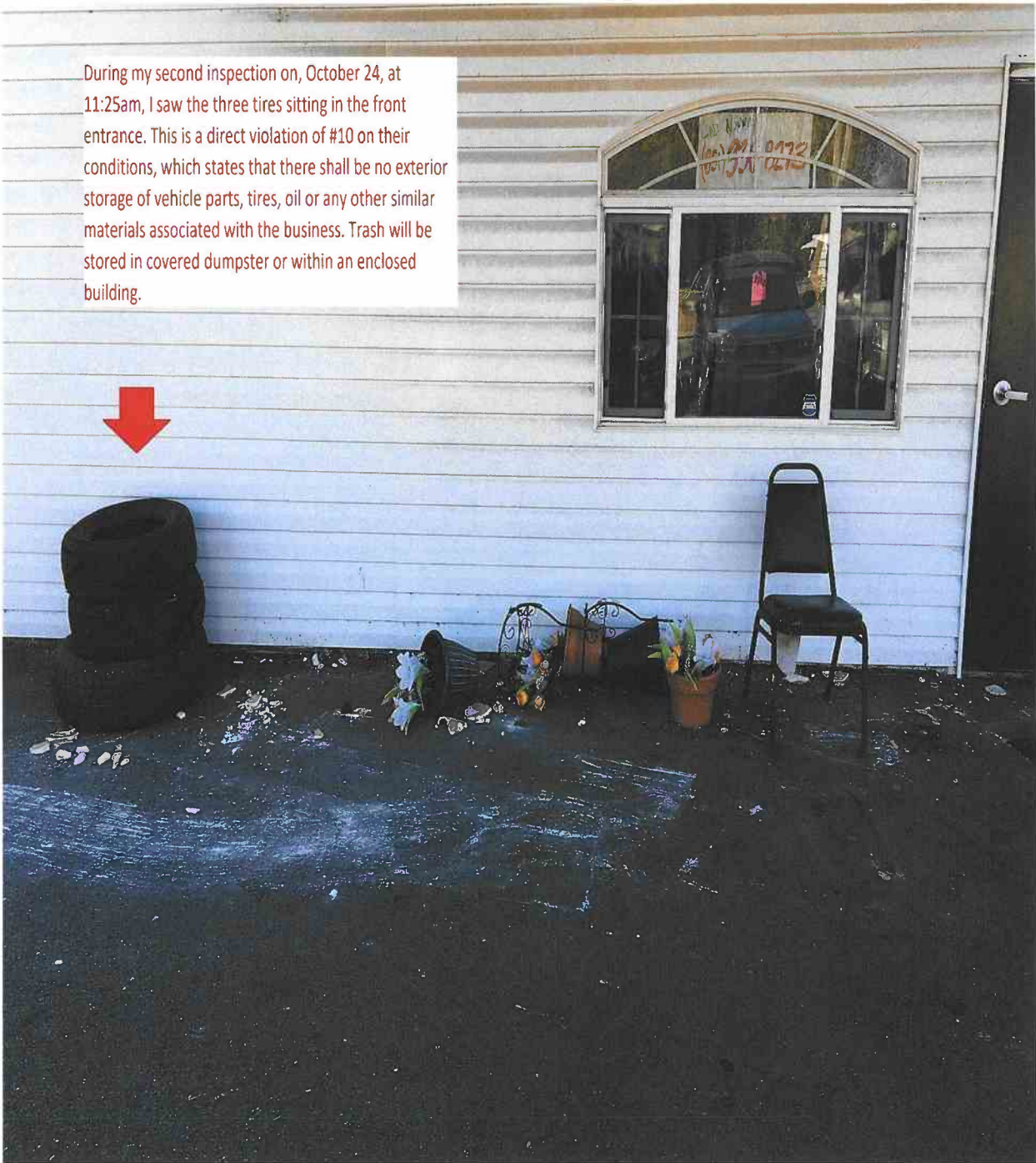
RESOLVED, KKamp Enterprises, LLC d/b/a K2 Cars (License ID#20170001209) for the premises located at 370 Maryland Avenue West is hereby ordered to pay a matrix penalty of \$1,000.00 for the repeated violation to license condition #10 observed and documented by a DSI Inspector during an inspection of the licensed premises on October 11, 2018 and a re-inspection on October 24, 2018.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

During my first inspection of 370 Maryland, on October 11, 2018, I found the licensee to be in violation of #10 on their conditions form which 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 or within an enclosed building.



During my second inspection on, October 24, at 11:25am, I saw the three tires sitting in the front entrance. This is a direct violation of #10 on their conditions, which states that 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 covered dumpster or within an enclosed building.



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

November 7, 2018

NOTICE OF VIOLATION

Keith Kamp, Owner
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117

RE: Second Hand Dealer-Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars for the premises located at 370 Maryland Avenue West in Saint Paul
License ID #20170001209

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second-Hand Dealer-Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars for the premises located at 370 Maryland Avenue West in Saint Paul. The basis for this recommendation is as follows:

On October 11, 2018, an inspector from the Department of Safety and Inspections came to 370 Maryland Avenue West to conduct an inspection where he observed and documented exterior storage of cardboard and other items near the front entrance in violation of license condition #10: "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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."

The inspector returned on October 24, 2018 where he observed and documented three tires staked and flower pots lying on the ground near the front entrance in violation of license condition #10: "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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."

This is the second (2nd) violation within the past twelve (12) months so the licensing office will recommend a \$1,000.00 matrix penalty.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, November 19, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **December 5, 2018** City Council Agenda for approval of the proposed remedy.
2. You can pay the \$1,000.00 matrix penalty. If this is your choice, you should send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, MN 55101-1806 by **Monday, November 19, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts of this notice and requesting a public hearing by **Monday, November 19, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$1,000.00 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 **Monday, November 19, 2018**. 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 public 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 § 310.05 (k).

If you have not contacted me by Monday, November 19, 2018, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. In that case, the matter will be placed on the December 5, 2018 City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 024989

cc: Keith Kamp, 1020 Arundel Street, St. Paul, MN 55117
Kerry Antrim, Executive Director, North End Neighborhood Organization, 171 Front Avenue
St. Paul, MN 55117

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 7th day of November, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Keith Kamp, Owner
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117

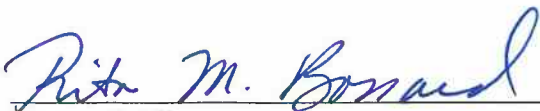
Keith Kamp
1020 Arundel Street
St. Paul, MN 55117

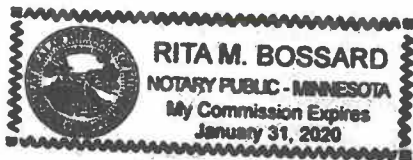
Kerry Antrim, Executive Director
North End Neighborhood Organization
171 Front Avenue
St. Paul, MN 55117

(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 7th day of November 2018


Notary Public



11/27/2018

To Whom it May Concern,

My name is Keith Kamp and I am the sole owner of K2 Cars located at 370 Maryland Ave. W.

This letter is in reference to a notice of violation dated November 7, 2018.

The facts outlined in the letter are correct, but I would ask for leniency in the fines. I do my best to follow the Site Plan and rules regarding the operation of my business. There have been some extenuating Circumstances in the business in my 3 years, including the loss of my partner within the 1st year of opening the business. This puts everything on my shoulders and it's no small task. I hope to soon be able to afford to hire somebody to assist me in running the business. As of now, I have not been able to afford additional labor costs, but we're making strides and assisting some lower income people the ability to drive away in a car with little money down. It brings me great satisfaction when they come back with payments and tell me stories on how nobody else would work with them and how much better their quality of life is with reliable transportation. Getting to work and getting their children off to school etc. The relationships I have built with residents in the North End working at my parents store, Kamp's Food Market, since I was 14 years old allows me to offer payments to people I know are struggling, but are great people in need of a break. I still work a couple days a week at the store to help make ends meet. I also own a home I purchased right before opening the car lot a few blocks from the car lot. I'm trying to do my part in making my neighborhood a better place.

I am asking the St. Paul City Council to consider a reduction in the proposed \$1000 fine. A fine as such would create hardship for me as I'm still working through start-up costs and everyday operating expenses such as, Licenses, fees, property taxes, mortgage payment, insurance and upgrades to the building.

I appreciate your consideration in this matter.

Sincerely,

Keith Kamp
K2 Cars

Inspection Report

Date: 06/14/2018
Inspector: David Eide
License Address: 370 Maryland Ave W
Licensee/ Violator: KKAMP Enterprises LLC, d/b/a K2 Cars
License Number: 20170001209
Violation: License Conditions 1, 3, 4, 7, 8, 9, 10, 11, 15, 16 + 18

Condition #1: The number of for-sale vehicles exceeded 21. Per condition 1, the number of for-sale vehicles is not to exceed 21.

Condition #3: The 4 ½ foot tall fence required along the residential front yard on Western Ave N has not been installed, as condition #3 requires.

Condition #4: The fence along Western Ave N has not been installed, as this condition requires.

Condition #7: The fencing around the parking lot is not installed as was proposed in the 8/7/2015 site plan.

Condition #8: A maximum of twenty-five (25) vehicles is allowed on the lot at any one time. At the time of the inspection, twenty-nine (29) vehicles were on the site. Vehicles were parked in the handicap loading zone and in the maneuvering lanes.

Condition #9: Vehicles were parked in the maneuvering lanes in the property. This forced a white SUV to back up into Western Ave N to leave the site, as was observed in the photos that were taken during the site visit.

Condition #10: Exterior storage of vehicle parts, tires, and similar items was found in the back of the business. Trash is to be stored in a covered dumpster and is not permitted to be stored as is shown in the photos.

Condition #11: A vehicle was found on the lot that was missing the front bumper and did not appear operable. Vehicle salvage is expressly forbidden and all vehicles must appear to be completely assembled with no major body parts missing.

Condition #15: A white SUV was witnessed backing up into Western Ave N from the property. See the photos. This is explicitly prohibited and happened due to the maneuvering space on the property being blocked. Per condition 15, backing from the street or on to the street is prohibited. Maneuvering space must be provided on the property to all vehicles entering and exiting the site to proceed forward.

Condition #16: SPLC 64.203 states "A permit shall be required for all exterior signs visible from a public right-of-way." No sign permit is on file for this sign. Condition 16 states that the licensee must comply with all federal, state, and local laws.

Condition #18: Licensee agreed to complete all site improvements by 7/30/2017 in accordance to the approved CUP #15-127857 @ site plan on file with DSI dated 8/7/2015 which includes: installation of the decorative fencing near the property lines along Maryland and Western Avenues, and the visually screening fence along the property lines adjoining residential properties. The licensee acknowledged that failure to complete all site improvements by 07/30/2017 would be a violation of the license conditions and result in adverse action being taken against their license. The site improvements were not complete at the time of the inspection: the fence along the front yard of the abutting residential property on Western Ave N was not complete.

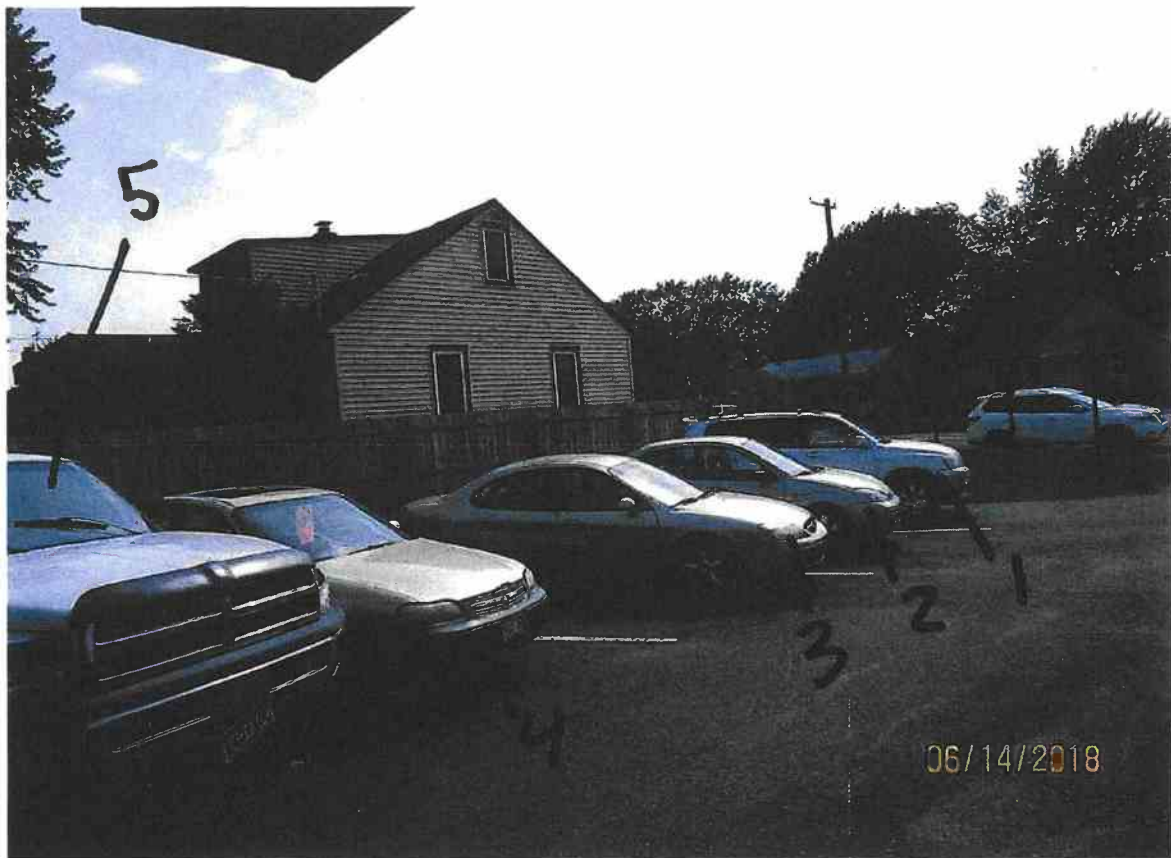
Condition #1: The number of for-sale cars on the lot shall be limited to 21, the number of customer parking spaces shall be limited to three, and the number of employee parking spaces shall be limited to one.

Condition #8: A maximum of twenty-five (25) vehicles may be parked on the property at any time as per license condition #1 referenced above. The licensee is responsible for ensuring that the number of vehicles and where they are parked is in accordance with the approved site plan on file with DSI dated 08/07/2015. This includes for-sale vehicles for this business; and customer and/or employee vehicles for this business or any other business which may be co-located on the property. *29 vehicles were on property*

Condition #9: At no time shall customer, employee, or for-sale vehicles be parked in the driveway, maneuvering lanes, or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.).

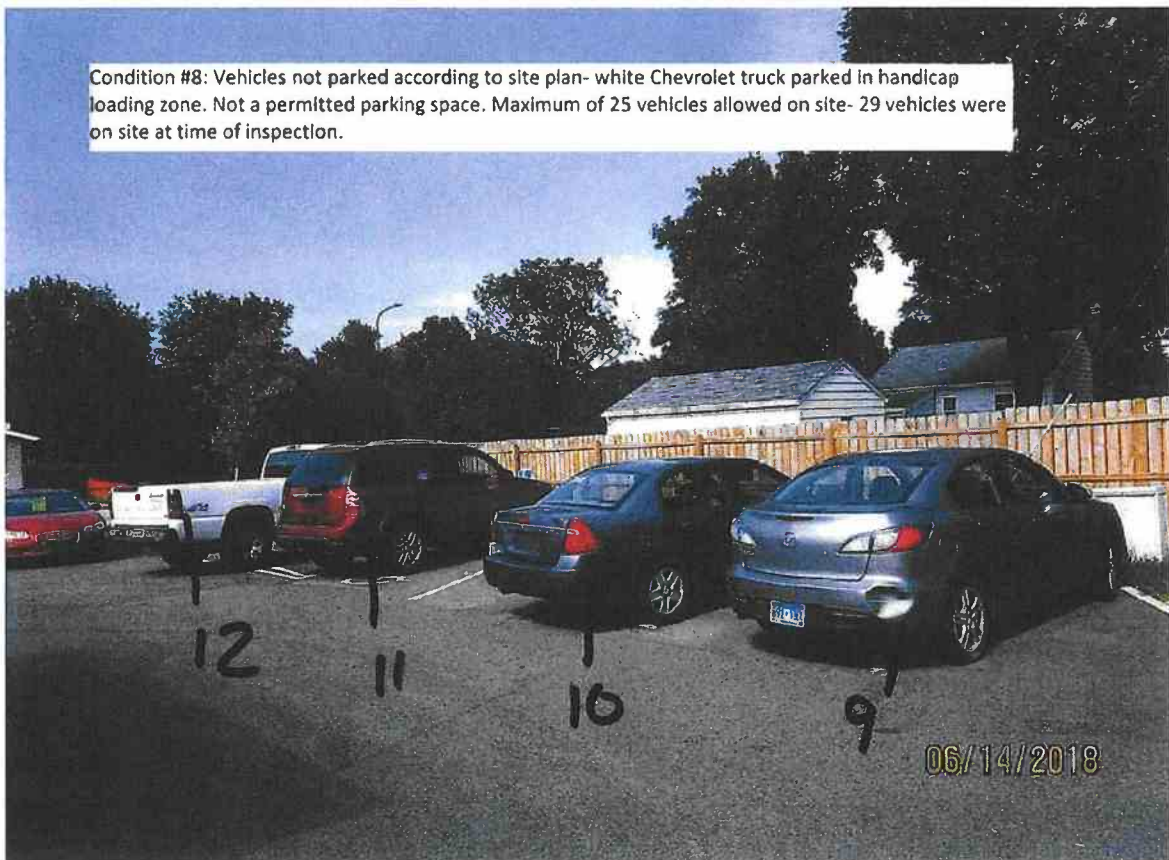
Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.

These vehicles were parked in a drive lane- not a permitted parking space





Condition #8: Vehicles not parked according to site plan- white Chevrolet truck parked in handicap loading zone. Not a permitted parking space. Maximum of 25 vehicles allowed on site- 29 vehicles were on site at time of inspection.





Condition #1: The number of for-sale cars on the lot shall be limited to 21, the number of customer parking spaces shall be limited to three, and the number of employee parking spaces shall be limited to one.

Condition #8: A maximum of twenty-five (25) vehicles may be parked on the property at any time as per license condition # 1 referenced above. The licensee is responsible for ensuring that the number of vehicles and where they are parked is in accordance with the approved site plan on file with DSI dated 08/07/2015. This includes for-sale vehicles for this business; and customer and/or employee vehicles for this business or any other business which may be co-located on the property. **29 vehicles were parked on property***

Condition #9: **At no time shall customer, employee, or for-sale vehicles be parked in the driveway, maneuvering lanes, or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.).**

Condition #15: **Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.**

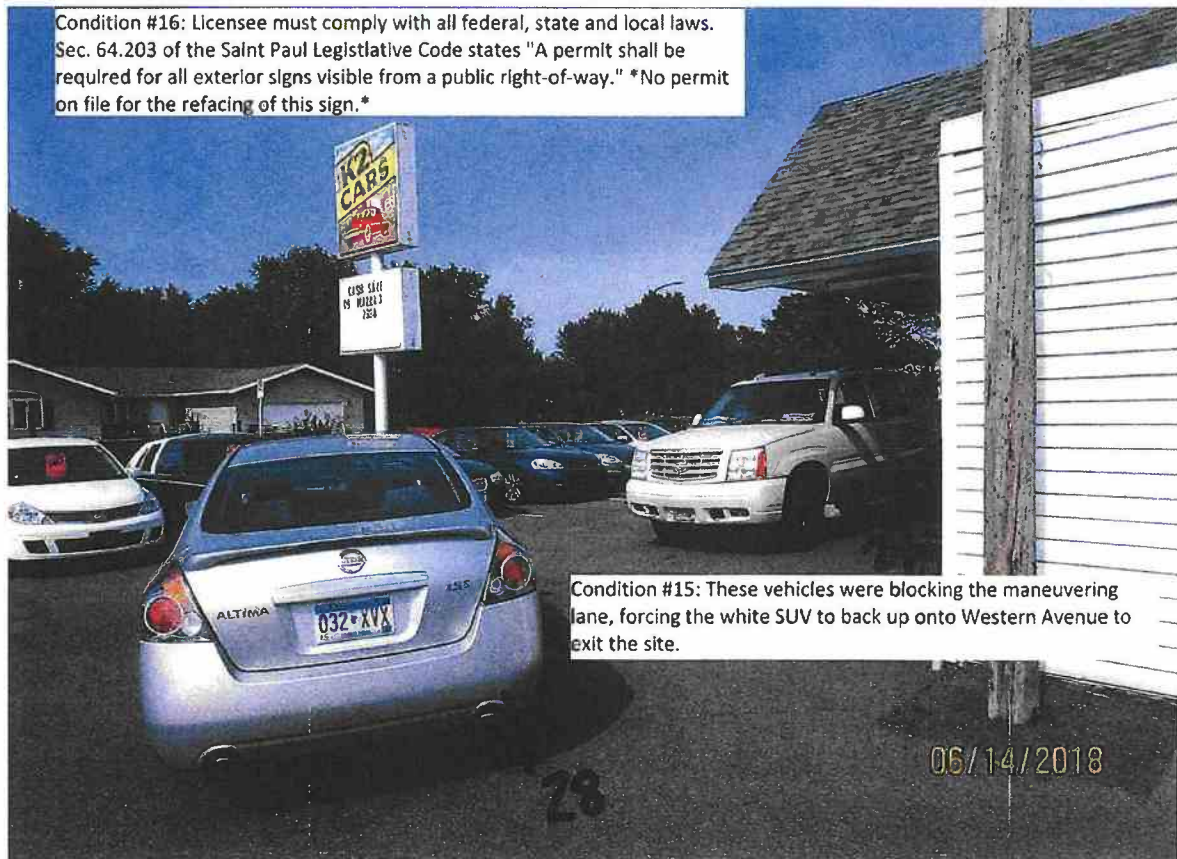






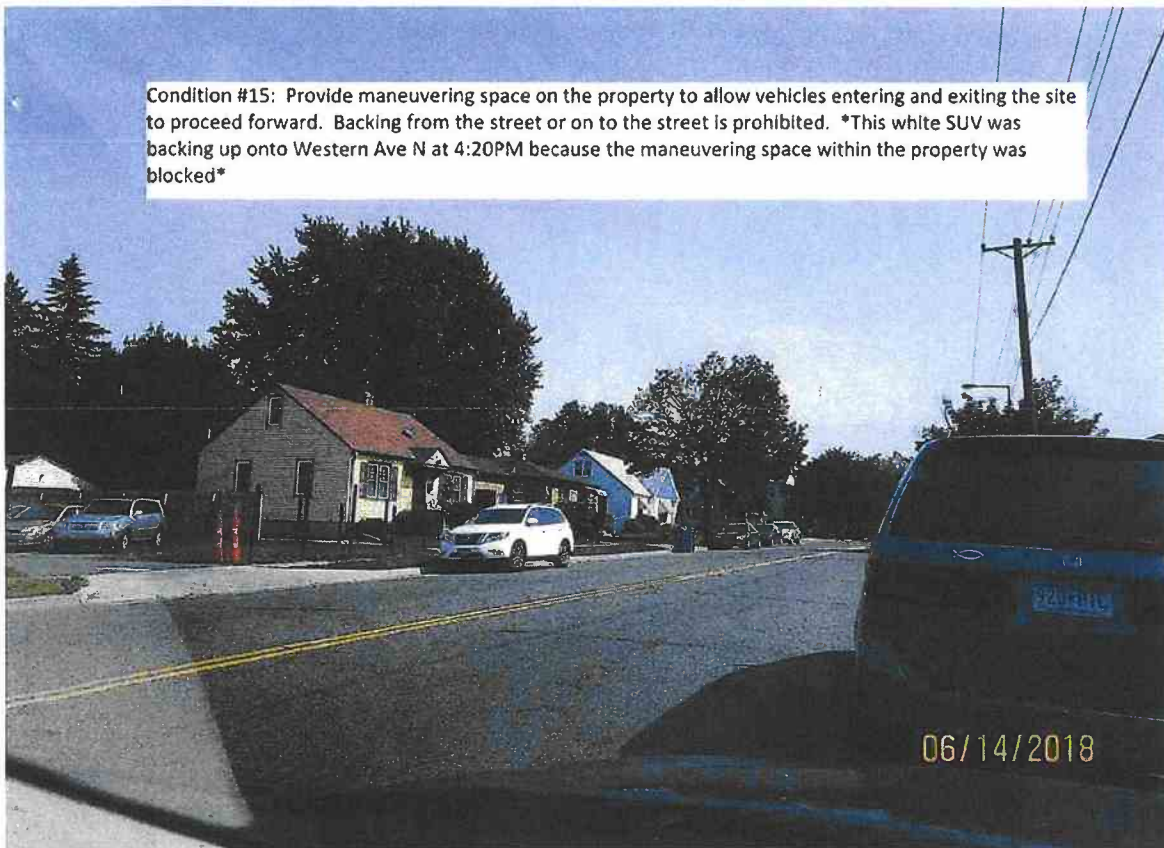


Condition #16: Licensee must comply with all federal, state and local laws. Sec. 64.203 of the Saint Paul Legislative Code states "A permit shall be required for all exterior signs visible from a public right-of-way." *No permit on file for the refacing of this sign.*



Condition #15: These vehicles were blocking the maneuvering lane, forcing the white SUV to back up onto Western Avenue to exit the site.

Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited. *This white SUV was backing up onto Western Ave N at 4:20PM because the maneuvering space within the property was blocked*

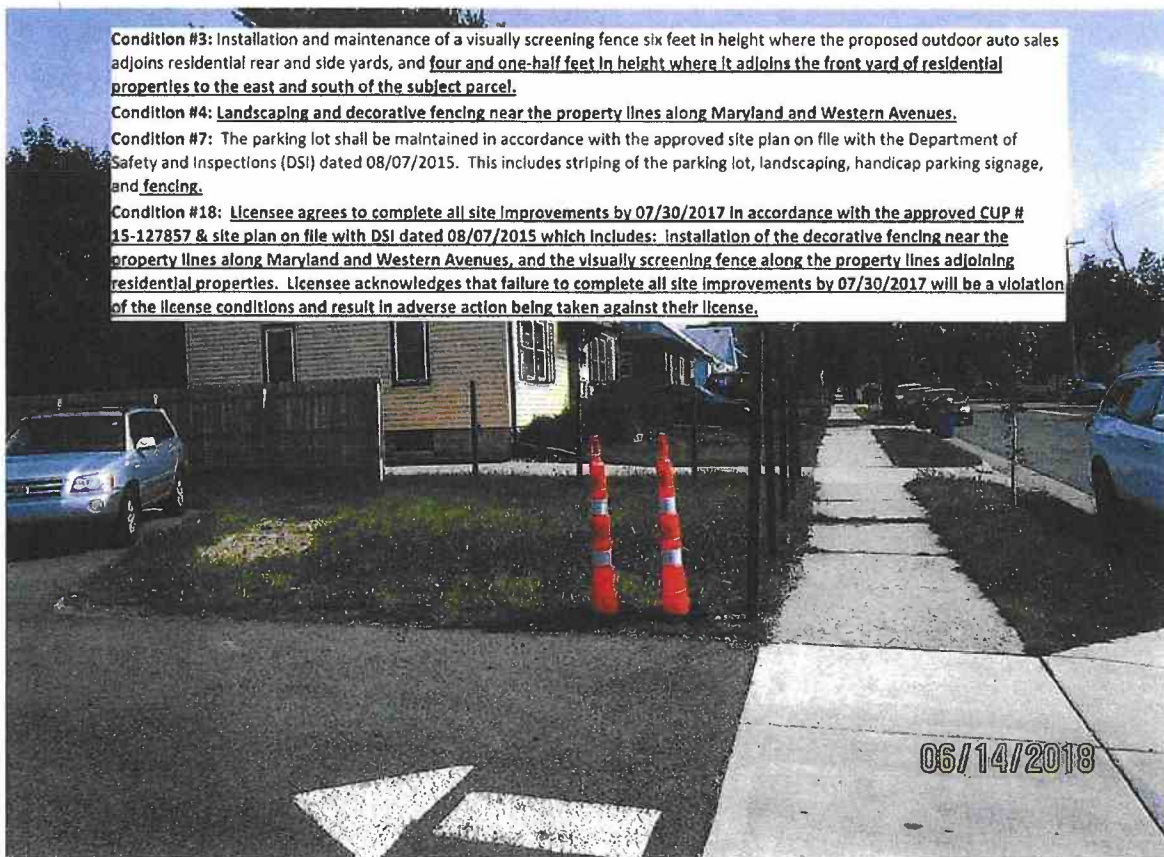


Condition #3: Installation and maintenance of a visually screening fence six feet in height where the proposed outdoor auto sales adjoins residential rear and side yards, and four and one-half feet in height where it adjoins the front yard of residential properties to the east and south of the subject parcel.

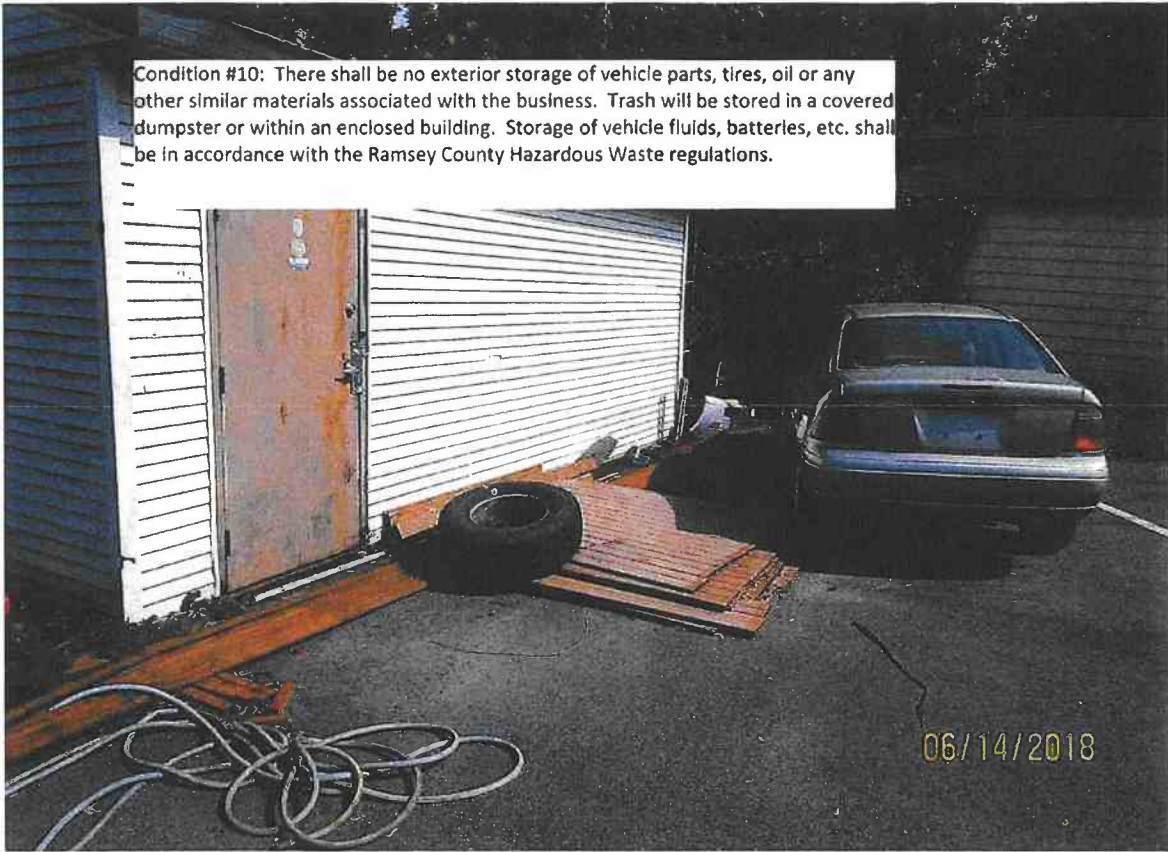
Condition #4: Landscaping and decorative fencing near the property lines along Maryland and Western Avenues.

Condition #7: The parking lot shall be maintained in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 08/07/2015. This includes striping of the parking lot, landscaping, handicap parking signage, and fencing.

Condition #18: Licensee agrees to complete all site improvements by 07/30/2017 in accordance with the approved CUP # 15-127857 & site plan on file with DSI dated 08/07/2015 which includes: installation of the decorative fencing near the property lines along Maryland and Western Avenues, and the visually screening fence along the property lines adjoining residential properties. Licensee acknowledges that failure to complete all site improvements by 07/30/2017 will be a violation of the license conditions and result in adverse action being taken against their license.



Condition #10: 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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.



Condition #10: 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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.



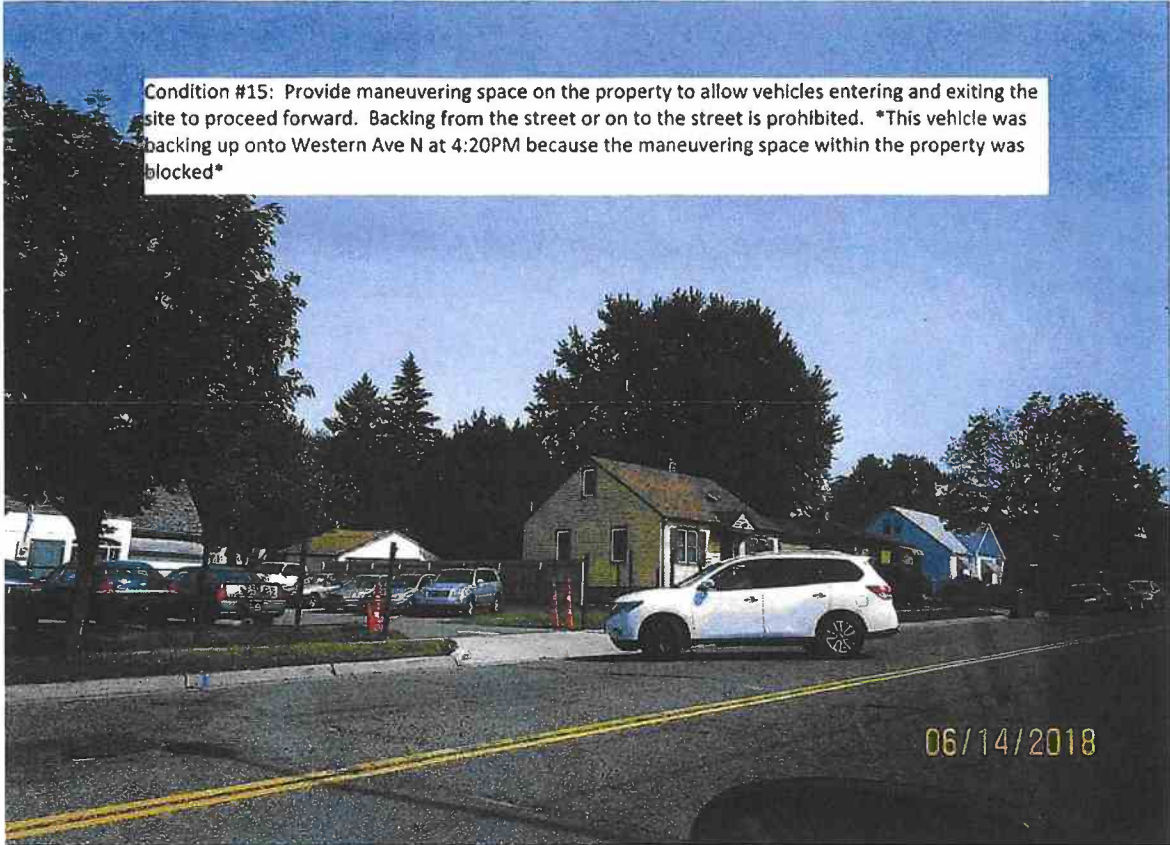


Condition #10: There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.

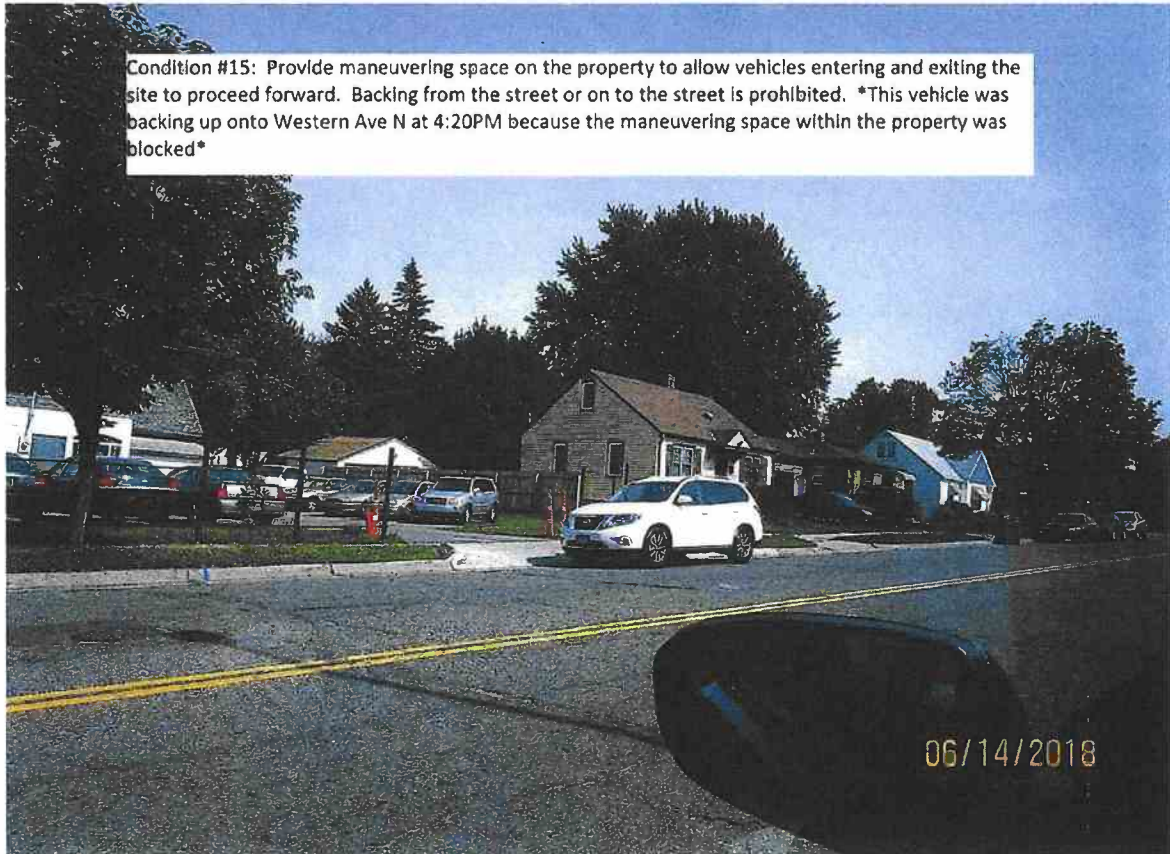


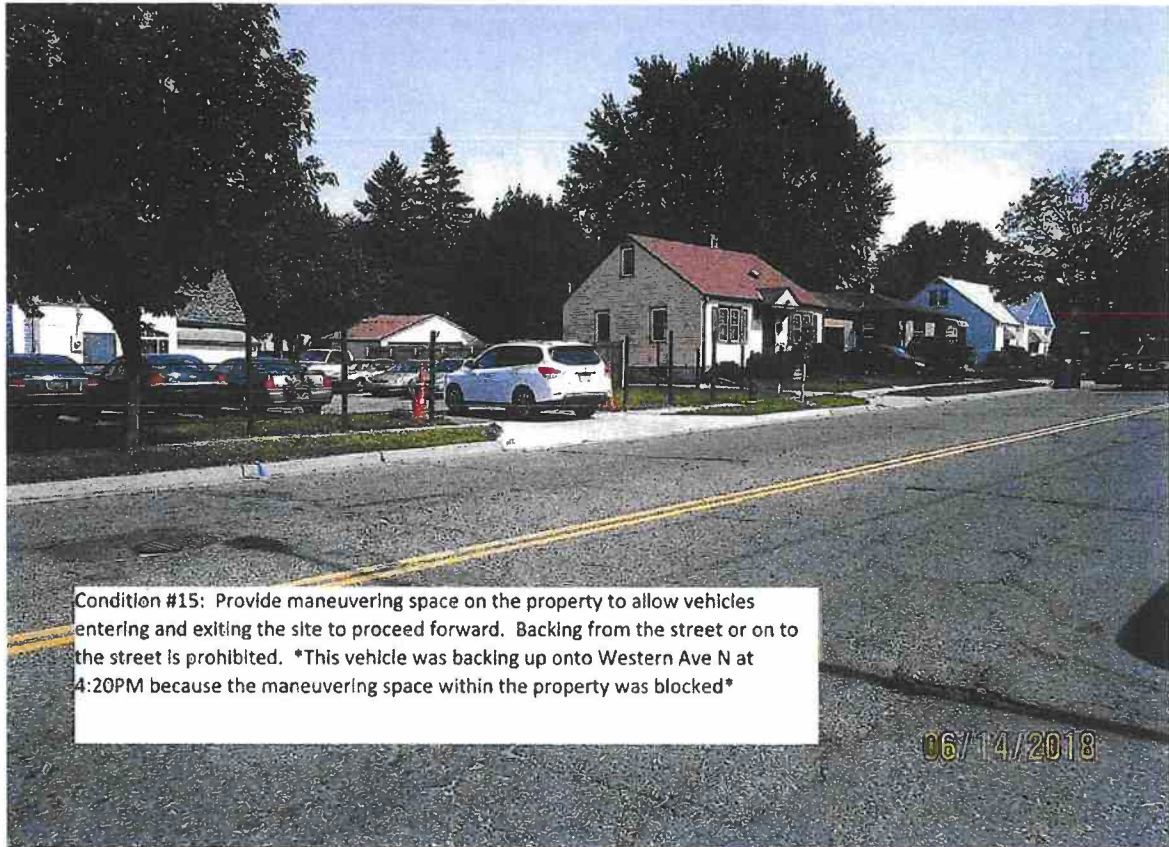
Condition #11: The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted. *Vehicle had writing on windshield- appears to be a salvage-type situation.*

Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited. *This vehicle was backing up onto Western Ave N at 4:20PM because the maneuvering space within the property was blocked*



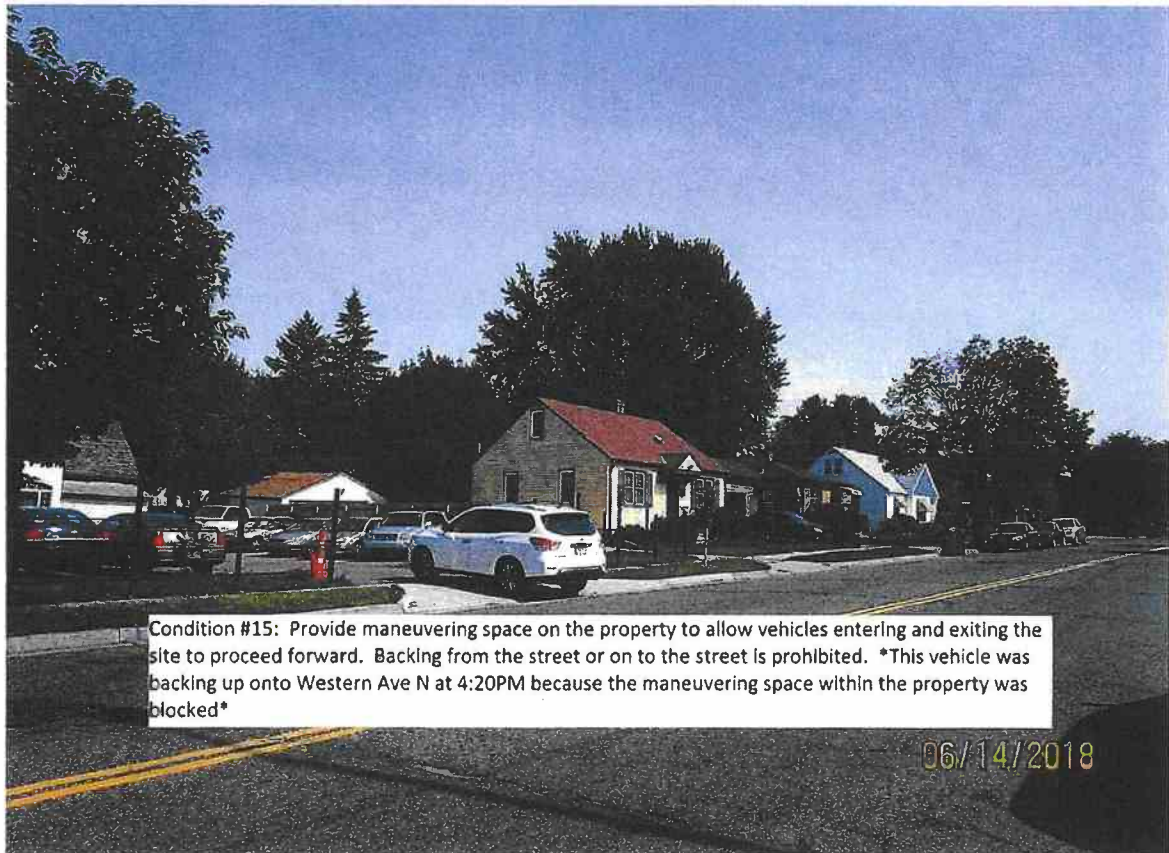
Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited. *This vehicle was backing up onto Western Ave N at 4:20PM because the maneuvering space within the property was blocked*





Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited. *This vehicle was backing up onto Western Ave N at 4:20PM because the maneuvering space within the property was blocked*

06/14/2018



Condition #15: Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited. *This vehicle was backing up onto Western Ave N at 4:20PM because the maneuvering space within the property was blocked*

06/14/2018



CITY OF SAINT PAUL
Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

July 3, 2018

NOTICE OF VIOLATION

Keith Kamp, Owner
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117

RE: Second Hand Dealer-Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars for the premises located at 370 Maryland Avenue West in Saint Paul
License ID #20170001209

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second-Hand Dealer-Motor Vehicle license held by KKamp Enterprises, LLC d/b/a K2 Cars for the premises located at 370 Maryland Avenue West in Saint Paul. The basis for this recommendation is as follows:

On June 14, 2018, an inspector from the Department of Safety and Inspections came to 370 Maryland Avenue West to conduct an inspection in response to complaints received. During the inspection, the following eleven (11) license condition violations were observed and documented with photographs:

- 1. The number of for-sale vehicles exceeded twenty-one (21) in violation of license condition #1: "The number of for-sale cars on the lot shall be limited to 21, the number of customer parking spaces shall be limited to three, and the number of employee parking spaces shall be limited to one."**
- 2. The 4 ½ foot tall fence required along the resident front yard on Western Avenue North has not been installed in violation of license condition #3: "Installation and maintenance of a visually screening fence six feet in height where the proposed outdoor auto sales adjoins residential rear and side yards, and four and one-half feet in height where it adjoins the front yard of residential properties to the east and south of the subject parcel."**

3. **The fence along Western Avenue North has not been installed in violation of license condition #4:** "Landscaping and decorative fencing near the property lines along Maryland and Western Avenues."
4. **The fencing around the parking lot was not installed as proposed in the 8/07/2015 site plan and in violation of license condition #7:** "The parking lot shall be maintained in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 08/07/2015. This includes striping of the parking lot, landscaping, handicap parking signage, and fencing."
5. **There were twenty-nine (29) vehicles on site and vehicles were parked along the handicap loading zone in violation of license condition #8:** "A maximum of twenty-five (25) vehicles may be parked on the property at any time as per license condition #1 referenced above. The licensee is responsible for ensuring that the number of vehicles and where they are parked is in accordance with the approved site plan on file with DSI dated 08/07/2015. This includes for-sale vehicles for this business; and customer and/or employee vehicles for this business or any other business which may be co-located on the property."
6. **Vehicles were parked in the maneuvering lanes in violation of license condition #9:** "At no time shall customer, employee, or for-sale vehicles be parked in the driveway, maneuvering lanes, or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.)."
7. **Exterior storage of vehicle parts, tires and similar items were found in the back of the business in violation of license condition #10:** "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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."
8. **A vehicle found on the lot was missing a bumper and did not appear to operable in violation of license condition #11:** "The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted."
9. **A white SUV was witnessed backing up into Western Avenue North from the property in violation of license condition #15:** "Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited."
10. **No permit on file for the "K2 Cars" sign in the public right-of-way in violation of license condition #16:** "Licensee must comply with all federal, state and local laws." Saint Paul Legislative Code § 64.203 states: "A permit shall be required for all exterior signs visible from a public right-of-way".

11. **Failure to complete site improvements by 7/30/2017 in accordance with the approved CUP #15-127856 and site plan on file with the Department of Safety and Inspections dated 8/07/2015 in violation of license condition #18:** "Licensee agrees to complete all site improvements by 07/30/2017 in accordance with the approved CUP #15-127857 & site plan on file with DSI dated 08/07/2015 which includes: installation of the decorative fencing near the property lines along Maryland and Western Avenues, and the visually screening fence along the property lines adjoining residential properties. Licensee acknowledges that failure to complete all site improvements by 07/30/2017 will be a violation of the license conditions and result in adverse action being taken against their license."

This is a first violation and the licensing office will recommend a \$500.00 matrix penalty.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Friday, July 13, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 1, 2018** City Council Agenda for approval of the proposed remedy.
2. You can pay the \$500.00 matrix penalty. If this is your choice, you should send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, MN 55101-1806 no later than **Friday, July 13, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts of this notice and requesting a public hearing no later than **Friday, July 13, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 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 **Friday, July 13, 2018**. 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 public 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 § 310.05 (k).

K2 Cars
July 3, 2018
Page 4

If you have not contacted me by Friday, July 13, 2018, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the August 1, 2018 City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 024989

cc: Keith Kamp, 1020 Arundel Street, St. Paul, MN 55117
Kerry Antrim, Executive Director, North End Neighborhood Organization, 171 Front Avenue
St. Paul, MN 55117
James J. Voss, 6010 Upper 44th Street North, Oakdale, MN 55128-2514

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 3rd day of July she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

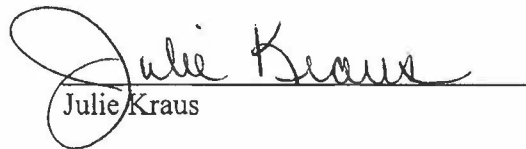
Keith Kamp, Owner
K2 Cars
370 Maryland Avenue West
St. Paul, MN 55117

Keith Kamp
1020 Arundel Street
St. Paul, MN 55117

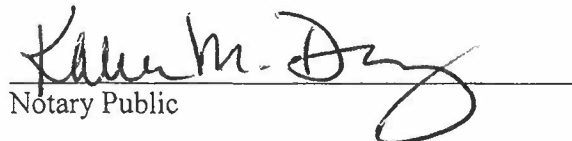
Kerry Antrim, Executive Director
North End Neighborhood Organization
171 Front Avenue
St. Paul, MN 55117

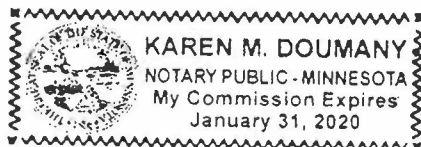
James J. Voss
6010 Upper 44th Street North
Oakdale, MN 55128-2514

(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 3rd day of July, 2018


Notary Public



Kraus, Julie (CI-StPaul)

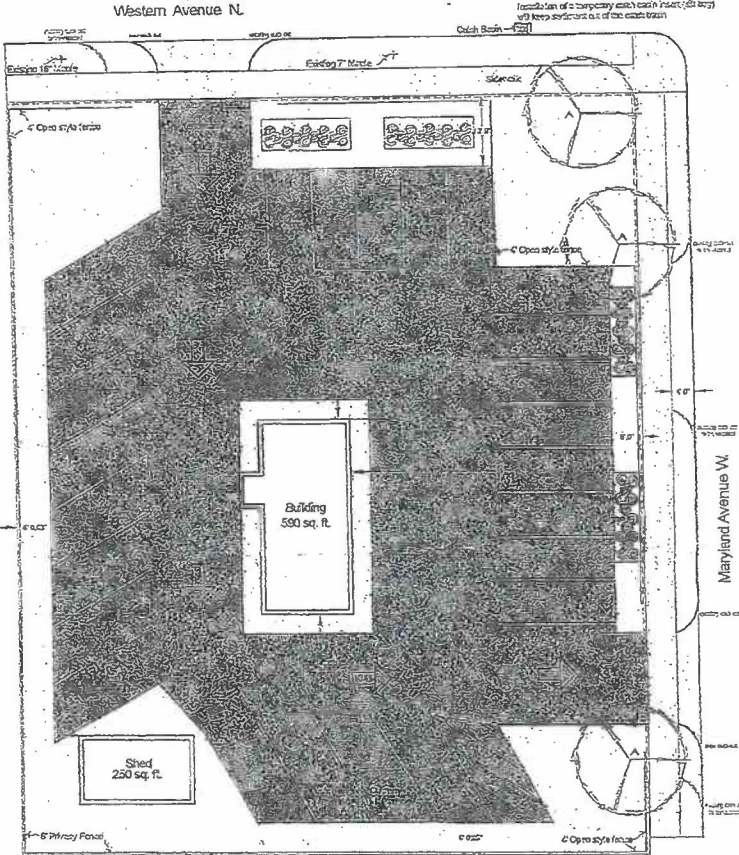
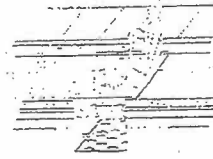
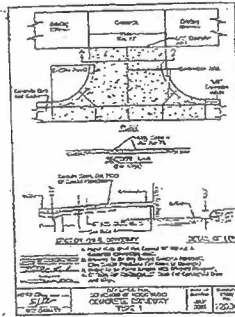
From: Wald, Annette (CI-StPaul)
Sent: Tuesday, July 10, 2018 1:19 PM
To: Kraus, Julie (CI-StPaul); Schweinler, Kristina (CI-StPaul); Hudak, Eric (CI-StPaul); Skarda, Therese (CI-StPaul)
Subject: fine paid

\$500.00 Rcvd from KKamp Enterprises dba: K2 Cars – 370 Maryland Avenue W

SITE PLAN APPROVED
OFFICE OF DSI
CITY OF ST. PAUL

By TB
 File # 15-128236 Date 8/7/15
 Any alterations from this plan must be approved by the Zoning Administrator.

Western Avenue N.



Construction materials, structures, equipment, and vehicles shall not be stored or operated on any lot hereon.
 Contractor to be bonded in accordance with Minnesota Statutes, Chapter 551.02, prior to approval of any construction.
 All work on streets, sidewalks, and other public utility work shall be done in accordance with City Ordinances and Specifications by a licensed contractor and be done under the supervision of a person from Public Works Services Division (PWS) (651-226-4131).
 The contractor shall be responsible for obtaining all necessary permits from the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these transactions.
 The contractor shall obtain Public Works Street Maintenance (PWS) permits prior to beginning any construction in the street at 651-226-4131.
 Street power lines must be protected from damage by each construction.
 Protection shall remain in place until maintenance work has been performed on the street and all utility work has been completed.

PLANT LIST

- A. Masson Prairie Mistle
- B. Karl's Hammer Grass
- C. Red-tipped Goldenrod

NOTE: any areas are indicated by a box with the number 1 or 2 in the bottom right corner.

INSPECTION CONVICTIONS: The developer shall contact the Right of Way Inspector, Linda Laska (651-454-4288) (one week prior to beginning work) to discuss and coordinate the location of all utility lines in the public right of way. If any utility lines are not provided to the City, the developer shall be the sole responsibility of the Contractor.
SAFETY BARRIERS: The Contractor shall provide a continuous barrier between the public right of way and the construction site. The barrier shall be a minimum of 4 feet high and shall be constructed of a material approved by the City. The barrier shall be removed when the construction is completed and the site is restored to its original condition.
UTILITY LOCATIONS: The Contractor shall be responsible for locating all utility lines in the public right of way. The Contractor shall contact the Public Works Utility Review Committee (PWSURC) at 651-226-4131 to discuss the location of utility lines. The Contractor shall be responsible for obtaining all necessary permits from the PWSURC. The Contractor shall be responsible for payment to the City for the cost of these transactions.
DISSEMINATION: The Contractor shall be responsible for disseminating information to the public regarding the construction project. The Contractor shall be responsible for providing information to the public regarding the location of utility lines, the location of the construction site, and the location of the construction site. The Contractor shall be responsible for providing information to the public regarding the location of utility lines, the location of the construction site, and the location of the construction site.
ST. PAUL, MINNESOTA DEPARTMENT OF PUBLIC WORKS SERVICES DIVISION

CONSTRUCTION AND EXCAVATION PERMITS: The Contractor shall obtain all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul.
CONSTRUCTION PERMITS: The Contractor shall obtain all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul.
EXCAVATION PERMITS: The Contractor shall obtain all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul. The Contractor shall be responsible for obtaining all necessary permits from the City of St. Paul.
REQUIREMENTS TO WORK IN THE PUBLIC RIGHT OF WAY: All vehicles and equipment working in the public right of way must be licensed, insured and bonded, as required by the Public Works Services Division (PWS) (651-226-4131).



| | | | |
|-----------|--------------------------------|--------------|--------------|
| PROJECT: | K2 Cars | | |
| ADDRESS: | 70 Maryland Avenue W. St. Paul | | |
| DESIGNER: | Jeffrey Hauer | DATE: | July 2015 |
| PHONE: | (651) 454-9725 | SCALE: | 1/8" = 1'-0" |
| | | PROJECT NO.: | (651) |





CITY OF SAINT PAUL
Christopher Coleman, Mayor

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

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

I agree to the following conditions being placed on the following license(s):

License #: 20170001209
Type of Business: Second Hand Dealer - Motor Vehicle
Applied for by: KKAMP Enterprises LLC
Doing Business As: K2 Cars
At: 370 Maryland Ave E
St. Paul, MN 55117

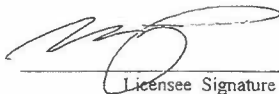
Conditions are as follows:

CONDITIONS #1-6 Per Zoning Conditional Use Permit #15-127857:

1. The number of for-sale cars on the lot shall be limited to 21, the number of customer parking spaces shall be limited to three, and the number of employee parking spaces shall be limited to one.
2. The hours of operation of the business shall be limited to no more than Monday through Friday from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 4:00 PM.
3. Installation and maintenance of a visually screening fence six feet in height where the proposed outdoor auto sales adjoins residential rear and side yards, and four and one-half feet in height where it adjoins the front yard of residential properties to the east and south of the subject parcel.
4. Landscaping and decorative fencing near the property lines along Maryland and Western Avenues.
5. Curb cuts and driveways off of both Maryland and Western Avenues shall be narrowed to allow only one direction of traffic and signage installed adjacent to the Maryland drive that indicates it is exit only, as recommended by the City traffic engineer.
6. Improvements to the exterior of the existing building to mitigate all property maintenance issues.

ADDITIONAL LICENSE CONDITIONS #7-18:

7. The parking lot shall be maintained in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 08/07/2015. This includes striping of the parking lot, landscaping, handicap parking signage, and fencing.
8. A maximum of twenty-five (25) vehicles may be parked on the property at any time as per license condition #1 referenced above. The licensee is responsible for ensuring that the number of vehicles and where they are parked is in accordance with the approved site plan on file with DSI dated 08/07/2015. This includes for-sale vehicles for this business; and customer and/or employee vehicles for this business or any other business which may be co-located on the property.
9. At no time shall customer, employee, or for-sale vehicles be parked in the driveway, maneuvering lanes, or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.).
10. 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 or within an enclosed building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
11. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
12. No auto repair of vehicles may occur on the property.
13. Auto body repair and/or auto body spray painting is not permitted.
14. 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.
15. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
16. Licensee must comply with all federal, state and local laws.
17. The Second Hand Dealer Motor Vehicle License is issued on the condition that the State of Minnesota Dealer Number is submitted to DSI upon issuance by the State of Minnesota Dealer Unit. The State of Minnesota Dealer Number/License must remain registered in the sole name of Keith Kamp, which is the same as the City licensee name. Any changes to the registered owner/operator on the State Dealer Number/License must receive prior written confirmation from DSI.
18. Licensee agrees to complete all site improvements by 07/30/2017 in accordance with the approved CUP #15-127857 & site plan on file with DSI dated 08/07/2015 which includes: installation of the decorative fencing near the property lines along Maryland and Western Avenues, and the visually screening fence along the property lines adjoining residential properties. Licensee acknowledges that failure to complete all site improvements by 07/30/2017 will be a violation of the license conditions and result in adverse action being taken against their license.



Licensee Signature

5-12-17

Date

Keith Kamp

Print Name

Licensee: **KKAMP ENTERPRISES LLC**

DBA: **K2 CARS**

License #: **20170001209**

10/31/2018 To CAO for adverse action lic. cond. violation. JWF

10/24/18 Reinspection garbage in front entrance AA. ARM

10/11/18 inspection found garbage in front entrance. Will reinspect. ARM

07/10/2018 Rcvd \$500.00 for fine

6/18/18 To CAO for multiple condition violations.KS/DE

06/15/2018 Conducted inspection in response to complaints. In violation of condition 1, 3, 4, 7, 8, 9, 10, 11, 15, 16, and 18. Found 29 vehicles on lot-limited to 25, maneuvering space blocked, junk parts stored outdooes, fence not completed, no sign permit, vehicle missing major body parts. To send to CAO. DE

05/09/2017 No objections to lic. notification per Nhia Vang's office, Leg. Hearing Officer. JWF

04/03/2017 Lic. notice sent, 39M/35EM, response date 05/05/2017. JWF

03/28/2017 To KS/EH for review. JWF

License Query [-] [□] [×]


Address | **Licensee** | Contact | License | Cardholder

Licensee Name:

DBA:

Sales Tax Id:

Find Now
OK
Cancel
New Search
Help



SEARCH WINDOW

New Group... | New Temp Grp... | Copy Group... | Add License... | Properties...

| License # | Tag # | Licensee Name | DBA | License Type | Status | Reason | Effect |
|-----------|-------|-----------------------|---------|------------------------------------|----------|--------------------------|---------|
| 170001209 | 0 | KKAMP ENTERPRISES LLC | K2 CARS | Second Hand Dealer - Motor Vehicle | Active | License Printed | 05/09/2 |
| 150002374 | 0 | KJW ENTERPRISES LLC | K2 CARS | Second Hand Dealer - Motor Vehicle | Canceled | 06/06/2017 Change in own | 04/08/2 |

< [Progress Bar] >

Properties For License 370 MARYLAND AVE W

Licensee:
 DBA:

Property
 Licensee
 Unofficial

Street #:
 Street Name:
 Street Type: Direction:
 Unit Ind: Unit #:
 City:
 State: Zip:
 Ward:
 Dist Council:

Project Facilitator:

Adverse Action Comments

License Group Comments:

Licensee:
 DBA:
 Sales Tax Id: Bus Phone:

Licensee Comments:

| License Type | Class | Effective | Expiration | Conditions | License Fee |
|------------------------------------|-------|------------|------------|------------|-----------------|
| Second Hand Dealer - Motor Vehicle | N | 05/09/2017 | 05/09/2019 | N | \$453.00 |
| Total: | | | | | \$453.00 |

License #

Save Changes to History

Properties For License 370 MARYLAND AVE W

Licensee:
 DBA:

Licensee Name:
 DBA:
 Sales Tax Id: Non-Profit: Worker's Comp:
 AA Contract Rec'd: AA Training Rec'd:
 AA Fee Collected: Discount Rec'd:

| Other Agency Licenses | | | | Financial Hold Reasons | | |
|--------------------------------------------|-----------|------------|--------|------------------------|------|--|
| Other Licensing Agency Name / License Type | License # | Expiration | Reason | Active | Date | |
| | | | | | | |

Contacts for this Licensee

| Addr. Type | Active | Inactive | Last Name | First Name | Title | Bus. Phone | Ho |
|------------|------------|------------|-----------|------------|-------|----------------|----|
| Business/M | 03/27/2017 | 00/00/0000 | | | | (651) 336-8273 | |
| Other | 03/27/2017 | 00/00/0000 | KAMP | KEITH | OWNER | () - | |

Mail License To:

Mail To Contact
 License Address

Mail Invoice To:

Mail To Contact
 License Address

License #

Properties For License 370 MARYLAND AVE W

Licensee:
 DBA:

| | |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| License Type: <input type="text" value="Second Hand Dealer - Motor Vehicle"/> | License Class: <input type="text" value="N"/> |
| Effective: <input type="text" value="05/09/2017"/> Expiration: <input type="text" value="05/09/2019"/> | Status: <input type="text" value="Active"/> |
| Apply Discount: <input type="checkbox"/> Remove Discount: <input type="checkbox"/> Discount Rec'd: <input type="checkbox"/> | Status Changed: <input type="text" value="03/20/2018"/> |
| Replace Fee: <input type="checkbox"/> # of Units: <input type="text" value="1"/> | Application Date: <input type="text" value="03/27/2017"/> |

| Inspector Name | Type | Phone # | |
|-----------------------------|---------|----------------|-----------------------------------------------------------------------------|
| SCHWEINLER, KRISTINA (KRIS) | License | (651) 266-9110 | <input type="button" value="Add"/> <input type="button" value="Remove"/> |

| Name | Trade Type | Card # | Card Type | Expiration | |
|------|------------|--------|-----------|------------|----------------------------------------------------------------------------------|
| | | | | | <input type="button" value="Add Mast"/> <input type="button" value="Remove"/> |

Tag #:

| | |
|----------------------|------------------------------|
| Fields | License Type Comments(long): |
| <input type="text"/> | <input type="text"/> |

[New Search](#)

Run Date: 11/06/18 03:26 PM
House#: 370
Street Name: Maryland

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

370 Maryland Ave W - Pizza Factory - 55117-4816 - [Other Applications](#)

PIN: 252923120043

Census Tract: 30800

Year Built:

Foundation Sq Feet:

Unverified Usage: 18- FAST FOOD RESTAURANT- B- Commercial

Zoning: B3

Legal Desc: AUERBACH & HAND'S ADDITION,TO EX S 3 FT LOT 12 AND ALL OF LOTS 13 AND LOT 14 BLK 5

Owner:

Kkamp Enterprises Llc/Keith Kamp
1020 Arundel St
St Paul MN 55117
651-336-8273

Certificate of Occupancy Responsible Party:

James Voss
6010 Upper 44th St N
Oakdale MN 55128-2514
651-214-9262

Sec. 310.05. - Hearing procedures.

(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, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. 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 shall provide written reasons that specify why the penalty selected was more appropriate.

| 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 | \$1,500.00 | 5-day suspension | Revocation |
| (6) Commission of a felony on the premises by a licensee or employee | \$2,000.00 | 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) Critical violations under 331A | \$250.00 | \$500.00 | \$1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under 331A | \$150.00 | \$250.00 | \$500.00 | \$1,000.00 |
| (11) Taxi fail to display driver's license as required by 376.16(f) | \$100.00 | \$250.00 | \$500.00 | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by 376.11(v) | \$100.00 | \$250.00 | \$500.00 | Revocation |
| (13) Violation of restrictions upon sidewalk café license under 106.01(b) | \$200.00 | \$400.00 | \$800.00 | Revocation |

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
 - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)