

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on the thirteenth day of May she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Ecuadorian Express Llc
d/b/a Charly's Auto Repair
1335 Prosperity Avenue
Saint Paul, MN 55106
Attn: Carlos Illisaca

Carlos Illisaca
10432 Arrowhead Street North-West
Coon Rapids, MN 55433

Ecuadorian Express Llc
10432 Arrowhead Street North-West
Coon Rapids, MN 55433-4503

Lisa Theis, Executive Director
Greater East Side Community Council
1365 Prosperity Avenue
Saint Paul, MN 55106

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


Riddhi Mistry

Subscribed and sworn to before me
This thirteenth day of May 2025


Notary Public





May 13, 2025

**NOTICE OF VIOLATION AND REQUEST FOR AN IMPOSITION OF
A \$500 MATRIX PENALTY AND PROPOSED LICENSE CONDITIONS**

Ecuadorian Express Llc
d/b/a Charly's Auto Repair
1335 Prosperity Avenue
Saint Paul, MN 55106
Attn: Carlos Illisaca

RE: Auto Repair Garage license held by Ecuadorian Express Llc d/b/a Charly's Auto Repair for the premises located at 1335 Prosperity Avenue., in Saint Paul.
License ID #: 220000246

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Repair Garage license held by Ecuadorian Express Llc ("Licensee"). Charly's Auto Repair located at 1335 Prosperity 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 (2) states:

(m) Presumptive penalties for certain violations.



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	1 st	2 nd	3 rd	4 th
(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

Saint Paul Legislative Code §310.04 (b) states:

"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:"

Saint Paul Legislative Code §310.04 (7) states:

"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 performed or has performed his or her work or activity in an unsafe manner."

Saint Paul Legislative Code §310.04 (c) states:

"Imposition of reasonable conditions and/or restrictions. When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (!) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to: "

Saint Paul Legislative Code §310.04 (3) states:

"A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area:"



Saint Paul Legislative Code §310.04 (6) states:

"Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance."

Saint Paul Legislative Code §65.705(c)&(d) states:

"A place where the following services may be carried out: general repair of automobiles, trucks, motorcycles, boats, etc.; engine rebuilding; and rebuilding or reconditioning of motor vehicles. The sale of engine fuels may or may not also be carried on.

Standards and conditions:

- (c) All repair work shall be done within an enclosed building.
- (d) There shall be no outside storage."

Saint Paul Legislative Code §63.202 states:

"A site plan approved by the planning commission shall be requires for the establishment of a new off-street parking facility, for the paving of an unimproved off-street parking facility and for the repaving of an off-street parking facility whose existing paved surface is removed. These facilities shall meet all standards and regulations for parking facilities and site plans contained in this zoning code, and all paving shall require a building permit pursuant to chapter 33 of the Legislative Code. A site plan shall not be required when a new coating is applied over an existing paved surface. Site plans for one-to-four-family dwellings may be approved by the zoning administrator."

Unlicensed Business Ordinance Violations:

Saint Paul Legislative Code §401.01(a) states:

"No personal shall exercise, carry on or be engaged in the trade or business of new motor vehicle dealer, secondhand motor vehicle dealer or secondhand motor vehicle parts dealer in Saint Paul without a license."

Saint Paul Legislative Code §423.01(b) states:

"*Body repair shop.* No personal shall maintain or operate an automobile body repair painting shop, whether alone or in conjunction with another business activity, in Saint Paul without a license. A body repair shop



is a shop which is in the business of making major or substantial repairs to the shell or body of an automobile, including frame-straightening, dent repair, and replacement or repair of parts, but not including any painting.”

Saint Paul Legislative Code §65.701 states:

“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.”

Saint Paul Legislative Code §65.706 states:

“Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats.”

Saint Paul Legislative Code §66.101(c) states:

“The number of legal nonconforming uses on a zoning lot shall not be increased unless the planning commission approves a change of nonconforming use permit as set forth in section 62.109(c).

Saint Paul Legislative Code §66.421 states:

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d),(s)
Auto service station				C	C		P	(d),(s)
Auto specialty store				C	C		P	(d),(s)
Auto repair station					C		P	(d),(s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d),(s)

Chapter 1. Adoption of Legislative Code

Sec. 1.05. Penalty.



- (a) "*Ordinance Violations.* Any person violating any provision of the Legislative Code shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not to exceed seven hundred dollars (\$700.00) or by imprisonment for a term not to exceed ninety (90) days, or both, regardless of whether a lesser penalty is fixed or provided for by a particular ordinance, including but not limited to reductions or stated maximums for early payment of fines. Notwithstanding the foregoing, any person violating a section of the Legislative Code which provides a penalty of a fine only shall be guilty of a petty misdemeanor, and upon conviction thereof may be punished as provided by that section, but in no event to exceed two hundred dollars (\$200.00). Nothing herein is intended to or shall have the effect of limiting the power of the judiciary to establish and use recommended fine schedules for violations of provisions of the Legislative Code."
- (b) "*Maximum fines after August 1, 2000.* Notwithstanding subsection (a) above, on and after August 1, 2000, the maximum allowable fine for a misdemeanor shall be one thousand dollars (\$1,000.00), and the maximum allowable fine for a petty misdemeanor shall be three thousand dollars (\$3,000.00)."

Current License Conditions:

1. All customer and employee vehicles must be parked in accordance with the approved site/parking plan on file dated 2/28/2022 with the Department of Safety and Inspections (DSI). Appropriate measures shall be taken so that vehicles do not project into the public right-of-way (e.g. boulevards, sidewalk).
2. No customer vehicles under the control of the licensee can be parked and or stored in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.) this includes vehicles waiting for repairs and vehicles waiting to be picked up by the customer.
3. 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.
4. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
5. Customer and/or employee 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.
6. Vehicle sales is not permitted.



Proposed License Conditions:

1. All customer and employee vehicles must be parked in accordance with the approved site/parking plan on file dated 2/28/2022 with the Department of Safety and Inspections (DSI). Appropriate measures shall be taken so that vehicles do not project into the public right-of-way (e.g. boulevards, sidewalk).
2. No customer vehicles under the control of the licensee can be parked and or stored in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.) this includes vehicles waiting for repairs and vehicles waiting to be picked up by the customer.
3. 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.
4. **The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.**
5. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
6. **The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parks outdoors must appear to be completely assembled with no major parts missing. Vehicle salvage is not permitted.**
7. Customer and/or employee 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.
8. **Auto Body Repair is not permitted.**
9. Vehicle sales is not permitted.
10. **Licensee must comply with all federal, state and local laws.**



Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$500.00 matrix penalty and an imposition of proposed license conditions for violating Saint Paul Legislative Code § 310.01, §310.03 (m)1(2), §310.04(b), §310.04(7), §310.04(c), §310.04(3), §310.04(6), §63.202, §65.705(c), §65.705(d), §401.01(a), §423.01(b), §65.701, §66.101(c), §65.706, §66.421, and §1.05(a)&(b).

Factual basis for \$500.00 matrix penalty and proposed license conditions:

On April 21, 2025, Licensing Inspector, Allan Vang mailed you a Correction Notice letter. The letter informed you that an inspection took place on April 7, 2025, at 12:09 p.m. due to complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). A number of violations was observed:

- **Fourteen (14) vehicles were observed on the premises. Three (3) of the four (4) entrances were blocked by vehicles** - (six (6) vehicles must be removed from the premises, the eight (8) remaining vehicles must be parked in accordance with the approved site plan. The wood fence blocking the gate must be removed and the dumpster(s) must be placed in the designated area in accordance with the approved site plan).
- **Vehicle repair work is to be done within an enclosed building** - (All repairs on vehicles must be conducted within an enclosed building).
- **No outdoor storage should be present** - (All garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires must be removed from the property).
- **Auto Body Repair is not permitted at this location** - (all autobody parts and equipment must be removed from the premises).
- **Secondhand Motor Vehicle Dealer is not permitted at this location** - (all vehicles for sale must be removed from the premises).

You were advised that if you fail to correct the violations prior to re-inspection on May 2, 2025, may result in adverse action against your Auto Repair Garage license at the location up to and including license revocation.

On May 6, 2025, at 12:23 p.m. Inspector, Allan Vang conducted an inspection at Ecuadorian Express Llc d/b/a Charly's Auto Repair located at 1335 Prosperity Avenue. Mr. Vang introduced himself and met with Charly, the father and business owner of the license holder. Mr. Vang explained to Charly that he was there to conduct a re-inspection. During the inspections of the exterior of the property, Mr. Vang observed five (5) vehicles outside in the parking lot that were being worked on. There were two (2) vehicles for-sale that were parked on



the public right-of-way of the boulevard, sidewalk and street. Mr. Vang also observed auto parts, auto related parts, rubbish/debris, oil barrels, metal barrels and other auto related items associated with the business being stored outside. Mr. Vang also observed more auto related items and parts being stored behind the enclosed wood fence with no roof, facing the neighbor on the east side of the property. Mr. Vang observed two of the four entrances/exits were completely closed off and locked with vehicles parked at those entrances/exits. The vehicles were not parked according to the approved site plan. A total of eleven (11) vehicles were parked within the property where they are only allowed to have eight (8) vehicles in accordance with the approved site plan. The location of the dumpster was also not placed in accordance with the approved site plan dated 2/28/2022. The final observation Mr. Vang observed was the continual offering of vehicle sales when auto sales are prohibited at this location.

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 **May 23, 2025**, 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 imposition of the \$500 matrix penalty and proposed license conditions.
2. 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 **May 23, 2025**, please contact the Department immediately.
3. If you wish to admit the facts but you contest the \$500 matrix penalty and proposed license conditions, 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 **May 23, 2025**, the matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty and proposed license conditions. 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 **May 23, 2025**. 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.



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: 651-266-8571| Fax: 651-298-5619

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 May 23, 2025, I will assume that you do not contest the imposition of the \$500 matrix penalty and proposed license conditions. 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 Paralegal Riddhi Mistry at riddhi.mistry@ci.stpaul.mn.us , (651) 266-8835.

Sincerely,

/s/
Sly Onyia
Assistant City Attorney
License No. 0402320

Cc: Carlos Illisaca, 10432 Arrowhead Street North-West, Coon Rapids, MN 55433
Ecuadorian Express Llc, 10432 Arrowhead Street North-West, Coon Rapids, MN 55433-4503
Lisa Theis, Executive Director, Greater East Side Community Council, 1365 Prosperity Avenue, Saint Paul, MN 55106

Attachments: Inspector's Report – 05/06/2025
Letter from Inspector, Allan Vang to Carlos – 04/21/2025
City of Saint Paul Department of Safety and Inspections Complaint – 03/17/2025
Proposed License Conditions
Site Plan
Photo Evidence
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.03 (m)1(2),
Saint Paul Legislative Code §310.04(b)
Saint Paul Legislative Code §310.04(7)

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.



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Saint Paul Legislative Code §310.04(c)
Saint Paul Legislative Code §310.04(3)
Saint Paul Legislative Code §310.04(6)
Saint Paul Legislative Code §63.202
Saint Paul Legislative Code §65.705(c)
Saint Paul Legislative Code §65.705(d)
Saint Paul Legislative Code §401.01(a)
Saint Paul Legislative Code §423.01(b)
Saint Paul Legislative Code §65.701
Saint Paul Legislative Code §66.101(c)
Saint Paul Legislative Code §65.706,
Saint Paul Legislative Code §66.421
Saint Paul Legislative Code §1.05(a)&(b).

Proposed License Conditions for 1335 Prosperity Avenue - DBA: Charly's Auto Repair

Imposition of License conditions

1. All customer and employee vehicles must be parked in accordance with the approved site/parking plan on file dated 2/28/2022 with the Department of Safety and Inspections (DSI). Appropriate measures shall be taken so that vehicles do not project into the public right-of-way (e.g. boulevards, sidewalk).
2. No customer vehicles under the control of the licensee can be parked and or stored in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.) This includes vehicles waiting for repairs and vehicles waiting to be picked up by the customer.
3. 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.
4. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
5. Customer and/or employee 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.
6. Vehicle sales is not permitted.

Folder #:	2025 018429 ZON	PIN:	222922310057	Status:	Under Review
In Date:	3/17/25	Ward:	6	Zoning:	B2
		Dist Council:	2	Owner:	
		Worktype:	Complaint		
Complaint Location:		Census Tract:	30704	Ecuadorian Express Llc 651- 771- 3654	
		Census Block:	1000	10432 Arrowhead St Nw Coon Rapids MN 55433- 4	
		Homesteader:			
		Tax Owner:			

Legal Desc:	ROGERS & HENDRICKS ACRE LOTS 2 EX NLY 160 FT LOT 3 BLK 1
Complainant:	
Details:	has 100 cars on the lot and lots of barrels of oil

This complaint has been referred to the following departments:

DSI Zoning Response - Scheduled Date: 3/17/25

Comment:

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

Results	Entered By	Comment
3/18/25 Under Review	Diatta, YaYa	Site in Amanda under GT File # 22- 032429

Ordinance Violations

Sec. 65.705. Auto repair station.

A place where the following services may be carried out: general repair of automobiles, trucks, motorcycles, boats, etc.; engine rebuilding; and rebuilding or reconditioning of motor vehicles. The sale of engine fuels may or may not also be carried on.

Standards and conditions:

- (c) All repair work shall be done within an enclosed building.
- (d) There shall be no outside storage.

Sec. 63.202. - Site plan required.

A site plan approved by the planning commission shall be required for the establishment of a new off-street parking facility, for the paving of an unimproved off-street parking facility and for the repaving of an off-street parking facility whose existing paved surface is removed. These facilities shall meet all standards and regulations for parking facilities and site plans contained in this zoning code, and all paving shall require a building permit pursuant to chapter 33 of the Legislative Code. A site plan shall not be required when a new coating is applied over an existing paved surface. Site plans for one- to four-family dwellings may be approved by the zoning administrator.

Sec. 310.01. Definitions.

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.

Sec. 310.03. Hearing procedures.

(m) *Presumptive penalties for certain violations.*

1. General presumptive penalties matrix

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(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

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

- (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:

- (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.
- (c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:
- (3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;
- (6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The Below Violations of Ordinance are Due to The Unlicensed Business

Zoning Does Not Allow Auto Body Repair or Second Hand Dealer – Motor Vehicle Sales in The B2 Districts

Sec. 65.706. Auto sales and rental, outdoor.

Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats.

Sec. 66.421. Principal uses.

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d), (s)
Auto service station				C	C		P	(d), (s)
Auto specialty store				C	C		P	(d), (s)
Auto repair station					C		P	(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d), (s)

Sec. 66.101. Use tables.

Use tables in this chapter list permitted and conditional uses in the primary underlying zoning districts, and note applicable development standards and conditions.

- (c) The number of legal nonconforming uses on a zoning lot shall not be increased unless the planning commission approves a change of nonconforming use permit as set forth in section 62.109(c).

Sec. 401.01. License required; definitions; exceptions.

- (a) No person shall exercise, carry on or be engaged in the trade or business of new motor vehicle dealer, secondhand motor vehicle dealer or secondhand motor vehicle parts dealer in Saint Paul without a license.

Chapter 423. Automobile Repair Garage and Body Shop

Sec. 423.01. License required.

- (b) *Body repair shop.* No person shall maintain or operate an automobile body repair painting shop, whether alone or in conjunction with another business activity, in Saint Paul without a license. A body repair shop is a shop which is in the business of making major or substantial repairs to the shell or body of an automobile, including frame-straightening, dent repair, and replacement or repair of parts, but not including any painting.

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.

Chapter 1. Adoption of Legislative Code

Sec. 1.05. Penalty.

- (a) *Ordinance violations.* Any person violating any provision of the Legislative Code shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not to exceed seven hundred dollars (\$700.00) or by imprisonment for a term not to exceed ninety (90) days, or both, regardless of whether a lesser penalty is fixed or provided for by a particular ordinance, including but not limited to reductions or stated maximums for early payment of fines. Notwithstanding the foregoing, any person violating a section of the Legislative Code which provides a penalty of a fine only shall be guilty of a petty misdemeanor, and upon conviction thereof may be punished as provided by that section, but in no event to exceed two hundred dollars (\$200.00). Nothing herein is intended to or shall have the effect of limiting the power of the judiciary to establish and use recommended fine schedules for violations of provisions of the Legislative Code.
- (b) *Maximum fines after August 1, 2000.* Notwithstanding subsection (a) above, on and after August 1, 2000, the maximum allowable fine for a misdemeanor shall be one thousand dollars (\$1,000.00), and the maximum allowable fine for a petty misdemeanor shall be three hundred dollars (\$300.00).



April 21, 2025

Carlos Illisaca
1335 Prosperity Avenue
Saint Paul, MN 55106

CORRECTION NOTICE

Re: Auto Repair Garage – ID 20220000246 – 1335 Prosperity Avenue – DBA: Charly's Auto Repair

Carlos,

This letter is to inform you, that the above referenced property was inspected on 4/7/2025 at 12:09pm due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violations discovered during the inspection must be fully corrected on or before 5/2/2025, at which time, or shortly thereafter, a re-inspection will take place.

Violations Observed:

- Sec. 63.202: All vehicles and entrances must be parked and maintained with accordance with the approved site plan dated 2/28/2022. Fourteen (14) vehicles were observed on the premises, three (3) of the four (4) entrances were blocked by vehicles. - **Six (6) vehicles must be removed from the premises, the eight (8) remaining vehicles must be parked in accordance with the approved site plan. The wood fence blocking the gate must be removed and the dumpster(s) must be placed in the designated area in accordance with the approved site plan.**
- Sec. 65.705. - Auto repair station (c) All repair work shall be done within an enclosed building - (d) There shall be no outside storage – **All repairs on vehicles must be conducted within the enclosed building. – (Sec. 34.08) All garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires must be removed from the property.**

Auto Body Repair and Motor Vehicle Sales are not a permitted USE in the B2 Zoning District.

- Sec. 423.01(b): Auto body repair is not permitted at this location - **All autobody parts and equipment must be removed from the premises.**
- Sec. 401.01 Secondhand Motor Vehicle Dealer is not permitted at this location - **All vehicles for sale must be removed from the premises.**

Failure to fully correct the violations noted above prior to re-inspection date of 5/2/2025 may result in adverse action against your issued Auto Repair Garage at the location up to and including license revocation.

NOTE: Continual unlicensed business activities of auto body repair and vehicles sales may result in criminal citations. These license activities are not a permitted USE in the B2 Zoning District. Any Person(s) violating the provisions of the Saint Paul Legislative Code is guilty of a misdemeanor and may be punishable of a \$1000 fine, 90 days imprisonment or both.

A request to extend this deadline may be submitted in writing to Joseph.voyda@ci.stpaul.mn.us or you may mail your requests to DSI at 375 Jackson Street, Suite 220, Saint Paul, MN 55101, you must include a reason for the extension request. If you have questions regarding this matter or wish to request additional information, you may contact me by phone at 651-266-1915.

The approved Site plan may be found on the reverse side of this letter.

Respectfully,

Allan Vang
Licensing Inspector

C: Ecuadorian Express Llc - 10432 Arrowhead Street Northwest – Coon Rapids, MN 55433-4503

SITE PLAN APPROVED

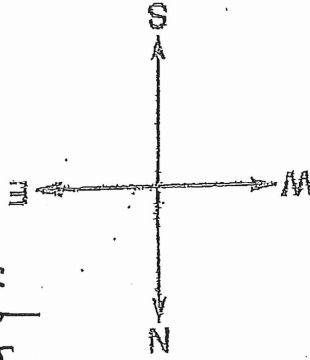
1335 Prosperity Ave.

OFFICE OF DSI
CITY OF ST. PAUL

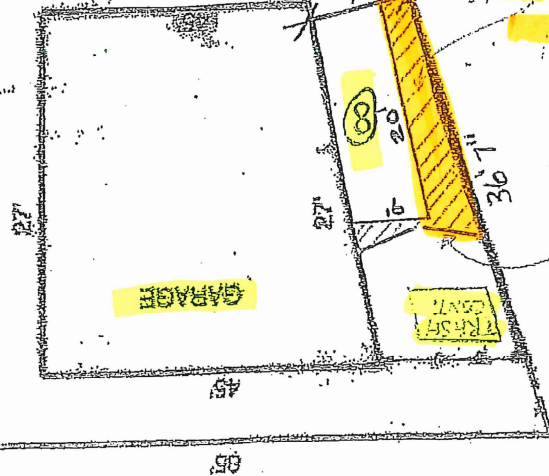
By: Farhan Omar

File # 22-032424 Date 2/10/22

Any alterations from this plan must be approved by the zoning administrator.

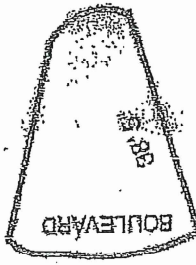


Prosperity Ave.



Barclay Street

1335 Prosperity Avenue



32' Entrance

33' Entrance

* I AGREE TO TAKE APPROPRIATE STEPS TO ENSURE PARKED VEHICLES DO NOT PROJECT INTO THE PUBLIC RIGHT-OF-WAY (e.g., sidewalk)

COMPANY NAME: Ecuadorian Express LLC
Doing Business As (DBA): Charly's Auto Repair

I certify this is a true and accurate representation of the parking plan used by my business and agree to maintain/abide-by/park-vehicles in accordance with this parking plan. NOTE: clearly identify and denote on the plan any changes. You must contact DSI Zoning at 651-266-9008 to obtain plan approval.

Signature: [Signature] Date: 2/10/22



April 21, 2025

Ecuadorian Express Llc
10432 Arrowhead Street Northwest
Coon Rapids, MN 55433-4503

CORRECTION NOTICE

Re: Auto Repair Garage – ID 20220000246 – 1335 Prosperity Avenue – DBA: Charly's Auto Repair

Ecuadorian Express Llc,

This letter is to inform you, that the above referenced property was inspected on 4/7/2025 at 12:09pm due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violations discovered during the inspection must be fully corrected on or before 5/2/2025, at which time, or shortly thereafter, a re-inspection will take place.

Violations Observed:

- Sec. 63.202: All vehicles and entrances must be parked and maintained with accordance with the approved site plan dated 2/28/2022. Fourteen (14) vehicles were observed on the premises, three (3) of the four (4) entrances were blocked by vehicles. - **Six (6) vehicles must be removed from the premises, the eight (8) remaining vehicles must be parked in accordance with the approved site plan. The wood fence blocking the gate must be removed and the dumpster(s) must be placed in the designated area in accordance with the approved site plan.**
- Sec. 65.705. - Auto repair station (c) All repair work shall be done within an enclosed building - (d) There shall be no outside storage – **All repairs on vehicles must be conducted within the enclosed building. – (Sec. 34.08) All garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires must be removed from the property.**

Auto Body Repair and Motor Vehicle Sales are not a permitted USE in the B2 Zoning District.

- Sec. 423.01(b): Auto body repair is not permitted at this location - **All autobody parts and equipment must be removed from the premises.**
- Sec. 401.01 Secondhand Motor Vehicle Dealer is not permitted at this location - **All vehicles for sale must be removed from the premises.**

Failure to fully correct the violations noted above prior to re-inspection date of 5/2/2025 may result in adverse action against your issued Auto Repair Garage at the location up to and including license revocation.

NOTE: Continual unlicensed business activities of auto body repair and vehicles sales may result in criminal citations. These license activities are not a permitted USE in the B2 Zoning District. Any Person(s) violating the provisions of the Saint Paul Legislative Code is guilty of a misdemeanor and may be punishable of a \$1000 fine, 90 days imprisonment or both.

A request to extend this deadline may be submitted in writing to Joseph.voyda@ci.stpaul.mn.us or you may mail your requests to DSI at 375 Jackson Street, Suite 220, Saint Paul, MN 55101, you must include a reason for the extension request. If you have questions regarding this matter or wish to request additional information, you may contact me by phone at 651-266-1915.

The approved Site plan may be found on the reverse side of this letter.

Respectfully,

Allan Vang
Licensing Inspector

C: Carlos Illisaca - 1335 Prosperity Avenue - Saint Paul, MN 55106

SITE PLAN APPROVED

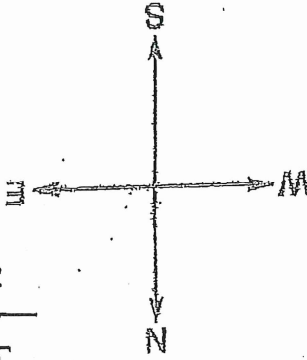
1335 Prosperity Ave.

OFFICE OF DSI
CITY OF ST. PAUL

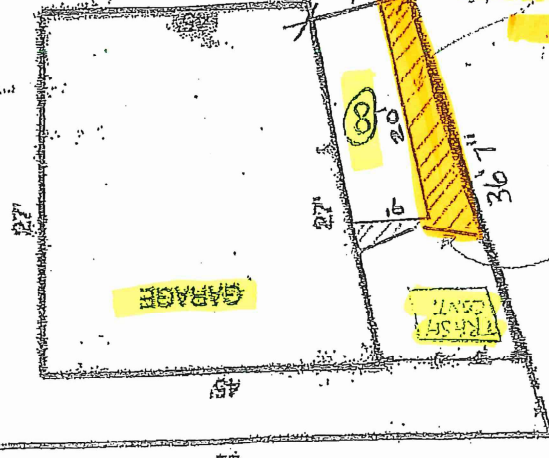
By: Farhan Omar

File # 22-032424 Date 2/10/22

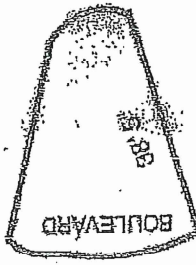
Any alterations from this plan must be approved by the zoning administrator.



Prosperity Ave.



1335 Prosperity Avenue



* I AGREE TO TAKE APPROPRIATE STEPS TO ENSURE PARKED VEHICLES DO NOT PROJECT INTO THE PUBLIC RIGHT-OF-WAY (e.g., sidewalk)

COMPANY NAME: Ecuadorian Express LLC.
Doing Business As (DBA): Charly's Auto Repair.
I certify this is a true and accurate representation of the parking plan used by my business and agree to maintain/abide-by/park-vehicles in accordance with this parking plan. NOTE: clearly identify and denote on the plan any changes. You must contact DSI Zoning at 651-266-9008 to obtain plan approval.

2/10/22

Signature

Date

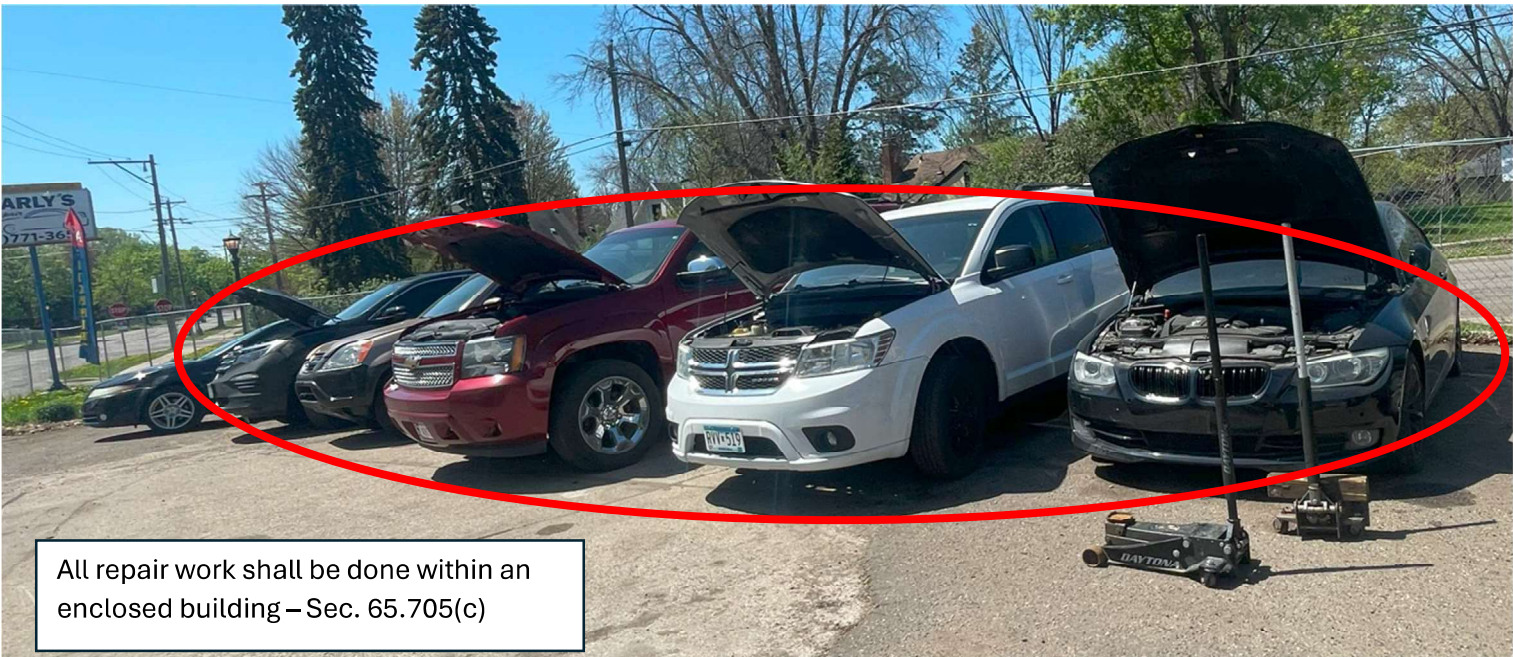
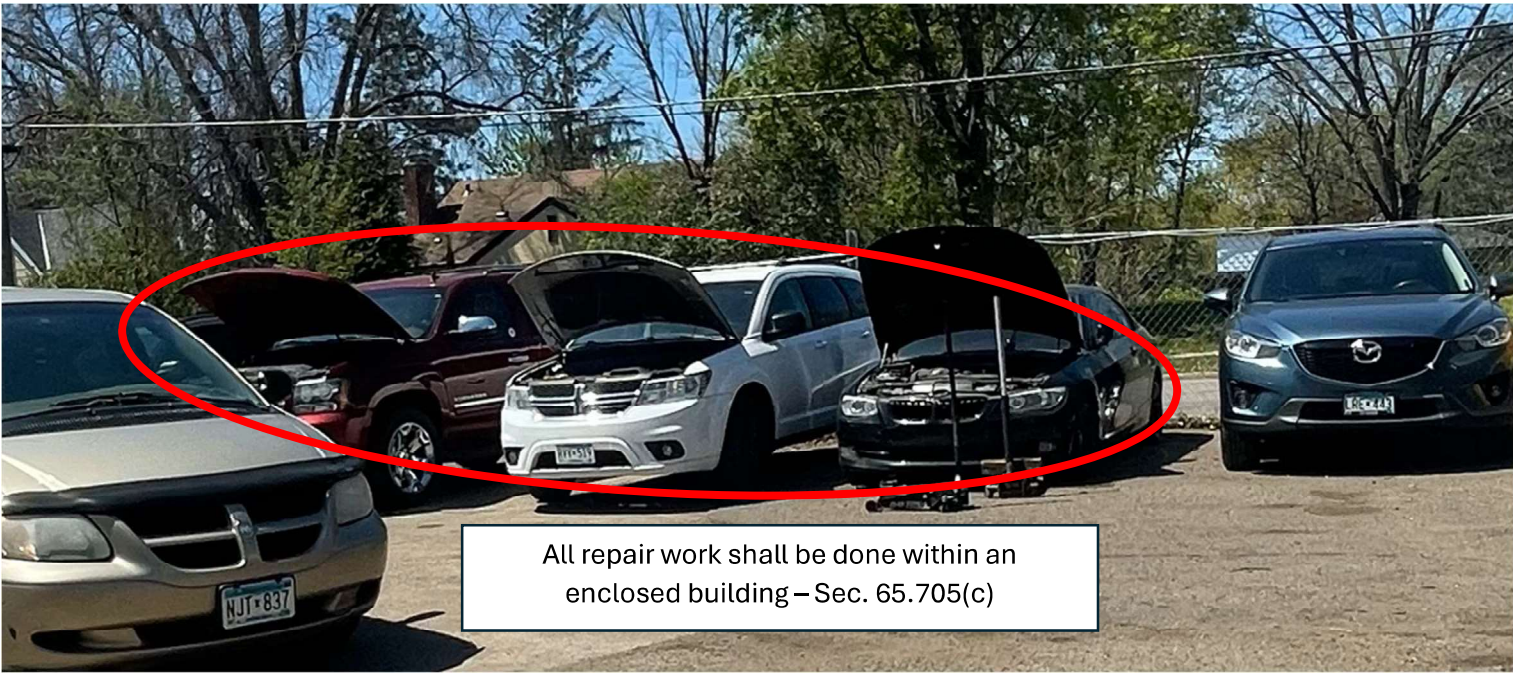
Proposed License Conditions for 1335 Prosperity Avenue - DBA: Charly's Auto Repair

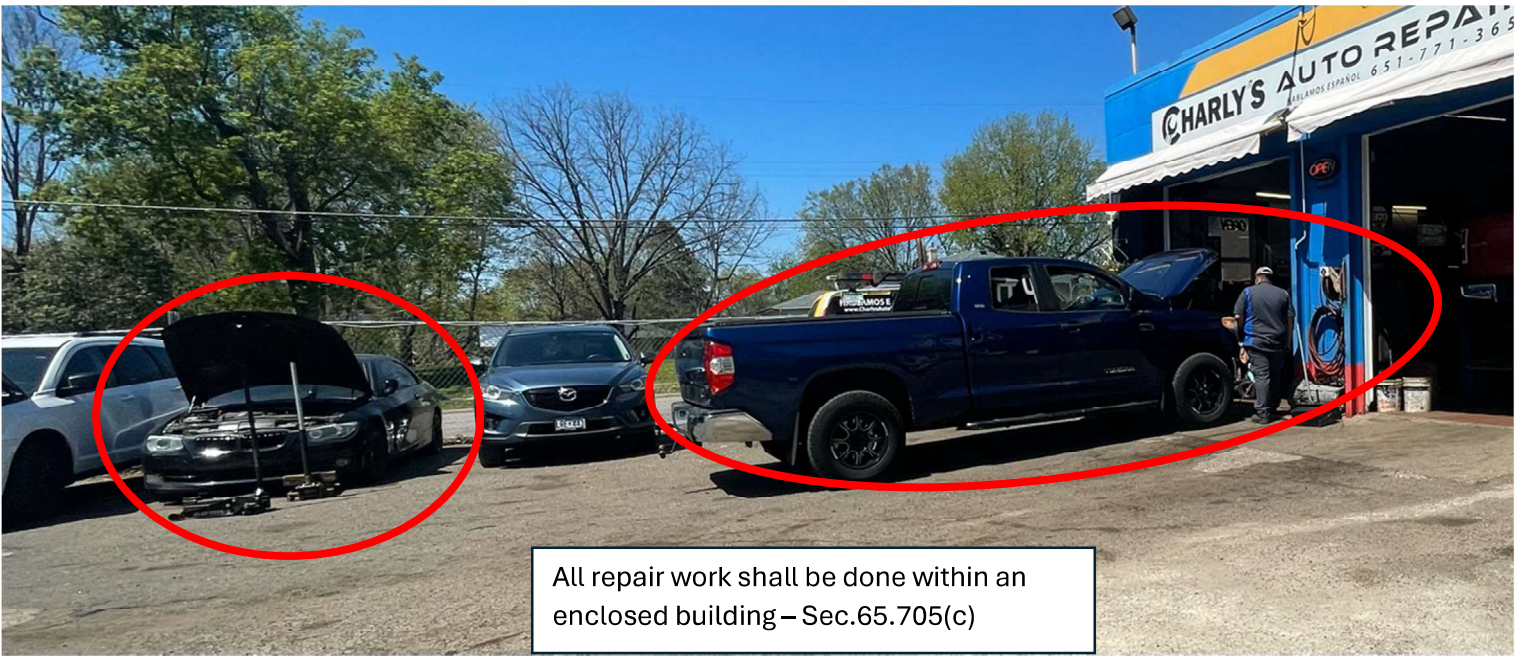
Imposition of License conditions

1. All customer and employee vehicles must be parked in accordance with the approved site/parking plan on file dated 2/28/2022 with the Department of Safety and Inspections (DSI). Appropriate measures shall be taken so that vehicles do not project into the public right-of-way (e.g. boulevards, sidewalk).
2. No customer vehicles under the control of the licensee can be parked and or stored in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.) This includes vehicles waiting for repairs and vehicles waiting to be picked up by the customer.
3. 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.
4. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
5. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
6. 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.
7. Customer and/or employee 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.
8. Auto Body repair is not permitted.
9. Vehicle sales is not permitted.
10. Licensee must comply with all federal, state and local laws.

Re-inspection on 5/6/2025

1335 Prosperity Avenue – DBA: Charly's Auto Repair











There shall be no outside storage –
Sec.65.705 (d)



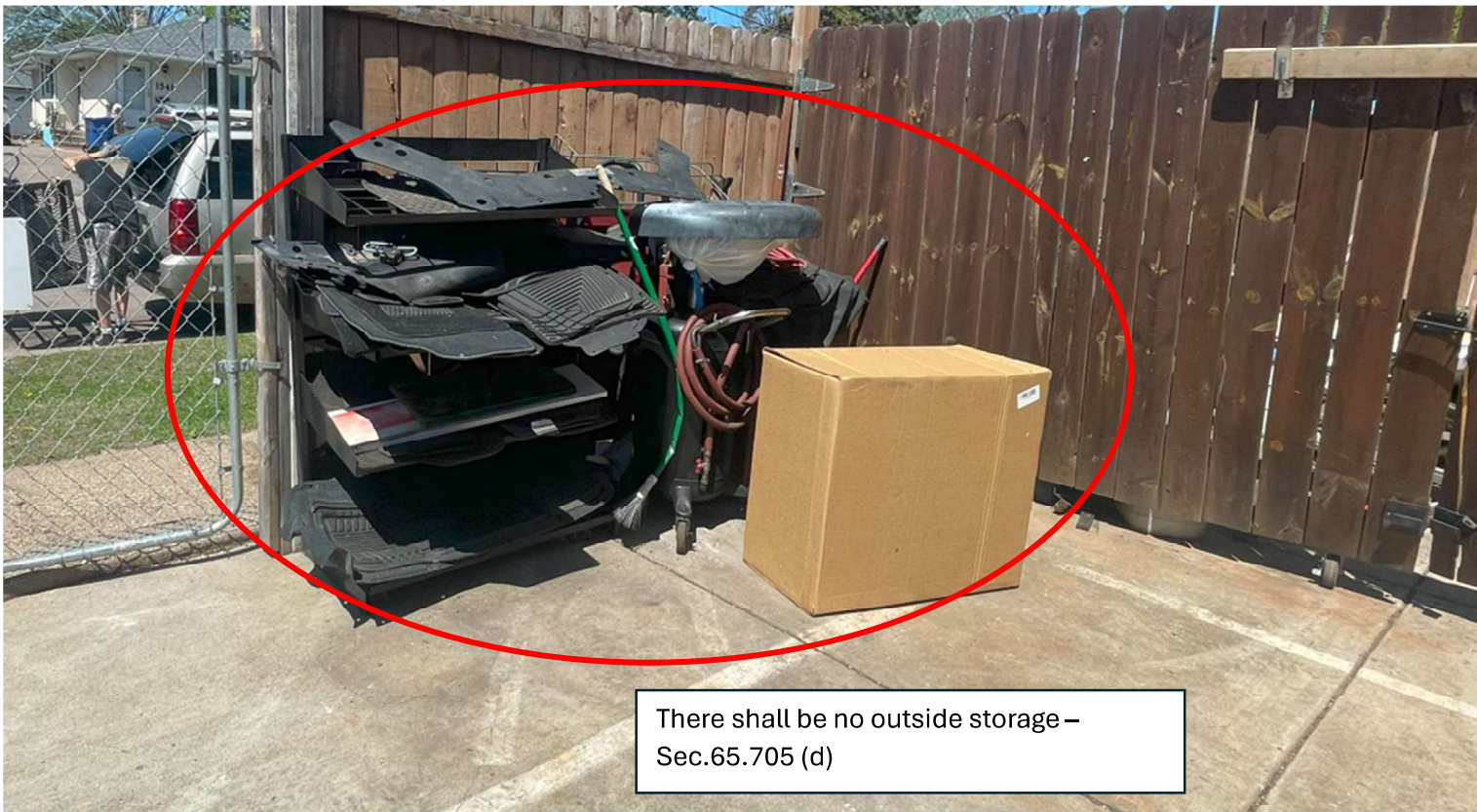




There shall be no outside storage –
Sec.65.705 (d)



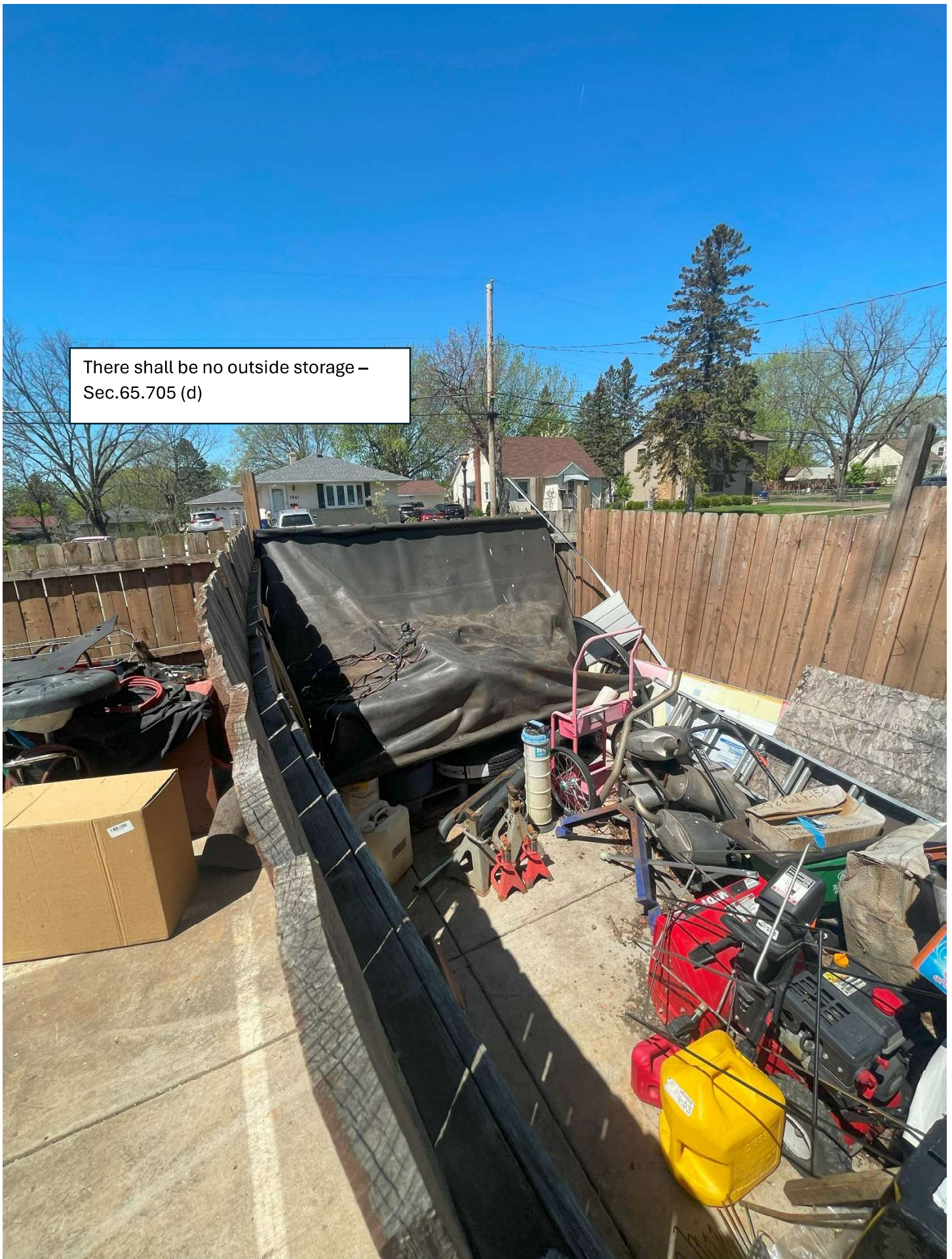


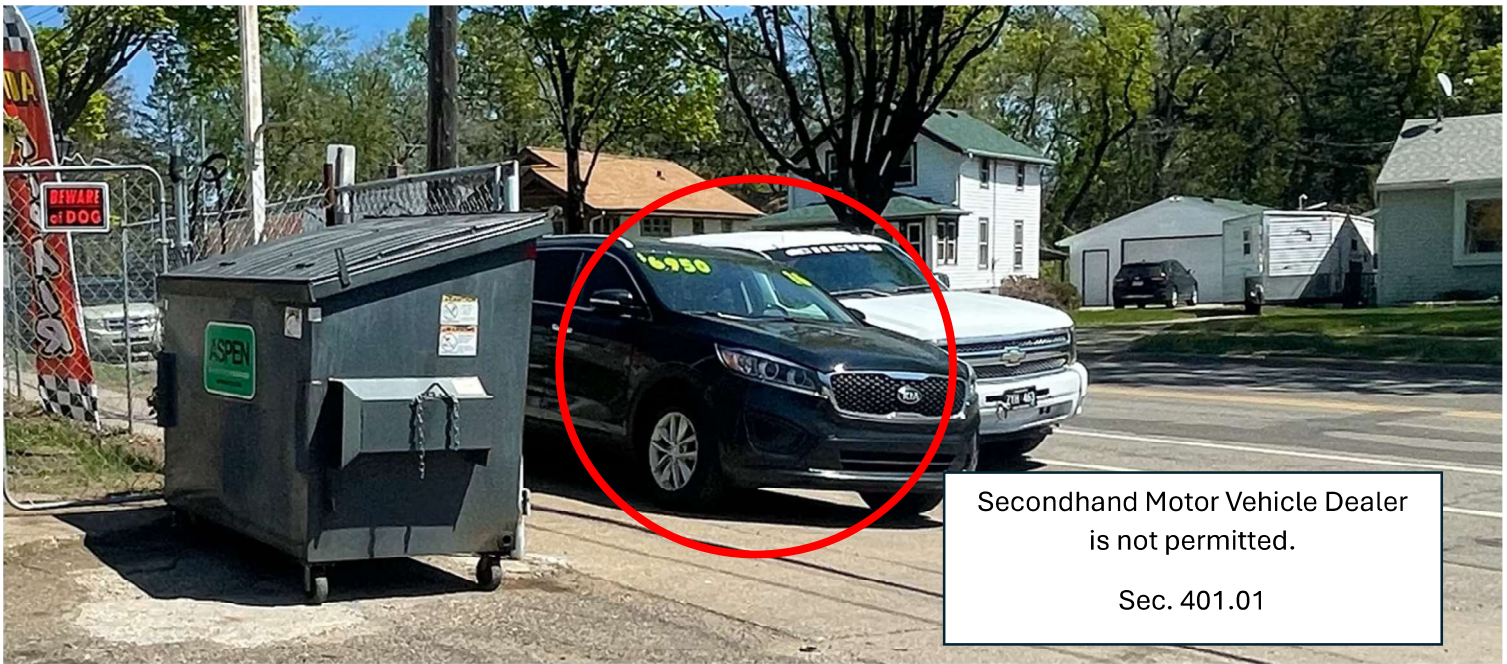


There shall be no outside storage –
Sec.65.705 (d)



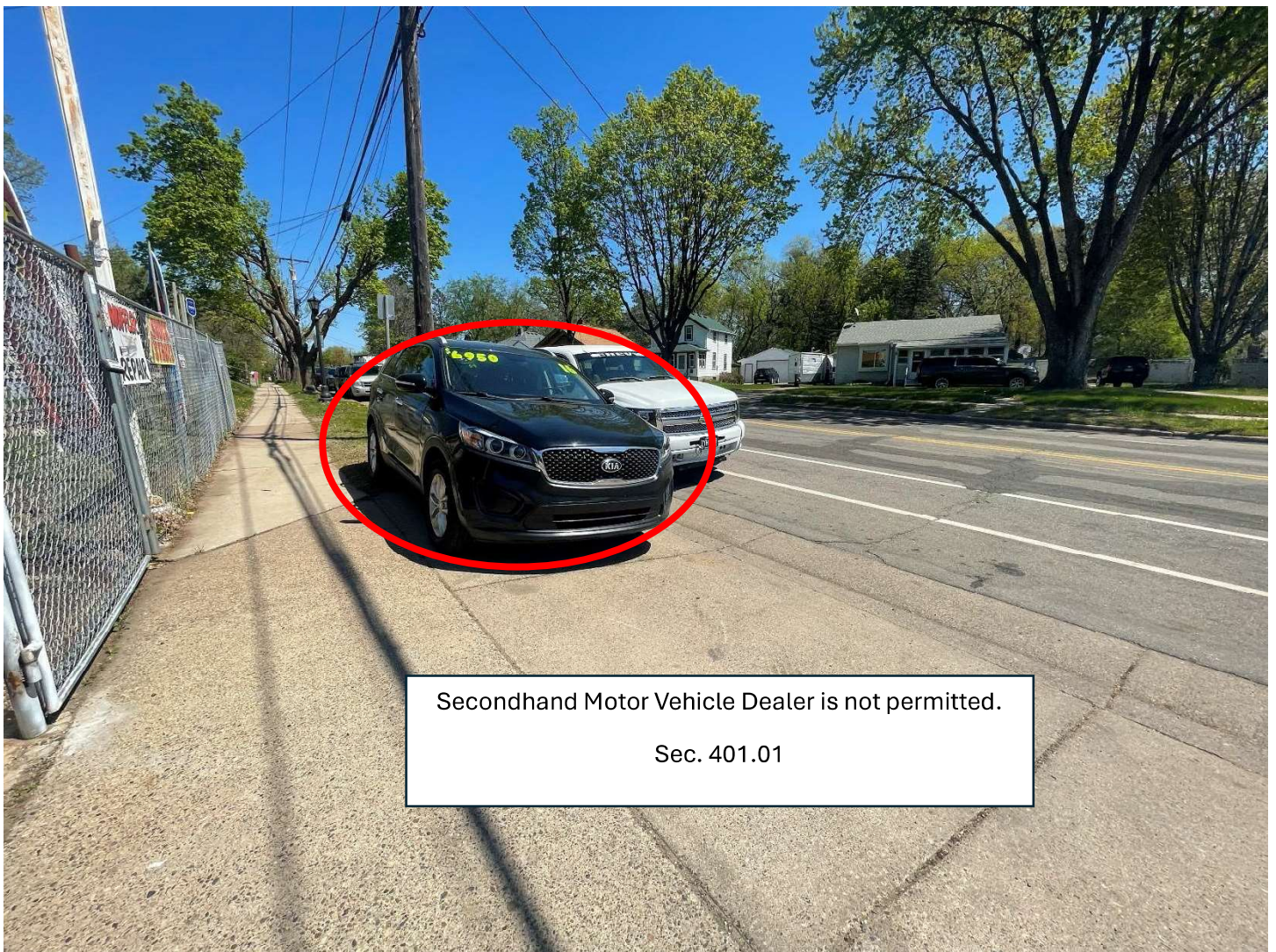
There shall be no outside storage –
Sec.65.705 (d)





Secondhand Motor Vehicle Dealer
is not permitted.

Sec. 401.01



Secondhand Motor Vehicle Dealer is not permitted.

Sec. 401.01

Secondhand Motor Vehicle Dealer is not permitted.

Sec. 401.01



Secondhand Motor Vehicle Dealer is
not permitted.

Sec. 401.01



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 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:

Business Licenses	Fee	Class	Ordinance/ Legislative Code
CLASS R			

Agricultural Vehicle Permit	\$23.00	R	<u>165</u>
Amusement Rides—Annual	\$85.00	R	<u>317</u>
Animal Boarding (Commercial)	\$83.00	R	<u>348</u>
Animal Boarding (Home Occupation)	\$83.00	R	<u>348</u>
Animal Day Care (Commercial)	\$83.00	R	<u>348</u>
Animal Day Care (Home Occupation)	\$83.00	R	<u>348</u>
Animal Foods Manufacturing and Distribution	\$85.00	R	<u>316</u>
Bituminous Contractor	\$210.00	R	<u>320</u>
Bowling Centers	\$210.00	R	<u>426</u>
Building Contractors	\$210.00	R	<u>326</u>
Building Trade Business License	\$188.00	R	<u>369</u>
Building Trades Certificate of Competency	\$24.00	R	<u>370</u>
Bulk Oil Storage	\$210.00	R	<u>342</u>
Christmas Tree Sales	\$85.00	R	<u>323</u>
Commercial Vehicle	\$78.00	R	<u>158</u>
Commercial Vehicle—Exempt	\$0.00	R	<u>158</u>
Courtesy Bench	\$26.00	R	<u>127</u>
Courtesy Benches Transfer	\$17.00	R	<u>127</u>
Finishing Shop	\$85.00	R	<u>371</u>

Game Room	\$210.00	R	<u>406</u>
House Sewer Contractor	\$210.00	R	<u>338</u>
Laundry/Dry-cleaning Plant	\$210.00	R	<u>327</u>
Laundry/Dry-cleaning Pick Up Station	\$85.00	R	<u>327</u>
Lawn Fertilizer and Pesticide Applicator	\$85.00	R	<u>377</u>
Liquid Fuel Dealer	\$210.00	R	<u>332</u>
Liquid Fuel Dealer Vehicle	\$85.00	R	<u>332</u>
Liquor Catering (State Cater/City Liq)	\$192.00	R	<u>409</u>
Mechanical Amusement Device	\$21.00	R	<u>318</u>
Massage Center—A (1 Practitioner)	\$100.00	R	<u>414</u>
Massage Center—A (Commercial)	\$262.00	R	<u>412</u>
Massage Center—B (Home Location)	\$106.00	R	<u>412</u>
Massage Practitioner	\$106.00	R	<u>414</u>
Massage Practitioner-Additional Location	\$31.00	R	<u>412</u>
Mercantile Broker	\$85.00	R	<u>340</u>
Mobile Retail Vehicle	\$85.00	R	<u>346</u>
Pedal Car	\$118.00	R	<u>374</u>
Pedal Car Business	\$352.00	R	<u>374</u>
Pedal Car Driver	\$51.00	R	<u>374</u>

Peddler	\$85.00	R	<u>345</u>
Peddler—Fee Waived	\$0.00	R	<u>345</u>
Pedicab Driver	\$51.00	R	<u>374</u>
Pedicab Vehicle	\$113.00	R	<u>374</u>
Pest Control	\$210.00	R	<u>334</u>
Pet Grooming Facility	\$85.00	R	<u>382</u>
Pet Shop	\$210.00	R	<u>347</u>
Pool & Billiard Hall	\$210.00	R	<u>322</u>
Recycling Collection Center	\$210.00	R	408
Recycling Processing Center	\$958.00	R	408
Rental of Hospital Equipment	\$85.00	R	<u>350</u>
Rental of Hospital Equip-Vehicle	\$85.00	R	<u>350</u>
Rental of Kitchenware	\$85.00	R	<u>351</u>
Roller Rink	\$85.00	R	<u>353</u>
Sanitary Disposal Vehicle	\$405.00	R	<u>354</u>
Second-Hand Dealer	\$85.00	R	<u>355</u>
Second-Hand Dealer (Comp/Elec)	\$85.00	R	<u>355</u>
Second-Hand Dealer (Antiques/Comp/Elec)	\$85.00	R	<u>356</u>
Second-Hand Dealer (Antiques)	\$85.00	R	<u>355</u>

Second Hand Dealer—Motor Vehicle Parts	\$507.00	R	<u>355</u>
Second-Hand Dealer—Multiple Dealers	\$405.00	R	<u>355</u>
Short-Term Rental (Non-Owner Occupied)	\$45.00	R	<u>379</u>
Short-Term Rental (Owner Occupied)	\$45.00	R	<u>379</u>
Short-Term Rental Platform	\$11,181.00	R	<u>379</u>
Sidewalk Cafe	\$40.00	R	106
Sidewalk Contractor	\$210.00	R	<u>356</u>
Solicitor	\$85.00	R	<u>345</u>
Solid Fuel Dealer	\$210.00	R	<u>333</u>
Solid Fuel Dealer Vehicle	\$85.00	R	<u>333</u>
Solid Waste Hauler & Vehicle	\$405.00	R	<u>357</u>
Solid Waste Hauler (Ea Add'l Veh)	\$85.00	R	<u>357</u>
Solid Waste Transfer Station	\$1,913.00	R	<u>357</u>
Sound Trucks & Broadcast Vehicle	\$85.00	R	<u>359</u>
Swimming Pool—Public	\$405.00	R	<u>360</u>
Tanning Facility	\$106.00	R	<u>380</u>
Taxicab Driver	\$51.00	R	<u>376</u>
Taxicab Vehicle	\$469.00	R	<u>376</u>
Taxicab Vehicle (Reciprocity Event)	\$37.00	R	<u>376</u>

Taxicab Service Company	\$456.00	R	<u>376</u>
Theaters and Movie Theaters	\$210.00	R	<u>416</u>
Tire Recapping Plant	\$85.00	R	<u>372</u>
Tobacco Products Shop	\$535.00	R	<u>324</u>
Tobacco Shop	\$535.00	R	<u>324</u>
Tow Truck/Wrecker (Operator)	\$405.00	R	<u>361</u>
Tow Truck/Wrecker (Vehicle)	\$85.00	R	<u>361</u>
Trade Worker Registration—Tier 1	\$37.00	R?	<u>370</u>
Trade Worker Registration—Tier 2	\$70.00	R	<u>370</u>
Trade Worker Registration—Tier 3	\$59.00	R	<u>370</u>
Trailer Rental	\$210.00	R	<u>352</u>
Tree Trimmer & 1 Vehicle	\$210.00	R	<u>362</u>
Tree Trimmer—Each Add'l Vehicle	\$85.00	R	<u>362</u>
Vehicle Immobilization Service	\$405.00	R	<u>383</u>
Veterinary Hospital	\$210.00	R	<u>364</u>
Window Cleaning	\$210.00	R	<u>365</u>
Wrecking of Buildings	\$65.00	R	<u>368</u>

Class T licenses means those licenses which can be approved or denied by the director, if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class T Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation

and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in [Section 310.02\(3\)](#). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Business Licenses	Fee	Class	Ordinance/ Legislative Code
CLASS T			
Amusement Rides—Temporary	\$32.00	T	317
Bingo/Rfls/P-Tabs/Tpbrds/Pdlwhls	\$59.00	T	402
Close Out Sale	\$85.00	T	325
Entertainment—Temporary	\$35.00	T	411
Liquor Catering (State Cater Only)	\$59.00	T	409
Liquor—Extension of Service Area	\$68.00	T	410
Liquor—Under Age Access (Temporary)	\$35.00	T	409
Liquor On Sale—Temporary	\$59.00	T	409
Malt On Sale (3.2)—Temporary	\$59.00	T	410
Massage Practitioner—Temporary	\$50.00	T	412
Second Hand Dealer—Exhibition	\$210.00	T	355
Tag Days	\$26.00	T	391
Temp On Sale Malt Brewery/Distillery	\$59.00	T	410
Transient Merchant	\$85.00	T	345

Wine On Sale-Temporary	\$59.00	T	<u>409</u>
Winery Annual Festival—Temporary	\$59.00	T	<u>409</u>

Class N licenses means those licenses which must be approved or denied by the council. Class N Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in [Section 310.02\(2\)](#). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Business Licenses	Fee	Class	Ordinance/ Legislative Code
CLASS N			
Auto Body Repair Shop	\$507.00	N	<u>423</u>
Auto Body Repair/Painting Shop	\$507.00	N	<u>423</u>
Auto Repair Garage	\$507.00	N	<u>423</u>
Bingo Hall	\$229.00	N	403
Cabaret—Class A	\$210.00	N	<u>322</u>
Cabaret—Class B	\$210.00	N	<u>426</u>
Conversation/Rap Parlor(A)	\$405.00	N	<u>413</u>
Conversation/Rap Parlor (B)	\$405.00	N	<u>413</u>
Culinary On Sale—Wine/Malt	\$255.00	N	<u>409</u>
Dance or Rental Halls	\$497.00	N	405

Dance Halls—Exempt	\$0.00	N	405
Entertainment—Extension	\$0.00	N	<u>411</u>
Entertainment (A)	\$278.00	N	<u>411</u>
Entertainment (B)	\$672.00	N	<u>411</u>
Entertainment (C)	\$3,191.00	N	<u>411</u>
Firearms	\$405.00	N	<u>225</u>
Gambling Hall	\$445.00	N	<u>278</u>
Gambling Location	\$84.00	N	<u>225</u>
Gas Station	\$154.00	N	<u>424</u>
Health/Sport Club	\$405.00	N	<u>427</u>
Health/Sport Club—Adult	\$405.00	N	<u>427</u>
Health/Sport Club-Exercise Only Facility	\$405.00	N	<u>427</u>
Infectious Waste Processing Facility	\$1,913.00	N	<u>427</u>
Liquor-Extension of Service Hours	\$405.00	N	<u>409</u>
Liquor—Microdistillery Cocktail Room	\$712.00	N	<u>409</u>
Liquor—Off Sale Micro Distillery	\$205.00	N	<u>409</u>
Liquor Off Sale	\$1,500.00	N	<u>409</u>
Liquor On Sale—100 seats or less	\$5,361.00	N	<u>409</u>
Liquor On Sale—101-180 Seats	\$5,937.00	N	<u>409</u>

Liquor On Sale—181-290 Seats	\$6,360.00	N	<u>409</u>
Liquor On Sale—291 or more Seats	\$6,448.00	N	<u>409</u>
Liquor On Sale—2 AM Closing	\$59.00	N	<u>409</u>
Liquor On Sale—Exempt	\$0.00	N	<u>409</u>
Liquor On Sale—Over 100 seats (B)	\$5,022.00	N	<u>409</u>
Liquor On Sale—Over 200 seats (A)	\$5,454.00	N	<u>409</u>
Liquor On Sale—Sunday	\$200.00	N	<u>409</u>
Liquor On Sale—Sunday—Exempt	\$0.00	N	<u>409</u>
Liquor On Sale—Theater	\$1,914.00	N	<u>409</u>
Liquor On Sale—Additional Family Members	\$62.00	N	<u>409</u>
Liquor On Sale (Government Agencies)	\$0.00	N	<u>409</u>
Liquor On Sale (Small Brewery—128 oz)	\$30.00	N	<u>409</u>
Liquor On Sale-Club under 200 Mbrs—A	\$300.00	N	<u>409</u>
Liquor On Sale-Club 201-500 Mbrs—B	\$500.00	N	<u>409</u>
Liquor On Sale-Club 501-1000 Mbrs—C	\$650.00	N	<u>409</u>
Liquor On Sale-Club 1001-2000 Mbrs—D	\$800.00	N	<u>409</u>
Liquor On Sale-Club 2001-4000 Mbrs—E	\$1,000.00	N	<u>409</u>
Liquor On Sale-Club 4001-6000 Mbrs—F	\$2,000.00	N	<u>409</u>
Liquor On Sale-Club over 6000 Mbrs—G	\$3,000.00	N	<u>409</u>

Liquor-Outdoor Service Area (Patio)	\$85.00	N	<u>409</u>
Liquor-Outdoor Service Area (Sidewalk)	\$40.00	N	<u>409</u>
Malt Off Sale (Brewery)	\$205.00	N	410
Malt Off Sale (Growler)	\$205.00	N	410
Malt Off Sale	\$225.00	N	410
Malt On Sale (3.2)	\$712.00	N	410
Malt On Sale (3.2)—Fee Waived	\$0.00	N	410
Malt On Sale (3.2)—2 AM Closing	\$0.00	N	410
Malt On Sale (Brewery Taproom)	\$712.00	N	410
Malt On Sale (Strong)	\$712.00	N	410
Massage Center—C (Adult)	\$405.00	N	<u>412</u>
Mini Motion Picture Theater-Adult (C)	\$405.00	N	<u>415</u>
Minnesota Currency Exchange	\$405.00	N	<u>381</u>
Motor Vehicle Dealer—New Vehicles	\$405.00	N	401
Motor Vehicle Salvage Dealer	\$405.00	N	<u>422</u>
Motorcycle Dealer	\$210.00	N	401
Parking Lot	\$405.00	N	<u>417</u>
Parking Lot/Parking Ramp	\$405.00	N	<u>417</u>
Parking Ramp (Government)	\$0.00	N	<u>417</u>

Parking Ramp	\$405.00	N	<u>417</u>
Parking Ramp/Garage (Private)	\$396.00	N	<u>417</u>
Pawn Shop	\$3,191.00	N	<u>344</u>
Second Hand Dealer—Motor Vehicle	\$507.00	N	<u>344</u>
Steam Room/Bath House (A)	\$405.00	N	<u>428</u>
Steam Room/Bath House (B)—Adult	\$405.00	N	<u>428</u>
Theaters and Movie Theaters-Drive In	\$210.00	N	<u>416</u>
Transportation Network Company	\$41,115.00	N	<u>373</u>
Wine On Sale	\$2,000.00	N	<u>409</u>
Wine On Sale (Government Agencies)	\$0.00	N	<u>409</u>

Department means the department of safety and inspections.

Director means the director of the department of safety and inspections and/or the director's designee or designees.

Fee means and includes both the license fee and application fee unless otherwise provided.

License means and includes all licenses and permits provided for or covered by these chapters.

License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Class N License District Council Notification Form means the form, provided by the Department to the license applicant as part of the Class N License application packet, which must be mailed or personally delivered to the district council by the license/applicant prior to the submission of the application for a license.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Ord 22-46, § 2, 11-9-22; Ord 23-32, § 2, 9-6-23)

Sec. 310.03. - Hearing procedures.

- (a) *Adverse action; notice and hearing requirements.* In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee must be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.
- (b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee must be notified in writing that adverse action may be taken against the license or application, and that they are entitled to a hearing before action is taken by the council. The notice must be served or mailed a reasonable time before the hearing date, and must state the place, date and time of the hearing. The notice must state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the director or by the city attorney.
- (c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing must be held before the council. Otherwise the hearing must be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee must be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.
- (c-1) *Procedure; hearing examiner.* The hearing examiner will hear all evidence as may be presented on behalf of the city and the applicant or licensee, and must present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council will consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and may not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council must provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations,

together with such additional arguments presented at the hearing, the council must determine what, if any, adverse action should be taken, which action must be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

- (c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein will prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, means and includes a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.
- (d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.
- (e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken must contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.
- (g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions must be complied with and supersede inconsistent provisions of these chapters. This includes, without limitation by reason of this specific reference, Minn. Stats., Chapter 364 and Minn. Stats., § 340A.415.
- (h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to

withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

- (i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.
- (j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action must be prepared by the director and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.
- (k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as, but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the intoxicating liquor; nonintoxicating malt liquor; presumptive penalty matrix in subsection (m) below; or (vii) the violation involved the sale of cigarettes to a minor.
- (l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole

discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions must be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision must be controlling.

(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 violations 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.
2. **Intoxicating liquor; malt liquor; presumptive penalty matrix.**

Presumptive penalties for intoxicating liquor and nonintoxicating malt liquor violations. If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Penalties for convictions or violations 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 (unless specified, numbers below indicate consecutive days' suspension):

- (a) For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (b) For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (c) *Other penalties.* Nothing in this section restricts or limits the authority of the council to suspend licenses for up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.02 of this Code.

- (d) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.
- (1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:
- a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;
 - b) Promote availability of nonalcoholic beverages and food;
 - c) Promote safe transportation alternatives other than driving while intoxicated;
 - d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;
 - e) Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
 - f) Implement comprehensive training procedures;
 - g) Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;
 - h) Establish a standardized method for hiring qualified employees;
 - i) Reprimand employees who violate employer policies and procedures; and
 - j) Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.
- 2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:
- a) Management policies that are implemented at the time of service and that ensure that proof of identification (as established by state law) is examined for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
 - b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and
 - c)

Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

3. Tobacco presumptive penalties matrix.

Tobacco presumptive penalties. Penalties for convictions or violations 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 (unless specified, numbers below indicate consecutive days' suspension):

- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. 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 which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under the general presumptive penalty matrix will apply.
- (b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:
- (c) *Computation of time for violations under the tobacco presumptive penalties matrix.* If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent tobacco violations are subject to the following:
 - (1) *Second, third and fourth appearances for violations under the tobacco presumptive penalties matrix.* . A second violation within twenty four (24) months must be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (2) *Any appearance not covered by subsections (1) above must be treated as a first appearance for violations under the tobacco presumptive penalties matrix.*
Measurement of the twenty four (24) month period must 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.

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.03(c), a licensee who would be making a first or second appearance on a violation that calls for a monetary fine 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.

(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 the Penalty Matrixes above. The occurrence of multiple violations is 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) up to twenty (20) days before the hearing, and may in that case be treated as though part of the "1st Appearance" unless grounds for upward deviation from the presumptive penalties outlined in the presumptive penalty matrix outlined in 310.03(m) are included in the amended notice of the violation. In all other cases, violations occurring after the date of the formal notice of hearing must be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures must 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.

(v) *Computation of time.*

- (1) *Second appearance.* A second violation within twelve (12) months must be treated as a second appearance for the purpose of determining the presumptive penalty.
- (2) *Third appearance.* A third violation within eighteen (18) months must 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 must 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 must be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period is as follows: The beginning date shall be the earliest violation's date of appearance before the council or payment of the fine related to the violation, 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 must 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 must be counted as a third appearance regardless of how much time has passed since the first or second appearance.
- (6) Violations of the general presumptive penalty matrix, the intoxicating liquor, malt liquor presumptive penalty matrix and the tobacco presumptive penalty matrix are meant to be cumulative. For the purpose of a second, third or fourth appearance under this section, "violation" shall must mean either one of those violations listed in paragraph (m)1, 2, or 3.

(Ord 22-46, § 3, 11-9-22)

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 Minn. Stat.s 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.

- (8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.
- (9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.
- (10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minn Stats. §§ 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minn. Stats. § 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minn. Stats. §§ 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minn. Stats. § 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minn. Stats. chapter 152; the possession of a controlled substance as defined in Minn. Stats. chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.
- (11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the director in the case of Class R licenses, or without first having obtained the proper building permits from the city.
- (12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.03 (c-2) of the Legislative Code.
- (13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minn. Stats. § 609.02, subd. 8, in or near the establishment.
- (14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the

licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of section 310.02 prohibiting re-application within one (1) year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section means and includes any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter must be the basis for adverse action against the license or application.

- (c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:
- (1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;
 - (2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;
 - (3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;
 - (4) A requirement to provide off-street parking in excess of other requirements of law;
 - (5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;
 - (6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The director may recommend the imposition of such reasonable conditions and/or restrictions as an adverse action against the license or licenses. The council may impose such conditions with the consent of the license holder, as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses will remain on such licenses when renewed and must continue thereafter until removed by the council.

- (d) Restrictions on intoxicating liquor, nonintoxicating and malt liquor licenses. When a reasonable basis is found by the council to impose restrictions or conditions upon an intoxicating liquor license held under this chapter, the council, upon issuing a new license or renewing a license or approving a transfer of a license, may impose reasonable conditions and restrictions pertaining to the manner and circumstances in which the business to preserve the public peace and protect and promote good order and security. These reasonable conditions or restrictions may pertain to:
 - (1) The hours when intoxicating liquor may be sold and/or consumed on the licensed premises;
 - (2) The exact location within a building where intoxicating liquor will be served and/or sold and/or consumed;
 - (3) The means of ingress to or egress from the licensed establishment;
 - (4) A requirement that certain off-street parking facilities be provided;
 - (5) A condition that the license will be in effect only so long as the establishment remains a drugstore, restaurant or hotel as defined by the state liquor act or regulations adopted pursuant thereto;
 - (6) The means and methods of advertising the sale of intoxicating liquor on the building and/or on the premises adjacent thereto;
 - (7) Reasonable conditions limiting the operation of the licensed premises so as to ensure that the licensed business will comport with the character of the district in which it is located and/or to the end that nuisances will be prevented; and
 - (8) Additional conditions upon hotels and restaurants which may in the discretion of the council tend to ensure that the sale of liquor will take place only in conjunction with the sale and service of food.
- (e) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:
 - (1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;
 - (2)

The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

- (3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;
- (4) The management practices of the licensee or applicant with respect to each of such licenses;
- (5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;
- (6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and
- (7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Ord 22-46, § 5, 11-9-22)

Sec. 63.202. - Site plan required.

A site plan approved by the planning commission shall be required for the establishment of a new off-street parking facility, for the paving of an unimproved off-street parking facility and for the repaving of an off-street parking facility whose existing paved surface is removed. These facilities shall meet all standards and regulations for parking facilities and site plans contained in this zoning code, and all paving shall require a building permit pursuant to chapter 33 of the Legislative Code. A site plan shall not be required when a new coating is applied over an existing paved surface. Site plans for one- to four-family dwellings may be approved by the zoning administrator.

(C.F. No. 10-403, § 1, 6-16-10; Ord. 21-27, § 1, 8-18-21)

Sec. 65.705. - Auto repair station.

A place where the following services may be carried out: general repair of automobiles, trucks, motorcycles, boats, etc.; engine rebuilding; and rebuilding or reconditioning of motor vehicles. The sale of engine fuels may or may not also be carried on.

Standards and conditions:

- (a) The minimum lot area shall be fifteen thousand (15,000) square feet.
- (b) A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.
- (c) All repair work shall be done within an enclosed building.
- (d) There shall be no outside storage.
- (e) In the IT transitional industrial district this use shall be limited to parcels within one-quarter (¼) mile of University Avenue, and all vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with section 63.301.

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

Sec. 401.01. - License required; definitions; exceptions.

- (a) No person shall exercise, carry on or be engaged in the trade or business of new motor vehicle dealer, secondhand motor vehicle dealer or secondhand motor vehicle parts dealer in Saint Paul without a license.
- (b) "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- (c) No license shall hereafter be granted hereunder for commencing the business of secondhand motor vehicle parts dealer upon a street in the city upon which is located a street railway line, bus line or state trunk highway.
- (d) The requirements of this chapter shall not apply to premises upon which vehicles are accumulated and dismantled. Such premises, and the persons engaged in business thereon, shall be licensed as provided in Chapter 408 as motor vehicle salvage dealers.
- (e) Whenever any applicant proposes to limit his business to the buying and selling of used motor vehicle parts and to exclude therefrom the use of any adjacent lot or lots for the dismantling of automobiles or for the processing or storage of motor vehicle parts, he shall not be subject to the provisions of section 401.03(e), (f) and (g), section 401.01(c) and (g), or section 401.04.
- (f) Members of the armed forces of the United States engaged in the used motor vehicle parts business and licensed therein prior to their entry into the armed forces shall not be construed as entering and commencing said business, but shall be considered in the same status as licensees continuing in said business.

(Code 1956, §§ 343.01, 343.02, 343.07; C.F. No. 99-522, § 1, 7-7-99)

Chapter 423. - Automobile Repair Garage and Body Shop

Footnotes:

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Editor's note— *The license under this chapter, formerly codified as Ch. 315, derived from Code 1956, §§ 345.01—345.03, as amended by Ord. No. 16883, adopted Feb. 11, 1982, and was reclassified from Class I to Class III license by Ord. No. 17207, adopted Jan. 31, 1985, and recodified as Ch. 423.*

Cross reference— *Motor vehicle and parts dealers, Ch. 401; junkyards and junk dealers, Ch. 408; motor vehicle salvage dealer, Ch. 422.*

Sec. 423.01. - License required.

- (a) *Automobile repair garage.* No person shall maintain or operate an automobile or motor vehicle repair garage in Saint Paul without a license. This does not apply where the work performed is done by a gasoline filling station licensed under Chapter 424 and consists of the usual servicing of motor vehicles ordinarily performed at such stations, such as the sale and installation of frost shields, radiator hoses, spark plugs, batteries and battery cables, brake fluid, oil filters, fuses, fan belts, light bulbs and windshield wipers, or such service as draining radiators; provided, however, that if such gasoline filling stations engage in the business of repairing mechanical parts of motor vehicles, a license as provided herein shall be required.
- (b) *Body repair shop.* No person shall maintain or operate an automobile body repair painting shop, whether alone or in conjunction with another business activity, in Saint Paul without a license. A body repair shop is a shop which is in the business of making major or substantial repairs to the shell or body of an automobile, including frame-straightening, dent repair, and replacement or repair of parts, but not including any painting.
- (c) *Body repair/painting shop.* No person shall maintain or operate an automobile or motor vehicle repair/painting business, whether alone or in conjunction with another business activity, without a license. A body repair/painting shop is a shop which in addition to the definition in subdivision (b) above, performs any kind of painting of the vehicle. No license shall be issued to a body painting shop unless the building or portion of the building in which the business is to be operated has a spray paint booth or room which has been approved for use by the fire inspector.

(C.F. No. 94-1562, § 1, 11-16-94; C.F. No. 99-1227, § 1, 1-26-00)

Sec. 423.02. - Fee.

- (a) *Automobile repair garage.* The fee required for an automobile repair garage, which is one in which motor vehicles are repaired, shall be established by ordinance as specified in section 310.09(b).

(b) *Body repair or body painting shop.* The fee required for an automobile body repair shop or an automobile body painting shop shall be established by ordinance as specified in section 310.09(b).

(C.F. No. 94-1562, § 2, 11-16-94; C.F. No. 99-1227, § 1, 1-26-00)

Cross reference— Annual increases in license fees, § 310.16.

Sec. 423.03. - Business hours.

Where a reasonable basis is found by the council to exist and to protect the adjacent property and the public peace, health and safety, the council, upon issuing a new license or renewing a license, may impose as a condition on the license a limitation as to the hours when the business may remain open.

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)

Sec. 66.101. - Use tables.

Use tables in this chapter list permitted and conditional uses in the primary underlying zoning districts, and note applicable development standards and conditions.

- (a) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance.
- (b) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish, change, or expand a conditional use shall obtain a permit for such use as specified in chapter 61.
- (c) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district, or any use not determined by the planning commission to be substantially similar to a listed permitted or conditional use, shall be prohibited in that district.
- (d) *Development standards.* Permitted and conditional uses specified with a "√" in the development standards column shall be subject to the specific standards and conditions of chapter 65, land use definitions and development standards, in addition to all other applicable provisions of this ordinance.
- (e) *Combination of uses.* Any permitted or conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards.

Sec. 65.706. - Auto sales and rental, outdoor.

Outdoor sales space for the sale or rental of new, secondhand, or pawned automobiles, trucks, motorcycles, trailers, or boats.

Standards and conditions:

- (a) A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- (b) Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- (c) No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.
- (d) Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.
- (e) In the IT transitional industrial district this use shall be limited to parcels within one-quarter (¼) mile of University Avenue, limited to automobile rental only (no sales), and limited to no more than twelve (12) automobiles for rent on the site at any time.
- (f) In the case of pawnbrokers, the businesses shall be separated from residentially zoned property by a distance of one hundred fifty (150) feet measured from property line to property line; provided, however, that a modification may be granted pursuant to section 61.500 from the foregoing requirement upon the following conditions:
 - (1) There is no existing pawnshop within five thousand two hundred eighty (5,280) feet of the proposed location, measured from the nearest building wall of the existing pawnshop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.
 - (2) Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.
 - (3) The location of a pawnshop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.
 - (4) The proposed use meets all other requirements for conditional use permits provided in section 61.500.

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

Sec. 66.421. - Business district use table.

Table 66.421 business district uses, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Business District Uses

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Residential Uses								
<i>Dwellings</i>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
Multiple-family dwelling	P		P			P	P	(d)
Housing for the elderly	P		P			P	P	(d)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	(d), (s)
Live-work unit			P					(d), (s)
Mixed residential and commercial use	P	P	P	P	P	P	P	(d), (s)
<i>Congregate Living</i>								
Adult care home	P	P	P	P	P	P	P	(d), (s)
Community residential facility, licensed correctional			C	C	C	C	C	(d), (s)

Dormitory			P/C			P	P	(d), (s)
Emergency housing facility	P	P	P/C	P/C	P/C	P/C	P/C	(d), (s)
Foster home	P	P	P	P	P	P	P	(d), (s)
Fraternity, sorority			P/C					(d), (s)
Overnight shelter						C	C	(d), (s)
Roominghouse			C			P	P	(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	(d), (s)
Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Supportive housing facility	P	P	P	P	P	P	P	(d), (s)
Civic and Institutional Uses								
Club, noncommercial				P	P	P	P	(d)
College, university, seminary, or similar institution of higher learning	P	P	P	P	P	P	P	(d), (s)
Community center	P	P	P	P	P	P	P	(d), (s)
Day care	P	P	P	P	P	P	P	(d), (s)
Homeless services facility		P/C	P/C	P/C	P	P	P	(d), (s)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	

Religious institution	P	P	P	P	P	P	P	(d)
School, primary & secondary	P	P	P	P	P	P	P	
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	(s)
Municipal building or use	P	P	P	P	P	P	P	(s)
Public utility heating or cooling plant						P		
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	P	P	P	P	P	P	(d), (s)
Commercial Uses								
<i>Office, Retail, and Service Uses</i>								
General office, studio	P	P	P	P	P	P	P	
General retail		P	P	P	P	P	P	(d)
Service business, general	P	P	P	P	P	P	P	(d)
Service business with showroom or workshop			P	P	P	P	P	(d)
Alternative financial establishment					C	P	P	(d), (s)

Animal day care					P	P	P	(d), (s)
Artist's studio	P	P	P	P	P	P	P	(d)
Business sales and services					P	P	P	(d)
Cannabis retail		P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	(s)
Dry cleaning, commercial laundry		P	P	P	P	P	P	(s)
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Garden center, outdoor			C	C	P			(d), (s)
Greenhouse					C			(d), (s)
Hospital					P	P	P	(d)
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial				P/C	P/C	P/C	P/C	(d), (s)
Outdoor uses, commercial sales of consumer fireworks					C			(d), (s)
Package delivery service					P	P	P	(d)
Pawn shop					C	P	P	(d), (s)
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	

Tobacco products shop			P/C	P	P	P	P	(d), (s)
Veterinary clinic				P	P	P	P	(d), (s)
<i>Food and Beverages</i>								
Bar				P/C	P	P	P	(d), (s)
Brew on premises store				P	P	P	P	(d), (s)
Coffee kiosk				P	P	P	P	(d), (s)
Coffee shop, tea house		P/C		P	P	P	P	(d), (s)
Restaurant				P	P	P	P	(d)
Restaurant, fast-food				P/C	P/C	P	P	(d), (s)
<i>Commercial Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence		P	P	P	P			(d), (s)
Bingo hall, auction hall				C	P	P	P	
Hotel					P	P	P	(d)
Motel					P	P	P	(d)
Short term rental dwelling unit	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Health/sports club				P	P	P	P	(d)
Indoor recreation				C	P	P	P	(d)
Outdoor sports/entertainment							P	
Reception hall/rental hall				P	P	P	P	

Steam room/bathhouse facility			P	P	P	P	P	(d)
Theater, assembly hall				P	P	P	P	
<i>Adult Entertainment</i>								
Adult use					C	C	C	(d), (s)
<i>Automobile Services</i>								
Auto convenience market				C	C		P	(d), (s)
Auto service station				C	C		P	(d), (s)
Auto specialty store				C	C		P	(d), (s)
Auto repair station					C		P	(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			(d), (s)
Car wash, detailing					C			(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	(d), (s)
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	(s)
<i>Limited Production, Processing and Storage</i>								

Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	(d), (s)
Distillery, craft				P/C	P	P	P	(d), (s)
Finishing shop					P		P	(d), (s)
Limited production and processing					P		P	(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)
Recycling collection center					P			(d), (s)
Recycling drop-off station			P	P	P	P	P	(d), (s)
Storage facility, rental						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	(s)
Wholesale establishment					P	P	P	(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	(d), (s)
Accessory Uses								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Dwelling unit, accessory			P					(d), (s)

Micro-unit dwellings accessory to a religious institution	P	P	P	P	P	P	P	(d), (s)
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P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 05-441, § 4, 8-24-05; C.F. No. 07-633, § 2, 8-15-07; C.F. No. 07-1148, § 2, 1-9-08; C.F. No. 08-640, § 5, 7-9-08; Ord No. 10-33, § 2, 10-27-10; Ord No. 11-26, § 2, 3-23-11; Ord No. 11-27, § 1, 4-20-11; Ord No. 12-26, § 1, 5-23-12; Ord 13-51, § 6, 11-13-13; Ord 13-57, § 3, 12-4-13; Ord 15-5, § 3, 2-5-15; Ord 16-5, § 1, 4-13-16; Ord 17-1, § 4, 1-25-17; Ord 17-38, § 5, 10-25-17; Ord 19-10, § 1, 6-26-19; Ord 19-60, § 1(Att. A), 10-9-19; Ord 19-72, § 2, 1-8-20; Ord 22-3, § 1, 1-19-22; Ord 21-33, § 1, 11-10-21; Ord 23-43, § 7, 10-18-23; Ord 23-57, § 3, 12-13-23; Ord 24-21, § 1, 9-18-24)

Sec. 1.05. - Penalty.

- (a) *Ordinance violations.* Any person violating any provision of the Legislative Code shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not to exceed seven hundred dollars (\$700.00) or by imprisonment for a term not to exceed ninety (90) days, or both, regardless of whether a lesser penalty is fixed or provided for by a particular ordinance, including but not limited to reductions or stated maximums for early payment of fines. Notwithstanding the foregoing, any person violating a section of the Legislative Code which provides a penalty of a fine only shall be guilty of a petty misdemeanor, and upon conviction thereof may be punished as provided by that section, but in no event to exceed two hundred dollars (\$200.00). Nothing herein is intended to or shall have the effect of limiting the power of the judiciary to establish and use recommended fine schedules for violations of provisions of the Legislative Code.
- (b) *Maximum fines after August 1, 2000.* Notwithstanding subsection (a) above, on and after August 1, 2000, the maximum allowable fine for a misdemeanor shall be one thousand dollars (\$1,000.00), and the maximum allowable fine for a petty misdemeanor shall be three hundred dollars (\$300.00).
- (c) *Ordinances identical to state law.* Notwithstanding any other provision of the Legislative Code to the contrary, the punishment for violation of any ordinance which is identical (except for the punishment provided therein) to a Minnesota statutory provision, shall be as provided in the said Minnesota statutory provision.

(Code 1956, § 500.05; C.F. No. 00-573, § 1, 7-5-00)