

Vang, Mai (CI-StPaul)

From: Karly Garofalo <karlygiraffe@gmail.com>
Sent: Tuesday, April 10, 2018 12:55 PM
To: *CI-StPaul_LegislativeHearings
Subject: 908 Jefferson Avenue lack of proper service
Attachments: removeimproperlystored.pdf; AbateDeadTrees.pdf; septAdministrativeSearchWarrant.pdf

August 10th 2017 nuisance abatement issued. Compliance deadline for that abatement order is August 23rd 2017.

EC bill issued in august of 2017 gives a re inspection date of August 23rd 2017.

Correction notice issued on August 10th 2017 gives a re inspection date of August 23rd 2017.

3 separate documents all listing August 23rd 2017 as a re inspection date.

File # 15-176964 is the only file open pertaining to 908 Jefferson Avenue Saint Paul MN.

On August 23rd 2017 908 Jefferson Avenue re inspected by DSI.

August 28th 2017 summary abatement notice sent to 908 Jefferson Avenue. Only item listed to abate, 2 trees on east side of property. Deadline to abate nuisance trees September 1st 2017 (3 days given by inspector to abate nuisance trees).

908 Jefferson Avenue was re inspected on August 23rd 2017. Operating under same file # 15-176964 abatement notice issued August 28th 2017 only mentions 2 trees, Most recent summary abatement issued on August 28th 2017 only lists 2 trees to abate. August 28th 2017 summary abatement mentions no other violations. If 908 Jefferson Avenue, under file # 15-176964, is re inspected on August 23rd 2017 and then a new summary abatement order is issued, that is the controlling order. That controlling summary abatement notice only mentions the 2 trees on east side of 908 Jefferson Avenue property. Nothing else.

Summary abatement issued on August 28th 2017 giving only 3 days to appeal or abate the nuisance was not served properly. When 3 or less days are given to appeal or abate a nuisance that order must be sent first class or certified delivery.

Summary abatement document issued August 28th 2017 violated service procedure. ED SMITH DSI inspector gave 3 days September 1st 2017 as appeal deadline. City of Saint Paul Code chapter 45 section 45.09 service. (a)(3).

Last summary abatement order 908 Jefferson Avenue received prior to administrative search warrant 62-cv-17-5116 being executed was order from August 28th 2017 listing 2 trees as the only violation.

Hearing was ex parte.

Should this civil case been in rem? Against the property not the man?

No due process of law. Lack of proper service. Ex parte hearing. Rubber stamped by 2nd judicial district.

Last summary abatement notice 908 Jefferson Avenue received prior administrative search warrant 62-cv-17-5116 was issued August 28th 2017 naming 2 trees as the only abatement issue. No other items to correct post August 23rd 2017 re inspection only the 2 trees.

 [908 Jefferson Ave. Correction Notice.8-10-17.pdf](#)

 [908 Jefferson Ave. EC Ltr.8-10-17-1.pdf](#)



325

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
SUMMARY ABATEMENT ORDER

August 28, 2017

15 - 176964

Yog hais tias koj hais tsis to taub tsab ntwavv no, hu rau tus txhais lus ntwawm (651) 266- 8989. Nws yog pab dawb xwb.
Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

OCCUPANT
908 JEFFERSON AVE
ST PAUL MN 55102- 2802

As owner or person(s) responsible for : 908 JEFFERSON AVE you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

1. Exterior - Remove dead trees from the north side of the property. Comply before September 1, 2017

If you do not correct the nuisance or file an appeal **before September 01, 2017** , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Ed Smith Badge: 325 Phone Number: 651- 266- 1917

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Also Sent To:

Christopher Conner 908 Jefferson Ave Saint Paul MN 55102- 2802

APPEALS: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15





CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

15 - 176964

SUMMARY ABATEMENT ORDER

325

- Yog tias koj tsis to taub tsab ntawv no, hu rau (651) 266-8989. Peb mam nhriav ib tug Hmoob los pab txhais Nws yuav pab dawb xwb.
- Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

Christopher Conner
908 Jefferson Ave
Saint Paul MN 55102-2802

Occupant
908 JEFFERSON AVE
St. Paul, MN 55102-2802



As owner or person(s) responsible for: 908 JEFFERSON AVE you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

- Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, manufactured goods, scrap wood and metal, pipes, weight lifting bench/equipment, rugs, carpet, recycling materials, household items, tarps, fencing materials, umbrellas, metal tanks, tires, etc., throughout the entire property including the driveway, yard and trees.
- Cut and remove tall grass, weeds and rank plant growth.
- Remove and properly dispose of all animal feces from yard areas.
- IMMEDIATELY secure all buildings which are open to unauthorized entry, including:
- Other:

If you do not correct the nuisance or file an appeal before **August 23, 2017**, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes. **Charges:** If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260.00 per hour plus expenses for abatement.

You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION

Issued by: Ed Smith Badge Number 325 Phone Number 651-266-1917

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Appeals: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310, City Hall, St. Paul, MN 55102. The telephone number is (651) 266-8585. You must submit a copy of this Correction Order with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

FILED

FILED
Court Administrator

SEP 05 2017

SEP 15 2017

STATE OF MINNESOTA
COUNTY OF RAMSEY

By [Signature] Court Administrator
Dep

By [Signature] DISTRICT COURT
Deputy
SECOND JUDICIAL DISTRICT

62CV-17-5116

ADMINISTRATIVE SEARCH WARRANT

Based upon the application of Ed Smith for an administrative search warrant to search the premises at 908 Jefferson Avenue in the City of Saint Paul, County of Ramsey, State of Minnesota, pursuant to Saint Paul Legislative Code §§ 34.19 and 45.07 in order to gain entrance for the purpose of inspecting the premises and abating and disposing of any nuisance storage and dead trees located on the outside of the property, including but not limited to:

improperly stored or accumulated refuse including; garbage, rubbish, discarded furniture, appliances, manufactured goods, scrap wood and metal pipes, weight lifting bench and/or equipment, rugs, carpet, recycling materials, household items, tarps, fencing materials, umbrellas, metal tanks, tires and dead or dying trees scattered though out the exterior of the property,

pursuant to Saint Paul Legislative Code §45 to defining nuisance as "Any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city."

Ed Smith predicates this warrant on the following: that he has observed and documented that nuisance, dangerous and unsanitary living conditions are present at the above described premises; that the property owner is illegally accumulating refuse and scrap in violation of Saint Paul Legislative Code Section 45; and that the property owner was given an Order to Abate Nuisance Storage on August 10, 2017 and Order to Abate Nuisance Trees on August 28, 2017.

THEREFORE, IT IS HEREBY ORDERED, that Ed Smith and persons under his direction may enter the above described premises in order to abate the nuisance storage and dead trees at the subject premises.

Dated this 5 day of September 2017, at 10:38 hrs,
at Saint Paul, Ramsey County, Minnesota

BY THE COURT:

[Signature]
Judge of District Court