



SAINT PAUL
CITY ATTORNEY

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

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

August 24, 2023

NOTICE OF COUNCIL HEARING

Castillo Auto Repair
d/b/a Castillo Auto Repair
744 – 3rd Street East
Saint Paul, MN 55106

RE: Second Hand Dealer-Motor Vehicles Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair for the premises located at 744-3rd Street East in Saint Paul.
License ID #20200001910

Dear Mr. Castillo:

Please take notice that this matter has been set on the Council Hearing Agenda for a City Council meeting on **Wednesday, September 6, 2023 at 3:30 p.m.** in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, Saint Paul, MN 55102.

Enclosed is a Council Hearing Packet concerning your current violation which includes a copy of the email we received on August 19, 2023, indicating that you were not contesting the facts related to the incident, but was requesting an opportunity to address the Council regarding the penalty, the resolution and any supporting documents.

PLEASE NOTE: The entire Notice and packet of information concerning your current and previous violations that was mailed to you on August 11, 2023, will be presented to City Council online for their consideration. If you need another copy of the entire packet, please let me know and I will send it the email address you supplied (isaaccastillo065@gmail.com)

This is an uncontested license matter related to a complaint-based inspection June 7, 2023 and subsequent re-inspections on June 28, 2023, July 10, 2023 and July 11, 2023, where a DSI Inspector observed and documented with photographs violations to license conditions #2, #4, #5, #6, #7, #10 and #12.

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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This is a third violation to your license conditions within the past eighteen (18) months. The licensing office will recommend a ten (10) suspension of your Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses as well as imposition of a \$2,000 matrix penalty.

Sincerely,

/s/

Therese Skarda
Assistant City Attorney
License No. 0240989

cc: Isaac Castillo, 2350 Stillwater Avenue East, Saint Paul, MN 55119
Hill Properties, Inc., 2560 Swan Avenue North, Saint Paul, MN 55109-1632
Lissa Jones-Lofgren, Interim Executive Director, Dayton's Bluff Community Council
804 Margaret Street, Saint Paul, MN 55107

Enclosure: Council Hearing Packet

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 24th day of August she served the attached **NOTICE OF COUNCIL HEARING** and a correct copy thereof in an envelope addressed as follows:

Castillo Auto Repair
d/b/a Castillo Auto Repair
744 - 3rd Street East
Saint Paul, MN 55106

Isaac Castillo
2350 Stillwater Avenue East
Saint Paul, MN 55119

Hill Properties, Inc.
2560 Swan Avenue North
Saint Paul, MN 55109-1632

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

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


Julie Kraus

Subscribed and sworn to before me
This 24th day of August 2023


Notary Public



UNCONTESTED LICENSE MATTER

Licensee Name: Castillo Auto Repair
d/b/a Castillo Auto Repair

Address: 744-3rd Street East
Saint Paul, MN 55106

Council Date: Wednesday, September 6, 2023 @ 3:30 p.m.

Violation: During re-inspections on 6/28/2023; 7/10/2023 and 7/11/2023, a DSI Inspector observed and documented with photographs violations to conditions #2, #4, #5, #6, #7, #10 and #12. This is now a third violation.

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

Ten (10) day suspension of Second Hand Dealer–Motor Vehicle Parts and Auto Repair Garage licenses and imposition of \$2,000 matrix penalty

Attachments:

1. Resolution
2. Department of Safety and Inspections Complaint form dated 5/22/2023
3. CORRECTION NOTICE mailed to licensed premises as well as licensee's home address dated 6/7/2023
4. Department of Safety and Inspections Complaint form dated 6/21/2023
5. Department of Safety and Inspections Complaint form dated 6/26/2023
6. Inspector's Report dated 6/28/2023; 7/10/2023 and 7/11/2023 with attached pages 0001 – 0027
7. Notice of Violation and Request for Imposition of 10-Day License Suspension and \$2,000 Matrix Penalty with Affidavit of Service dated 8/11/2023
8. Email from licensee requesting a hearing before City Council dated 8/19/2023
9. Screenshots from ECLIPS Screens
10. Approved site plan dated 8/13/2020
11. Map of licensed premises
12. Saint Paul Legislative Code §34.08
13. Saint Paul Legislative Code §310.01
14. Saint Paul Legislative Code §310.03 (m)(1) (1)
15. Saint Paul Legislative Code §310.04
16. Saint Paul Legislative Code §65.701
17. Minn. Stat. §169.73, Subd. 2
18. Minn. Stat. §169.734



City of Saint Paul

City Hall and Court House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Master

File Number: RES 23-1334

File ID: RES 23-1334

Type: Resolution

Status: ATS Review

Version: 1

Contact 266-8755
Number:

In Control: City Council

Department: City Attorney

File Created: 08/23/2023

File Name: Castillo Auto Repair - 10 day license suspension &
\$2000 matrix penalty

Final Action:

Title: Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744-3rd Street East in Saint Paul. (LICENSEE WILL SPEAK TO COUNCIL ON HIS OWN BEHALF)

Notes: Third (3rd) violation to license conditions within eighteen (18) months.

Code Sections:

Agenda Date: 09/06/2023

Agenda Number:

Sponsors: Prince

Enactment Date:

Attachments: Castillo Auto Repair - Council Hearing Packet

Financials Included?:

Contact Name: Therese Skarda

Hearing Date:

Entered by: Julie.Kraus@ci.stpaul.mn.us

Ord Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/23/2023	Niziolek, Dan - FYI	Notified - FYI	
1	2		Skarda, Therese		8/25/2023
1	3		Hudak, Eric		
1	4		Wiese, Angie		
1	5		Tincher, Jaime		
1	6		Jane L. Prince		

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RES 23-1334

Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744-3rd Street East in Saint Paul. (**LICENSEE WILL SPEAK TO COUNCIL ON HIS OWN BEHALF**)

WHEREAS, the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage ("Licenses") held by Castillo Auto Repair d/b/a Castillo Auto Repair ("Licensee") (License ID# 20200001910) for the premises located at 744-3rd Street East ("Licensed Premises") was the subject of a Notice of Violation and Request for Imposition of a 10-Day License Suspension and \$2,000 Matrix Penalty, herein incorporated as ("Notice") sent August 11, 2023; and

WHEREAS, the Licenses held by Licensee have been the subject of the following adverse actions which form the basis for the Department's request for a third violation presumptive penalty :

WHEREAS, on February 2, 2022, the licensee was sent a Notice of Violation and Request for Imposition of \$500 matrix penalty based on violations to license conditions #2, #5 and #7 observed and documented with photographs by a DSI Inspector during a follow-up inspection on January 21, 2022; and

WHEREAS, the licensee failed to respond the Notice so a resolution was brought before City Council (RES 22-360) which was adopted on March 9, 2022; and

WHEREAS, a Notice of Council Action was sent to the licensee on March 19, 2022, with a deadline of April 1, 2022 to pay the \$500 matrix penalty. The licensee paid the \$500 matrix penalty on April, 20, 2022, thereby admitting to the first (1st) violation; and

WHEREAS, on July 6, 2022, the licensee was sent a Notice of Violation and Request for Imposition of \$1,000 matrix penalty based on violations to license conditions #2, #4, #9 and #13 observed and documented by a DSI Inspector during an inspection on June 6, 2022; and

WHEREAS, the licenses responded to the Notice to request an administrative hearing which was held on December 8, 2022; and

WHEREAS, the Findings of Fact, Conclusion of Law and Recommendation from the Administrative Law Judge (ALJ) was received on January 19, 2023. The ALJ found that the licensee violation Saint Paul Legislative Code §310.06 (a) for failure to comply with conditions set forth in the license and the ALJ recommended imposition of the \$1,000 matrix penalty; and

WHEREAS, the ALJ report was brought before City Council during a public hearing on February 22, 2023. The matter was continued to March 1, 2023 at which time the City Council adopted the ALJ's report as amended (RES PH 23-31) and imposed the \$1,000 matrix penalty; and

WHEREAS, a Notice of Council Action was sent to the licensee on March 1, 2023 with a deadline of April 7, 2023 to pay the \$1,000 matrix penalty. The licensee paid the \$1,000 matrix penalty on April 28, 2023, thereby admitting to the second (2nd) violation; and

WHEREAS, the August 11, 2023, Notice alleged, that during a complaint-based inspection June 7, 2023, a DSI Inspector observed and documented with a report and photographs violations to license conditions #2, #4, #7 and #9; and

WHEREAS, a Correction Notice was sent to the licensed premises as well as the licensee's home address detailing the license condition violations observed and stating the violations must be fully corrected on or before June 13, 2023; and

WHEREAS, the Department of Safety and Inspections received a complaint on June 21, 2023, of excessive vehicle parking overnight as well as a second complaint on June 26, 2023 of employees working on cars on the street and sidewalk, blocking the street with cars and leaving tires out in the open; and

WHEREAS, a DSI Inspector returned for a re-inspection on June 28, 2023, where he observed and documented with a report and photographs violations to license condition #2, #4, #6, #10 and #12 (see pages 1, 3, 4, 5, 6, 7, 8 and 9); and

WHEREAS, a DSI Inspector returned a second time on July 10, 2023, where he observed and documented with a report and photographs violations to license conditions #2 and #7 (see pages 2, 10, 11); and

WHEREAS, a DSI Inspectors returned a third time on July 11, 2023, where he observed and documented with a report and photographs violations to license conditions #2 and #5 (see pages 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27); and

WHEREAS, under the penalty matrix contained in Saint Paul Legislative Code section 310.03(m)(1)(1), the presumptive penalty for a third violation is a 10 day license suspension and a \$2,000 matrix penalty; and

WHEREAS, the Notice gave the licensee until August 21, 2023, to either: 1) do nothing and a resolution would be submitted to Council suspending the licenses for 10 days and imposing the \$2,000 matrix penalty; 2) admit the facts but request a hearing before City Council to dispute the penalty or 3) dispute the facts and request an administrative hearing; and

WHEREAS, on August 19, 2023, the City Attorney's Office received an email from the licensee admitting to facts as laid out in the August 11, 2023, Notice but contesting the 10-day license suspension and imposition of the \$2,000 matrix penalty and requesting a hearing before City Council; now, therefore, be it

RESOLVED, that the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744-3rd Street East in Saint Paul are hereby suspended for ten (10) days and a \$2,000 matrix penalty is imposed as a result of the numerous license conditions violations observed and documented by a DSI Inspector during inspections on June 28, 2023; July 10, 2023 and July 11, 2023; and be it,

FURTHER RESOLVED, the Department of Safety and Inspections is directed to select a date no later than 14 days after the adoption of this resolution for the 10-day suspension to begin; and be it,

FINALLY RESOLVED, payment of the \$2,000 matrix penalty will be paid within thirty (30) days of the date of adoption of this resolution.

Folder #:	2023 042061 LIC	PIN:	322922140214	Status:	Resolved
In Date:	5/22/23	Ward:	7	Zoning:	B2
		Subtype:	License		
		Dist Council:	4	Owner:	Worktype: Complaint
Complaint Location:	Census Tract:	34400	Hill Properties Inc		
744 3RD ST E	Census Block:	2003	2560 Swan Ave North Saint Paul MN 55109-1632		
	Homesteader:				
	Tax Owner:				

Legal Desc: LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37

Complainant:

Details: Auto: working on cars in street

6/13/2023 working on cars in the street, using the street for employee and customer parking, more vehicles in the lot than they are allowed. Loud tools used all day long. Working on vehicles that are not in the enclosed garages.

This complaint has been referred to the following departments:

DSI Licensing Response - Closed: 6/20/23

Comment:

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

Results

Entered By

Comment

5/22/23 Under Review

Vang, Allan

No auto repair work observed on street or outdoors on lot at 11:52am. Informed operator and workers present of reported violation. Photos taken.

Comment:

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

Results

Entered By

Comment

5/25/23 Under Review

Vang, Allan

Early morning (7am) inspection completed.

Comment:

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

Results

Entered By

Comment

5/26/23 Under Review

Vang, Allan

Compliance inspection completed

Comment:

2023 042061 LIC 744 3RD ST E

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

<u>Results</u>	<u>Entered By</u>	<u>Comment</u>
6/20/23 Closed with Comments	Vang, Allan	Re- inspection completed. In- compliance.

Comment:

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

<u>Results</u>	<u>Entered By</u>	<u>Comment</u>
6/1/23 Under Review	Vang, Allan	Onsite tent foods/beverages sale

Comment:

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

<u>Results</u>	<u>Entered By</u>	<u>Comment</u>
6/7/23 Under Review	Vang, Allan	Correction Notice sent out by JNV

Comment:

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

<u>Results</u>	<u>Entered By</u>	<u>Comment</u>
6/13/23 Under Review	Vang, Allan	Similar complaint, correction notice was sent out on 6/7/2023. Re- inspection to be fully corrected on or after 6/13/2023.

Comment:

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

<u>Results</u>	<u>Entered By</u>	<u>Comment</u>
5/31/23 Under Review	Vang, Allan	Unable to reach licensee regarding license questions.



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

June 7, 2023

Isaac Castillo
744 3rd Street East
St Paul, MN 55106

CORRECTION NOTICE

RE: License ID 20200001910 – 744 3rd Street East – DBA: Castilla Auto Repair

Isaac Castillo,

The above referenced property was inspected on 5/25/2023, 6/1/2023 and 6/7/2023 due to multiple complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 6/13/2023, at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to allan.vang@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

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

Violation(s) discovered:

- License Condition 2 & 9: Not parking in accordance with the approved site plan in front of bay door and too many vehicles on the property – not providing a maneuvering space
- License Condition 4: exterior storage of hose hold items (SPLC 34.08 Exterior Sanitation)
- License Condition 7: Vehicles parked on premises for longer than ten (10) days.
- Unauthorized tents in the parking lot without prior approval from Zoning, food preparation and sales without Minnesota Department of Health licenses.

Sec. 310.04 (b)

(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.

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

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

Respectfully,

Allan Vang
Inspector, DSI Licensing

C: 2350 Stillwater Avenue East – Maplewood, MN 55119



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

June 7, 2023

Isaac Castillo
2350 Stillwater Avenue East
Maplewood, MN 55119

CORRECTION NOTICE

RE: License ID 20200001910 – 744 3rd Street East – DBA: Castilla Auto Repair

Isaac Castillo,

The above referenced property was inspected on 5/25/2023, 6/1/2023 and 6/7/2023 due to multiple complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 6/13/2023, at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to allan.vang@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

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Sec. 310.04 (b)

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

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

Respectfully,

Allan Vang
Inspector, DSI Licensing

C: 744 3rd Street East - St Paul, MN 55106

Folder #:	2023 055268 LIC	PIN:	322922140214	Status:	Open
In Date:	6/21/23	Ward:	7	Zoning:	B2
		Subtype:	License		
		Dist Council:	4	Owner:	Worktype: Complaint
Complaint Location:	Census Tract:	34400	Hill Properties Inc		
744 3RD ST E	Census Block:	2003	2560 Swan Ave North Saint Paul MN 55109-1632		
	Homesteader:				
	Tax Owner:				

Legal Desc:	LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37
Complainant:	
Details:	Costello's Auto- excessive vehicle parking overnight.

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 6/21/23

Comment:

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

Results	Entered By	Comment

Folder #:	2023 056701 LIC	PIN:	322922140214	Status:	Open
In Date:	6/26/23	Ward:	7	Zoning:	B2
		Subtype:	License		
		Dist Council:	4	Owner:	Worktype: Complaint
Complaint Location:	Census Tract:	34400	Hill Properties Inc		
744 3RD ST E	Census Block:	2003	2560 Swan Ave North Saint Paul MN 55109-1632		
	Homesteader:				
	Tax Owner:				

Legal Desc:	LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37
Complainant:	
Details:	Costello's Auto-working on cars on the street, on the sidewalk. Blocking the street with cars and leaving tires out in the open. They never close their bay doors and the noise is non-stop. They also have a food truck that is blocking the public sidewalk.

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 6/26/23

Comment:

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

Results	Entered By	Comment



Inspector's Report

Inspectors Name: Allan Vang

Date & Time: 6/28/2023/1 27pm-7/10&11/2023/7-10/7-20&8:40am Staff Member's Name: Isaac (Owner) & other employee's

Business/DBA Name: Castillo Auto Repair

Property Address: 744 3rd Street East

Reason for Visit: Complaint inspection

Observations: Working on vehicle outside, exterior storage of tires, and working vehicle bumper

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) where taken: Licensed Premises, e.g. parking lot, garages and residential streets

Action Taken: ☐ Education / warning

☒ Request for Adverse Action

Other: _____

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

Upon arrival I met with the license holder Isaac Castillo. I introduced myself as a DSI Licensing Inspector for the City of Saint Paul-Department of Safety and Inspections (DSI). Isaac stated, " what can I help you this time and what are the problems now." I explained to Isaac that DSI had received complaints regarding this business property. I also explained to Isaac that this business does not have an auto body repair nor painting license to be working on vehicle body parts, which Isaac acknowledged that he was aware.

Continuing my inspection where there was an employee along with Isaac working on a trailer that have one of the tire removed and replaced outside of the parking lot on the maneuver lane area. Employees was working on a vehicle bumper and hood inside one of the garage bay door. There was five(5) stack of vehicle tires on the upper stair case area.

7/10/2023 at 7:20 am

Upon arrival for re-inspection there was two(2) white box truck that was parked not according to the approved site plan. One box truck is parked in front of a garage bay door and the other box truck was parked in the maneuver lane.



Page 2 of Inspection Report:

7/11/2023 at 7:10am

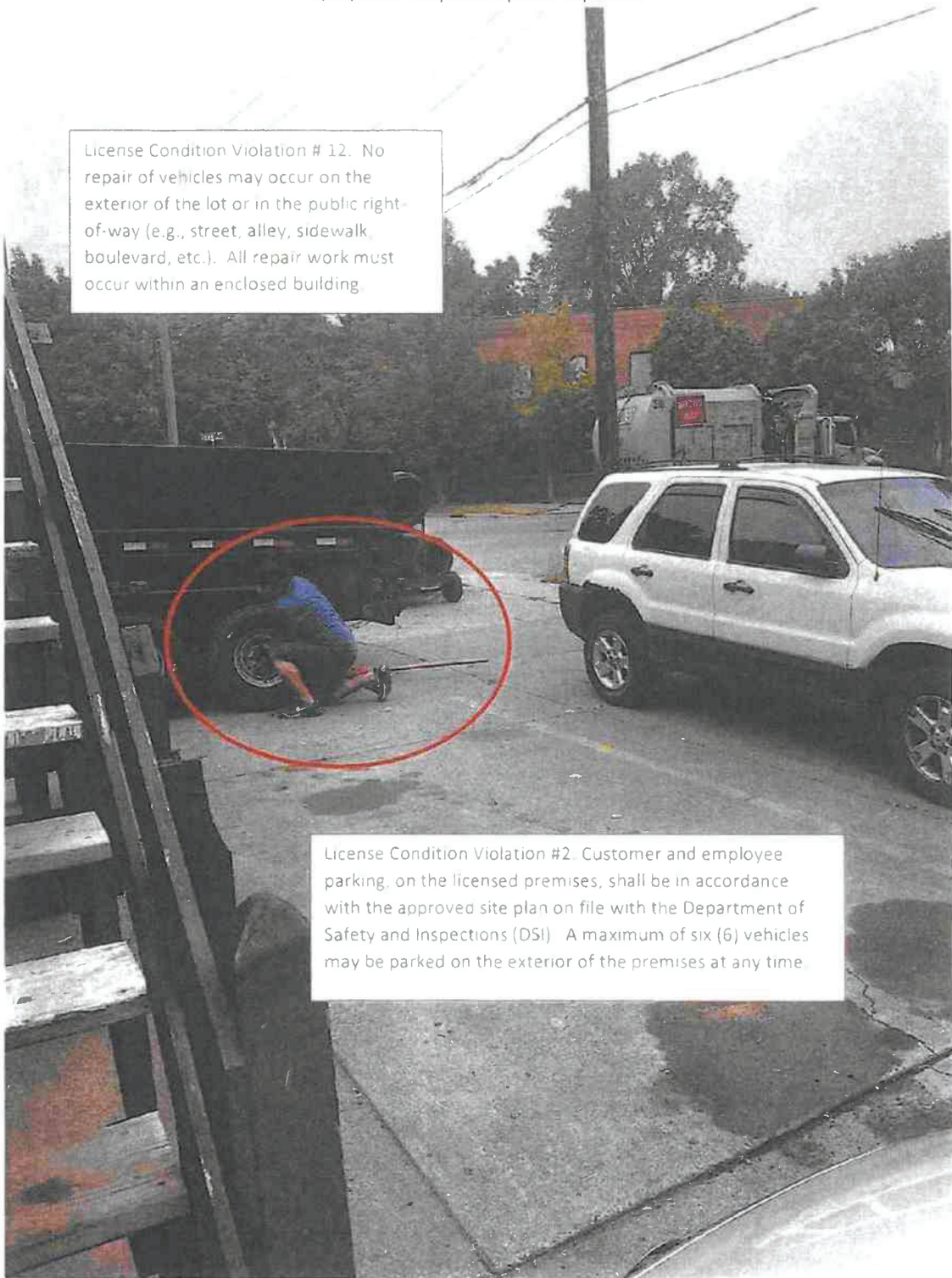
Upon arrival there was two (2) white box truck and a gray SUV LP AJZ-541 that was not parked according to the approved site plan. One of the box truck was parked in front of a garage bay door the other box truck was parked in the maneuver lane and the SUV was parked next to it.

7/11/2023 at 8:40am

Upon arrival the two(2) white box truck and gray SUV was still parked in the same spot from my morning at 7:10am inspection. Roughly around 8:45am there was two(2) person who appear to be employee of Castillo Auto Repair started to move the two(2) truck and the gray suv out of the business property parking area into the surrounded public street. One of the truck and the gray suv was parked on Maple Street the other truck was parked on Conway Street.

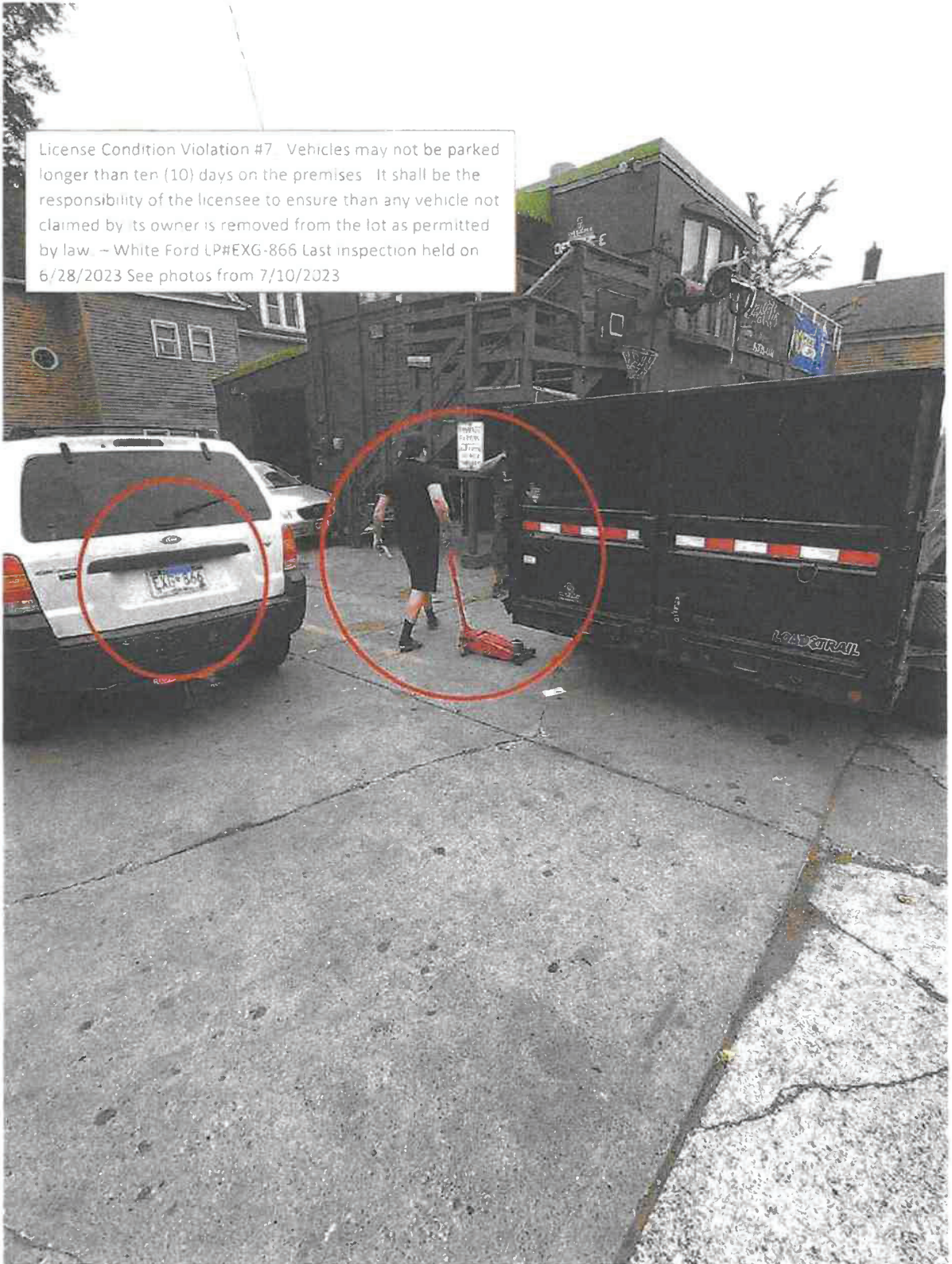
744 3rd Street East -DBA: Castillo Auto Repair
6/28/2023 1:27pm Complaint Inspection

License Condition Violation # 12. 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.



License Condition Violation #2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

License Condition Violation #7 Vehicles may not be parked longer than ten (10) days on the premises It shall be the responsibility of the licensee to ensure than any vehicle not claimed by its owner is removed from the lot as permitted by law. - White Ford LP#EXG-866 Last inspection held on 6/28/2023 See photos from 7/10/2023



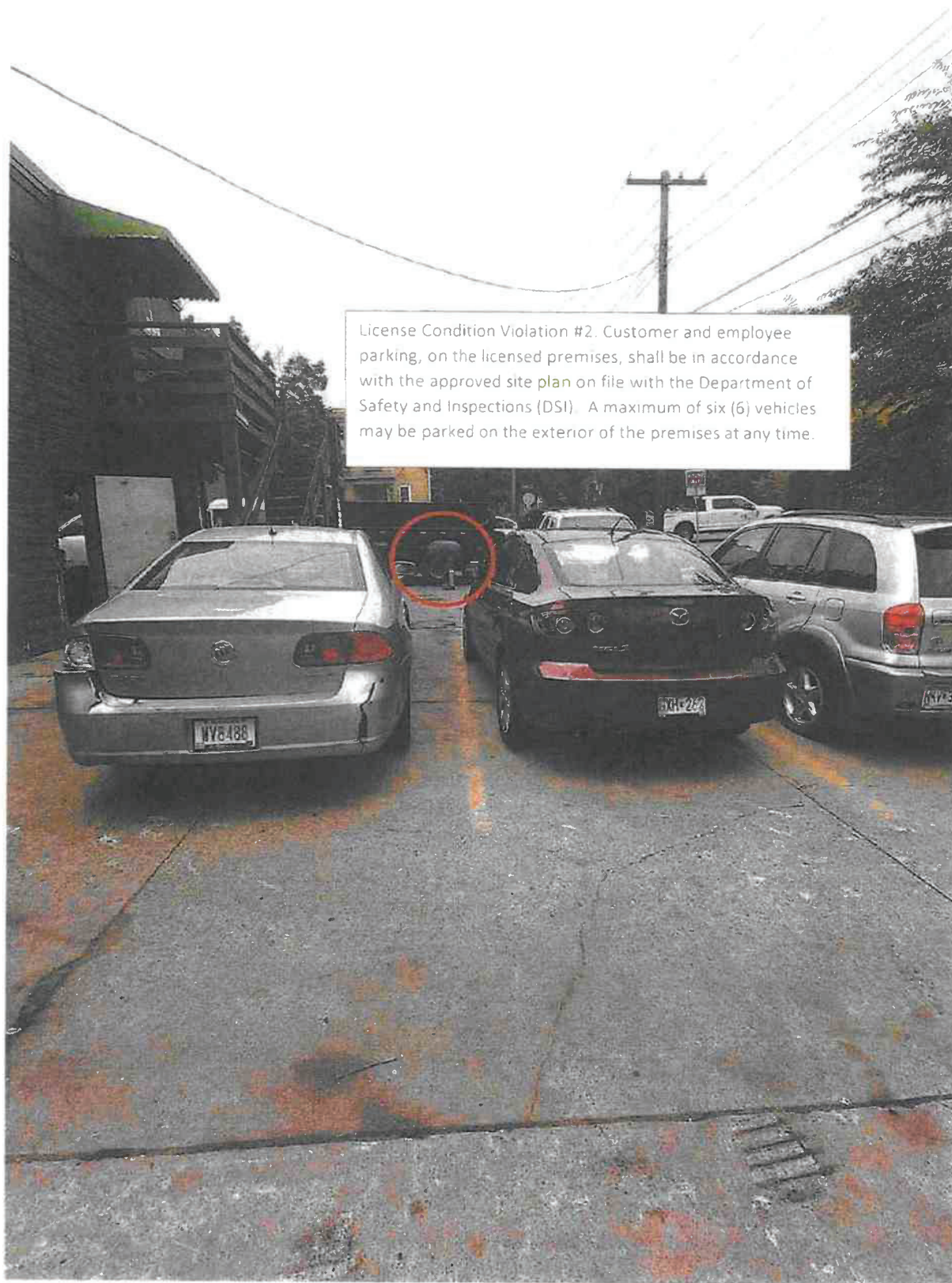


Photo #0003

License Condition #6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing & State Statutes 169 73 Bumpers/Safeguards



License Condition #10 Auto body repair and/or the painting of vehicles is prohibited



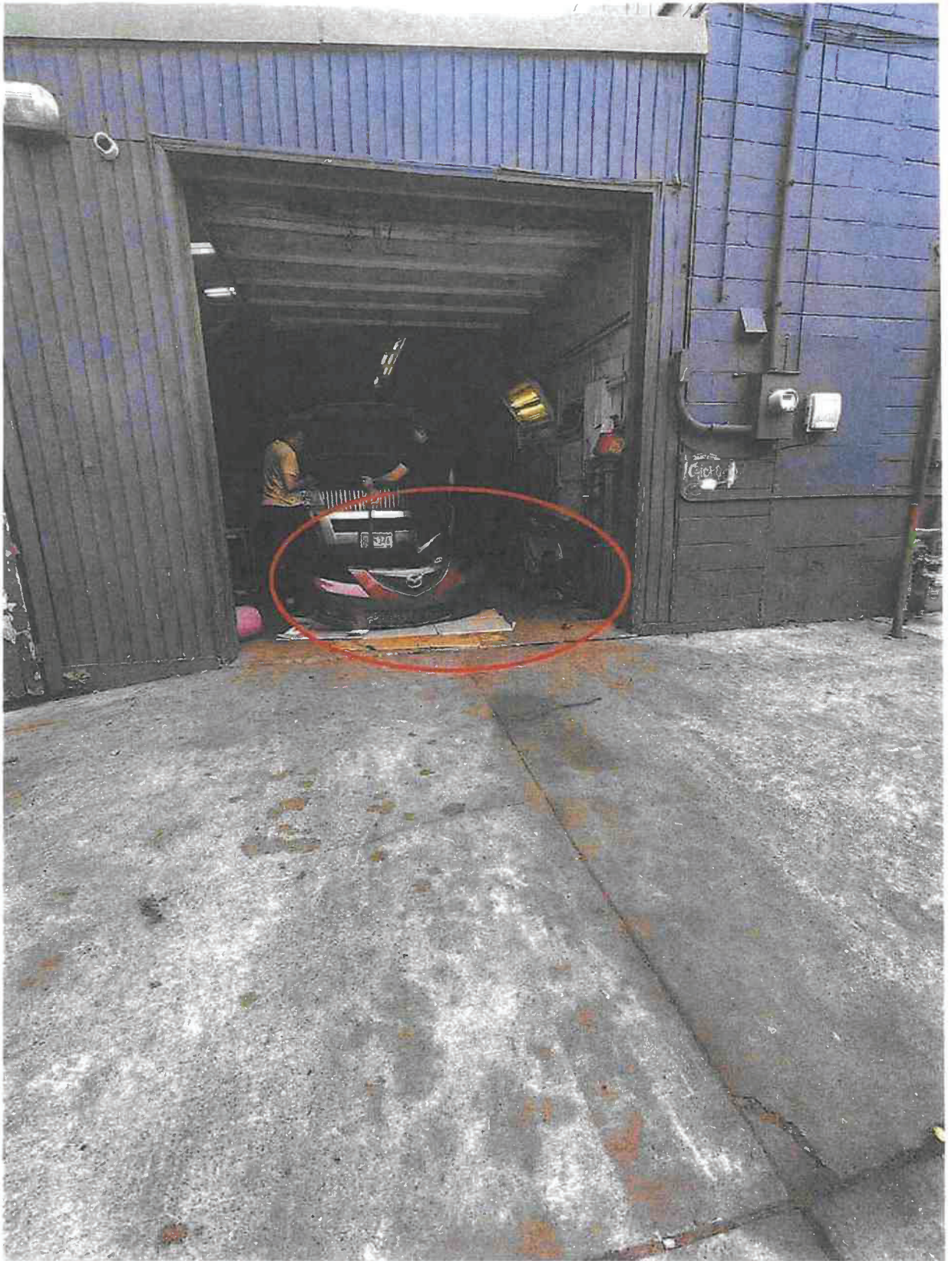
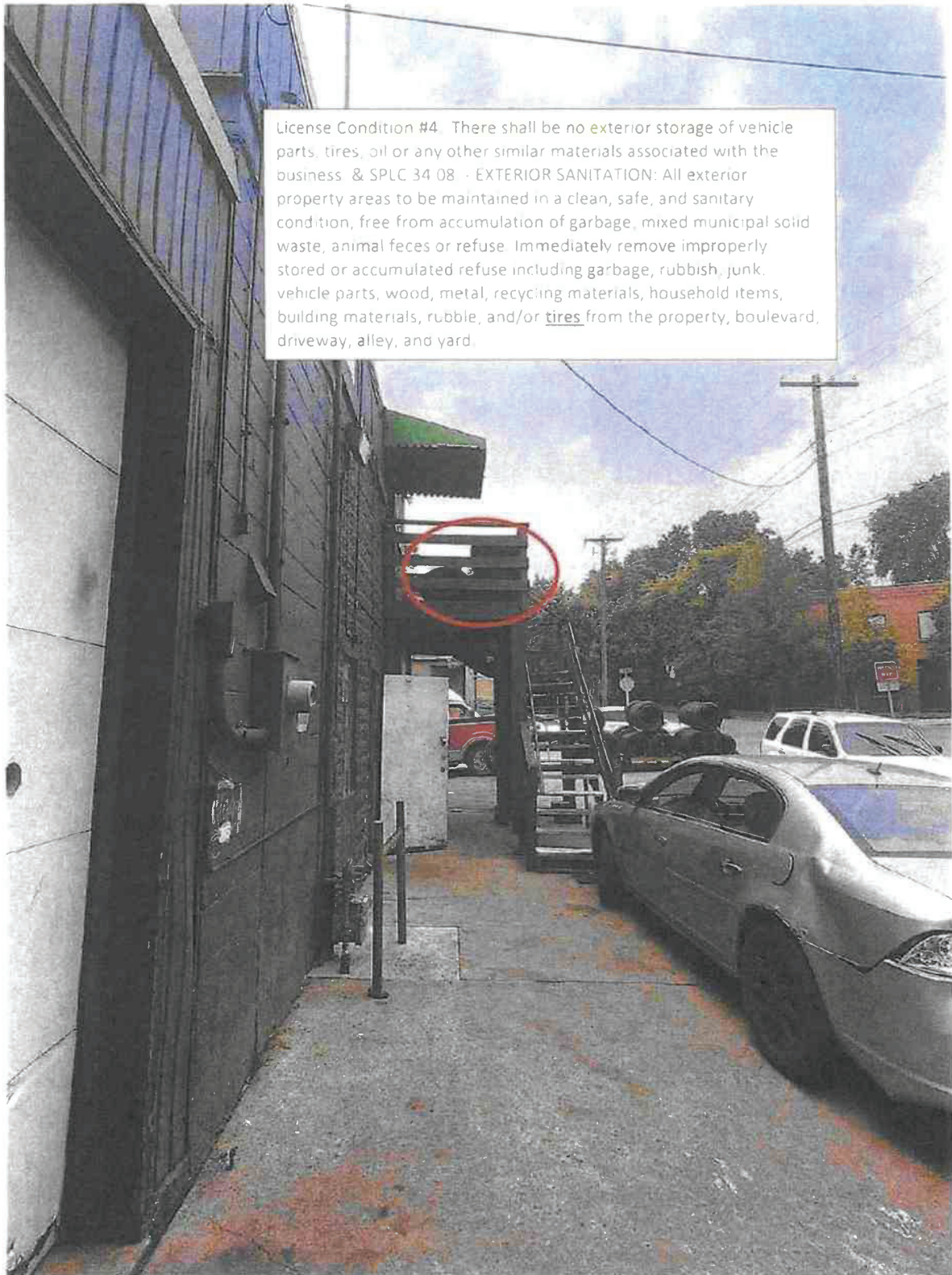


Photo #0006



License Condition #4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business & SPLC 34 08 - EXTERIOR SANITATION: All exterior property areas to be maintained in a clean, safe, and sanitary condition, free from accumulation of garbage, mixed municipal solid waste, animal feces or refuse. Immediately remove improperly stored or accumulated refuse including garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires from the property, boulevard, driveway, alley, and yard.

license Condition #4 There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. & SPLC 34.08 - EXTERIOR SANITATION: All exterior property areas to be maintained in a clean, safe, and sanitary condition, free from accumulation of garbage, mixed municipal solid waste, animal feces or refuse. Immediately remove improperly stored or accumulated refuse including garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires from the property, boulevard, driveway, alley, and yard.

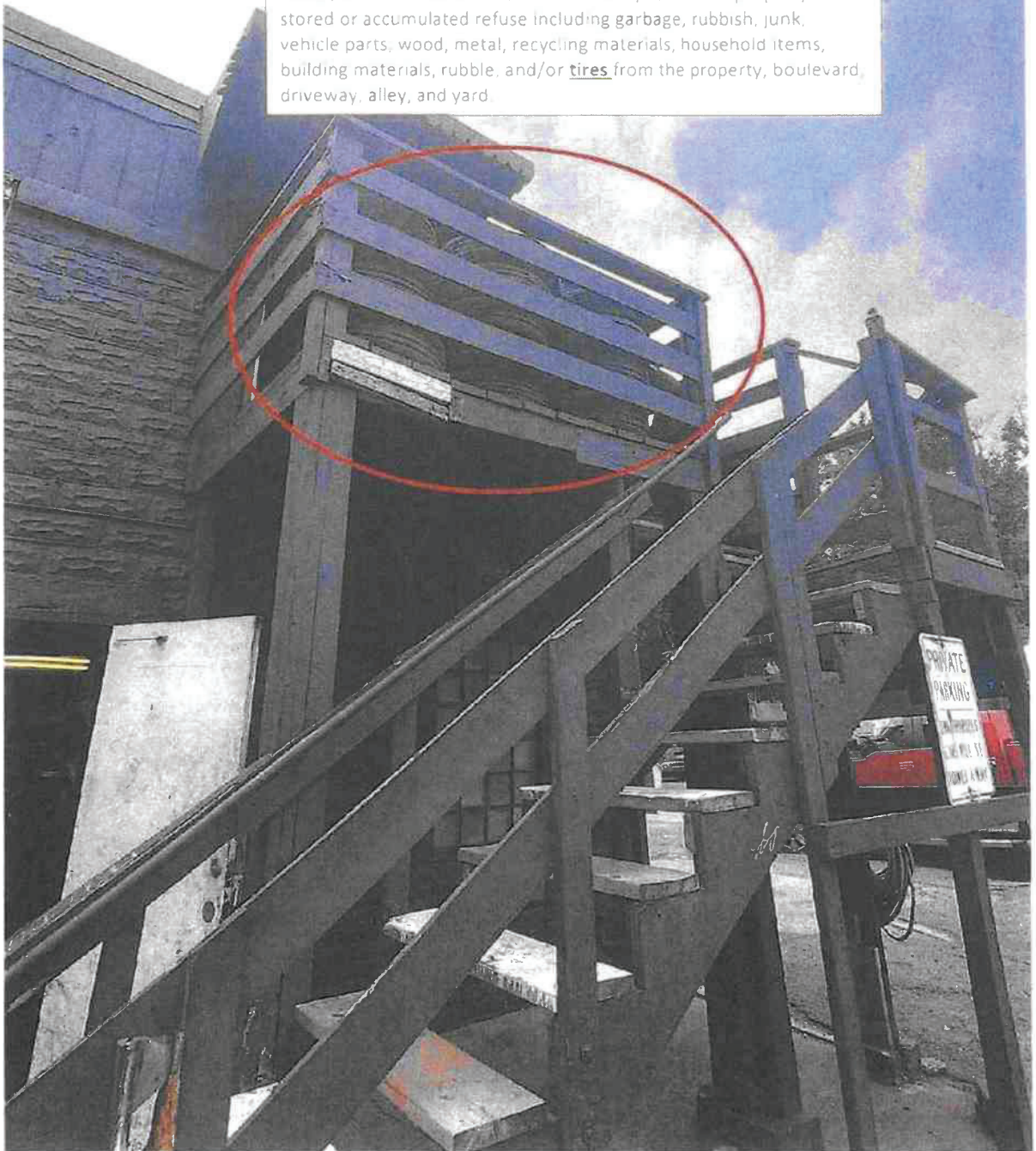
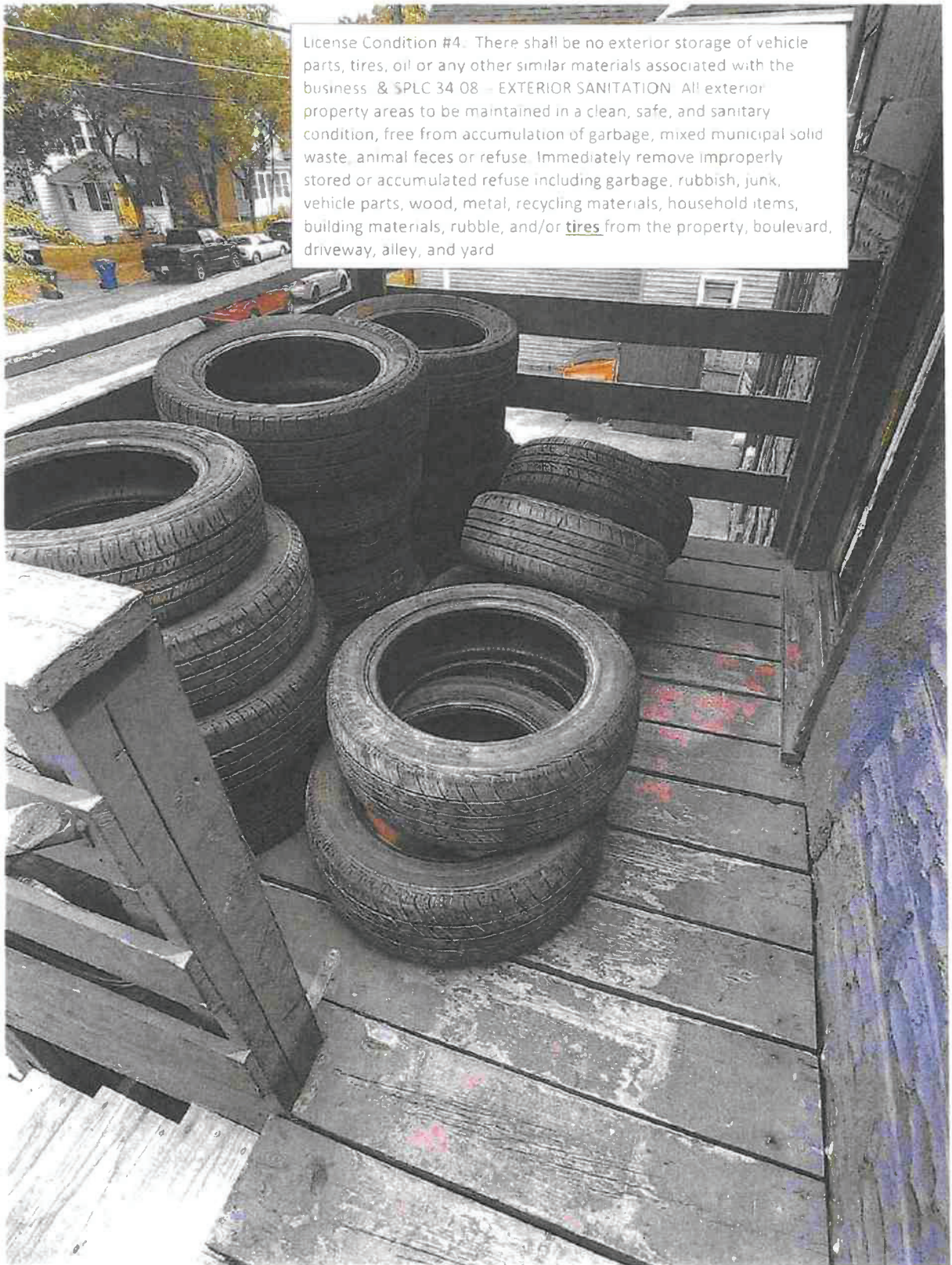


Photo #0008

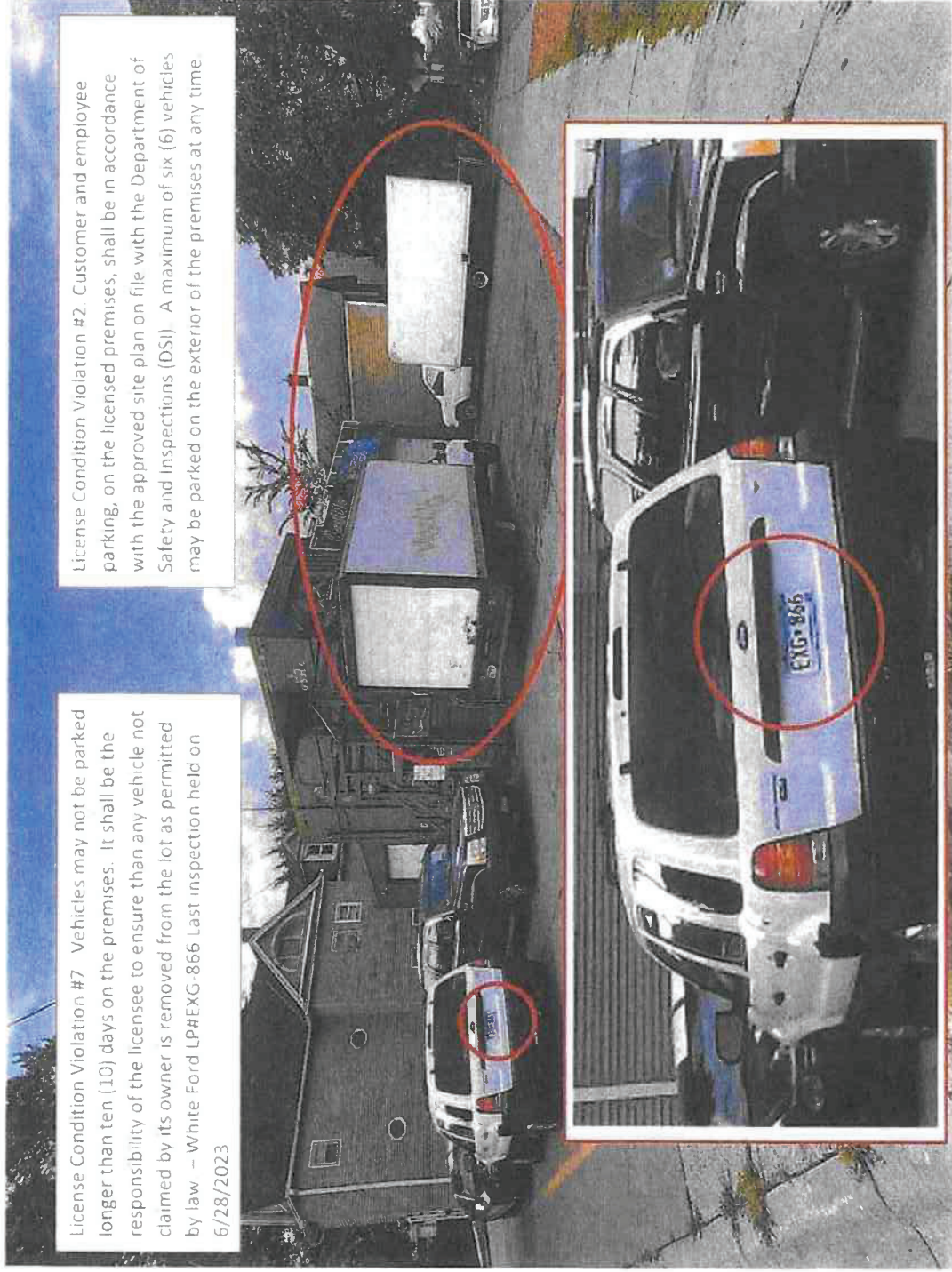


License Condition #4: There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business & SPLC 34 08 - EXTERIOR SANITATION. All exterior property areas to be maintained in a clean, safe, and sanitary condition, free from accumulation of garbage, mixed municipal solid waste, animal feces or refuse. Immediately remove improperly stored or accumulated refuse including garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, and/or tires from the property, boulevard, driveway, alley, and yard.

744 3rd Street East – DBA: Castillo Auto Repair
Inspection on 7/10/2023 at 7:20am

License Condition Violation #7 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 – White Ford LP#EXG-866 Last inspection held on 6/28/2023

License Condition Violation #2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time



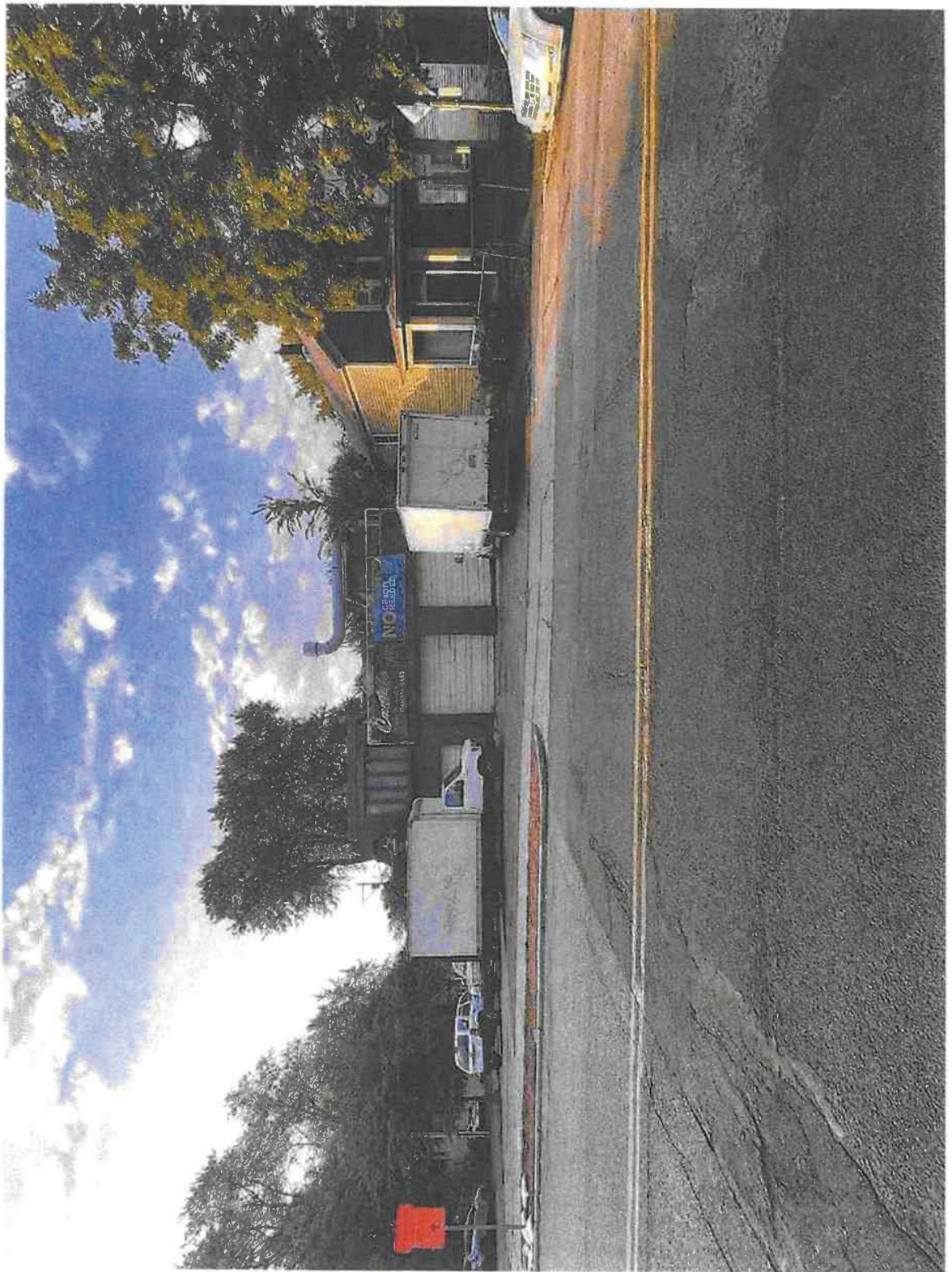
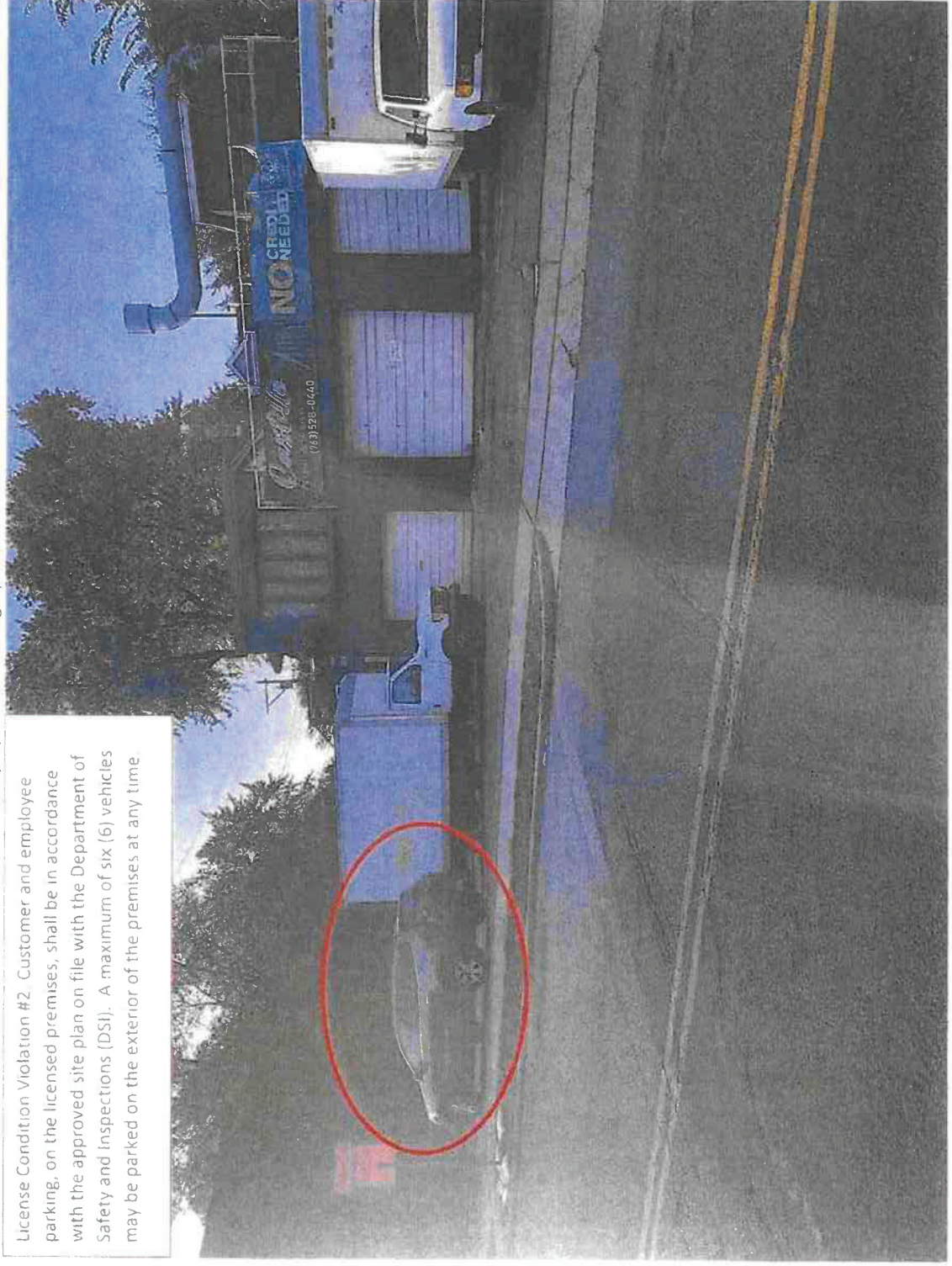


Photo #0011

Inspection on 7/11/2023 at 7:10 am
Employee arrives in a gray SUV LP ALZ-541

License Condition Violation #2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.



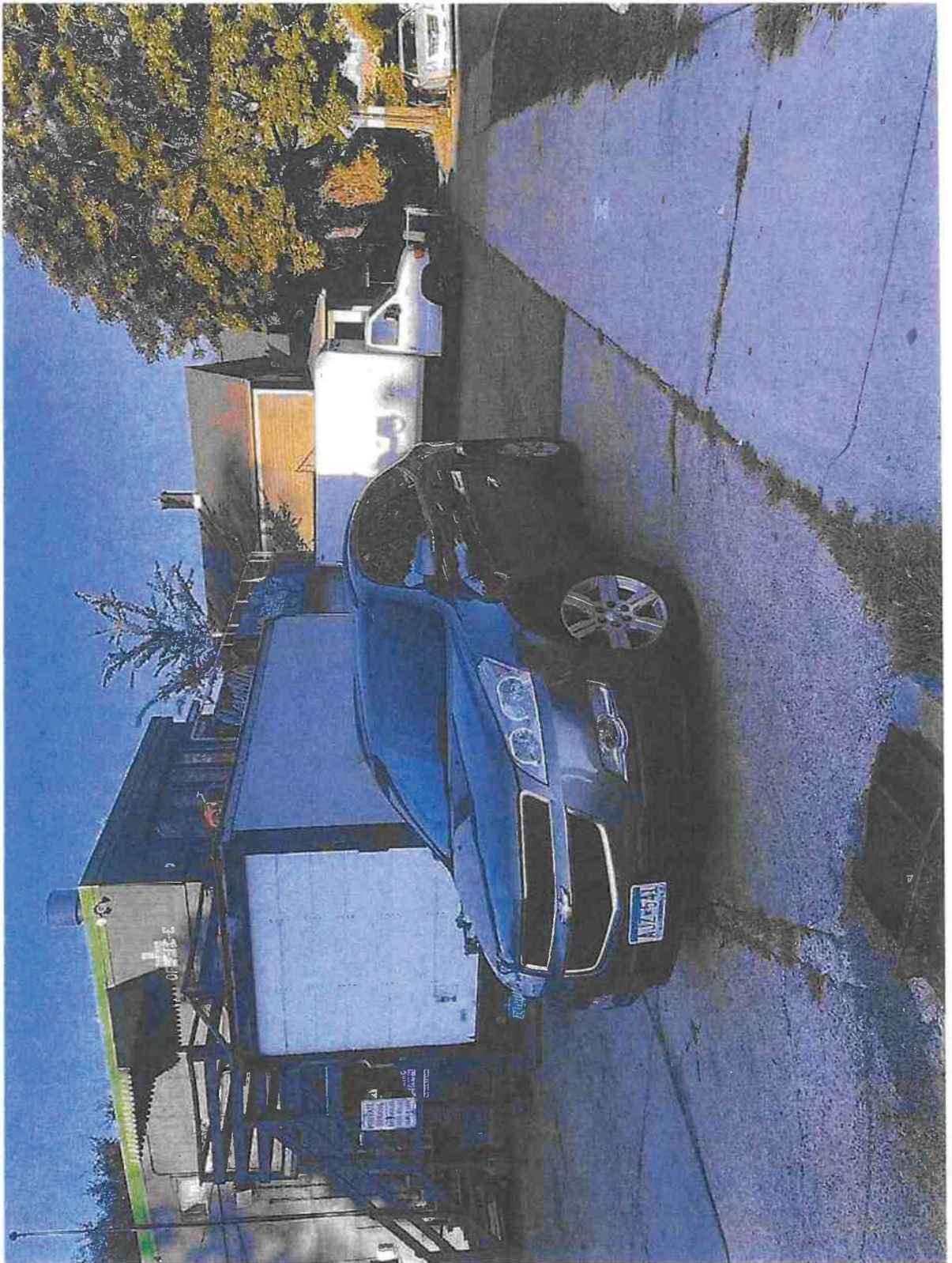


Photo #0013

Inspection on 7/11/2023 at 8:54 am
Employee leaves parking lot to park the SUV on Maple Street





Photo #0015

Chevy Traverse LT LP AJZ-541 Dirty Gray parked Infront of 288 Maple Street



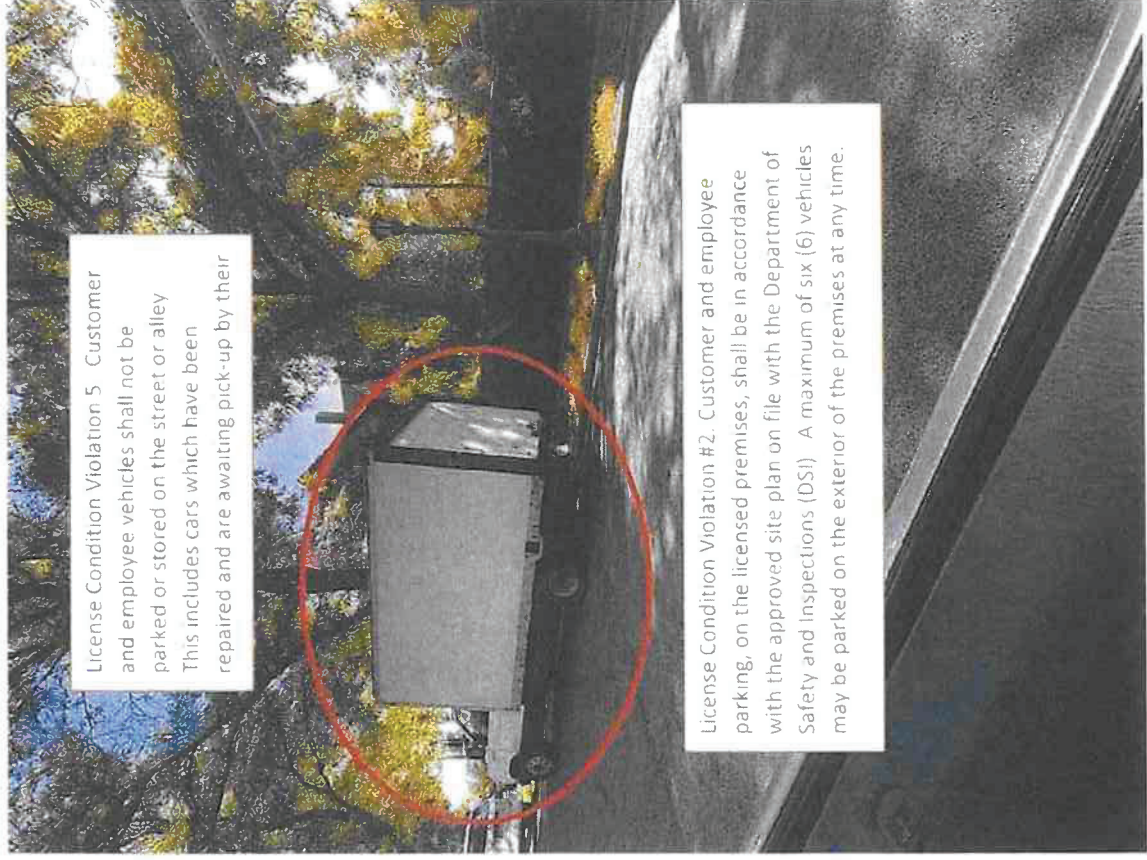


Photo #0017

Employee driving the Chevy Traverse LT LP AJZ-541 Dirty Gray



White truck's license plate YNE-7374 was parked on Maple in front of and between 310 Maple Street and 745 3rd Street -- West of 3rd Street



License Condition Violation 5 Customer and employee vehicles shall not be parked or stored on the street or alley This includes cars which have been repaired and are awaiting pick-up by their

License Condition Violation #2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.



License Condition Violation #2 Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.



Photo #0021



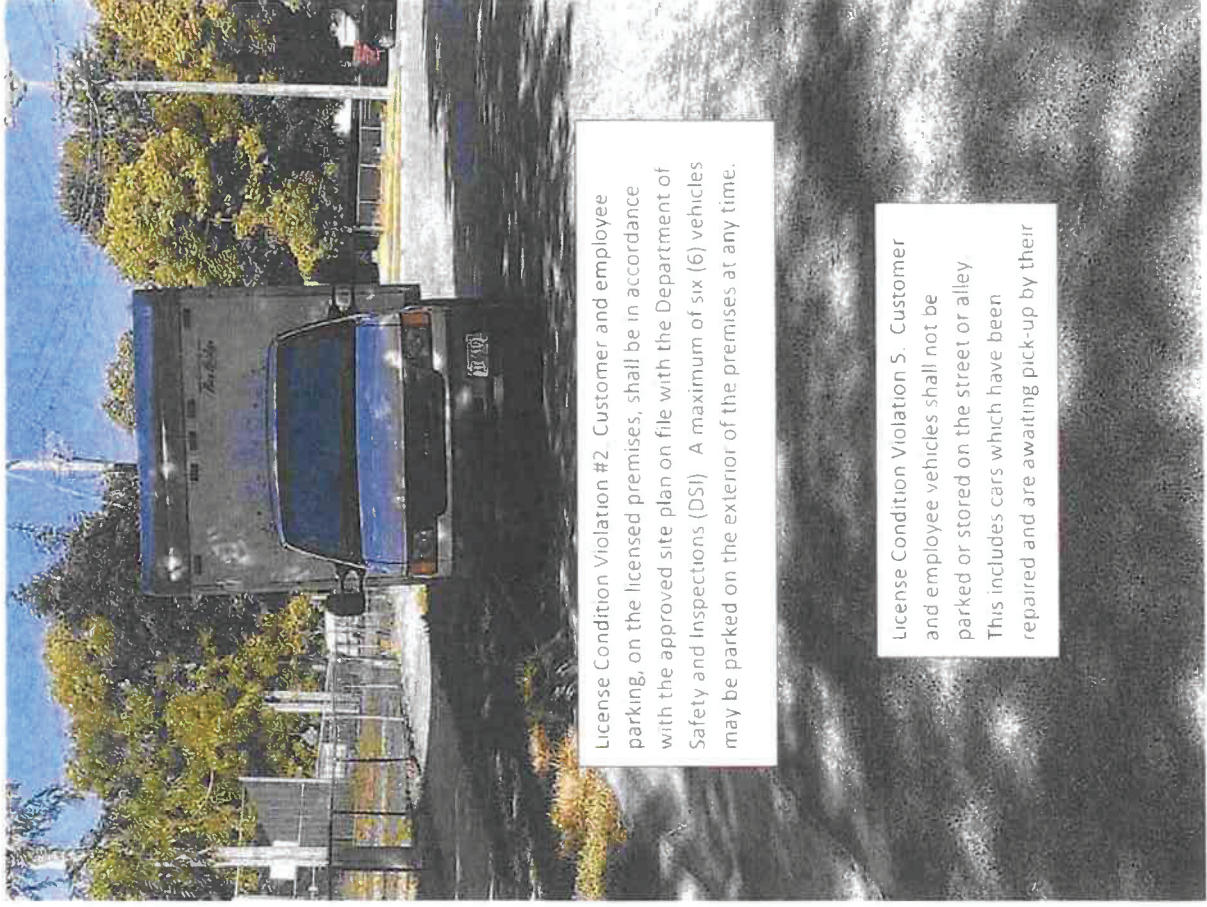
Photo #0022

The other white storage truck license plate YAT-6619 was parked on Conway in front of 821 Conway Street on the Dayton's Bluff side of street





Photo #0024



License Condition Violation #2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

License Condition Violation 5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their

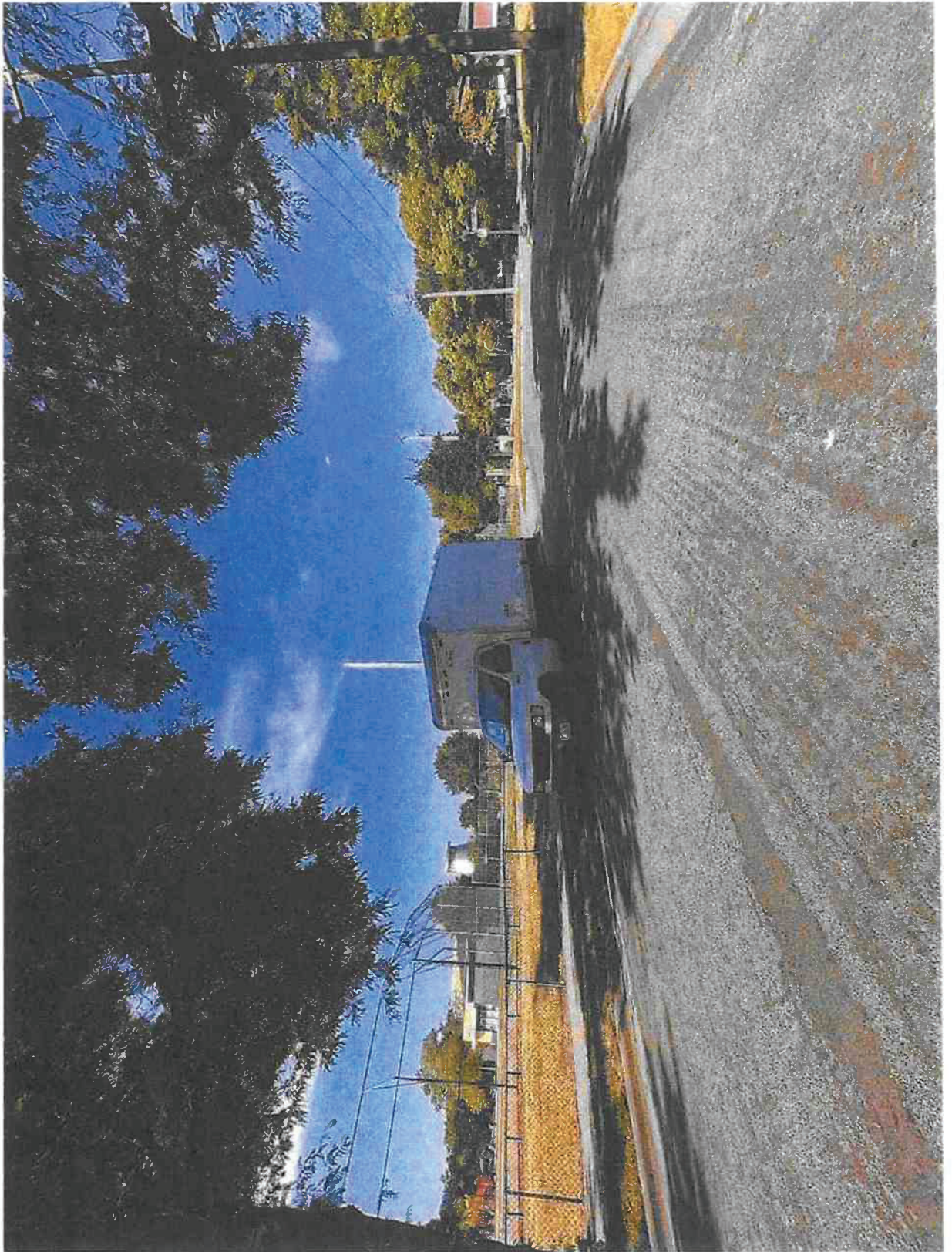


Photo #0026



Photo #0027



SAINT PAUL
CITY ATTORNEY

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

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

August 11, 2023

**NOTICE OF VIOLATION AND REQUEST
FOR IMPOSITION OF A 10-DAY LICENSE SUSPENSION
AND \$2,000 MATRIX PENALTY**

Castillo Auto Repair
d/b/a Castillo Auto Repair
744 - 3rd Street East
Saint Paul, MN 55106

RE: Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair for the premises located at 744-3rd Street East in Saint Paul
License ID #: 20200001910

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair ("Licensee") herein for the premises located at 744-3rd Street East (Licensed Premises").

Legal Basis for Action:

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

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

Saint Paul Legislative Code §310.03 (m)(1)(1) provides for a presumptive penalty of \$2000 and a ten (10) day suspension of your licenses for a third (3rd) violation of the conditions placed on a license.

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

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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Section 310.04(b)(5) states that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the Department bases its request for adverse action on alleged violations of license conditions #4, #5, #6, #7, #10 and #12 as well as Saint Paul Legislative Code §34.08(5), §65.701 (b) & (c), Minn. Stat. §169.73, Subd. 2 and Minn. Stat. §169.734.

Sec. 34.08 (5) states: The owner of any premises or structure regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (5) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences, shall be kept in a professional state of maintenance and repair and maintained structurally sound. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.

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

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

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

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

Minn. Stat. §169.73, Subd. 2 states: "All private passenger vehicles shall be equipped with front and rear bumpers, except that pickup trucks and vans shall be equipped with front bumpers and with either rear bumpers or reflectors."

Minn. Stat. §169.734 states: "Every passenger automobile shall have fenders, or other devices, that are designed to prevent, as far as practicable, water, dirt, or other material being thrown up and to the rear by the wheels of the vehicle."

The Licenses issued to the Licensee contains the following conditions:

1. Licensee agrees to comply with any and all conditions placed on the Zoning Change of Nonconforming Use Permit #20-069027 from an auto body shop to general auto repair/ tire repair business.
2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
3. The parking lot shall be striped and maintained in accordance with the approved site plan on-file with DSI.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.
7. 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. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.
9. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited.
10. Auto body repair and/or the painting of vehicles is prohibited.
11. Vehicle sales is not permitted.
12. 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.
13. The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with OSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$2000 matrix penalty and a ten (10) day suspension of your licenses for a third (3rd) violation within eighteen (18) months of the conditions placed on a license.

Factual basis for imposition of \$2000 matrix penalty & ten (10) suspension of licenses:

First Prior Adverse Action:

On February 2, 2022, you received a Notice of Violation and Request for Imposition of \$500 matrix penalty from the Saint Paul City Attorney's Office. The Notice stated that you were emailed a CORRECTION NOTICE on January 7, 2022, regarding the license condition violations that were observed and documented by DSI Inspector Muhammad during an inspection on December 1, 2021. You were told the license condition violations must be fully corrected on or before January 17, 2022.

On January 21, 2022, DSI Inspector Muhammad returned for a follow-up inspection where he reviewed the CORRECTION NOTICE with you. During that follow-up inspection, he observed and documented with photos violations to license conditions: #2, #5 and #7.



You failed to respond the notice, so a resolution was brought before City Council (RES 22-360) which was adopted on March 9, 2022, imposing the \$500 matrix penalty. According to DSI records, on March 19, 2022, a Notice of Council Action was mailed to you with a deadline of April 1, 2022, to pay the \$500 matrix penalty. You paid the \$500 matrix penalty on April 20, 2022, thereby admitting to the first (1st) violation.

Second Prior Adverse Action:

On July 6, 2022, DSI Inspector Muhammad returned for another inspection because of a complaint. Inspector Muhammad spoke with you and explained that a complaint was received and he was there to conduct an inspection. During the inspection, Inspector Muhammad observed and documented with photos violations to license conditions #2, #4, #9 and #13.

You were then sent a Notice of Violation and Request for Imposition of a \$1000 Matrix Penalty for license conditions found for a second time within 12 months. You responded to the Notice to contest the facts and request an Administrative Hearing.

The administrative hearing was held on December 8, 2022. The Findings of Fact, Conclusion of Law and Recommendation from the Administrative Law Judge (ALJ) was received on January 19, 2023. The ALJ found that you had violated Saint Paul Legislative Code §310.06 (a) for failure to comply with conditions set forth in the license. As a result, the ALJ imposition of the \$1000 matrix penalty as recommended by DSI.

The ALJ's report was brought before City Council during a public hearing on February 22, 2023. The matter was continued to March 1, 2023, at which time City Council adopted the ALJ's report as amended and imposed the \$1000 matrix penalty.

According to DSI records, on March 1, 2023, a Notice of Council Action was mailed to you with a deadline of April 7, 2022, to pay the \$1000 matrix penalty. You paid the \$1000 matrix penalty on April 28, 2023, thereby admitting to the second (2nd) violation.

Current Adverse Action:

Additional complaints were received on May 25, 2023, June 1, 2023, and June 7, 2023. In response to those complaints, the Department conducted an inspection and on June 7, 2023, you were sent a CORRECTION NOTICE to the licensed premises and your home address that listed the following violations:

1. License condition #2: Not parking in accordance with the approved site plan in the front of bay door.
2. License condition #4: Exterior storage of hose hold items (SPLC 34.08 Exterior Sanitation)
3. License condition #7: Vehicles parked on premises for longer than ten (10) days.
4. License condition #9: Too many vehicles on the property and not providing maneuvering space



The Correction Notice stated that the violations that were discovered during the inspection must be fully corrected on or before June 13, 2023 and that Failure to correct the violations may result in adverse action against all of your licenses.

Your property was reinspected on June 20, 2023, and you were found to be in compliance.

On June 21, 2023, the Department of Safety and Inspections received a complaint of excessive vehicle parking overnight at 744-3rd Street East.

On June 26, 2023, a second complaint was received concerning employees working on cars on the street and sidewalk, blocking the street with cars and leaving tires out in the open. It was also noted that the bay doors are never closed which creates a noise nuisance. In addition, you have a food truck that is blocking the public sidewalk.

As a result of these new complaints, an inspector from the Department of Safety and Inspections conducted several inspections and found the following license condition violations:

June 28, 2023, at 1:27 p.m.:

Inspector Vang met with you and introduced himself as a DSI Licensing Inspector for the City of Saint Paul. You stated: "what can I help you this time and what are the problems now." Inspector Vang explained that DSI had received numerous complaints regarding this business property. He explained further that you did not have an Auto Body Repair/Painting license to allow you to work on vehicle body parts. You acknowledged to the inspector you were aware you did not have the correct license.

During the June 28, 2023, inspection, Inspector Vang observed and documented with photographs the following license condition violations:

1. License condition #12 states: 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.

Violation 1: An employee working on a trailer that had one tire removed and replaced outside in the parking lot on the maneuver lane area. (See pages 1 & 3)

2. License condition #2 states: Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

Violation 2: Cars parked on the licensed premises lot not parked according to approved site plan. (See pages 1 & 3)

3. License condition #4 states: There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator.



Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.

Violation 3: There were five (5) stacks of vehicle tires on the upper staircase area. (See pages 7,8,9)

4. License condition #6 states: Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.

Violation 4: A vehicle parked in the parking lot was not fully assembled (See page 4)

5. License condition #10 states: Auto body repair and/or the painting of vehicles is prohibited.

Violation 5: Employees working on a vehicle bumper and hood inside one of the garage bay doors. (See pages 5 & 6)

During the July 10, 2023, inspection, Inspector Vang observed and documented with photographs the following license condition violations:

Upon arrival for the re-inspection there were two (2) white box trucks that were not parked according to the approved site plan. One box truck was parked in the front of the garage bay door and the other box truck was parked in the maneuver lane.

1. License condition #2 states: Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

Violation 1: Two large white box trucks were not parked on the lot not according to the approved site plan (See pages 10 & 11)

2. License condition #7 states: Vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.

Violation 2: A white Ford SUV (LIC #EXG866) was parked on the lot on June 28, 2023, and was still on the lot on July 10, 2023. (See pages 2 & 10)



During the July 11, 2023, inspection, Inspector Vang observed and documented with photographs the following violations:

Upon arrival, two (2) white box trucks and a gray SUV (LIC AJZ 541) were not parked according to the approved site plan. One box truck was parked in front of the garage bay door and the other box truck was parked in the maneuver lane. The gray SUV was parked next to the maneuver lane.

1. License condition #2 states: Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

Violation 1: Two (2) box trucks and one gray SUV were not parked according to the approved site plan (See pages 12 & 13)

July 11, 2023 at 8:40 a.m.

Upon arrival, the two (2) white box trucks and gray SUV were still parked in the same spot the inspector noticed from his earlier inspection at 7:10 a.m. Around 8:45 a.m., two (2) people who appear to be employees of Castillo Auto Repair started to move the two (2) trucks and gray SUV of the business property parking area and onto the surrounding public streets. One of the trucks and the gray SUV were parked on Maple Street and the other truck was parked on Conway Street.

1. License condition #2 states: License condition #2 states: Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

Violation 1: Trucks and vehicles parked in the licensed premises parking area were moved to spots on surrounding city streets. (See pages 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27)

2. License condition #5 states: Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.

Violation 2: Trucks and vehicles parked in the licensed premises parking area were moved to spots on surrounding city streets. (See pages 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27)

You have three (3) 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 **August 21, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.



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
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2. If you wish to admit the facts but you contest the \$2000 matrix penalty and ten (10) day suspension of your licenses, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **August 21, 2023**. The matter will then be scheduled before the City Council to determine whether to impose the \$2000 matrix penalty and ten (10) day suspension of your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **August 21, 2023**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

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

If you have not contacted me by August 21, 2023, I will assume that you do not contest the imposition of the \$2000 matrix penalty and ten (10) suspension of your licenses. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Isaac Castillo, 2350 Stillwater Avenue East, Saint Paul, MN 55119
Hill Properties, Inc., 2560 Swan Avenue, North Saint Paul, MN 55109-1632
Lissa Jones-Lofgren, Interim Executive Director, Dayton's Bluff Community Council
East Side Enterprise Center, 804 Margaret Street, Saint Paul, MN 55107

Attachments: Notice Of Violation And Request For Imposition Of \$500 Matrix Penalty with attachments dated February 2, 2023
Notice of Council Hearing with Affidavit of Service dated March 4, 2022
Signature Copy of RES 22-360 imposing \$500 matrix penalty dated March 9, 2022
Notice of Violation And Request For Imposition Of \$1000 Matrix Penalty with attachments dated July 6, 2022

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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Notice of Council Hearing with Affidavit of Service dated February 6, 2023
Signature Copy of RES PH 23-31 adoption findings of ALJ report and imposing \$1000 matrix penalty dated March 1, 2023
Correction Notice sent to licensed premises and licensee's home address dated June 7, 2023
DSI Complaint form dated May 22, 2023
DSI Complaint forms dated June 21, 2023 and June 26, 2023
Inspector's Report with photographs (1-27) and map of licensed premises dated June 28, 2023; July 10, 2023 & July 11, 2023
License Group Comments Text indicating dates of \$500 and \$1000 matrix penalty payments
Adverse Action Comments Text
License Group Conditions Text
Approved site plan received by DSI August 13, 2020
Map of licensed premises
Saint Paul Legislative Code §34.08
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.03
Saint Paul Legislative Code §310.04
Saint Paul Legislative Code §65.701
Minn. Stat. §169.73, Subd. 2
Minn. Stat. §169.734

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 11th day of August she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF A 10-DAY LICENSE SUSPENSION AND \$2000 MATRIX PENALTY** as follows:

Castillo Auto Repair
d/b/a Castillo Auto Repair
744 - 3rd Street East
Saint Paul, MN 55106

Isaac Castillo
2350 Stillwater Avenue East
Saint Paul, MN 55119

Hill Properties, Inc.
2560 Swan Avenue
North Saint Paul, MN 55109-1632

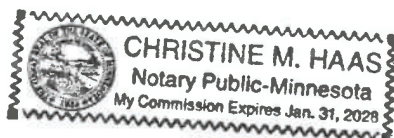
Lissa Jones-Lofgren
Interim Executive Director
Dayton's Bluff Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55107

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


Julie Kraus

Subscribed and sworn to before me
This 11th day of August 2023


Notary Public



Julie Kraus

From: isaac castillo <isaaccastillo065@gmail.com>
Sent: Saturday, August 19, 2023 3:55 PM
To: Julie Kraus
Subject: Castillo auto repair llc

Think Before You Click: This email originated outside our organization.

This is Isaac from castillo auto repair, I admit we were in fault but would like to contest the \$2,000 matrix penalty and 10 day suspension And have a hearing before city council & make an statement.

Sent from my iPhone

License Group Comments Text

06/29/2023

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

6/28/2023 Complaint inspection completed. In violation of license conditions- under review. AYY
 6/20/2023 Re-inspection completed-in compliance. AYY
 6/7/2023 Correction Notice sent out by JNV. AYY
 5/31/2023 Unable to reach licensee regarding license questions. AYY
 5/26/2023 Compliance inspection completed, under review. AYY
 4/28/2023 Fine paid w/ck# 2006 for \$1000.00. ZL
 4/26/2023 Spoke with Issac the LH - he stated he will drop off a check on 4/28/2023 after 9:30am JNV
 4/26/2023 Left a message with manager for \$1,000 fine payment for CF #23-31 - Deadline for payment is 4/28/2023 EoB JNV
 4/25/2023 Re-inspection completed at 3:55pm regarding exterior storage on the "A" section on site plan. In-compliance. AYY
 4/25/2023 Complaint inspection completed. In violation of exterior storage in the "A" section on site plan. Spoke to LH regarding this matter and will do a re-inspection today. AYY
 03/01/2023 CF #23-31 imposes a \$1,000 matrix penalty due no later than Friday, April 7, 2023. SLH
 2/14/2023 On site visit with LH - EVH JNV to review license conditions and address problems - AA for upward departure if violations found JNV
 2/7/2023 Meeting to discuss expectations of property and license requirements with LH to be held on 2/14/2023 at 1pm JNV
 1/27/2023 Spoke with Isaac "" (sounded like Jeremiah) the owner, discussing the many issues at the property and to let him know that two three weeks from now that the Eric and I will have an on-site inspection to go over LC's and SP - expectations of the property and LH - JNV
 1/27/2023 AA on hold for onsite meeting TBD JNV
 1/24/2023 AA sent to JNV for review. AYY
 1/20/2023 Complaint inspection completed. Violations of license conditions was found-under review. AYY
 11/21/2022 Delinquent letter sent. Repsonse deadline date is December 12, 2022. SLH
 6/24/2022 Sent to the CAO for AA for a second violation with a \$1,000 fine JNV
 6/23/2022 Sent to JNV for AA with for a \$1000.00 fine. ARM
 6/6/2022 Inspected due to complaint and found license violations will be sending for AA.ARM
 04/20/2022 \$500 FEE PAID. SE
 03/19/2022 CF 22-360 approves matrix of \$500 to be paid no later than April 1, 2022. SLH
 1/28/2022 Sent to the CAO for AA for a \$500.00 fine for license condition violations 2,5 & 7 JNV
 1/28/2022 Sent AA to JNV for reveiw for a \$500.00 fine ARM
 1/7/2022 Correction Notice sent via email with a reinspection date of on or before 1/17/2022. ARM
 12/1/2021 Followed up inspection to verify past violations and take more pictures. ARM
 11/30/2021 Reinspected property. Spoke with Jeremiah, supervisor on site, about the violations. Stated he would work on getting into compliance. Vehicles on parked on right of way and trailer parked on property. ARM
 11/29/2021 Followed up with a complaint that an orange dumpster was stationed outside of business. Didn't observe orange dumpster. ARM
 6/29/2021 Clarified confusion regarding outdoor storage with Isaac Castillo. Advised that nothing whatsoever can be stored outside anywhere including on top of the building. He stated he understood and would comply. NOV withdrawn. EVH
 5/13/2021 Sent AA to the CAO -\$500 JNV
 5/13/2021 Sent AA for review to JV ARM
 5/5/2021 Upon reinspection licensee had tires and wheel rims stored outside of dumpster enclosure. ARM
 5/4/2021 Courtsey inspection found licensee in violation of license condition #4. Discussed this situation with Mr. Castillo and he stated that the tires will be gone by tomorrow morning. ARM
 4/19/2021 Inspect property to find licensee in violation of #4 on licensing conditions. Sent correction notice USPS. Reinspection on or after 5-4-2021. ARM
 4/15/2021 Complaint received about tires being stored outside of dumpster. ARM
 11/03/2020 Per Leg. Hrg. Officer no objection or comment received that necessitates a public hearing. JWF
 11/02/2020 Leg. Hearing Officer rcvd. email regarding public notice and needs to research content further for determination if Legislative Hearing will be necessary. JWF
 09/30/2020 License notice sent, 61M/35EM, response date 10/30/2020. JWF
 10/23/2020 Opening Inspection -Pass ARM
 09/30/2020 Per licensee request the Auto Body Repair/Painting Shop license application has been withdrawn since they will not be conducting activities requiring this license type and the Zoning Change of NCUP #20-069027 will no longer permit this activity. JWF
 09/11/2020 To RH/EH for review. JWF
 09/09/2020 Per emailed Mltch Imbertson (Fire Insp.) only needs to review if paint booth used. JWF
 08/26/2020 License applicant has submitted to PED a Change of Nonconforming Use Permit to go from auto body repair shop to general auto repair/tire repair. JWF
 08/13/2020 Applicant advised at time of application submission that auto repair and used tire sales not permitted, that he must go to the PC to obtain a revision to the existing NCUP to permit this, and that this may result in being unable to continue with the Auto Body Repair/Painting Shop activity. Applicant requested that the Auto Body Repair/Painting Shop license be included with application and that if this use is still permitted would submit license fee payment at later date, or would withdraw this license type from application if no longer allowed. JWF

Adverse Action Comments Text

06/28/2023

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

07/06/2022 - Notice of Violation sent with an 07/21/2022 deadline to respond. SM
03/04/2022 - Notice of Council Hearing sent out. Scheduled for 03/09/2022 council agenda.
02/02/2022 - Notice of Violation sent out with an 02/16/2022 deadline to respond. SM
05/17/2021 Notice of Violation sent out with a 05/27/2021 deadline to respond. SM
07/06/2021 DSI to withdraw NOV SM

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

1. Licensee agrees to comply with any and all conditions placed on the Zoning Change of Nonconforming Use Permit #20-069027 from an auto body shop to general auto repair / tire repair business.
2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
3. The parking lot shall be striped and maintained in accordance with the approved site plan on-file with DSI.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.
7. 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. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.
9. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited.
10. Auto body repair and/or the painting of vehicles is prohibited.
11. Vehicle sales is not permitted.
12. 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.
13. The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.

License Group Conditions Text

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

1. Licensee agrees to comply with any and all conditions placed on the Zoning Change of Nonconforming Use Permit #20-069027 from an auto body shop to general auto repair / tire repair business.
2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
3. The parking lot shall be striped and maintained in accordance with the approved site plan on-file with DSI.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.
7. 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. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.
9. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited.
10. Auto body repair and/or the painting of vehicles is prohibited.
11. Vehicle sales is not permitted.
12. 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.
13. The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.

744 3rd St. E.

RECEIVED

08/13/2020

REC'D

By: City of St Paul DSI



7/11/2023 I arrived at the property at 8:45am prior to the opening of the licensed auto repair business. The employee's started to arrive at 8:54am and started to move the vehicles from their lot to the surrounding property. I followed two white storage trucks from Costillo's property from 8:54am to 9:15am. One of the White truck's license plate YNE-7374 was parked on Maple in front of and between 310 Maple Street and 745 3rd Street and the other white storage truck license plate YAT-6619 was parked on Conway in front of 821 Conway Street on the Dayton's Bluff side of street highlighted in yellow. Chevy Traverse LT license plate AJZ-541 Dirty Grey parked Infront of 288 Maple Street highlighted in yellow with red line.



Sec. 34.08. Exterior property areas on residential properties.

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

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

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

(12) *Outdoor swimming pool fencing.*

- a. All yards of one- and two-family structures containing outdoor swimming pools shall be enclosed by an obscuring fence or wall not less than four (4) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. All yards of residential structures of three (3) or more units and commercial structures containing outdoor swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the appropriate fence or wall. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the outdoor swimming pool is not in use.

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

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

SECTION 2

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

Chapter 310. Uniform License Procedures

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

Sec. 310.01. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 65.701. Auto body shop.

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

Standards and conditions:

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

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

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

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

169.73 BUMPERS, SAFEGUARDS.

Subdivision 1. Definitions. (a) As used in this section, "private passenger vehicle" means a four-wheeled passenger automobile as defined in section 168.002, subdivision 24; a van as defined in section 168.002, subdivision 40; a pickup truck as defined in section 168.002, subdivision 26; and a jeep-type automobile or other multipurpose vehicle. "Private passenger vehicle" does not include a collector vehicle or collector military vehicle as defined in section 168.10.

(b) "Suspension system" includes both the front and rear wheels and tires of a vehicle as specified in subdivision 3.

Subd. 2. Bumper requirement. All private passenger vehicles shall be equipped with front and rear bumpers, except that pickup trucks and vans shall be equipped with front bumpers and with either rear bumpers or reflectors.

Subd. 3. MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 3. Bumper restrictions. No person shall operate a private passenger vehicle that: (a) was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment; or (b) has a suspension system or body so modified that the height of the vehicle or any bumpers varies more than six inches from the original manufactured height for the vehicle.

Subd. 4. MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 4. Maximum bumper height. (a) Notwithstanding the restrictions contained in subdivision 3, bumpers required under this section shall not exceed a height of (1) 20 inches on any passenger automobile or station wagon or (2) 25 inches on any four-wheel drive multipurpose type vehicle, van as defined in section 168.002, subdivision 40, or pickup truck as defined in section 168.002, subdivision 26, when the vehicle is being operated on a public highway. The height of the bumper shall be determined by measuring from the bottom of the bumper, excluding any vertical bumper attachments, to the ground. A vehicle which has an original bumper which does not exceed a height of 30 inches may be modified by attaching a full width bumper to the regular bumper to meet the height requirement. The attached bumper must be at least 4.5 inches in vertical height, be centered on the vehicle's centerline, extend at least ten inches on either side of the frame, and be attached to the frame in at least four places with angle braces at no less than 45 degrees so that it effectively transfers impact to an extent equal to or greater than the original bumper.

(b) Competent evidence that a vehicle was originally manufactured with bumpers higher than prescribed in this subdivision shall be an affirmative defense in any action under this section.

Subd. 4a. Rear-end protection for other vehicles. (a) Vehicles other than private passenger vehicles, collector vehicles, collector military vehicles, and other vehicles specifically exempted by law from such requirements must meet the rear-end protection requirements of federal motor carrier regulations, Code of Federal Regulations, title 49, section 393.86.

(b) Notwithstanding contrary regulations cited in paragraph (a), a truck-tractor and semitrailer combination with a semitrailer length longer than 50 feet whose frame or body extends more than 36 inches beyond the rear of its rearmost axle must not be operated on the highways of this state unless equipped with a bumper or underride guard on the extreme rear of the frame or body. The bumper or underride guard must:

(1) provide a continuous horizontal beam having a maximum ground clearance of 22 inches, as measured with the vehicle empty and on level ground; and

(2) extend to within four inches of the lateral extremities of the semitrailer on both left and right sides.

Subd. 5. MS 1978 [Repealed, 1980 c 498 s 7]

Subd. 5. **Misdemeanor.** Any person who violates this section is guilty of a misdemeanor.

History: (2720-262) 1937 c 464 s 112; 1939 c 430 s 22; 1955 c 647 s 1; 1971 c 203 s 1; 1980 c 498 s 5,6; 1981 c 199 s 2; 1983 c 170 s 1; 1984 c 549 s 29; 1986 c 336 s 6; 1989 c 204 s 4; 1991 c 333 s 15

169.734 AUTOMOBILE FENDERS.

Every passenger automobile shall have fenders, or other devices, that are designed to prevent, as far as practicable, water, dirt, or other material being thrown up and to the rear by the wheels of the vehicle.

History: *1975 c 68 s 2*