RLH V0 15-61

APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

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CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

We need the following to process your appeal:

- ☐ $25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number Check 2153)
- ☐ Copy of the City-issued orders/letter being appealed
- ☐ Attachments you may wish to include
- ☐ This appeal form completed
- ☐ Walk-In *OR* ☐ Mail-In

  for abatement orders only: ☐ Email *OR* ☐ Fax

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, November 17, 2015
Time 11:30 A.M
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1623 York Avenue City: St. Paul State: MN Zip: _____

Appellant/Applicant: John Schultz c/o Michael Mergens, Esq. Email mike@entrepartnerlaw.com

Phone Numbers: Business 612.314.8001 Residence _____ Cell 612-207-5660

Signature: _____ Date: 11/6/15

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

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

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

Appellant contests the factual basis underlying the Condemnation and Vacate Order and also disputes the legal authority for the orders including specifically that he was denied his right to substantive and procedural due process ~~under the state and federal constitutions.~~

Further, if the Condemnation is vacated there is no basis for the Vacant Building Registation. Appellant also challenges the Vacant Building Registration as arbitrary and capiricious and unconstitutional as an invalid exercise of police power.

DEPARTMENT OF SAFETY AND INSPECTIONS
Steve Magner, Manager of Code Enforcement

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

325.0

November 03, 2015

NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

John E Schultz
1623 York Ave
St Paul MN 55106-3634

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the dwelling and premises at **1623 YORK AVE** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **November 3, 2015** and ordered vacated no later than **November 4, 2015**.

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, "Vacation of Structure or Unit":

> **"Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. It shall be unlawful for any person to let to any person for human habitation any structure or unit so condemned or placarded, and no person shall occupy the structure or unit after the date set forth in the placard and/or notice."**

THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL; DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE ENFORCEMENT

Principle Violations: These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. Overcrowding – more than 4 unrelated adults living in the house.
2. Illegal bedroom set up in the basement. Basement bedroom lacks an egress window.

Other Violations: These deficiencies must be corrected in order to bring this property into compliance with the Saint Paul Legislative Code.

2. Vehicle illegally parked in the yard.

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8688. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

If you have any questions concerning this matter, please contact the Inspector, Ed Smith, at 651-266-1917. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.

Sincerely,

Ed Smith
Enforcement Officer

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c: Posted to ENS

uhh60103 4/11

STATE OF MINNESOTA COUNTY OF RAMSEY	CITY OF ST. PAUL LEGISLATIVE HEARING
JOHN SCHULTZ, *Petitioner*, v. City of St. Paul, *Respondent.*	CERTIFICATE OF REPRESENTATION

Date Appeal Filed: November 6, 2015.

Attorneys for petitioner John Schultz:	
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DATED: 11/6/15

SIGNED:

Michael J. Mergens (#0352019)
Marshall S. Lichty (#0323767)
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