
**CITY OF TEMPE
HEARING OFFICER**

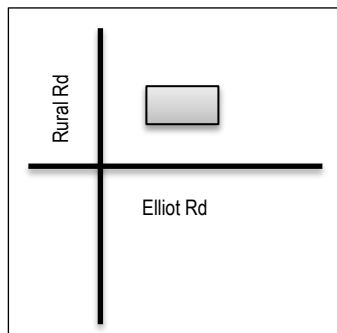
**Meeting Date: 02/21/2023
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Colledge Property located at 1420 East Dava Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$880.00 for abatement request, including grass and weeds in gravel landscaping, tree branches obstructing sidewalk, deteriorating landscape. Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the COLLEDGE PROPERTY (CE224663). The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE224663: grass and weeds in gravel landscaping, tree branches obstructing sidewalk and deteriorating landscape. The request includes the following:



Property Owner	John Colledge
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-7, Single Family Residential District
Code Compliance Inspector:	Donald Alexander, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Compliance Administrator (480-858-2190)

Department Director: Jeff Tamulevich, Community Development Director
Prepared by: Cassidy Hernandez, Administrative Assistant
Reviewed by: Drew Yocom, Code Compliance Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Colledge Property located at 1420 East Dava Drive in the R1-7, Single Family Residential District. This case was initiated 08/11/2022 following which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

Planning Application Submittal Form

Part 1 of 2

City of Tempe
Community Development Department
31 East 5th Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677
Planning Fax (480) 350-8872
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION – REQUIRED

PROJECT NAME	COLLEDGE PROPERTY ABATEMENT	EXISTING ZONING	R1-7	<input type="checkbox"/>
PROJECT ADDRESS	1420 E DAVA DR	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE224663 HEARING IS SCHEDULED FOR 02/21/2023	PARCEL No(s)	301-92-895	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME		ADDRESS	1420 E DAVA DR		
CONTACT NAME	COLLEDGE JOHN	CITY	TEMPE	STATE	AZ ZIP 85283
EMAIL		PHONE 1		PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE	
or attach written statement authorizing the applicant to file the application(s)			

APPLICANT INFORMATION – REQUIRED

COMPANY / FIRM NAME	CITY OF TEMPE/CODE ENFORCEMENT	ADDRESS	21 E. 6TH STREET, SUITE 208		
CONTACT NAME	DON ALEXANDER	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	donald_alexander@tempe.gov	PHONE 1	480-350-5463	PHONE 2	

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X	DATE	1/18/23
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME		ADDRESS		STATE		ZIP	
CONTACT NAME		CITY		STATE		ZIP	
TYPE OF BUSINESS		PHONE		EMAIL			

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY (Planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY

DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)				TOTAL APPLICATION FEES
				RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: January 13, 2023
TO: Julie Scofield, Senior Code Inspector
FROM: Don Alexander, Code Inspector
SUBJECT: CE224663, John Colledge Property Abatement

LOCATION: 1420 E Dava Drive TEMPE, AZ 85281

PARCEL: 301-92-895

OWNER: JOHN COLLEDGE
1420 E DAVA DR
TEMPE, AZ 85283

FINDINGS:

8/11/2022 The Code Compliance Division received complaint for sidewalk obstruction of tree branches within the front sidewalk/street and deteriorated landscape.

8/11/2022 Inspected property and found tree branches overhanging into the front sidewalk/street pathways and grass/weeds growing in the gravel landscape of the front yard. Notice to comply mailed and emailed to owner.

9/2/2022 There has been no change to the property. A final notice was mailed and emailed to the owner.

9/28/2022 No response from the owner after a pink hanger was placed at the door. Owner's phone has been disconnected.

9/30/2022 Civil Citation issued.

11/2/2022 Owner failed to appear for court

1/13/2023 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1420 E DAVA DR due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 and 21-3.B.7 Mr. Colledge has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil

citation and has failed to appear to court. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Don Alexander
Code Inspector

ACTION TAKEN: submitted
NAME Steve Scogfield
DATE: 1/13/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/13/2023
CASE #: CE224663

COLLEDGE JOHN
1420 E DAVA DR
TEMPE, AZ 85283

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LOCATION: 1420 E DAVA DR TEMPE, AZ 85283
PARCEL: 30192895

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **02/21/2023**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.7** Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street
CC 21-3.b.8 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

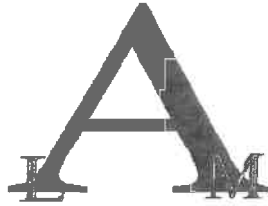
CC 21-3.b.7 PLEASE REMOVE THE SIDEWALK/STREET OBSTRUCTION OF TREE BRANCHES OVERHANGING/ENCROACHING INTO THE FRONT SIDEWALK/STREET PATHWAYS BY THE DEADLINE DATE TO AVOID A \$200 TICKET.

CC 21-3.b.8 PLEASE COMPLETELY REMOVE ALL THE GRASS OR WEEDS LOCATED WITHIN THE ENTIRE GRAVEL, SAND, OR ROCK LANDSCAPED AREAS OF THE FRONT YARD OF THE PROPERTY BY THE DEADLINE DATE TO AVOID A \$200 TICKET.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$880.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480)350-4311.

Code Inspector: Donald Alexander
Phone Number: 480-350-5463
E-mail: Donald_Alexander@tempe.gov



Artistic Land Management, Inc.

January 10, 2023

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Clean-Up at 1420 E. Dava Dr.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 1420 E. Dava Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean-up in the front and side yard
- Clear sidewalk obstruction
- Dispose of removed items off-site
- Police presence on-site for duration of the visit

Total: \$880.00

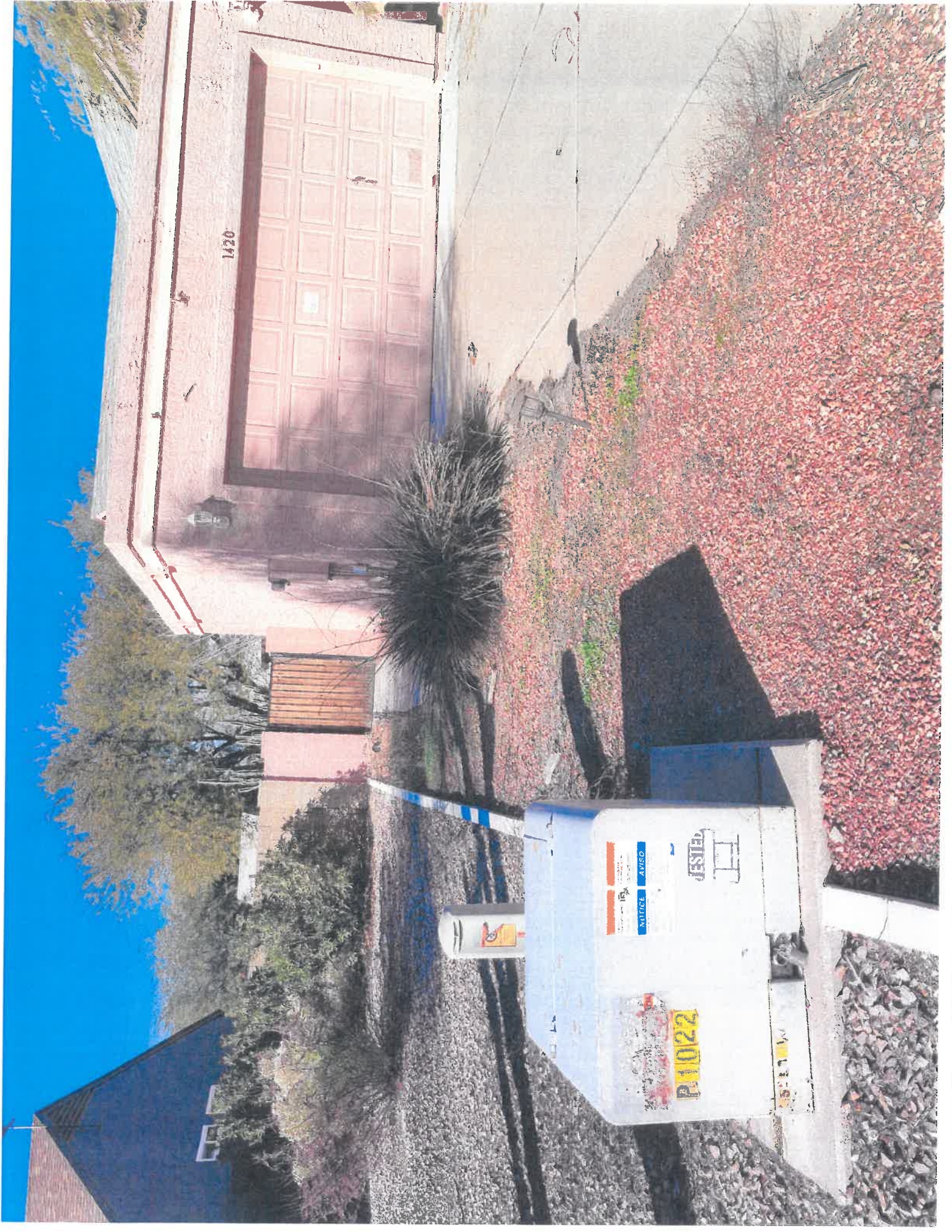
Respectfully,

Jose Hernandez









1420

P11022

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NOTICE AVISO



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

08/11/2022

COLLEDGE JOHN WALLACE & M ISABEL
1420 E DAVA DR
TEMPE, AZ 85283

Case #: CE224663
Site Address: 1420 E DAVA DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 08/11/2022 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.7	Please trim vegetation so it does not obstruct passage of sidewalk or street	09/01/2022
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PLEASE REMOVE THE SIDEWALK/STREET OBSTRUCTION OF TREE BRANCHES OVERHANGING/ENCROACHING INTO THE FRONT SIDEWALK/STREET PATHWAYS BY 8:00AM OF THE DEADLINE DATE.

THE TREE BRANCHES MUST BE TRIMMED TO A HEIGHT OF 7 FEET ABOVE THE PUBLIC SIDEWALK AND 15 FEET ABOVE THE PUBLIC STREET OR TRIMMED OUT OF THE SIDEWALK OR STREET PATHWAYS. AND BUSH BRANCHES MUST BE TRIMMED OUT OF THE PUBLIC SIDEWALK OR STREET PATHWAYS.

CC 21-3.b.8	Please trim vegetation so it does not obstruct passage of sidewalk or street	
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PLEASE COMPLETELY REMOVE ALL THE GRASS OR WEEDS LOCATED WITHIN THE ENTIRE GRAVEL, SAND, OR ROCK LANDSCAPED AREAS OF THE FRONT YARD OF THE PROPERTY BY 8:00AM OF THE DEADLINE DATE.

A GRAVEL, SAND, OR ROCK YARDS MUST BE MAINTAINED FREE OF GRASS OR WEEDS ON A REGULAR BASIS.

Additional notice; notice not required. Nothing herein shall preclude the City from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or

criminal violation proceedings.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Donald Alexander
Code Inspector

Direct: 480-350-5463
Code Compliance: 480-350-4311
Email: Donald_Alexander@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/02/2022

COLLEDGE JOHN WALLACE & M ISABEL
1420 E DAVA DR
TEMPE, AZ 85283

Case #: CE224663
Site Address: 1420 E DAVA DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 09/02/2022 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
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**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.7 Please trim vegetation so it does not obstruct passage of sidewalk or street

09/22/2022

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702061		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial	
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number CE 224663	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant Name (First, Middle, Last) JOHN W COLLEGE		Juvenile											
Residence Address, City, State, Zip Code 1420 E DAVIA DR TEMPE, AZ 85283										Telephone: (cell phone) <input type="checkbox"/>			
Sex		Height		Weight		Eyes		Hair		Origin		Date of Birth	
Business Address, City, State, Zip Code										Business Phone No.			
Vehicle Color		Year		Make		Model		Style		License Plate		State	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number			

The Undersigned Certifies That:

On	Month 9	Day 30	Year 2022	Time 2:17	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel	
At	Location 1420 E DAVIA DR						<input checked="" type="checkbox"/> Tempe	85283		State of Arizona	Area	Dist.

The Defendant Committed the Following:

A	Section: TC 21-3 A	ARS Violation: CC 21-3 B DETERIORATED LANDSCAPE	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input checked="" type="checkbox"/> Municipal Code
B	Section: TC 21-3 A	ARS Violation: CC 21-3 B.7 SIDE WALK OBSTRUCTION/TREE BRANCHES	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input checked="" type="checkbox"/> Municipal Code
C	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code
D	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code
E	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code

You must appear on the date and time indicated at:

Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court	Date: 10/14/2022	Time: Between 9AM & 4PM
	<input type="checkbox"/> Criminal Court	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> Court:	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	Court No. _____
Court Address, City, State, Zip Code			

Criminal: Without admitting guilt, I promise to appear as directed hereon.
 Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

Victim? Victim Notified?

I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.

WILLIAM ALEXANDER **Boil**
 Complainant **CODE COMPLIANCE** PSN

X MAILED/POSTED 9/30/2022

Comments:
 Juvenile Notification:
 Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____

FIRST VIOLATION = \$200.00 FINE (A)
FIRST VIOLATION = \$200.00 FINE (B)
Total = \$400.00

Date issued if not violation date _____

COMPLAINT



1702061

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.