

**CITY OF TEMPE
HEARING OFFICER**

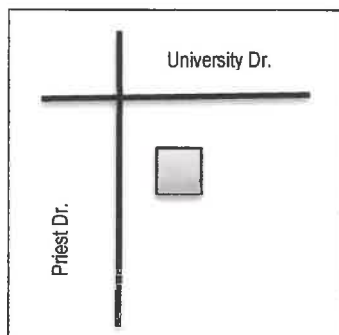
**Meeting Date: 03/08/2023
Agenda Item: 7**

ACTION: Request approval to abate public nuisance items at the Hall Property located 1248 W. 10th Place. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2811 for abatement request: front, side & back yard landscape cleanup, trim trees to remove sidewalk, street and sign obstructions.

RECOMMENDATION: Staff – Approval of 180-day open abatement.

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the HALL PROPERTY. 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 CE226906: front, side & back yard landscape cleanup, trim trees to remove sidewalk, street, and sign obstructions.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Charles E. Hall
City of Tempe – Code Compliance
R1-6 Single Family Residential
Michell Van Etten

ATTACHMENTS: Supporting Attachment

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

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Hall Property located at 1248 W. 10th Place, in the R1-6 Single Family Residential district. This case was initiated 11/17/2022, after 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 a 180-day open 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	Charles Hall - Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1248 W 10th Pl, Tempe, AZ. 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE226906 March 08, 2023	PARCEL No(s)	124-74-150 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	1248 W 10th Pl		
CONTACT NAME	Charles Hall	CITY	Tempe	STATE	AZ ZIP 85281
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 St. Ste 208		
CONTACT NAME	Michelle Van Etten, Code Inspector	CITY	Tempe	STATE	AZ ZIP 85281
EMAIL	michelle_vanetten@tempe.gov	PHONE 1	480-350-2895	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 <i>Michelle Van Etten</i>	DATE	2/6/23
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRS					
BUSINESS NAME		ADDRESS			
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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
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: February 06, 2023
TO: Jack Scofield, Senior Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CE226906, 1248 W 10th PI, Tempe - Abatement

LOCATION: 1248 W 10th PI, Tempe, AZ. 85281

PARCEL: 124-74-150

OWNER: Charles E. Hall
1248 W 10th PI.
Tempe, AZ. 85281

FINDINGS:

On 11/17/2022 I inspected the property located at 1248 W 10th PI. after receiving a complaint of deteriorated landscape. I found that the front yard tree(s) were obstructing the stop sign located in front of the residence as well as tall grass and weeds in the front, side and rear yards. An initial notice was sent to the homeowner.

On 12/01/2022 I reinspected the property and found that the violations had not been corrected. I issued a second and "final" notice to the homeowner.

On 12/15/2022 I reinspected the property and found that the violations had still not been addressed. I issued a citation to the homeowner which was never contested or satisfied and was ultimately sent to collections.

I have inspected the property several times since then, and there has been little to no improvement. On 02/06/2023 I posted a notice of intent to abate on the property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1248 W 10th PI, Tempe due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.7, Landscaping Interfering with City Roadway, Sidewalk, etc. and City Code 21-3.B.8, Deteriorated Landscape. The owner was given ample time to come into

compliance and maintain the property. The listed owner was issued a civil citation for the violations and failed to contest or remedy it. There is no indication that the property will be brought into compliance in the near future. 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,

Michelle Van Etten
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 2/7/2023



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02/06/2023
CASE # CE226906

**CHARLES HALL
1248 W 10TH PL.
TEMPE, AZ 85281**

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

LOCATION: 1248 W 10th Place, Tempe, AZ. 85281
PARCEL: 124-74-150

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 03/08/2023. 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 Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct or renders dangerous the free passage, use or vision of any sidewalk, street, or highway
- CC 21-3.b.8 Any landscaping visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth or presents a deteriorated appearance

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

- 1. Trim the front yard tree(s) so that they do not obstruct the street, sidewalk or street signs / signals**
- 2. Trim overheight grass and remove weeds from the front, side and rear landscape areas. Grass landscapes must be maintained free of all weeds and be less than 12". Gravel and dirt landscapes must be maintained free of all grass and weeds.**

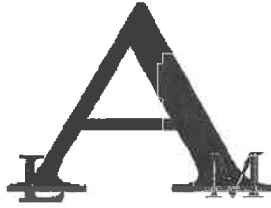
Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$2811.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual 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 for 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: Michelle Van Etten

Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



Artistic Land Management, Inc.

February 1, 2023

City of Tempe
Attn: Michelle Van Etten
Code Inspector

RE: Clean-Up at 1248 W. 10th Pl.

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 1248 W. 10th Pl, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove grass and weeds from the front, side, and backyard landscaped areas
- Trim the front yard tree so that it is no longer obstructing the stop sign
- Dispose of debris off-site
- Police presence on-site for duration of the visit

Total: \$2,811.00

Respectfully,

Jose Hernandez

Feb 6, 2023 at 10:42:13 AM



Feb 6, 2023 at 10:43:21 AM





Feb 6, 2023 at 10:43:47 AM



Feb 6, 2023 at 10:44:06 AM



Feb 6, 2023 at 10:44:36 AM



Feb 6, 2020 at 10:44:39 AM





Feb. 6, 2023 at 10:45:38 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

11/17/2022

HALL CHARLES
1248 W 10TH PL
TEMPE, AZ 85281-5324

Case #: CE226906
Site Address: 1248 W 10TH PL, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 11/17/2022 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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.7	PLEASE TRIM THE FRONT YARD TREE(S) SO THAT THE STOP SIGN IS NOT OBSTRUCTED.	12/1/2022
CC 21-3.b.8	PLEASE TRIM THE OVERHEIGHT GRASS AND REMOVE WEEDS FROM THE REAR YARD LANDSCAPE AREAS. PLEASE ALSO TRIM THE OVERHEIGHT GRASS AND REMOVE THE WEEDS FROM THE SIDE YARD DIRT LANDSCAPE AREA AND GATED COURTYARD AREA. (ALONG AND VISIBLE FROM S MARGO DR) FRONT YARD GRASS LANDSCAPE AREAS MUST REMAIN LESS THAN 12" IN HEIGHT AND FREE OF WEEDS.	12/1/2022

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

Michelle Van Etten
Code Inspector

Direct: 480-350-2895
Code Compliance: 480-350-4311
Email:michelle_vanetten@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

12/01/2022

HALL CHARLES
1248 W 10TH PL
TEMPE, AZ 85281-5324

Case #: CE226906
Site Address: 1248 W 10TH PL, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 12/01/2022 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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.7	PLEASE TRIM THE FRONT YARD TREE(S) SO THAT THE STOP SIGN IS NOT OBSTRUCTED.	12/15/2022
CC 21-3.b.8	PLEASE TRIM THE OVERHEIGHT GRASS AND REMOVE WEEDS FROM THE REAR YARD LANDSCAPE AREAS. PLEASE ALSO TRIM THE OVERHEIGHT GRASS AND REMOVE THE WEEDS FROM THE SIDE YARD DIRT LANDSCAPE AREA AND GATED COURTYARD AREA. (ALONG AND VISIBLE FROM S MARGO DR) DIRT AREAS MUST BE FREE OF ALL GRASS AND WEEDS. FRONT YARD GRASS LANDSCAPE AREAS MUST REMAIN LESS THAN 12" IN HEIGHT AND FREE OF WEEDS.	12/15/2022

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

Michelle Van Etten
Code Inspector

Direct: 480-350-2895
Code Compliance: 480-350-4311
Email:michelle_vanetten@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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702746		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material	
Driver's License No.				DLP <input type="checkbox"/> State		Class		Endorsements M H N P T X D				Incident Report Number CE226906	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant		Name (First, Middle, Last) CHARLES E HALL										Juvenile	
Residence Address, City, State, Zip Code 1248 W 10th PL TEMPE AZ 85281												Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address					
Business Address, City, State, Zip Code												Business Phone No. ()	
Vehicle		Color	Year	Make	Model	Style	License Plate	State	Expiration Date				
Registered owner & address, City, State, Zip Code								Vehicle Identification Number					
The Undersigned Certifies That:													
On	Month 12	Day 15	Year 2022	Time 10:29	<input checked="" type="checkbox"/> AM <input 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 1248 W 10th PL								<input checked="" type="checkbox"/> Tempe 85281	State of Arizona		Area	Dist.
The Defendant Committed the Following:													
A	Section: TCC 21-3 A		ARS CC Violation: 21-3.b.7 TREE OBSTRUCTING SIGN		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
B	Section: TCC 21-3 A		ARS CC Violation: 21-3.b.8 DETERIORATED LANDSCAPE		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
C	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
D	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
E	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
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 Suite 150, 1st Floor		Date: 12/29/2022		Time: Between 9AM & 4PM				
		<input type="checkbox"/> Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.			
Court Address, City, State, Zip Code													
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/>		Victim Notified? <input type="checkbox"/>					
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						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.							
X MAILED						Complainant M. VAN ETEN		PSN #8060					
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 _____													
Date issued if not violation date													

COMPLAINT



1702746

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.