

**CITY OF TEMPE
HEARING OFFICER**

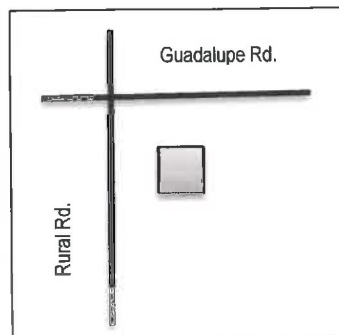
**Meeting Date: 03/21/2023
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the O'Connor Property located 6818 S. Terrace Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2711 for abatement request: front & back yard landscape cleanup, remove junk, trash, debris & stored items from front, side and back yards.

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 O'CONNOR 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 CE230070: front & back yard landscape cleanup, remove junk, trash, debris & stored items from front, side and back yards.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Nicole O'Connor
City of Tempe – Code Compliance
R1-6 Single Family Residential
Julie Scofield

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 O'Connor Property located at 6818 S. Terrace Road, in the R1-6 Single Family Residential district. This case was initiated 01/05/2023, 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	O'CONNOR PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	6818 S. TERRACE RD. TEMPE, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE230070 HEARING IS MARCH 21ST, 2023	PARCEL No(s)	301-48-384 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	6818 S. TERRACE RD
CONTACT NAME	NICOLE O'CONNOR	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
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or attach written statement authorizing the applicant to file the application(s)

APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE	ADDRESS	21 E. 6TH ST.
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE STATE AZ ZIP 85281
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	PHONE 1	480-350-8951 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
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Julie Scofield 2/14/23

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: 02/14/2023
FROM: Julie Scofield, Sr. Code Inspector
SUBJECT: O'Connor Property Abatement (CE230070)

LOCATION: 6818 S. Terrace Rd. Tempe, AZ 85283

LEGAL: Tempe Gardens 14

PARCEL: 301-48-384

OWNER: Nicole O'Connor
6818 S. Terrace Rd.
Tempe, AZ 85283

FINDINGS:

- 01/05/2023 Complaint came into Neighborhood Enhancement (CE230070) for this property regarding junk, trash, debris, and deteriorated landscape.
- 01/06/2023 The property was inspected by Code Inspector Dana McBride. There was over height grass/weeds in the front and sides of the property and trash, debris, and miscellaneous items in the front as well. A notice was mailed to the owner, Nicole O'Connor.
- 02/07/2023 Inspector Julie Scofield took over this case due to Inspector McBride leaving the city. Julie has received a complaint from a nearby neighbor regarding the landscape and the items in the front and back yard. Inspected the property and there was over height grass and weeds in the front and back yard. There was also trash and items in the front, sides, and back yard. A final notice was mailed to the property owner. A reinspection fee was also issued at this time. Requested bids for an abatement cleanup to include the junk, trash, debris, and the landscape.
- 02/14/2023 Turning in the paperwork for the abatement hearing to be held on March 21st 2023.

PROPERTY HISTORY:

02/24/2021- 08/03/2021 (CE211136) Two (2) notices were mailed for junk, trash, and debris. A citation was issued, and it went to collections. July 6th, 2021, an abatement was approved for the cleanup of the property. Case was closed due to owner taking care of the violation.

03/04/2022-12/01/2022 (CE221488) Two (2) notices were mailed to the owner regarding junk, trash, and debris, and over height grass and weeds. A citation was issued 04/11/2022, and it went to collections. On 06/07/2022 an abatement was approved for this property. Conducted first abatement cleanup on 08/05/2022. The second abatement cleanup was conducted on 12/01/2022.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 6818 S. Terrace Rd. The property is owned by Nicole O'Connor. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a reinspection fee was issued. I am requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:

NAME

DATE:

submitted
Julie Scofield
2/14/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02/14/2023
CASE #: CE230070

NICOLE O'CONNOR
6818 S TERRACE RD
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: 6818 S TERRACE RD TEMPE, AZ 85283
PARCEL: 301-48-384

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **03/21/2023**. 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.1** Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
- CC 21-3.b.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

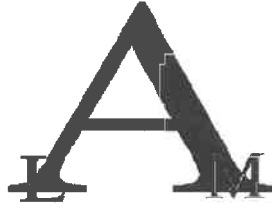
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

- CC 21-3.b.1** **PLEASE REMOVE ALL THE ITEMS FROM THE FRONT, SIDES, AND BACK YARDS OF THE PROPERTY. THIS INCLUDES FURNITURE, HOUSEHOLD ITEMS, TRASH, AND ANY OTHER MISCELLANEOUS ITEMS.**
- CC 21-3.b.8** **PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND BACK OF THE PROPERTY.**

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 **\$2711.00**. 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov



Artistic Land Management, Inc.

February 13, 2023

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Clean-Up at 6818 S. Terrace Rd.

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 6818 S. Terrace Rd, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

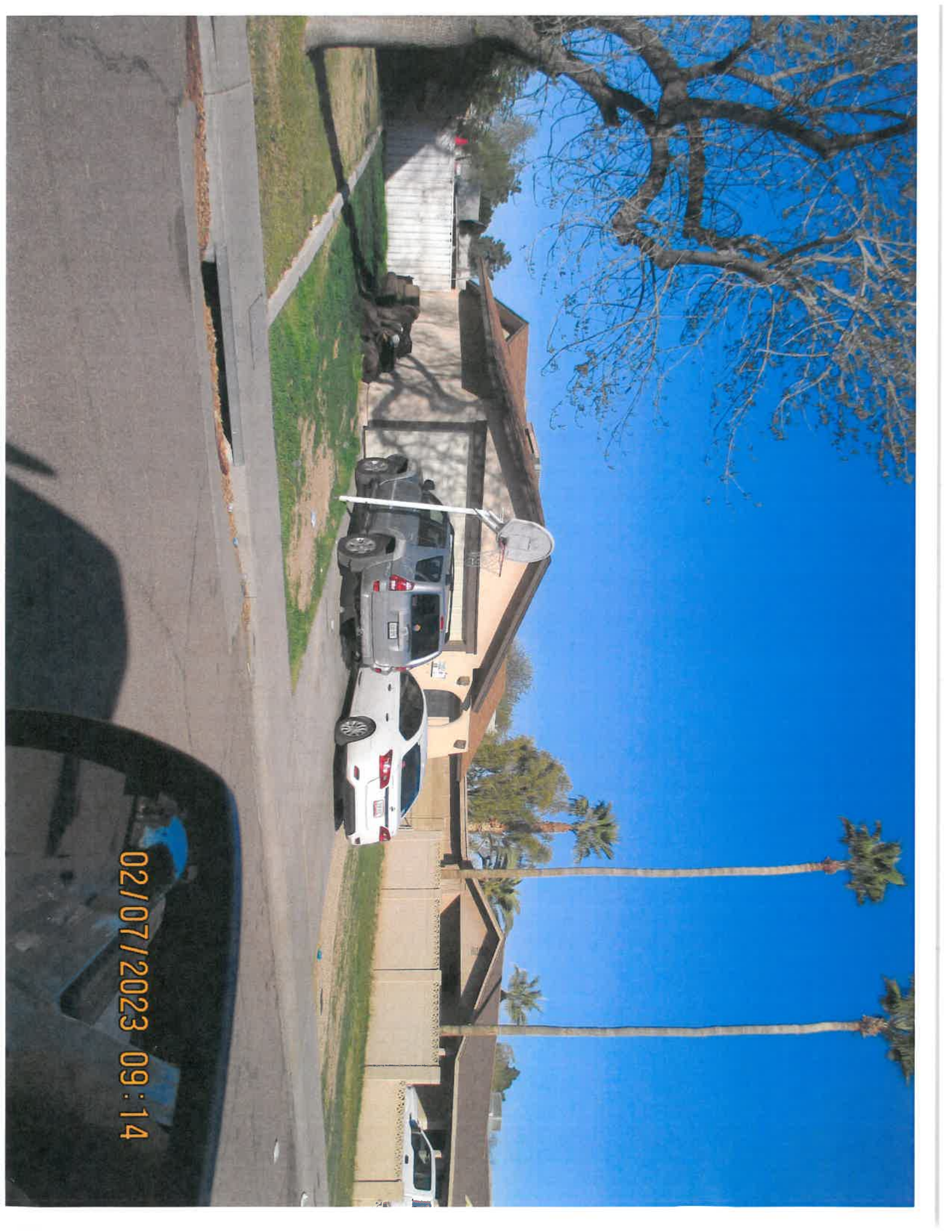
Scope of Work

- Clean-up landscape in the front and backyard of the property
- Remove junk, trash, and debris in the front and backyard of the property
- Police presence on-site for duration of the visit

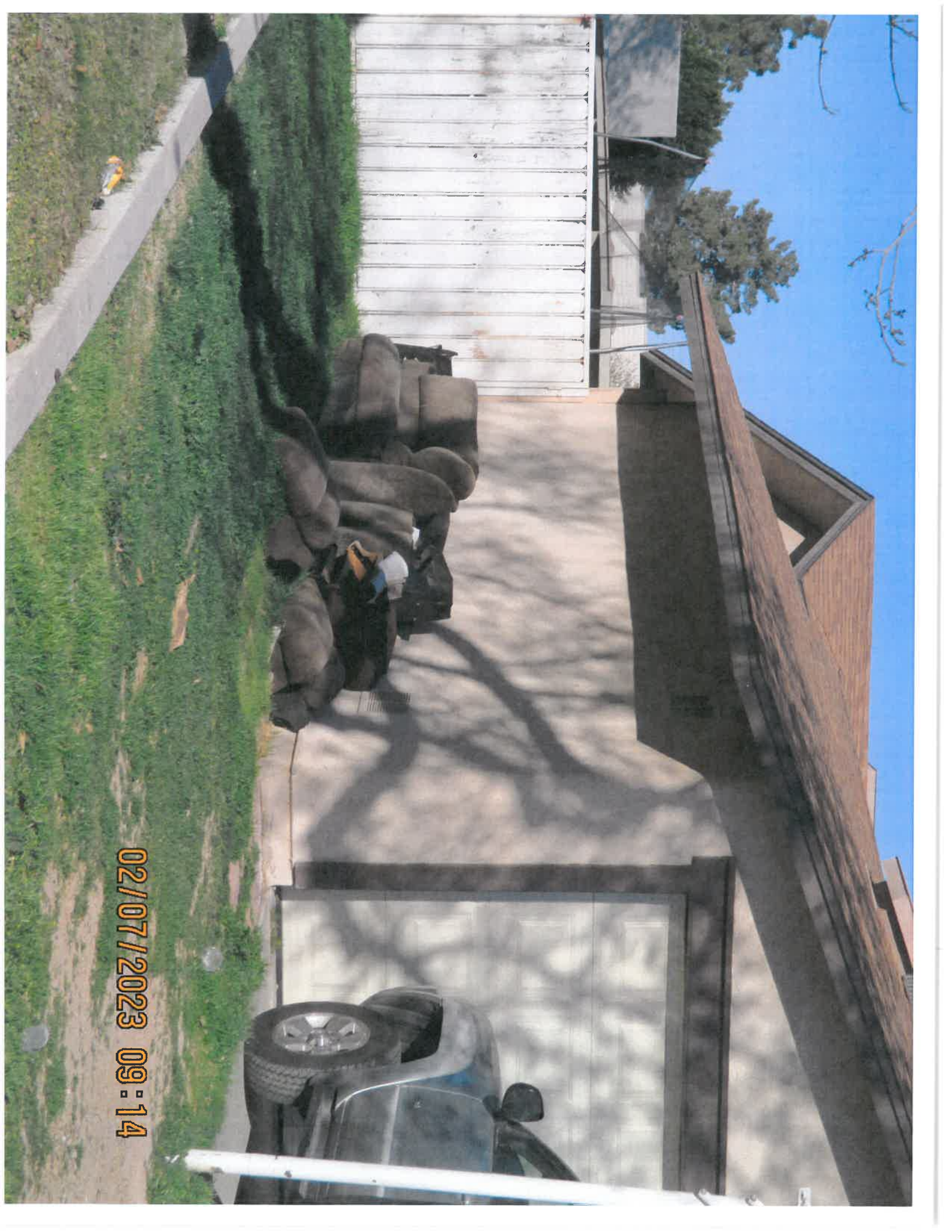
Total: \$2,711.00

Respectfully,

Jose Hernandez



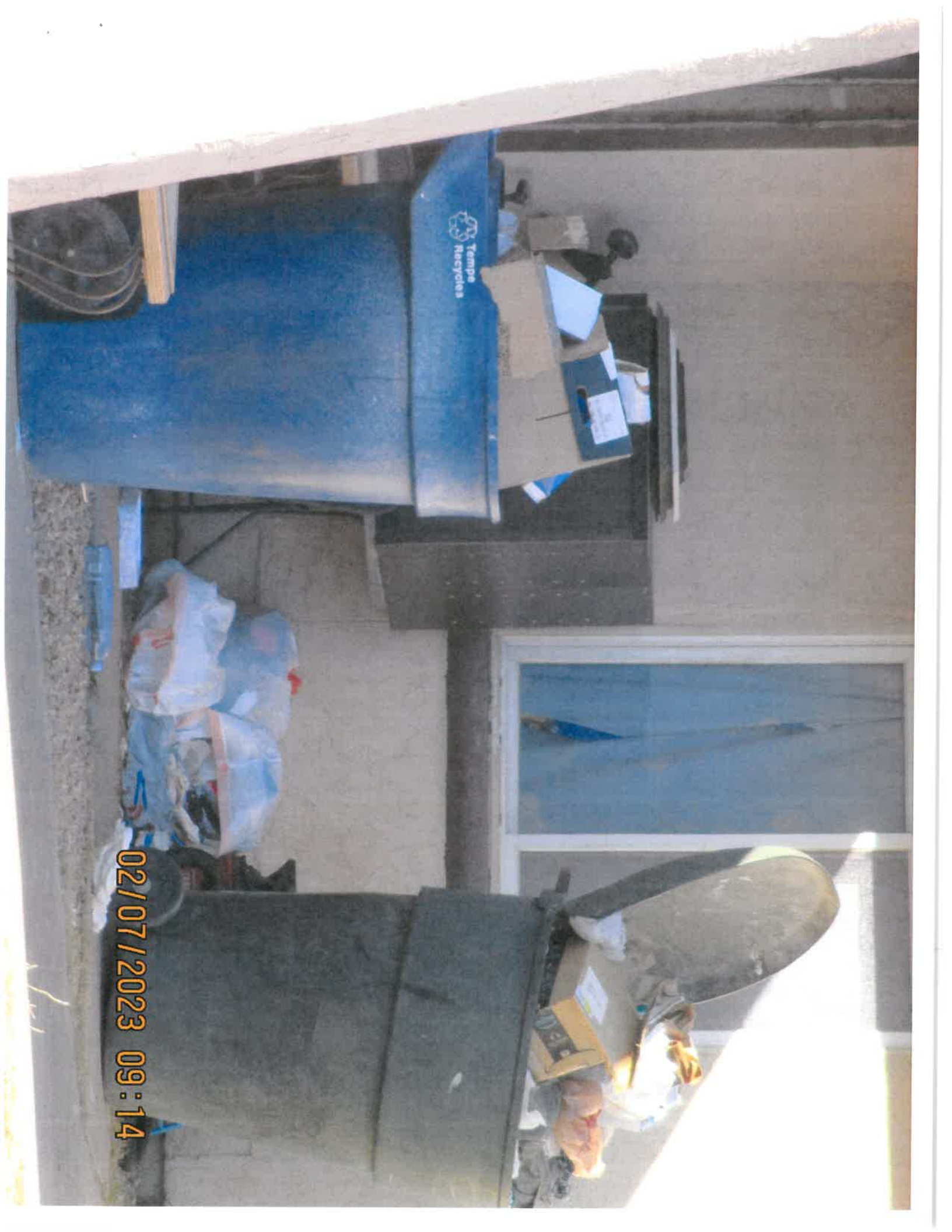
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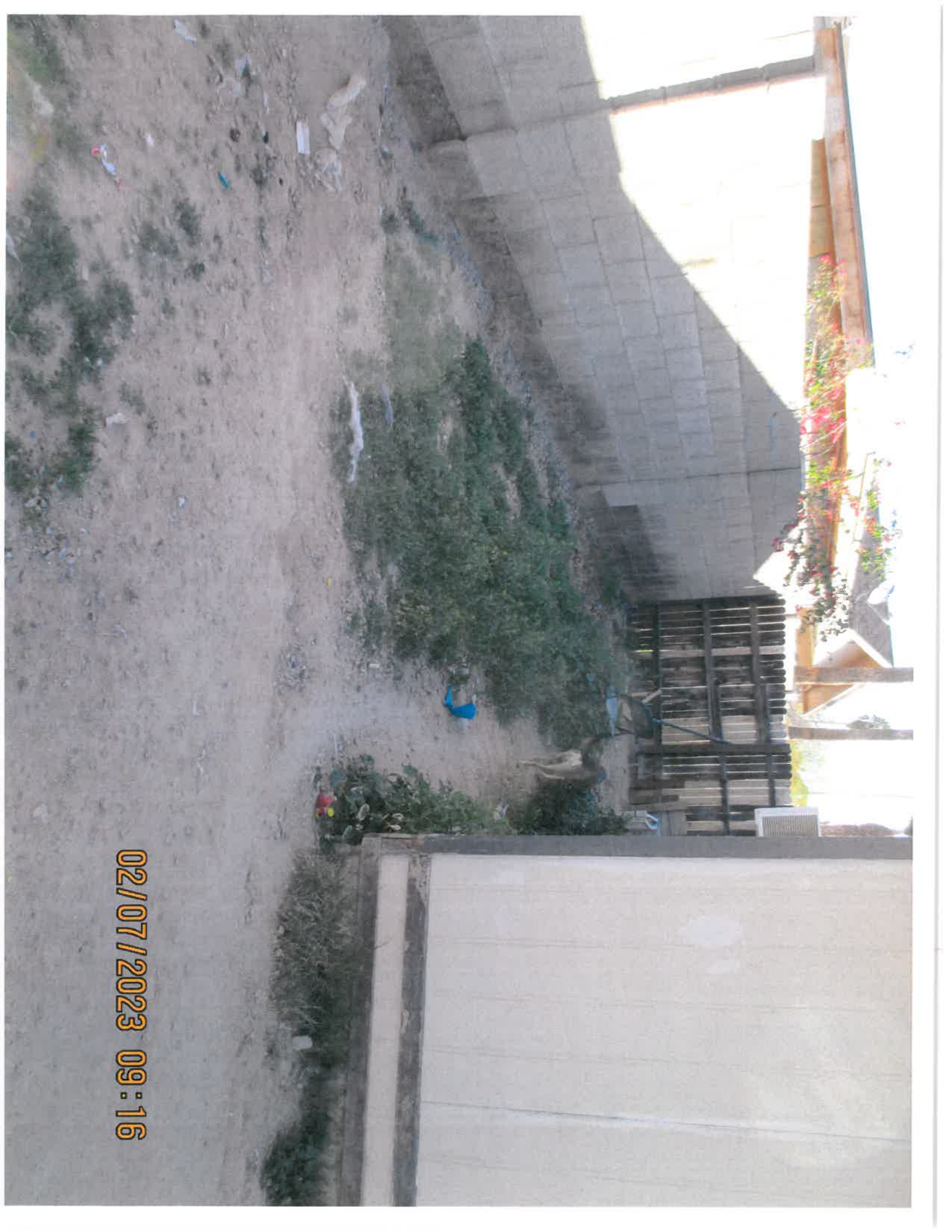


Tempe Recycles

02/07/2023 09:14



02/07/2023 09:16



02/07/2023 09:16



02/07/2023 09:16



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

01/06/2023

NICOLE / DANIEL O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case #: CE230070
Site Address: 6818 S TERRACE RD, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 01/06/2023 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.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE SECTIONAL SOFA, CHAIRS AND OTHER JUNK TRASH AND DEBRIS FROM FRONT AND SIDE YARDS.	1/20/2023
CC 21-3.b.8	PLEASE TRIM GRASS/WEEDS IN FRONT AND SIDE YARDS.	1/20/2023

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

Dana McBride
Code Inspector

Direct: 480 350-8623
Code Compliance: 480-350-4311
Email: Dana_McBride@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

02/07/2023

NICOLE O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case #: CE230070
Site Address: 6818 S TERRACE RD, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 02/07/2023 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.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE ALL THE ITEMS FROM THE FRONT, SIDES, AND BACK YARDS OF THE PROPERTY. THIS INCLUDES FURNITURE, HOUSEHOLD ITEMS, TRASH, AND ANY OTHER MISCELLANEOUS ITEMS.	2/21/2023
CC 21-3.b.8	PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND BACK OF THE PROPERTY.	2/21/2023

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

Julie Scofield
Code Inspector

Direct: 480-350-8951
Code Compliance: 480-350-4311
Email:julie_scofield@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.



Code Compliance Reinspection Fee Invoice

A re-inspection fee of \$82.00 has been assessed to the property owner and/or tenant of the address listed below for having two (2) or more of the same violation within a 365-day period.

Date of Issuance: 2/7/2023

Current Case Number: CE230070 2nd Case Number: CE221488

Nuisance Code Violation: CC 21-3.b.1 - Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building

Site Address: 6818 S TERRACE RD

Property Owner Information:

Name: NICOLE O'CONNOR

Residence Address: 6818 S TERRACE RD TEMPE AZ 85283

Total Amount Due: \$82.00

(Failure to pay in 30-days will result in fee being sent to collections)

Make check payable to City of Tempe and mail to:
City of Tempe / Code Compliance
PO Box 5002
Tempe AZ 85280

Credit card payments by phone (480) 350-4311
You will need your CE number, address and payment information when you call

City of Tempe / Code Compliance
21 East 6th St., Suite #208
Tempe, AZ 85281

Sec. 21-51. Collection of civil sanction, reinspection fees.

(b) Any person who neglects, fails or refuses to correct the violations contained within a notice to comply or other similar device issued pursuant to this chapter may be assessed a reinspection fee for inspections which occur after the compliance date. The fee for these reinspections shall be set by resolution of the city council. Failure to pay reinspection fees within fourteen (14) days of assessment is a violation of this section. Reinspection fees may be collected as a lien against the real property where the violation occurred in accordance with §21-53.