

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 09/05/2023

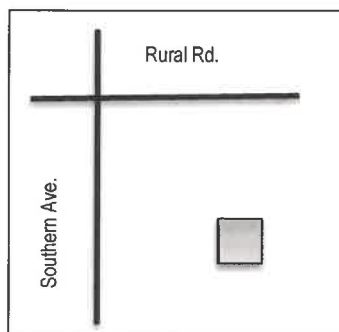
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Richardson Property located 1242 E. Manhattan Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$890 for abatement request: front & side yard landscape cleanup.

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 RICHARDSON 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 CE232830: front & side yard landscape cleanup.



Property Owner: Alex P. Richardson
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6 Single Family Residential District
Code Compliance Inspector: Andrew Gongora

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 Richardson Property located 1242 E. Manhattan Drive, in the R1-6 Single Family Residential District. This case was initiated 05/11/23, 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	ALEX P RICHARDSON - PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1242 E MANHATTON DR	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE232830 HEARING IS SEPTEMBER 5TH 2023	PARCEL No(s)	133-54-098A <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ALEX P RICHARDSON	ADDRESS	1242 E MANHATTON DR
CONTACT NAME		CITY	TEMPE
		STATE	AZ
		ZIP	85282
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	ADDRESS	21 E 6TH ST
CONTACT NAME	ANDREW GONGORA	CITY	TEMPE
		STATE	AZ
		ZIP	85281
EMAIL	ANDREW_GONGORA@TEMPE.GOV	PHONE 1	480-350-8623
		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	7/28/2023
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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	

<input checked="" type="checkbox"/>	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
<input type="checkbox"/>	F. PLANNED AREA DEVELOPMENT OVERLAYS			ZON
<input type="checkbox"/>	G. SUBDIVISION / CONDOMINIUM PLATS			PAD
<input type="checkbox"/>	H. DEVELOPMENT PLAN REVIEW			REC
<input type="checkbox"/>	I. APPEALS			SBD
<input type="checkbox"/>	J. GENERAL PLAN AMENDMENTS			REC
<input type="checkbox"/>	K. ZONING VERIFICATION LETTERS			DPR
<input checked="" type="checkbox"/>	L. ABATEMENTS			GPA
<input type="checkbox"/>	M. SIGN TYPE K			ZVL
				CE
				CM
				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: July 28, 2023
TO: Julie Scofield, Senior Code Inspector
FROM: Andrew Gongora, Code Inspector
SUBJECT: CE232830, Alex P Richardson Property Abatement

LOCATION: 1242 E MANHATTON DR TEMPE, AZ 85281

PARCEL: 133-54-098A

OWNER: ALEX P RICHARDSON
1242 E MANHATTON
TEMPE, AZ 85282

FINDINGS:

5/11/2023 Spoke with resident, explained complaint violation and remedies for grass and weeds in the gravel area. Correction notice mailed.

5/30/2023 Inspected property, no improvements on property violation. Mailed final notice.

6/13/2023 Inspected Property, violation present. Placed red warning tag on door with instructions to contact this inspector by 6/16/23 to avoid citation issue on 6/20/23.

6/20/2023 Inspected property, photos taken, issued citation #178904 for grass and weeds in gravel landscape violation.

7/6/2023 Inspected property, still in violation, Called and left a voice mail for Alex Richardson to discuss plans to clear up violation and avoid a possible second citation.

7/20/2023 Property owner failed to show for citation hearing on 7/5/23 and 7/19/23.

7/20/2023 Property still in violation for grass and weeds in the gravel landscape. Beginning abatement process. Photos taken to show condition of the property. Submit photos for abatement estimate.

7/28/2023 Submitting notice to abate property at 1242 E MANHATTON DR. Mailed notice to abate to the property owner and posted notice on the property door.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1242 E Manhattan Dr due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Mr. Richardson 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,

Andrew Gongora
Code Inspector

ACTION TAKEN: Submitted
NAME Tulu Scotfield
DATE: 7/28/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/28/23
CASE #: CE232830

**ALEX P RICHARDSON
1242 E MANHATTON DR
TEMPE, AZ 85282**

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

LOCATION: 1242 E MANHATTON DR TEMPE, AZ 85282
PARCEL: 133-54-098A

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **09/05/2023**. 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.8 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

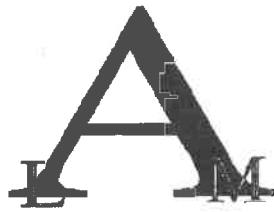
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

CC 21-3.b.8 **Please remove all grass and or weeds, including removing all dead remnants of weeds from the front and side(s) of the property. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.**

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 **\$890.00**. 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: Andrew Gongora
Phone Number: 480-350-8623
E-mail: Andrew_Gongora@tempe.gov**



Artistic Land Management, Inc.

July 25, 2023

City of Tempe
Attn: Andrew Gongora
Code Compliance Inspector

RE: Clean-Up at 1242 E. Manhattan 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 1242 E. Manhattan Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

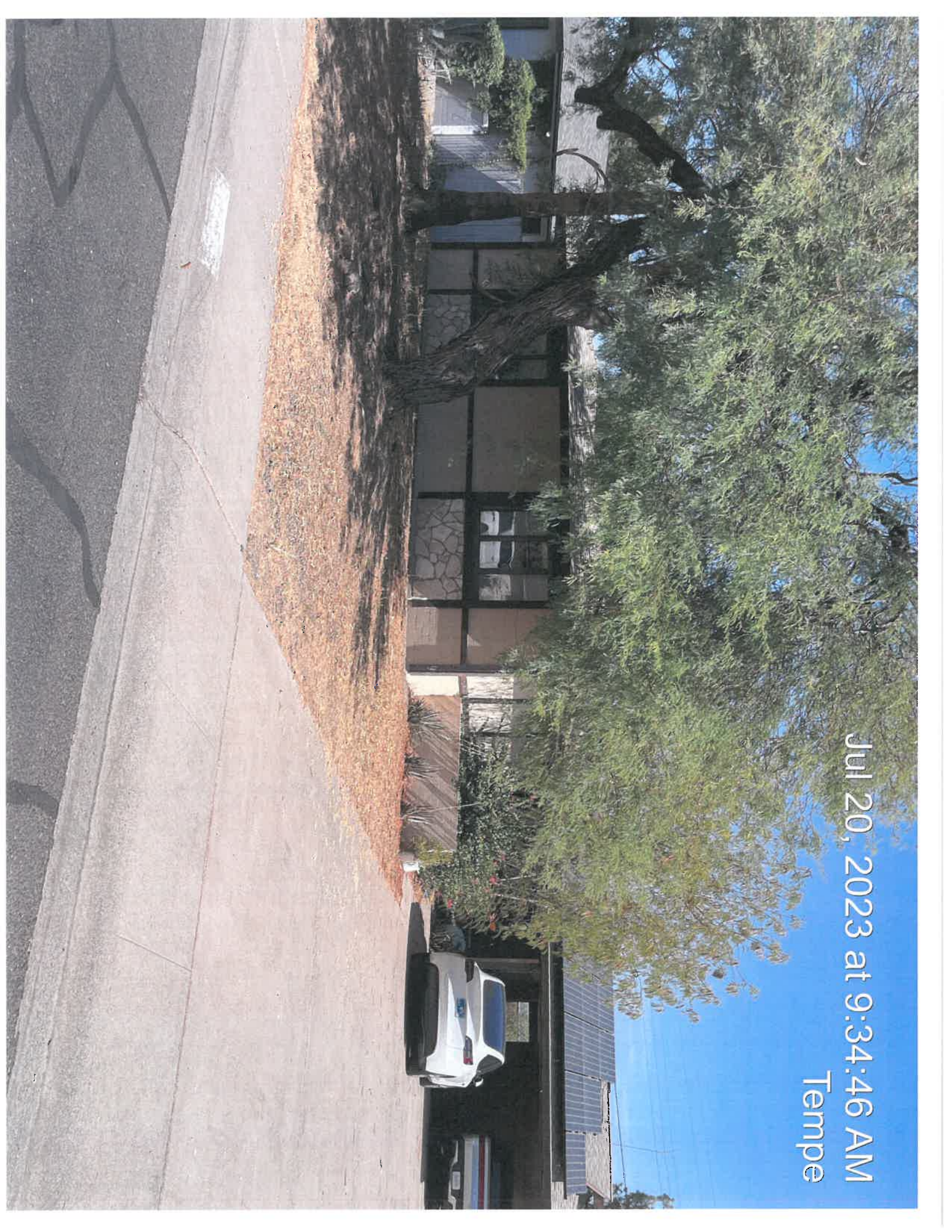
- Remove grass, weeds, and debris in the front gravel area
- Police presence on-site for duration of visit

Total: \$890.00

Respectfully,

Jose Hernandez

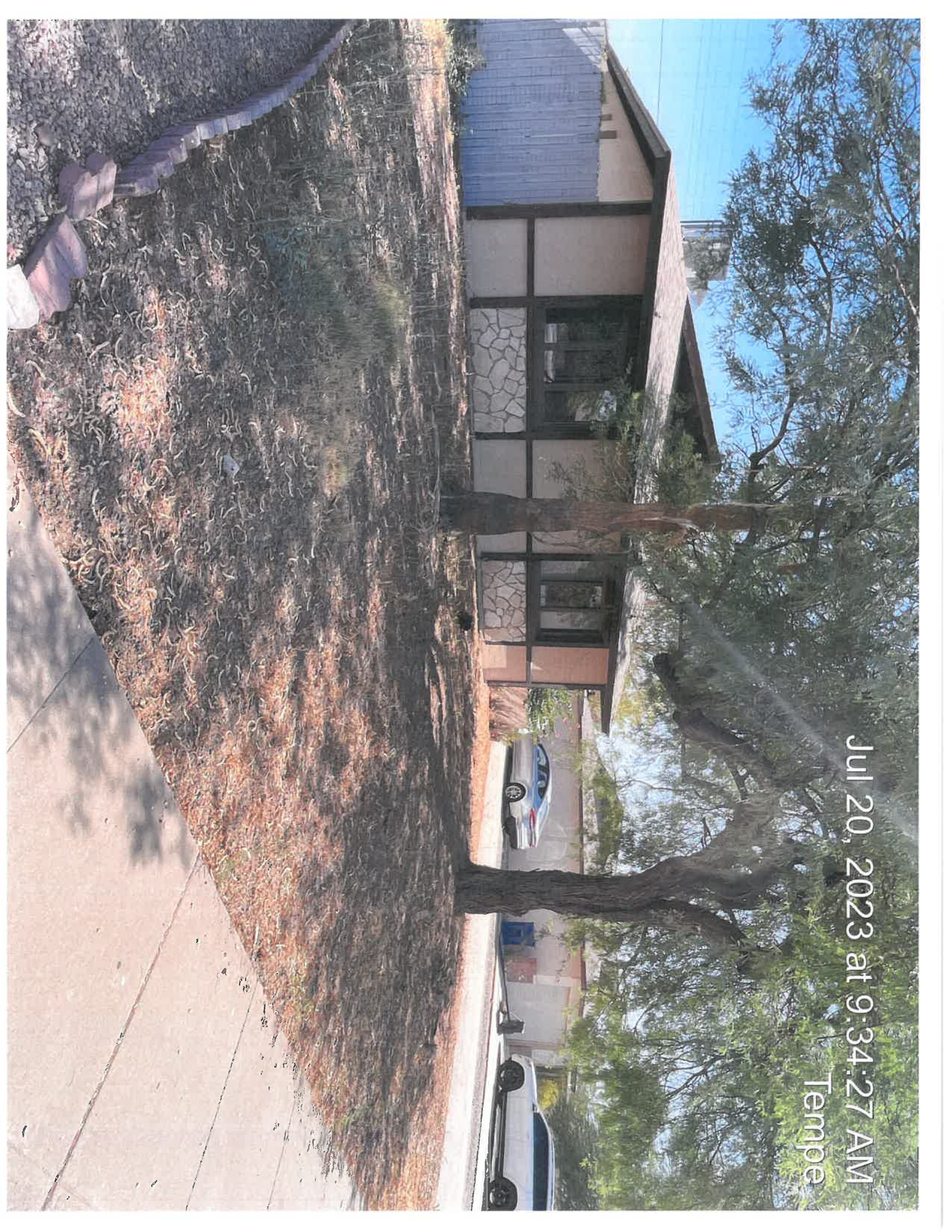
JUL 20, 2023 at 9:34:46 AM
Tempe



Jul 20, 2023 at 9:34:22 AM
Tempe



Jul 20, 2023 at 9:34:27 AM
Tempe





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/11/2023

RICHARDSON ALEX P/KURT/SUSIE
1242 E MANHATTON DR
TEMPE, AZ 85282

Case #: CE232830
Site Address: 1242 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/11/2023 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.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.8	Please remove all grass and or weeds, including removing all dead remnants of weeds from the front and side(s) of the property. Cutting the grass and or weeds down to the gravel level is not considered compliant with city code. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.	05/29/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Andrew Gongora
Code Inspector

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

05/30/2023

RICHARDSON ALEX P
1242 E MANHATTON DR
TEMPE, AZ 85282

Case #: CE232830
Site Address: 1242 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/30/2023 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.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.8	Please remove all grass and or weeds, including removing all dead remnants of weeds from the front and side(s) of the property. Cutting the grass and or weeds down to the gravel level is not considered compliant with city code. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.	6/13/2023

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

Andrew Gongora
Code Inspector

Direct: 480-350-8623
Code Compliance: 480-350-4311
Email: Andrew_Gongora@tempe.gov

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1789704		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 CE232830	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language									
Defendant		Name (First, Middle, Last) ALEX P RICHARDSON						Juvenile	
Residence Address, City, State, Zip Code 1242 E MANHATTAN DR TEMPE AZ 85282								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 6	Day 20	Year 2023	Time 10:05	<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 1242 E MANHATTAN DR						<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> 85282	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TCG 21-3 A	ARS Violation: CC 21-3 b. 8 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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
MVD					
B	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
MVD					
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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
MVD					
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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
MVD					
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 <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: 7/5/2023	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	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: <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 MAIL / CERT	Complainant 	ID # 26424

Comments: **1st CITATION \$200.00**

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 _____

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.

COMPLAINT



1789704