
**CITY OF TEMPE
HEARING OFFICER**

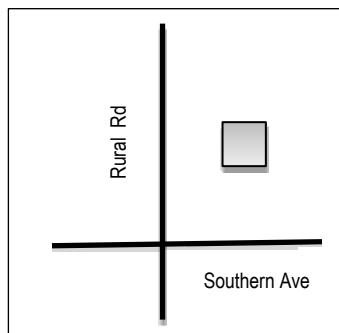
**Meeting Date: 12/19/2023
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the Nunes Property located at 1203 E. Campus Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2,112.00 for abatement request: Remove over height grass and weeds and drain pool to remove dirty stagnant water.

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 NUNES 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 CE234653: Removal of over height grass and weeds, drain pool to remove dirty stagnant water.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Anita Nunes
City of Tempe – Code Compliance
R1-6 – Single Family Residential District
David Rich

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: Shawn Daffara, CPTED Coordinator
Reviewed by: Drew Yocom, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Nunes Property located at 1203 E. Campus Dr, in the R1-6, Single Family Residential District. This case was initiated 08/21/2023, 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	Nunes Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1203 E CAMPUS DR TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE234653 12/19/2023	PARCEL No(s)	133-32-234 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS	CITY	STATE ZIP
CONTACT NAME	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	ADDRESS	CITY	STATE ZIP
CONTACT NAME	PHONE 1	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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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS	CITY	STATE ZIP
CONTACT NAME	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 #			TOTAL APPLICATION FEES
SPR TRACKING # (If 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 10/16/2023
TO: Jack Scofield, Sr. Code Inspector
FROM: David Rich, Code Inspector
SUBJECT: CE234653, NUNES Property Abatement

LOCATION: 1203 E CAMPUS DR. TEMPE, AZ 85282

LEGAL: TEMPE ROYAL PALMS UNIT 3

PARCEL: 133-32-234

OWNER: ANITA C NUNES
240 3RD ST UNIT 210
OAKLAND, CA 94607

FINDINGS:

08/21/2023 A complaint was generated in reference to the property for deteriorated landscape (over height grass in front yard and grass and weeds in the gravel), along with a deteriorated pool (green water). An inspection of the property was conducted by Code Inspector David Rich, who verified the violations were present. A notice was mailed to the homeowner, Anita C. Nunes.

09/04/2023 Conducted follow up inspection of the property and observed the grass was not cut and the pool still contained green water. Final notice mailed to the homeowner.

09/19/2023 Conducted inspection of the property and observed the grass still not cut and the pool still contained green water. Left pink card requesting contact from the homeowner by the end of business on 09/21/2023.

09/22/2023 Conducted inspection of property, the grass was still not trimmed and the pool still contained green water. A citation (1790001) was issued for violations of 21-3.B.8 and 21-3.B.16. photographs of the property were taken to show the condition of the property.

10/06/2023 Owner failed to appear for Court.

10/26/2023 Mailed Notice of Intent to Abate to the property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 1203 E. Campus Dr., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. and 21-3.b.16. Ms. Nunes was issued multiple notices. A citation was issued and Ms. Nunes failed to appear. There has been no indication that

the property owner will bring the property into compliance. The property represents a health/safety issue 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. I also request that the abatement be approved for 180 days.

Respectfully submitted,

David Rich
Code Inspector

ACTION TAKEN: submit

NAME [Signature]

DATE: 10/27/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/25/2023
CASE #: CE234653

NUNES ANITA C
240 3RD ST UNIT 210
OAKLAND, CA 94607

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

LOCATION: 1203 E CAMPUS DR TEMPE, AZ 85282
PARCEL: 13332234

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **12/19/2023**. 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
- CC 21-3.b.16** Swimming pool that is deteriorated or presents a health hazard
- 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 CUT OVER HEIGHT GRASS AND WEEDS IN FRONT YARD LANDSCAPING. PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**
- CC 21-3.b.16** **PLEASE RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.**
- CC 21-3.b.8** **PLEASE TRIM GRASS IN REAR AND SIDE YARDS OF 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 **\$2,112.00**. 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: David Rich
Phone Number: 480-350-5011
E-mail: David_Rich@tempe.gov



October 23, 2023

City of Tempe
Attn: David Rich
Code Inspector

RE: Clean-Up at 1203 E. Campus 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 at 1203 E. Campus Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

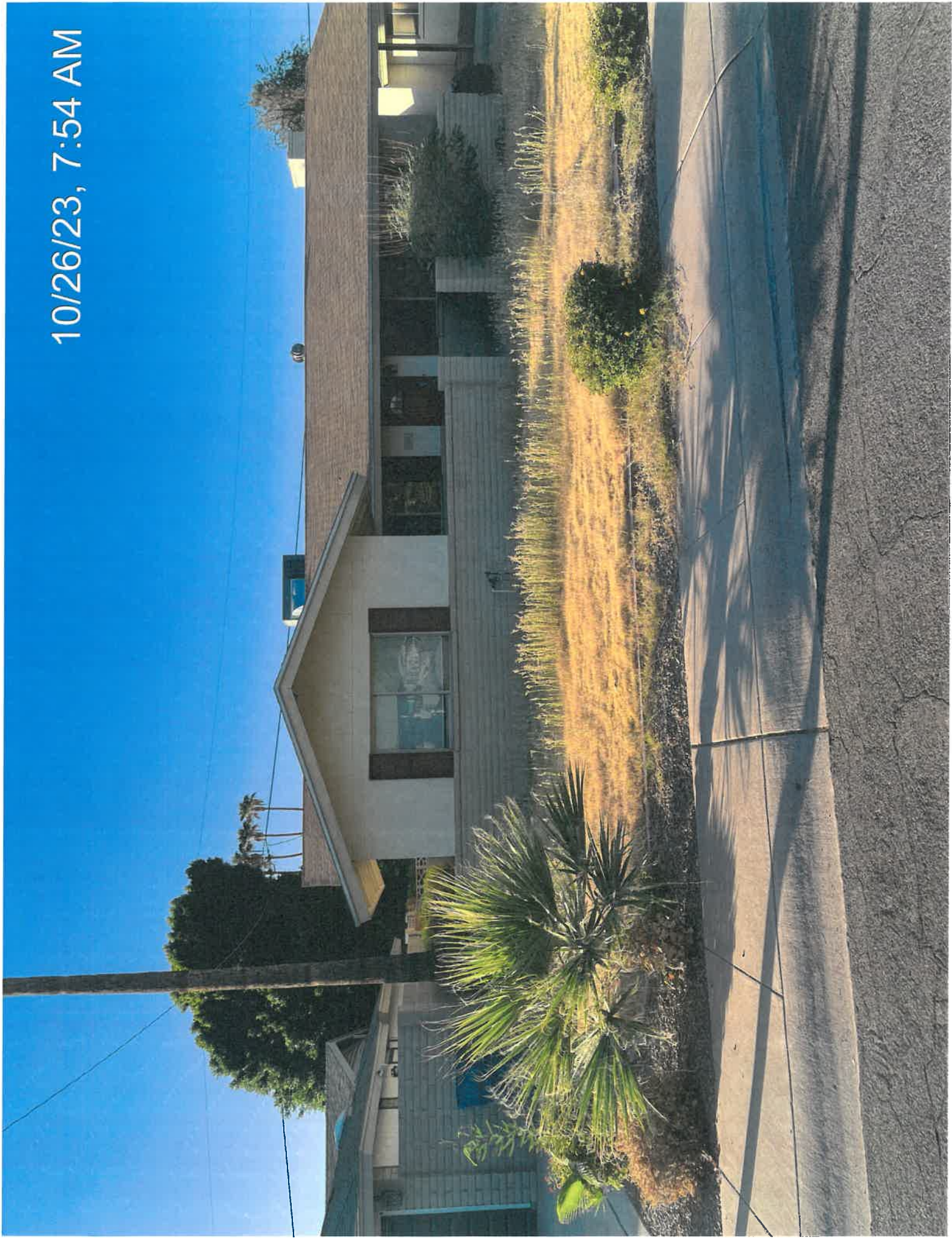
- Cut over height grass and weeds in the front and rear yard
- Spray post-emergent chemical where needed
- Drain the pool
- Police Presence on-site for the duration of the service

Total = \$2,112.00

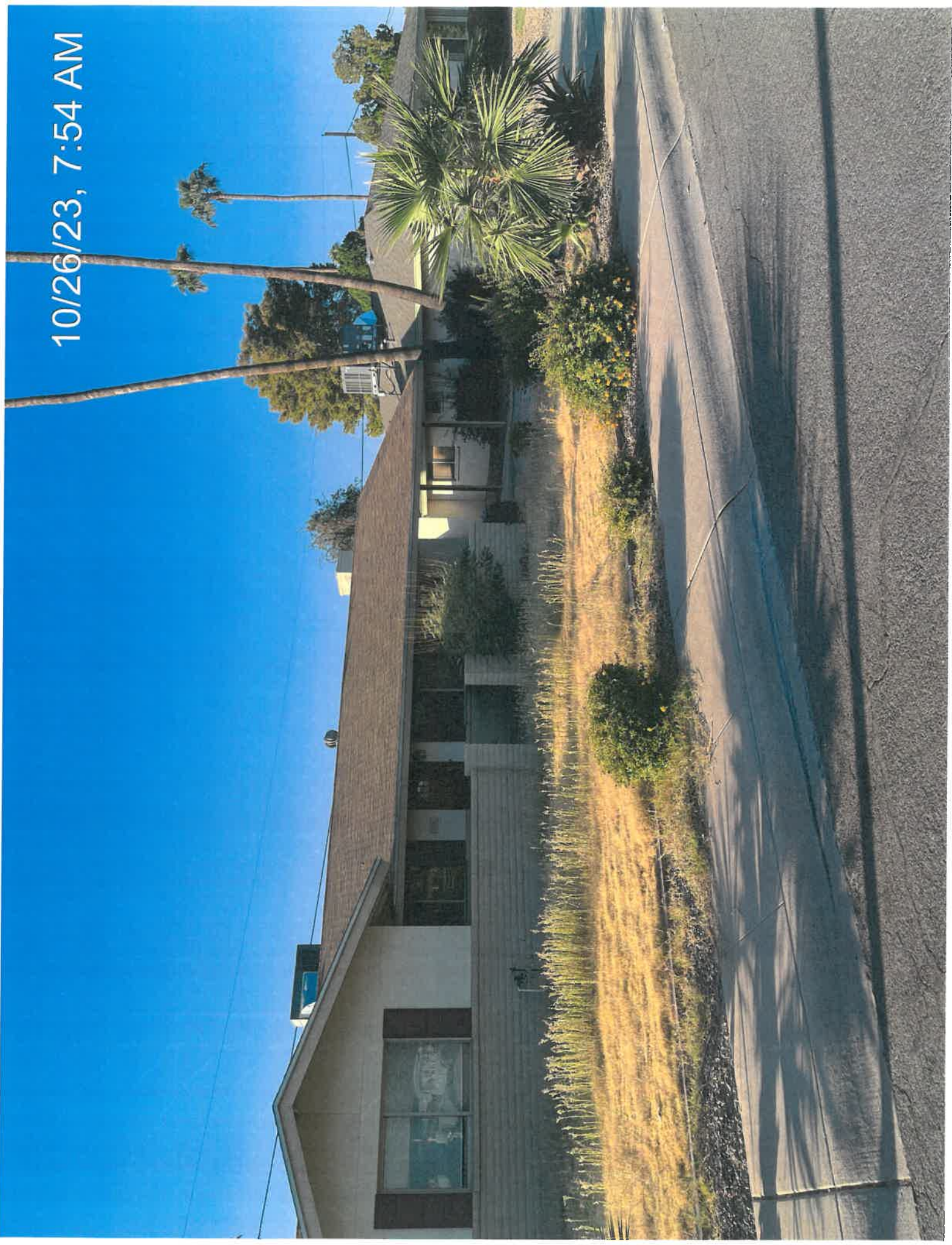
Respectfully,

Jose Hernandez

10/26/23, 7:54 AM



10/26/23, 7:54 AM



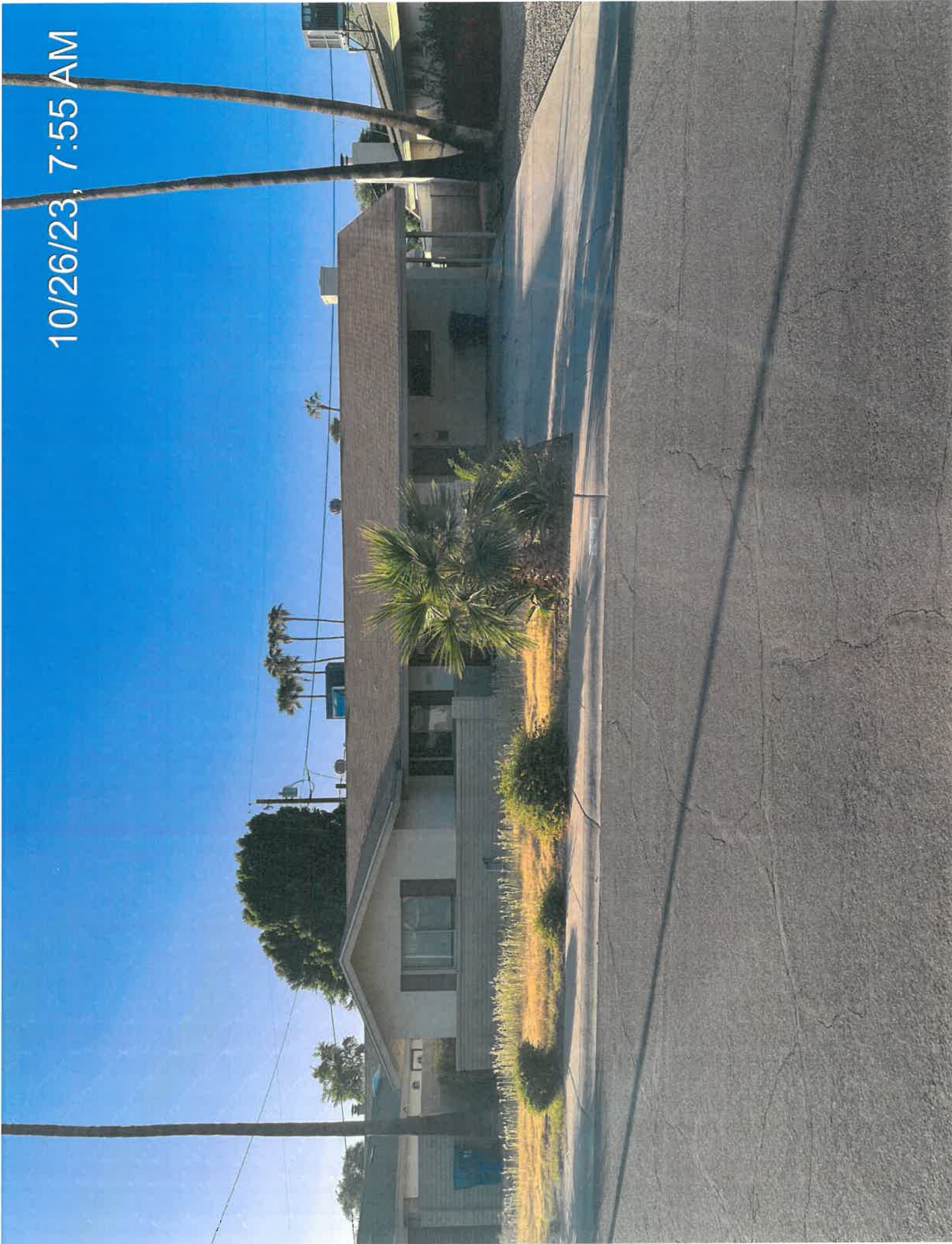
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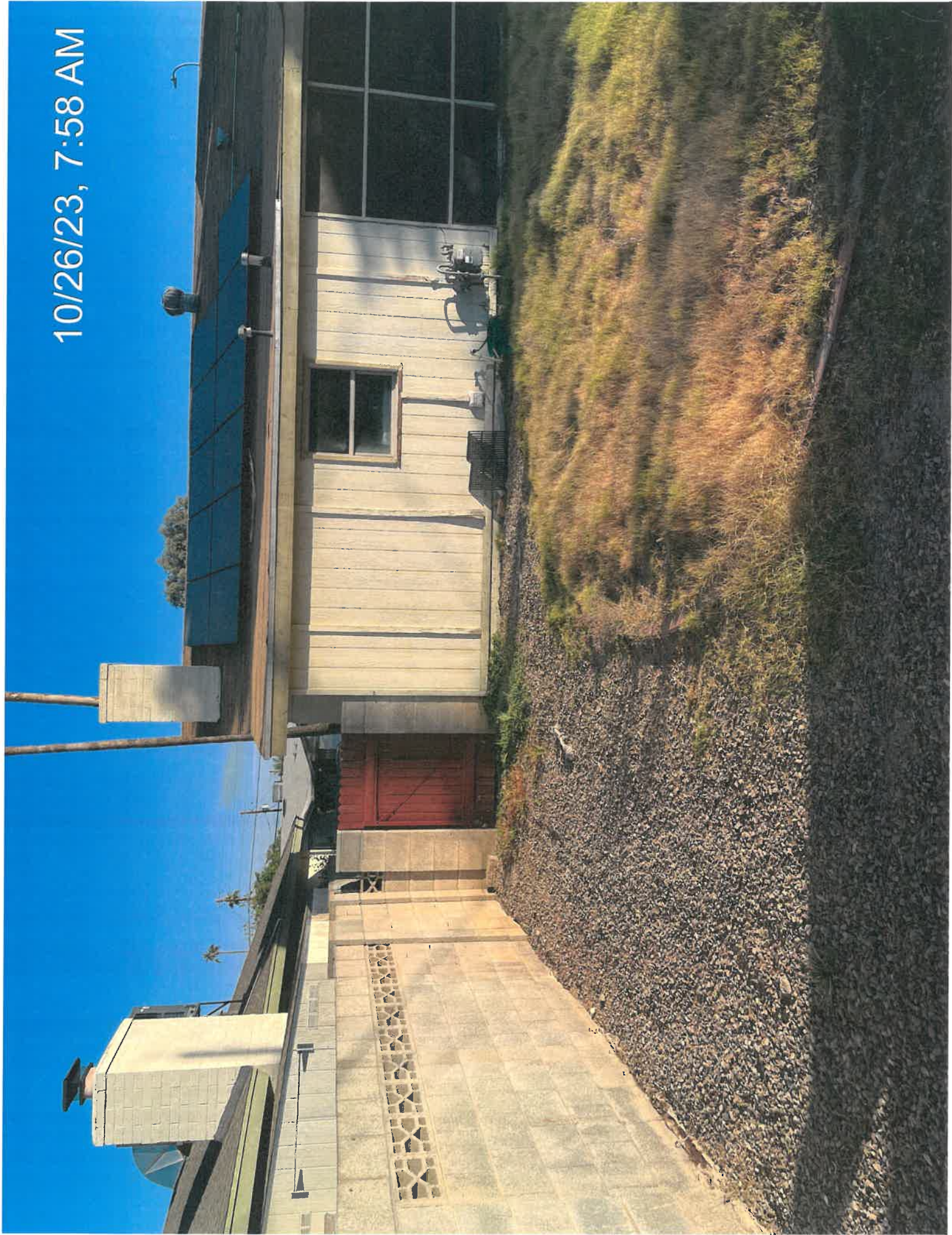
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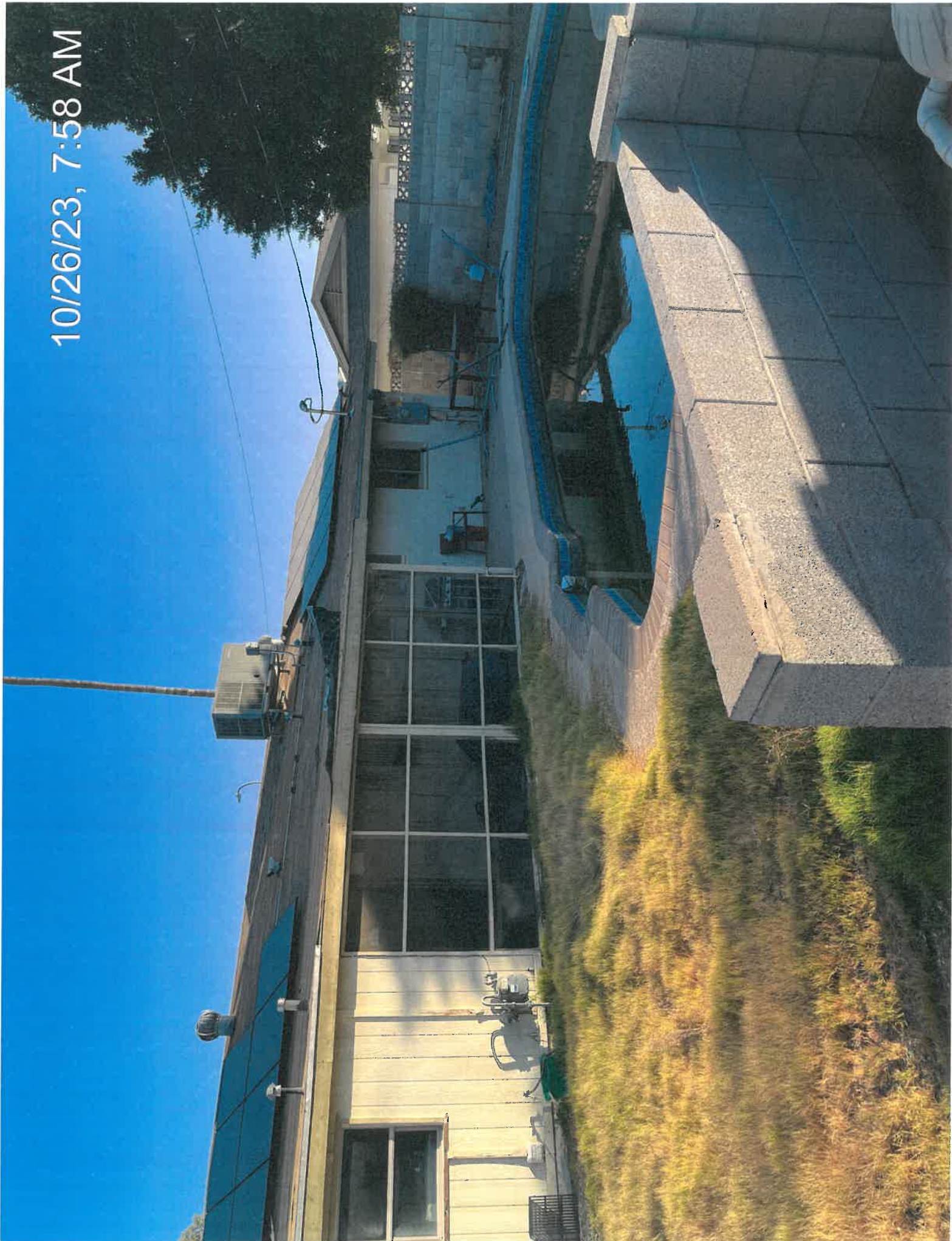
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10/26/23, 7:58 AM



10/26/23, 7:58 AM



10/26/23, 7:58 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

08/21/2023

CURRENT OCCUPANT
1203 E CAMPUS DR
TEMPE, AZ 85282

Case #: CE234653
Site Address: 1203 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/21/2023 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
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE CUT OVER HEIGHT GRASS AND WEEDS IN FRONT YARD LANDSCAPING. PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	9/4/2023
CC 21-3.b.16	PLEASE RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGEEA, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.	9/4/2023

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

David Rich
Code Inspector

Direct: 480-350-5011
Code Compliance: 480-350-4311
Email:David_Rich@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
CORRECTION NOTICE

08/21/2023

NUNES ANITA C
240 3RD ST UNIT 210
OAKLAND, CA 94607

Case #: CE234653
Site Address: 1203 E CAMPUS DR, TEMPE, AZ 85282

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/05/2023

CURRENT OCCUPANT
1203 E CAMPUS DR
TEMPE, AZ 85282

Case #: CE234653
Site Address: 1203 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/05/2023 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.

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/05/2023

NUNES ANITA C
240 3RD ST UNIT 210
OAKLAND, CA 94607

Case #: CE234653
Site Address: 1203 E CAMPUS DR, TEMPE, AZ 85282

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

10/16/2023

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TEMPE, AZ 85282

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CC 21-3.b.8	PLEASE TRIM GRASS IN REAR AND SIDE YARDS OF PROPERTY.	10/30/2023

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Code Compliance: 480-350-4311
Email:David_Rich@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 1790001		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"/> 16 Passenger Vehicle <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 CE234653			
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant Name (First, Middle, Last) ANITA C. NUNES												Juvenile	
Residence Address, City, State, Zip Code 240 3RD ST. UNIT 210 OAKLAND CA 94607												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 07	Day 22	Year 2023	Time 0919	<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 1203 E. CAMPUS DR. TEMPE						<input checked="" type="checkbox"/> Tempe 85282		State of Arizona		Area	Dist.	

The Defendant Committed the Following:

A	Section: TCC 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: TCC 21-3	A	ARS Violation: CC 21-3.B.16 DETERIORATED POOL	<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					
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: 10/13/2023	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 MAILED / CERT.	D. RICK	27279
	Complainant	ID #

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.

A = \$200.00
B = \$400.00
TOTAL = \$600.00

Initials _____ Date issued if not violation date _____

COMPLAINT



1790001

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.