
**CITY OF TEMPE
HEARING OFFICER**

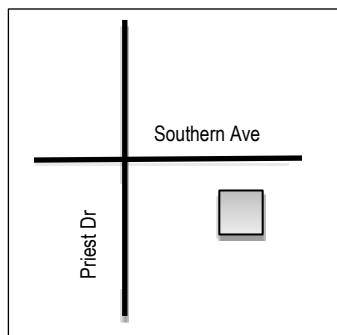
**Meeting Date: 04/16/2024
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the KENTON R BROWN Property located at 1208 W Malibu Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4701.00 for abatement request: Remove junk/debris, high grass and weeds, inoperable/unregistered vehicles, damaged fence.

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 KENTON R BROWN 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 CE231393: Removal of junk/debris, high grass and weeds, inoperable/unregistered vehicles, damaged fence.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Kenton R Brown
City of Tempe – Code Compliance
R1-6: Single Family Residential District
Hector Heredia

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Administrator (480-350-8967)

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Shawn Daffara, CPTED Coordinator
Reviewed by: Jack Scofield, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the KENTON R BROWN located at 1208 W. Malibu Dr in the R1-6, Single Family Residential District. This case was initiated 03/08/2023, 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	KENTON R BROWN PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1208 W MALIBU DR TEMPE AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	HEARING OFFICER : 04.16.2024 / CE231393	PARCEL No(s)	123.42.012 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	KENTON R BROWN	ADDRESS	1208 W MALIBU DR
CONTACT NAME		CITY	TEMPE
		AZ STATE	
		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 Code Compliance	ADDRESS	21 E 6TH ST STE 208
CONTACT NAME	Hector Heredia Code Inspector	CITY	TEMPE
		STATE	AZ
		ZIP	85281
EMAIL	hector_heredia@tempe.gov	PHONE 1	480.350.5462
		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
<i>[Signature]</i>		
2024		

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 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: 02.20.2024
TO: Jack Scofield, Code Enhancement Administrator
FROM: Hector Heredia, Code Inspector
SUBJECT: CE231393 : KENTON R BROWN PROPERTY ABATEMENT FINDINGS

LOCATION: 1208 W MALIBU DR TEMPE AZ 85282

PARCEL: 123.42.012

OWNER: **KENTON R BROWN**
1208 W MALIBU DR
TEMPE AZ 85282

FINDINGS:

03.08.2023: An anonymous complaint was received regarding an inoperable / unregistered vehicle on the front yard. This was then verified, and a first notice was mailed to the property owner.

03.24.2023: At the following inspection nothing had been done and a final notice was then mailed to the property owner.

04.10.2022: Anonymous complaints are received regarding junk / debris across the front yard and lawn parking.

04.12.2023: At the follow up inspection nothing had been done and additional concerns were added to the case. These concerns were entered anonymously via our website indicating junk / debris and a deteriorated fence were not present. This was then verified, and a revised second final notice was mailed to the property owner. An extension was granted in the notice with the updated violations to provide ample time for correction.

05.09.2023: A first citation was issued after the property was not brought into compliance.

06.06.2023: I received a subpoena from City Courts to appear on / BROWN, #23-013543-4 on July 13, 2023, at 2:00 PM.

07.13.2023: A motion to continue the case was requested and granted.

08.10.2023: I received an updated subpoena from City Courts to appear on / BROWN, #23-013543-4 on September 6, 2023, at 1:30 PM.

01.31.2024: At the time of this inspection after noticing a deteriorated overgrown landscape issued an updated final notice incorporating all pending concerns. These concerns included a deteriorated landscape, junk / debris, a deteriorated fence, lawn parked vehicles also inoperable / unregistered. These violation are all visible from public access points across the entire location.

02.20.2024: At the time of the final inspection after continual monitoring of on-going and uncompleted progress and due to multiple failed attempts to reach the property owner the abatement packet was turned in for the April 16th, 2024, Hearing Officer Agenda.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 1208 W MALIBU DR due to property owner's failure to bring property into compliance with Tempe City Codes **CC 21-3.b.1, CC 21-3.b.3, CC 21-3.b.4, CC 21-3.b.8 & CC 21-3.b.15**. Kenton R Brown 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,

Hector Heredia
Code Inspector

ACTION TAKEN: Submit
NAME: [Signature]
DATE: 2/22/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02.20.2024
CASE # CE231393

**KENTON R BROWN
1208 W MALIBU 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: 1208 W MALIBU DR TEMPE AZ 85282

PARCEL: 123.42.012

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 04.16.2024. 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:

Violation of City of Tempe Codes

CC 21-3.b.1

A nuisance includes any one (1) or more of the following conditions: 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; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City

CC 21-3.b.3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors, or windows of any building on any lot, except the safe and neat keeping of: a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building; b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period; c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code; d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code

CC 21-3.b.4

To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall: a. Be contiguous to, parallel with, and share an access point with, the required driveway; b. Have a consistent length and width, but not necessarily the same dimensions of the parking area or required driveway; c. Be no greater than thirty-five percent (35%) of the front and side areas visible from the street; d. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and e. Be maintained free of all vegetation, including, but not limited to grasses, trees and bushes

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; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

CC 21-3.b.15

Any wall or fence that is missing blocks, boards, or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated appearance. All replacement materials shall be uniform, compatible, and consistent with the design thereof.

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. REMOVE ALL JUNK / DEBRIS FROM YOUR ENTIRE PROPERTY FRONT TO BACK.**
- 2. REMOVE ANY LAWN PARKED VEHICLES FROM THE FRONT YARD LANDSCAPE.**
- 3. REMOVE / REPAIR VEHICLES THAT ARE INOPERABLE / UNREGISTERED FROM THE FRONT YARD**
- 4. REMOVE ALL OVER HEIGHT GRASS AND WEEDS FROM YOUR PROPERTY FRONT TO BACK**
- 5. REPAIR ALL SECTIONS OF DETERIORATED FENCING TO A DAMAGE FREE STATE**

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 **\$4,701,600**. 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: Hector Heredia

Phone Number: 480.350.5462

E-mail: hector_heredia@tempe.gov



February 5, 2024

City of Tempe
Attn: Hector Heredia
Code Compliance Inspector

RE: Clean-Up at 1208 W. Malibu 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 1208 W. Malibu Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove weeds, trash, accumulated junk, and debris from the front yard, backyard, and carport area
- Haul off debris
- Police presence on-site for duration of the visit

*Please note removal of unknown or bodily waste material in containers is not included.

Total: \$4,389.00

Respectfully,

Freddie Panzella

Customer Quotation

Date	Quote #
14-Feb-2024	99

Apache Sands Towing

7602 E Main St
 Mesa, Arizona 85207
 Phone: (480) 986-5556
 Fax: (480) 373-8766

Quoted For:

City of Tempe (Nuisance Abatement Services)

 Arizona

Summary

Location:	1208 W Malibu Dr Tempe
Destination:	Tempe Impound
Reason:	
Zone:	
Vehicle:	Honda Fit (Yellow)
Owner:	
Phone:	
VIN:	
Plate/Tag:	
Mileage:	

Service	Quantity	Rate	Amount
4 - LD - T6 -Towing	1.00	104.20	104.20
		Sub Total	104.20
		QUOTATION TOTAL	104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

Signature

Date

Customer Quotation

Date	Quote #
14-Feb-2024	98

Apache Sands Towing

7602 E Main St
 Mesa, Arizona 85207
 Phone: (480) 986-5556
 Fax: (480) 373-8766

Quoted For:

Hector Heredia
 City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location: 1208 W Malibu Dr Tempe
Destination: Tempe Impound
Reason: Tow
Zone:
Vehicle: 1985 Ford Truck
Owner:
Phone:
VIN:
Plate/Tag:
Mileage:

Service	Quantity	Rate	Amount
4 - LD - T6 -Towing	1.00	104.20	104.20
Sub Total			104.20
QUOTATION TOTAL			104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

Signature

Date

Customer Quotation

Date	Quote #
14-Feb-2024	100

Apache Sands Towing

7602 E Main St
 Mesa, Arizona 85207
 Phone: (480) 986-5556
 Fax: (480) 373-8766

Quoted For:

Hector Heredia
 City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location: 1208 W Malibu Dr Tempe
Destination: Tempe Impound
Reason: Tow
Zone:
Vehicle: 6 wheel vehicle
Owner:
Phone:
VIN:
Plate/Tag:
Mileage:

Service	Quantity	Rate	Amount
4 - LD - T6 -Towing	1.00	104.20	104.20
Sub Total			104.20
QUOTATION TOTAL			104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

Signature

Date













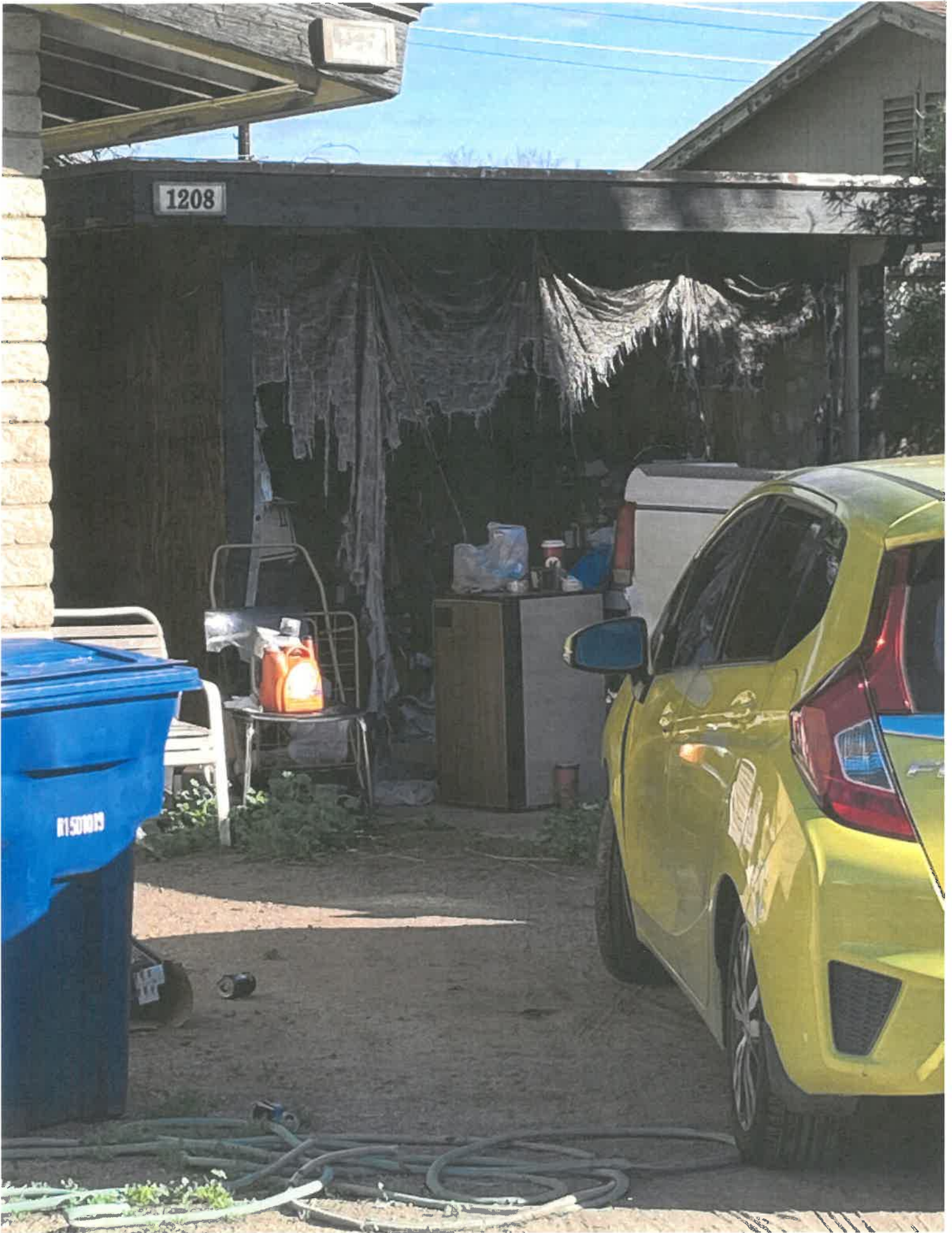














1208

MR. WAHKEE'S
BEST ICE

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email:Hector_Heredia@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

04/12/2023

BROWN KENTON R
 1208 W MALIBU DR
 TEMPE, AZ 85251-2242

Case #: CE231393
 Site Address: 1208 W MALIBU DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/12/2023 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.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.3	Please repair / restore your vehicle, the White 4X4 Ford Truck to a functioning state. All tires must always be installed and to remain inflated. Also, please properly register your vehicle with MVD. Once you have obtained the up dated registration, please be sure to prominently display that on your vehicle for easy public access. Or you can remove that vehicle from your property entirely to a more discrete location permanently. In addition, the Vintage VW Van in the backyard must be screened due to its visibility by the damaged fencing. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	05/05/2023
CC 21-3.b.4	Please remove your vehicle, the Vintage Custom Ford Truck license plate #EJV92, from the front yard area to the allowed designated parking location. This also always includes all vehicles from parking in the prohibited areas. Only 35% of the front yard is allowed for parking purposes. Please familiarize yourself with additional in-depth information regarding parking regulations provided under the conditions stated in article 21-3.b.4 of the nuisance's codes. Or please remove that vehicle to a more discrete location permanently.	05/05/2023

Please take all the precautionary measures necessary to repair / restore your property's fencing to its original, damage free and standing state including free of all deterioration. Please consider using like materials from the surrounding area so it does not appear to be a deteriorated state or a potential hazard for any pedestrian. This means replacing any missing planks, chain links or bricks including deteriorated paint to unify the appearance of the restoration project. All debris must be discarded appropriately to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

**Hector Heredia Jr
Code Inspector**

**Direct: 480-350-5462
Code Compliance: 480-350-4311
Email:Hector_Heredia@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
 REVISED FINAL CORRECTION NOTICE

01/31/2024

BROWN KENTON R
 1208 W MALIBU DR
 TEMPE, AZ 85251-2242

Case #: CE231393
 Site Address: 1208 W MALIBU DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/31/2024 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.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard
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.3	Please repair / restore your vehicle, the White 4X4 Ford Truck to a functioning state. All tires must always be installed and to remain inflated. Also, please properly register your vehicle with MVD. Once you have obtained the up dated registration, please be sure to prominently display that on your vehicle for easy public access. Or you can remove that vehicle from your property entirely to a more discrete location permanently. In addition, the Vintage VW Van in the backyard must be screened due to its visibility by the damaged fencing. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	11/30/2023
CC 21-3.b.4	Please remove your vehicle, the Vintage Custom Ford Truck license plate #EJV92, from the front yard area to the allowed designated parking location. This also always includes all vehicles from parking in the prohibited areas. Only 35% of the front yard is allowed for parking purposes. Please familiarize yourself with additional in-depth information regarding parking regulations provided under the conditions stated in article 21-3.b.4 of the nuisance's codes. Or please remove that vehicle to a more discrete location permanently.	11/30/2023
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's fencing to its original, damage free and standing state including free of all deterioration. Please consider using like materials from the surrounding area so it does not appear to be a deteriorated state or a potential hazard for any pedestrian. This means replacing any missing planks, chain links or bricks	11/30/2023

including deteriorated paint to unify the appearance of the restoration project. All debris must be discarded appropriately to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.

CC 21-3.b.1 Please remove all the trash, litter, debris, and stored items from your property's front yard including underneath carport / driveway and backyard as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues. 11/30/2023

CC 21-3.b.8 Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Please make sure that all growth of any height is always eliminated from graveled areas. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues. 2/14/2024

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email:Hector_Heredia@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

03/08/2023

BROWN KENTON R
1208 W MALIBU DR
TEMPE, AZ 85251-2242

Case #: CE231393
Site Address: 1208 W MALIBU DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/08/2023 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.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.3	Please repair / restore your vehicle, the White 4X4 Ford Truck to a functioning state. All tires must always be installed and to remain inflated. Also, please properly register your vehicle with MVD. Once you have obtained the up dated registration, please be sure to prominently display that on your vehicle for easy public access. Or you can remove that vehicle from your property entirely to a more discrete location permanently. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	3/22/2023
CC 21-3.b.4	Please remove your vehicle, the Vintage Custom Ford Truck license plate #EJV92, from the front yard area to the allowed designated parking location. This also always includes all vehicles from parking in the prohibited areas. Only 35% of the front yard is allowed for parking purposes. Please familiarize yourself with additional in-depth information regarding parking regulations provided under the conditions stated in article 21-3.b.4 of the nuisance's codes. Or please remove that vehicle to a more discrete location permanently.	3/22/2023

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email: Hector_Heredia@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

03/24/2023

BROWN KENTON R
 1208 W MALIBU DR
 TEMPE, AZ 85251-2242

Case #: CE231393
 Site Address: 1208 W MALIBU DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/24/2023 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.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.3	Please repair / restore your vehicle, the White 4X4 Ford Truck to a functioning state. All tires must always be installed and to remain inflated. Also, please properly register your vehicle with MVD. Once you have obtained the up dated registration, please be sure to prominently display that on your vehicle for easy public access. Or you can remove that vehicle from your property entirely to a more discrete location permanently. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	4/7/2023
CC 21-3.b.4	Please remove your vehicle, the Vintage Custom Ford Truck license plate #EJV92, from the front yard area to the allowed designated parking location. This also always includes all vehicles from parking in the prohibited areas. Only 35% of the front yard is allowed for parking purposes. Please familiarize yourself with additional in-depth information regarding parking regulations provided under the conditions stated in article 21-3.b.4 of the nuisance's codes. Or please remove that vehicle to a more discrete location permanently.	4/7/2023

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1789865	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 CE231393		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant	Name (First, Middle, Last) Kentan R Brech						Juvenile
Residence Address, City, State, Zip Code 208 W Melibu Dr						Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code Tempe AZ 85282						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 05	Day 09	Year 23	Time 8:51	<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 208 W Melibu Dr						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: CC2139	ARS Violation: CC21363 Inoperable Vehicle	<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
	MVD				
B	Section: CC2139	ARS Violation: CC21364 Lawn Parking	<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
	MVD				
C	Section: CC2139	ARS Violation: CC21365 Detention Fence	<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
	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
	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
	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: 052323	Time: Between 9AM & 4PM	
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	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 <u>Certified Mail</u>	<u>Heidi Hedberg</u>	<u>8045</u>
	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.

First Citation \$800.00

Initials _____ Date issued if not violation date **050923**

COMPLAINT

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1789865