

## CITY OF TEMPE HEARING OFFICER

Meeting Date: 10/15/2024

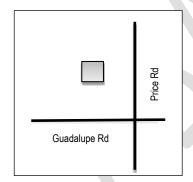
Agenda Item: 3

**ACTION:** Request approval to abate public nuisance items at the BLACKSTAD PROPERTY located at 2119 E. Sesame St. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1900.00 for abatement request: Remove all the high grass and weeds and drain the stagnant water from the pool for this property.

**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 BLACKSTAD 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 CE241852: Remove all the high grass and weeds and drain the stagnant water from the pool for this property.



Property Owner Applicant Zoning District: Code Compliance Inspector:

Paul Blackstad
City of Tempe – Code Compliance
R1-6- Single Family Residential
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 BLACKSTAD PROPERTY located 2119 E. Sesame St. in the R1-6 Single Family Residential District. This case was initiated 03/13/2024, 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.

# 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
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

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L						PHONE		PHONE 2					
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L			City of Tempe Co	de Co	mpliance	ADDRES:	21 E 6TH ST STE 2	08					
	C	ONTACT NAME	Hector Heredia Co	ode In	spector	СП	TEMPE	STATE	AZ	ZIP	85281		
		EMAIL	hector_heredia@	gtemp	e.gov	PHONE	1 480.350.5462	PHONE 2		11			
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DATE:

09.03.2024

TO:

John Salazar, Code Enhancement Supervisor

FROM:

Hector Heredia, Code Inspector

SUBJECT:

CE241852: BLACKSTAD PAUL W PROPERTY ABATEMENT FINDINGS

**LOCATION: 2119 E SESAME ST TEMPE AZ 85282** 

PARCEL:

301.97.631

OWNER:

**BLACKSTAD PAUL W** 

2119 E SESAME ST TEMPE, AZ 85283

### FINDINGS:

03.13.2024: An anonymous complaint was received regarding junk / debris, a deteriorated landscape front and back, missing address numbers and a deteriorated green pool at the location. These concerns were then verified, and a first notice was mailed to the property owner.

03.27.2024: At the follow up inspection nothing had been done and a final notice was then mailed to the property owner.

04.10.2024: Progress and ongoing efforts were noted during daily routed inspections, an extension was granted towards compliance.

04.23.2024: In an attempt to reach the property owner before citation, I left a business card at the location for contact.

05.06.2024: Anonymous complaints were received regarding the deteriorating property.

05.21.2024: A first citation was issued after the property was not brought into compliance. The citation resulted in an FTA or failure to appear.

06.10.2024: Additional anonymous complaints were received regarding the deteriorating pool and back yard.

06.20.2024: A second citation was issued after the property was not brought into compliance. The citation also resulted in an FTA or failure to appear.

07.13.2024: Progress and ongoing efforts were noted during daily routed inspections, the pool is half drained and most debris is cleared. The landscaping is still in violation and also hallway trimmed.

09.03.2024: At the time of the final inspection and after continual monitoring of on-going neglect, noticed that property was not brought into compliance. Due to multiple failed attempts at communicating with the property owner including two citations: the abatement packet was turned in for the October 15<sup>th</sup>, 2024, Hearing Officer Agenda.

## **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property located at 2119 E SESAME DR TEMPE AZ 85283 due to property owner's failure to bring property into compliance with Tempe City Codes CC 21-3.b.8 & CC 21-3.b.16. Paul W Blackstad has been given ample time to come into compliance and maintain the property. The property owner has been issued two civil citations 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:	_ S USmit
NAME	DOHN 8 ALD 201
DATE:	9/4/24



### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/03/2024 CASE #: CE241852

BLACKSTAD PAUL W 2119 E SESAME ST 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: 2119 E SESAME ST TEMPE, AZ 85283

PARCEL: 30197631

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 10/15/2024 at 5 pm. 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.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

If the violations have not been corrected within thirty (30) 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:

CC 21-3.b.16 Drain and clear green pool of all debris and algae

CC 21-3.b.8 Remove all over height grass and weeds from your property front / back yards

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 \$1900.00. 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 guestions regarding this matter, please contact our office at (480)350-4311.

Code Inspector: Hector Heredia Jr Phone Number: 480-350-5462 E-mail: Hector Heredia@tempe.gov



#608

SERVICE DATE Aug 27, 2024

EXPIRATION DATE Oct 11, 2024

TOTAL \$1,900.00

## Skunky's Junk Removal

2119 East Sesame Street Tempe, AZ 85283

emailprocurementofficerdirectly@none.com

#### CONTACT US

2618 W. First Street, Suite 7 Tempe, AZ 85281

(844) 758-6597 info@skunkysjunk.com

## **ESTIMATE**

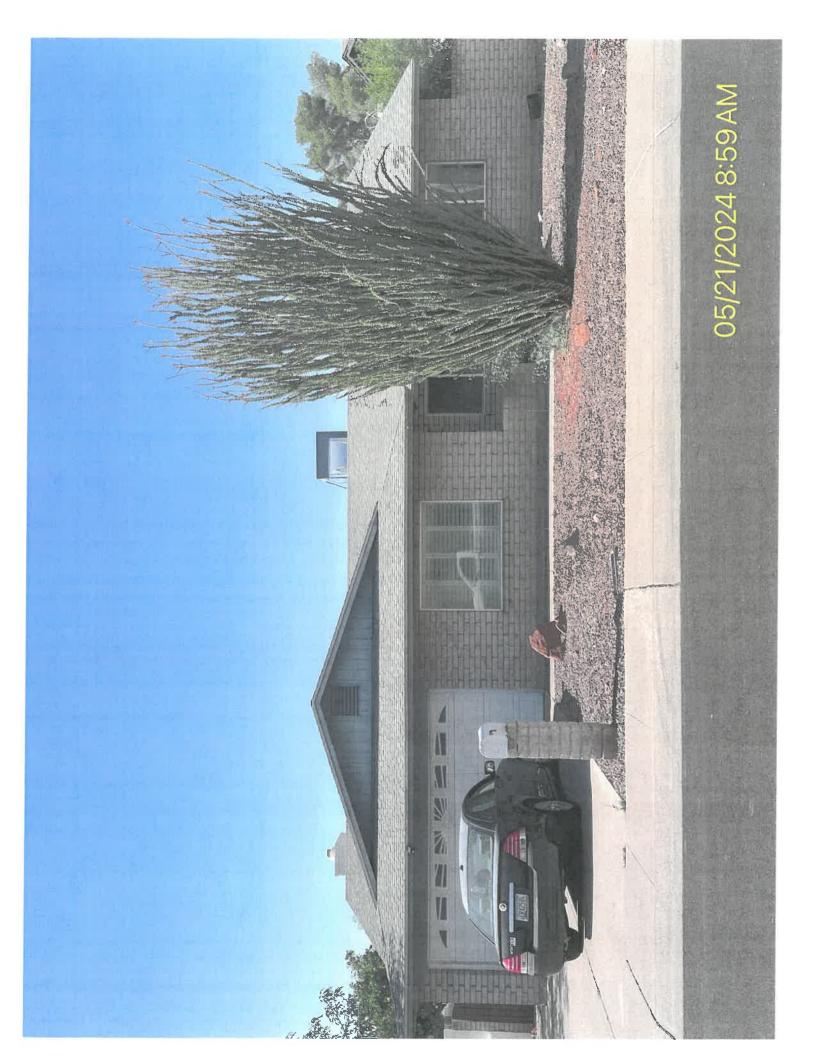
CE241852	\$1,500.00
Deteriorated / Over Grown Landscaping in the back yard.	
Green Pool Back Yard	
Officer required	
Security (Off-Duty Tempe PD)	\$400.00
3 hr. minimum	

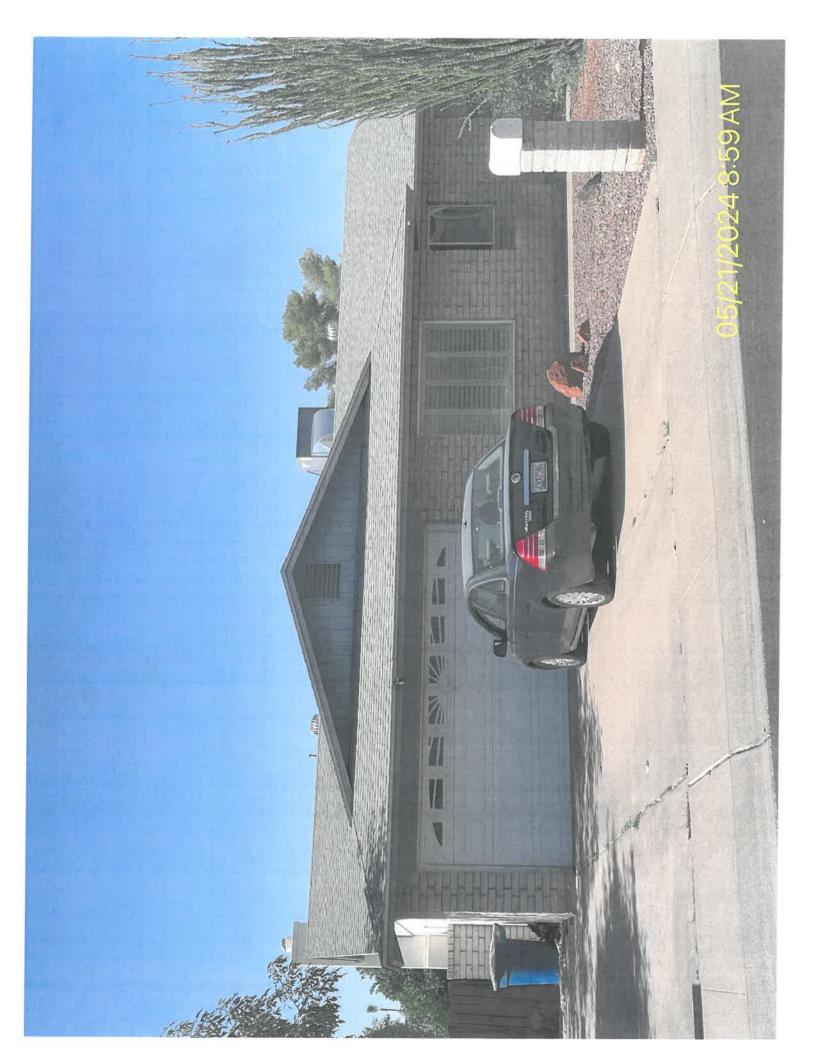
Services subtotal: \$1,900.00

Subtotal \$1,900.00

Total \$1,900.00

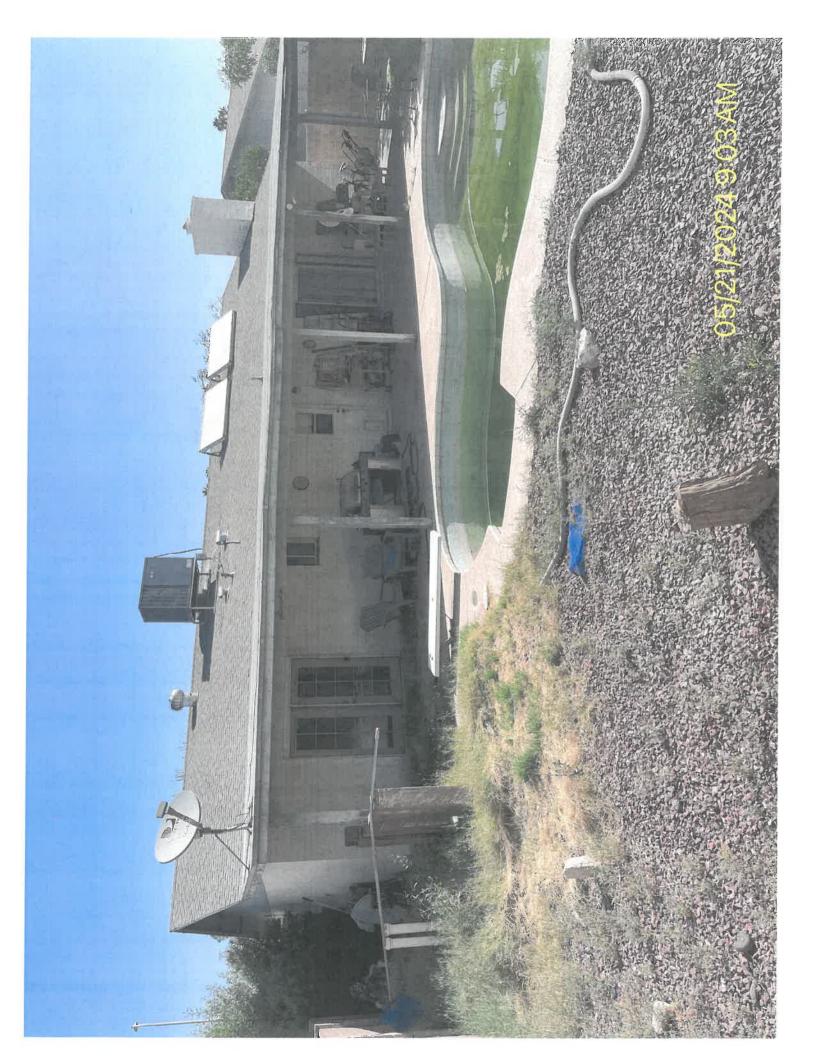
Skunky's Junk Removal is a full service Junk removal company located in Tempe Arizona. Skunky's is dedicated to diverting waste from landfills and donates salvageable items to local charity's.

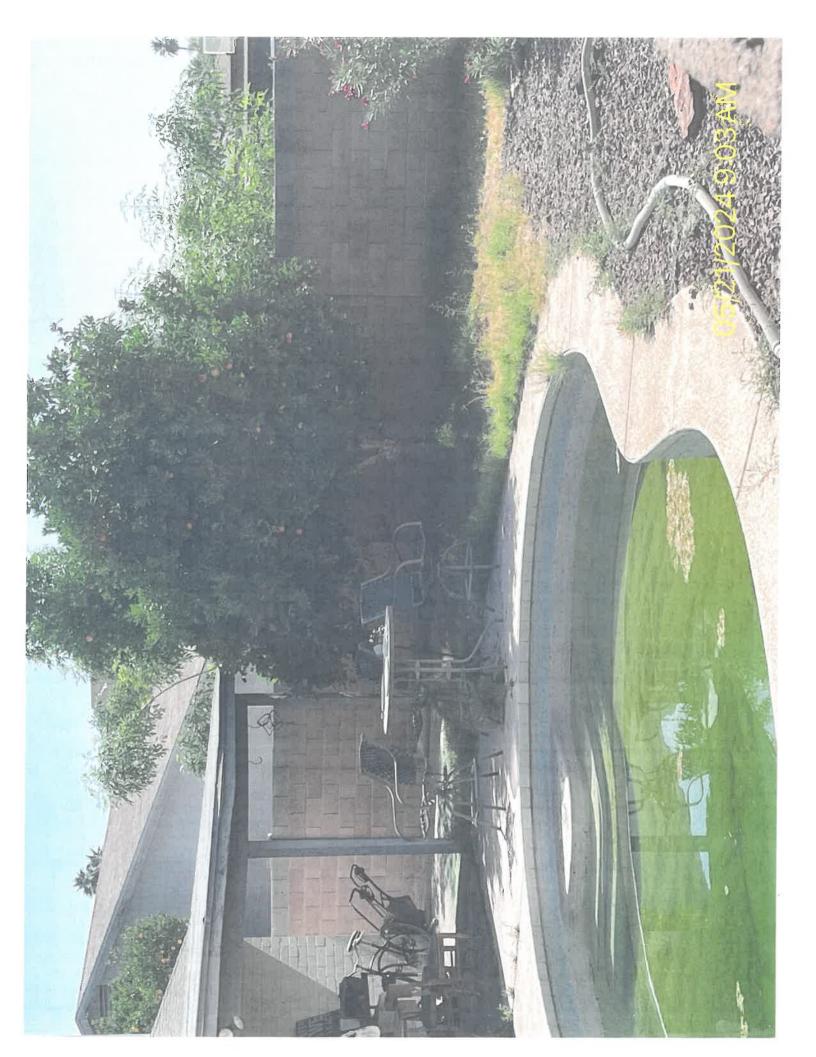


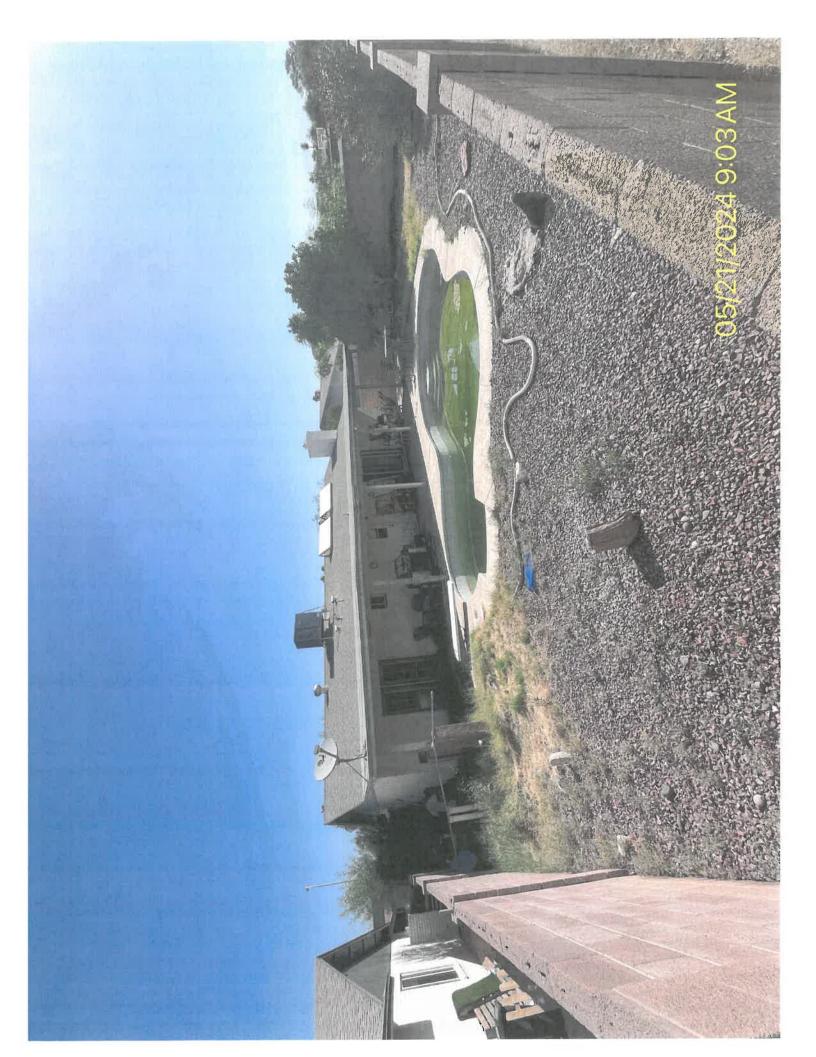


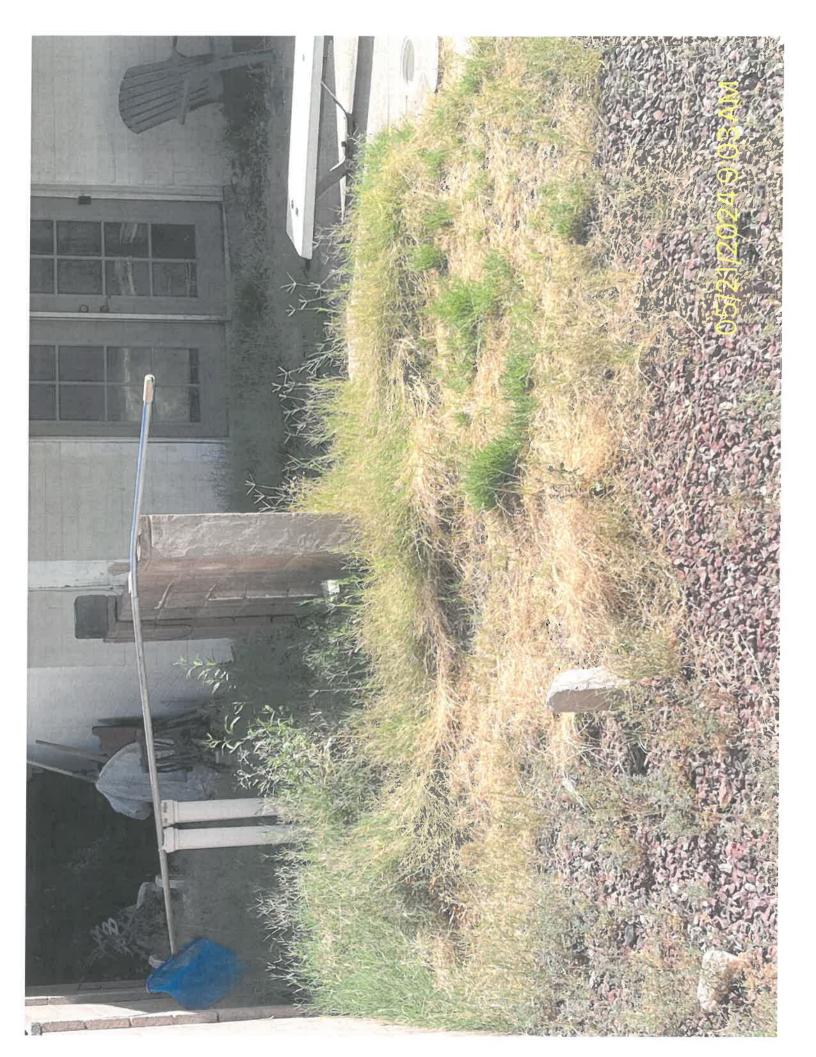


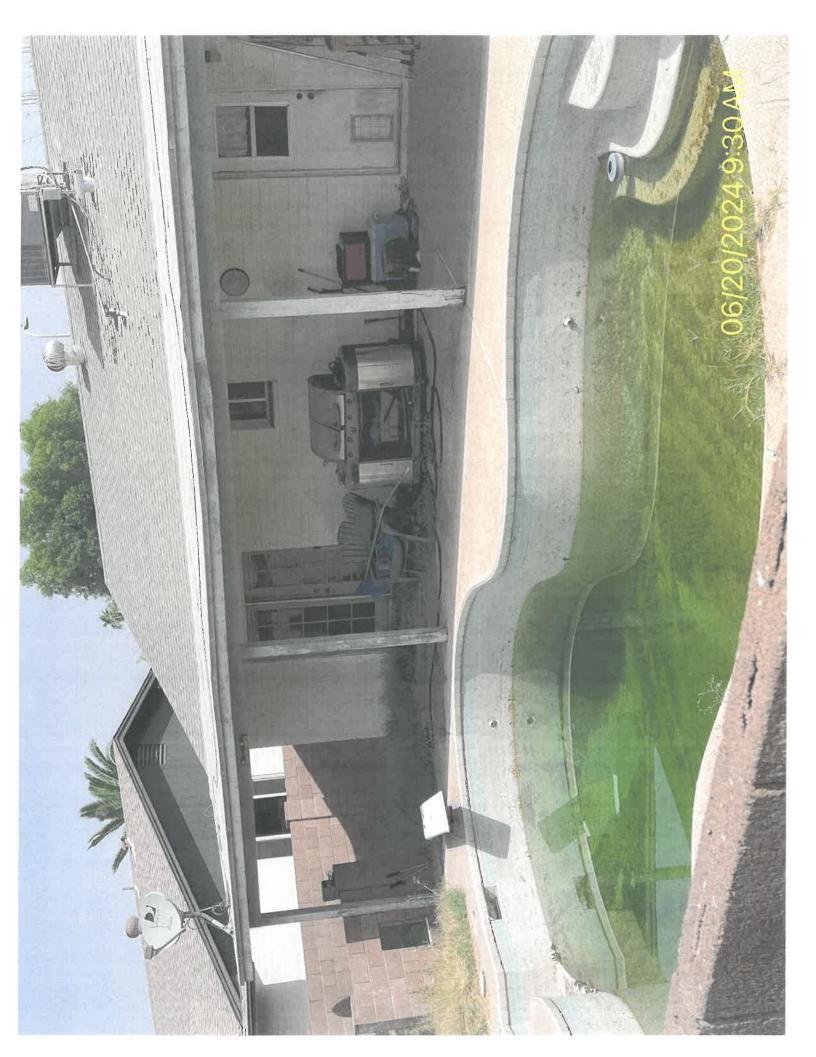


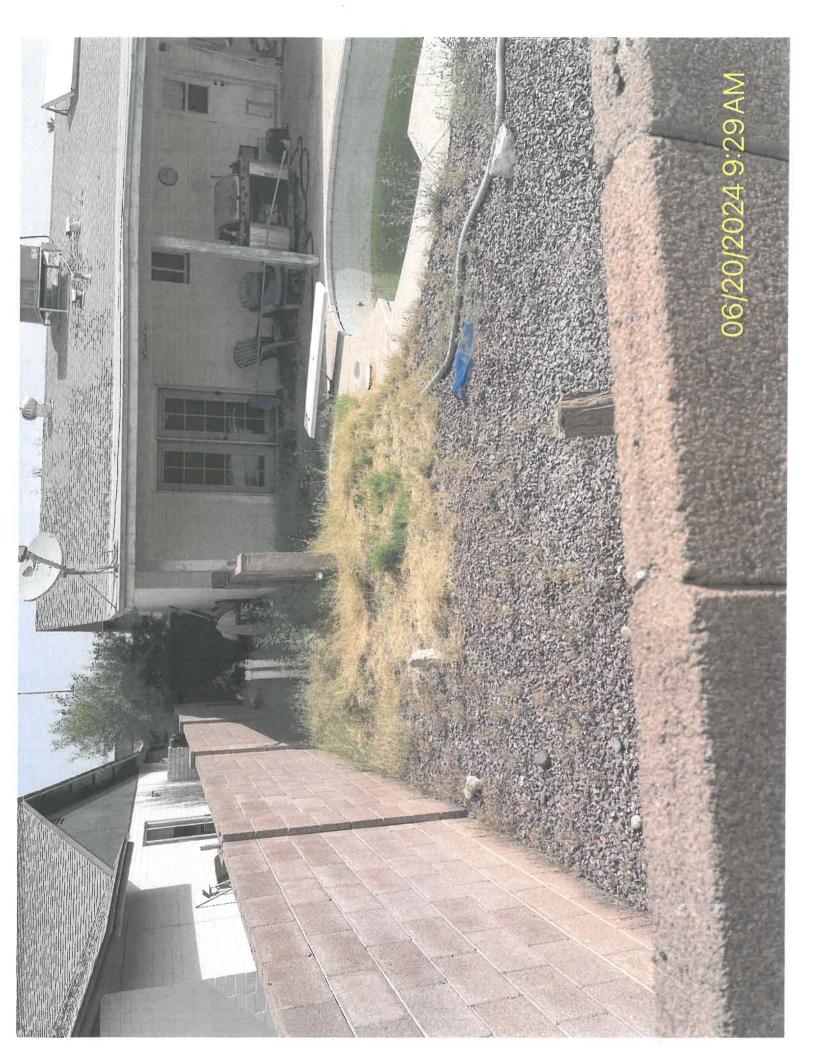




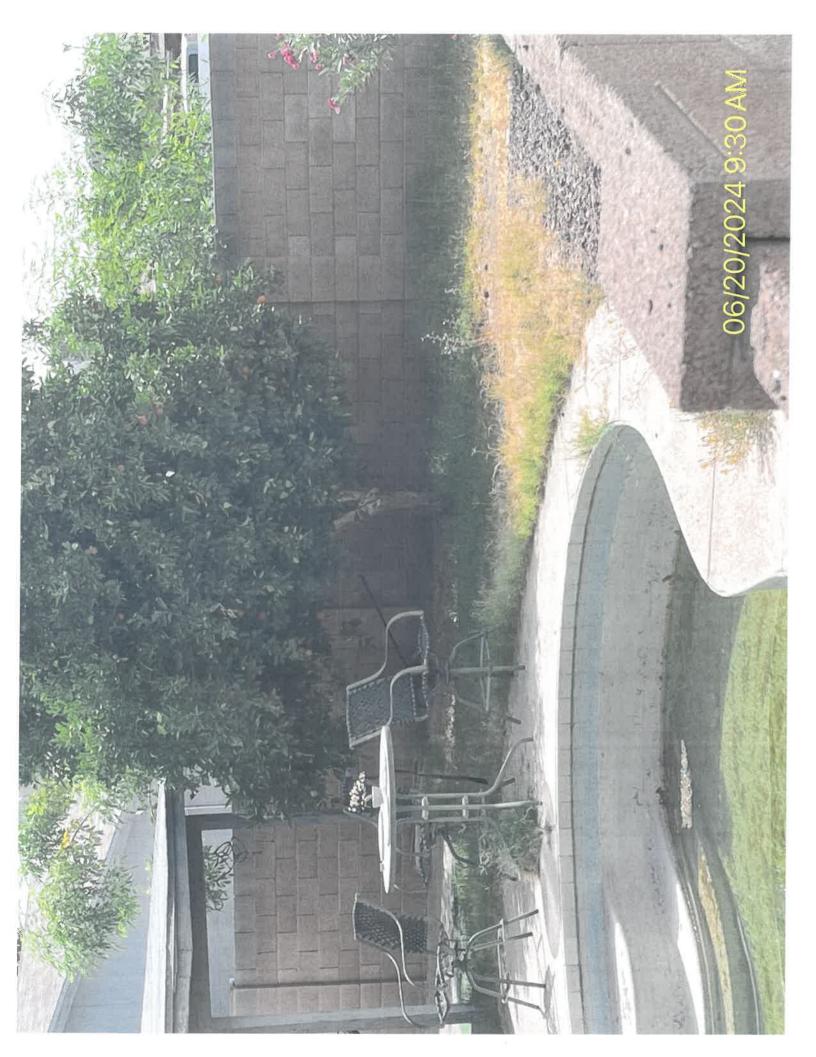


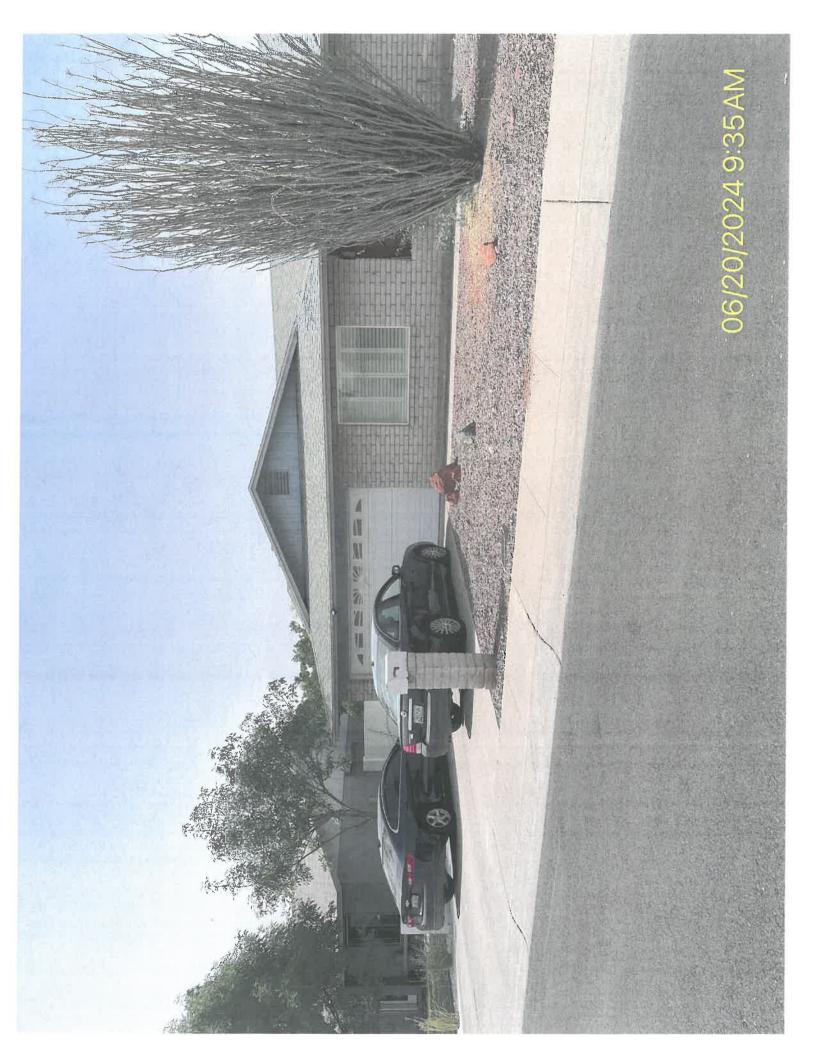


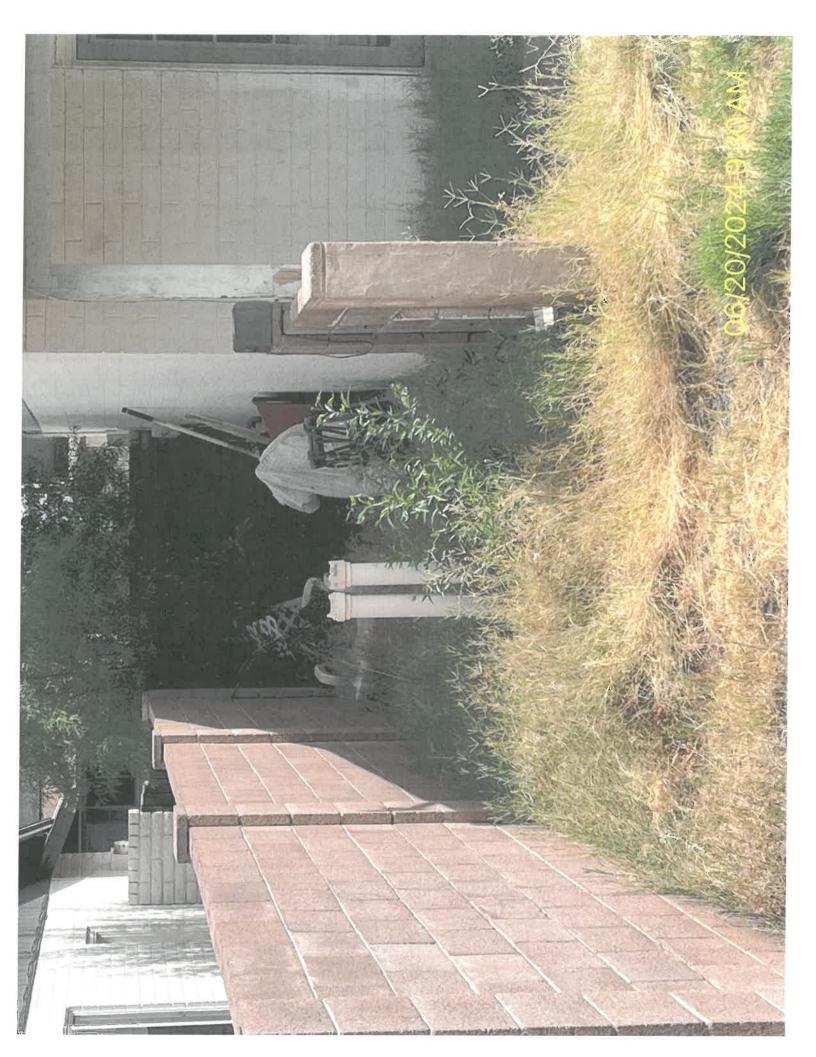




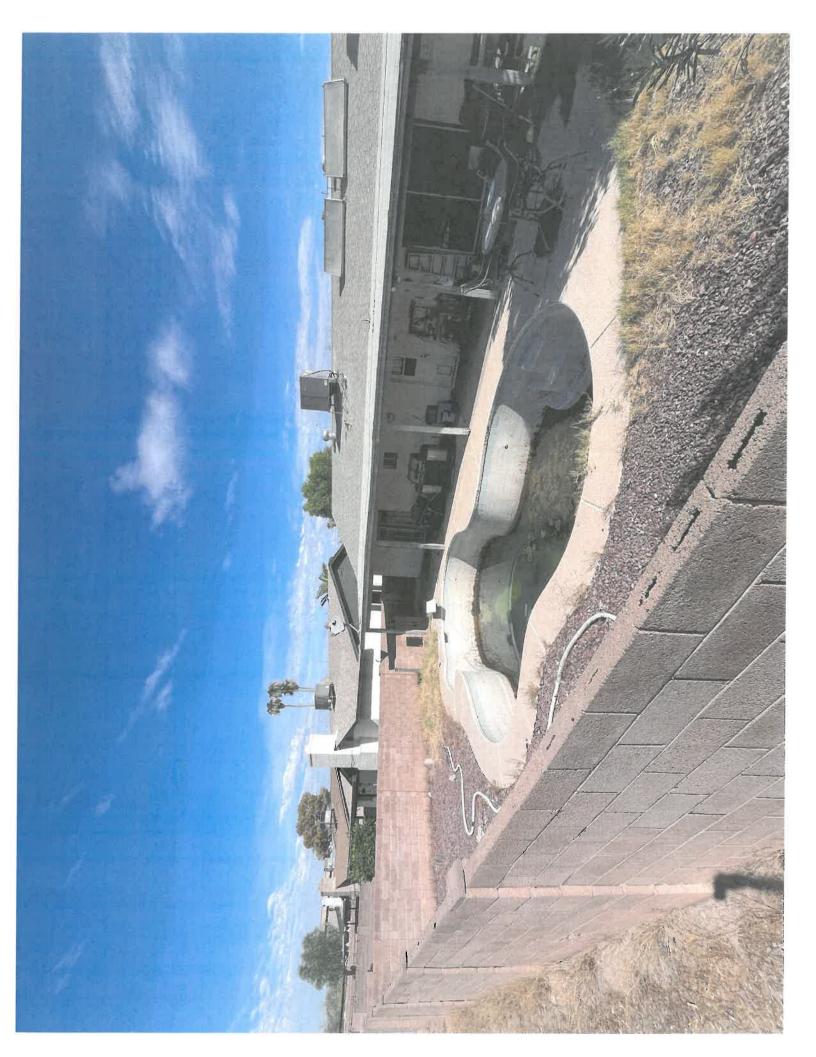


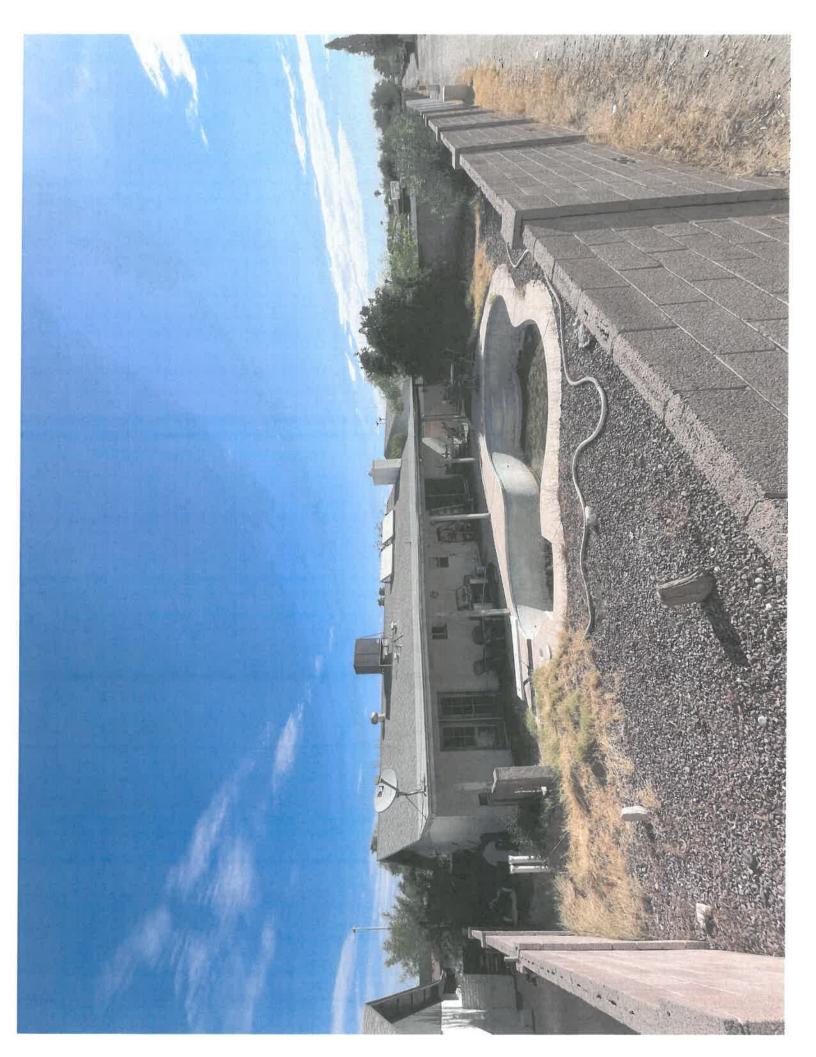














# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

03/13/2024

BLACKSTAD PAUL W 2119 E SESAME ST TEMPE, AZ 85283

Case #: CE241852

Site Address: 2119 E SESAME ST, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/13/2024 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.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.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
CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are not visible at all times from public access areas to the dwelling

PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your property's backyard. 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.	3/27/2024
CC 21-3.b.16	Please restore your pool water to a clear blue state. Please take the time to properly maintain the pool on a regular basis. Another option may be to drain the pool entirely but must always remain free of any debris. These are precaution that must be taken to eliminate a potential insect infestation or health hazard and to minimize a deteriorated state of 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.	3/27/2024
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the 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.	3/27/2024

CC 21-4.a.3

Please display address numbers on your home so they are easily visible for public access. Make sure the numbers are not deteriorating, damaged, obstructed or missing, hindering clear sight from public access points. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself.

3/27/2024

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

03/27/2024

BLACKSTAD PAUL W 2119 E SESAME ST TEMPE, AZ 85283

Case #: CE241852

Site Address: 2119 E SESAME ST, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/27/2024 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.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.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
CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are not visible at all times from public access areas to the dwelling

PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your property's backyard. 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.	4/10/2024
CC 21-3.b.16	Please restore your pool water to a clear blue state. Please take the time to properly maintain the pool on a regular basis. Another option may be to drain the pool entirely but must always remain free of any debris. These are precaution that must be taken to eliminate a potential insect infestation or health hazard and to minimize a deteriorated state of 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.	4/10/2024
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the 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.	4/10/2024

CC 21-4 a.3

Please display address numbers on your home so they are easily visible for public access. Make sure the numbers are not deteriorating, damaged, obstructed or missing, hindering clear sight from public access points. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself.

4/10/2024

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.

## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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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.



## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT

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