

---

**CITY OF TEMPE**  
**HEARING OFFICER**

**Meeting Date: 11/20/2024**  
**Agenda Item: 2**

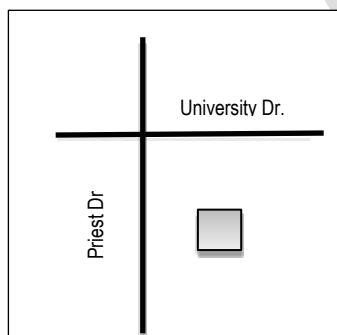
---

**ACTION:** Request approval to abate public nuisance items at the GUTIERREZ PROPERTY located at 1240 W 11<sup>TH</sup> St. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$4390.00 for abatement request: Remove all junk/debris and over height grass and weeds, deteriorated landscape from the 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 GUTIERREZ 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 CE235342: Remove all junk/debris and over height grass and weeds, deteriorated landscape from the property.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Eduardo Gutierrez  
City of Tempe – Code Compliance  
R1-6: Single Family Residential  
Melissa Ensing

**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 GUTIERREZ PROPERTY located at 1240 W. 11<sup>th</sup> St. in the R1-6 Single Family Residential District. This case was initiated 10/03/2023, 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 5<sup>th</sup> 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	GUTIERREZ PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1240 W. 11TH ST., TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE235342 NOVEMBER 20, 2024	PARCEL No(s)	12476058 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
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 ENFORCEMENT	ADDRESS	21 E. 6TH STREET, SUITE 208
CONTACT NAME	MELISSA ENSING/CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP 85281
EMAIL	melissa_ensing@tempe.gov	PHONE 1	480-858-2085 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 <i>Melissa Ensing</i>	DATE	10/07/2024
---------------------	-------------------------	------	------------

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
TYPE OF BUSINESS	PHONE	EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY (Planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #	FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



**DATE:** October 7, 2024  
**TO:** Dave Rich, Senior Code Inspector  
**FROM:** Melissa Ensing, Code Inspector  
**SUBJECT:** CE235342, Eduardo D. Gutierrez Property Abatement

---

**LOCATION:** 1240 W. 11<sup>th</sup> St., TEMPE, AZ 85281

**PARCEL:** 12476058

**OWNER:** EDUARDO D. GUTIERREZ  
1240 W. 11<sup>TH</sup> ST.  
TEMPE, AZ 85281

**FINDINGS:**

10/03/2023 The Code Compliance Division received complaint for junk, trash and debris in the rear yard.

10/04/2023 Inspected property and found trash, debris, metal, appliances, buckets, crates, wood, furniture and misc items in rear yard. I also observed over height grass and weeds in the rear yard, dead trees and bushes in the front and rear yards, along with a deteriorated rear fence. Notice to comply mailed to owner.

11/03/2023 I reinspected property and found no improvement. Mailed final notice to comply to owner.

11/21/2023 The owner's daughter Helen Gutierrez who resides in the home left a voicemail asking for clarification. I left her a detailed voicemail.

12/01/2023 Helen Gutierrez left a voicemail asking for an extension. I granted an extension.

01/08/2024 I reinspected property with no significant improvement. I observed an accessory building was put on the rear property. Mailed an updated final notice to comply to owner.

01/12/2024 Helen Gutierrez left a voicemail regarding the storage unit and stating that they do not have heat and if there is any help the city can provide. I left Helen a detailed voicemail and gave her the number to CARE7/Heart.

01/08/2024 Helen Gutierrez left a voicemail saying her husband injured his shoulder but they are making improvements. She stated they put up a storage unit to put the belongings in. I left a detailed voicemail explaining the city code for accessory buildings and trash/debris.

01/31/2024 The Code Compliance Division received an additional complaint for illegal dumping.

02/02/2024 I inspected for illegal dumping and did not observe any.

02/08/2024 I reinspected the rear yard and observed significant improvement. I granted more time.

02/27/2024 Helen Gutierrez left a voicemail stating that they are making progress. I reinspected and observed improvement so I granted more time. I left Helen a voicemail stating that if the property is not brought into compliance a citation would be issued 03/19/2024.

03/18/2024 Helen Gutierrez left a voicemail letting me know they removed a significant amount of trash and debris as well as the accessory structure.

03/19/2024 I reinspected and observed the accessory structure was taken down with trash and debris improvement.

04/04/2024 I reinspected and observed improvement.

04/22/2024 I reinspected and property was not brought into compliance as previously discussed. Civil Citation issued to owner. Mailed certified and regular mail.

05/08/2024 Defendant emailed correspondence to courts. Under Judicial review 05/13/2024.

05/14/2024 Supervisor Dave Rich let me know someone contacted him stating the owner I cited has passed away. She was asking for the citation to be dismissed and more time to correct the violations. I extended reinspection.

05/17/2024 Dave Rich spoke with Helen Gutierrez. Helen stated her husband would be cutting down the dead tree in front and clearing out the trash and debris. Dave told Helen I will reinspect on 06/07/2024.

06/07/2024 I reinspected and items in rear yard were improved and organized. The landscape was corrected. I decided to monitor remaining items.

07/12/2024 The courts dismissed the citation due to owners passing. I left Helen Gutierrez a voicemail asking her to contact me regarding the trash and debris.

08/05/2024 I spoke with Jorge while at the property. We discussed the remaining violations and moving forward.

08/22/2024 I reinspected and rear yard was still in violation. I spoke with Dave Rich and he stated give her more time and if there is no improvement move forward. I spoke with Helen Gutierrez and explained to her the property has to be brought into compliance per my supervisor I have to move forward 09/09/2024.

09/09/2024 I reinspected. Rear yard was still in violation. I observed trash and debris in the alley. Mailed updated final notice.

09/23/2024 Helen Gutierrez left a voicemail stating her husband hurt his shoulder. I spoke with Dave Rich and he stated due to the property still being in violation and the property under the deceased owners name to proceed to abatement.

10/10/2024 Posted notice of intent to abate to property and mailed to property.


**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1240 W. 11<sup>th</sup> St. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1, 21-3.B.8 and 29-2. Mr. Gutierrez and family have been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation. There has been no indication that the property owner and family 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,

Melissa Ensing  
Code Inspector

ACTION TAKEN: Submit  
NAME:   
DATE: 10/11/2024



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/07/2024  
CASE #: CE235342

**GUTIERREZ EDUARDO D**  
**1240 W 11TH ST**  
**TEMPE, AZ 85281**

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

**LOCATION:** 1240 W 11TH ST TEMPE, AZ 85281  
**PARCEL:** 12476058

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **11/20/2024 at 05:00pm**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
- CC 21-3.b.8 Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
- Sec.29-2. Adjacent property owners to maintain sidewalks, gutters, alleys

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.1 PLEASE REMOVE TRASH, DEBRIS, METAL, WOOD, BUCKETS, CRATES, FURNITURE, AND OTHER MISC ITEMS FROM THE REAR YARD AND REAR PORCH.  
  
PLEASE REMOVE TRASH, DEBRIS, MIRRORS, FURNITURE AND MISC ITEMS FROM ALLEY BEHIND YOUR PROPERTY.
- CC 21-3.b.8 PLEASE TRIM OVER HEIGHT GRASS AND WEEDS IN REAR YARD.
- Sec.29-2. Property owners must maintain each alley that is adjacent to their premises free of weeds and debris to the center line of such alley

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 **\$4390.00**. 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: Melissa Ensing**  
**Phone Number: 480-858-2085**  
**E-mail: [Melissa\\_Ensing@tempe.gov](mailto:Melissa_Ensing@tempe.gov)**





ESTIMATE	#613
SERVICE DATE	Sep 27, 2024
EXPIRATION DATE	Nov 9, 2024
<b>TOTAL</b>	<b>\$4,390.00</b>

## Skunky's Junk Removal

1240 West 11th Street  
Tempe, AZ 85281

✉ emailprocurementofficerdirectly@none.com

### CONTACT US

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

☎ (844) 758-6597

✉ info@skunkysjunk.com

## ESTIMATE

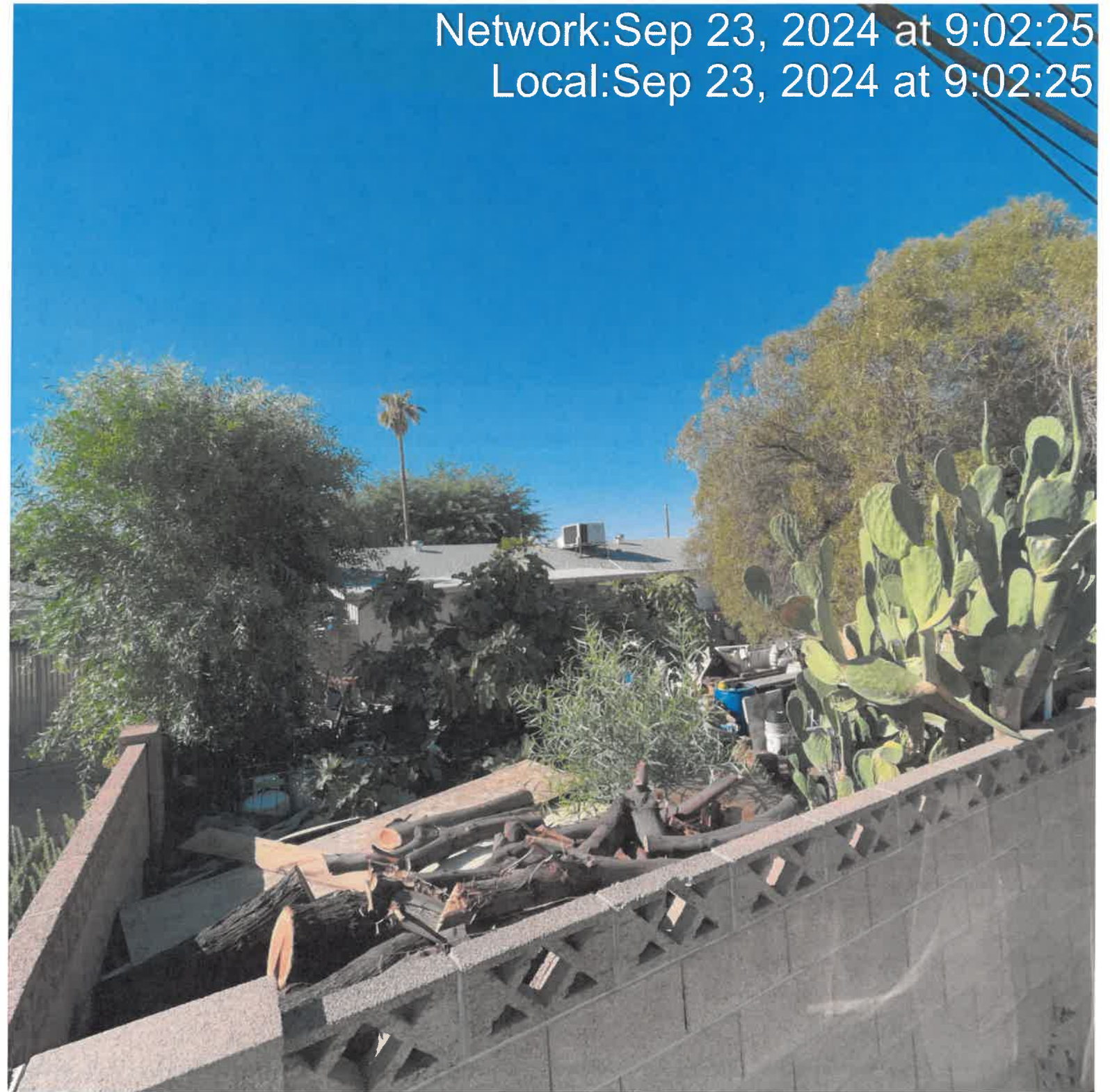
Services	amount
CE235342 Remove grass and weeds from rear dirt yard. Trim dead limbs off trees. Remove uncultivated vegetation from alley. Remove trash and debris from rear yard and alley.	\$3,750.00
Security (Off-Duty Tempe PD) 3 hr. minimum	\$640.00
Services subtotal: \$4,390.00	
<b>Subtotal</b>	<b>\$4,390.00</b>
<b>Total</b>	<b>\$4,390.00</b>

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.

Network: Sep 23, 2024 at 9:02:07 AM MST  
Local: Sep 23, 2024 at 9:02:07 AM MST



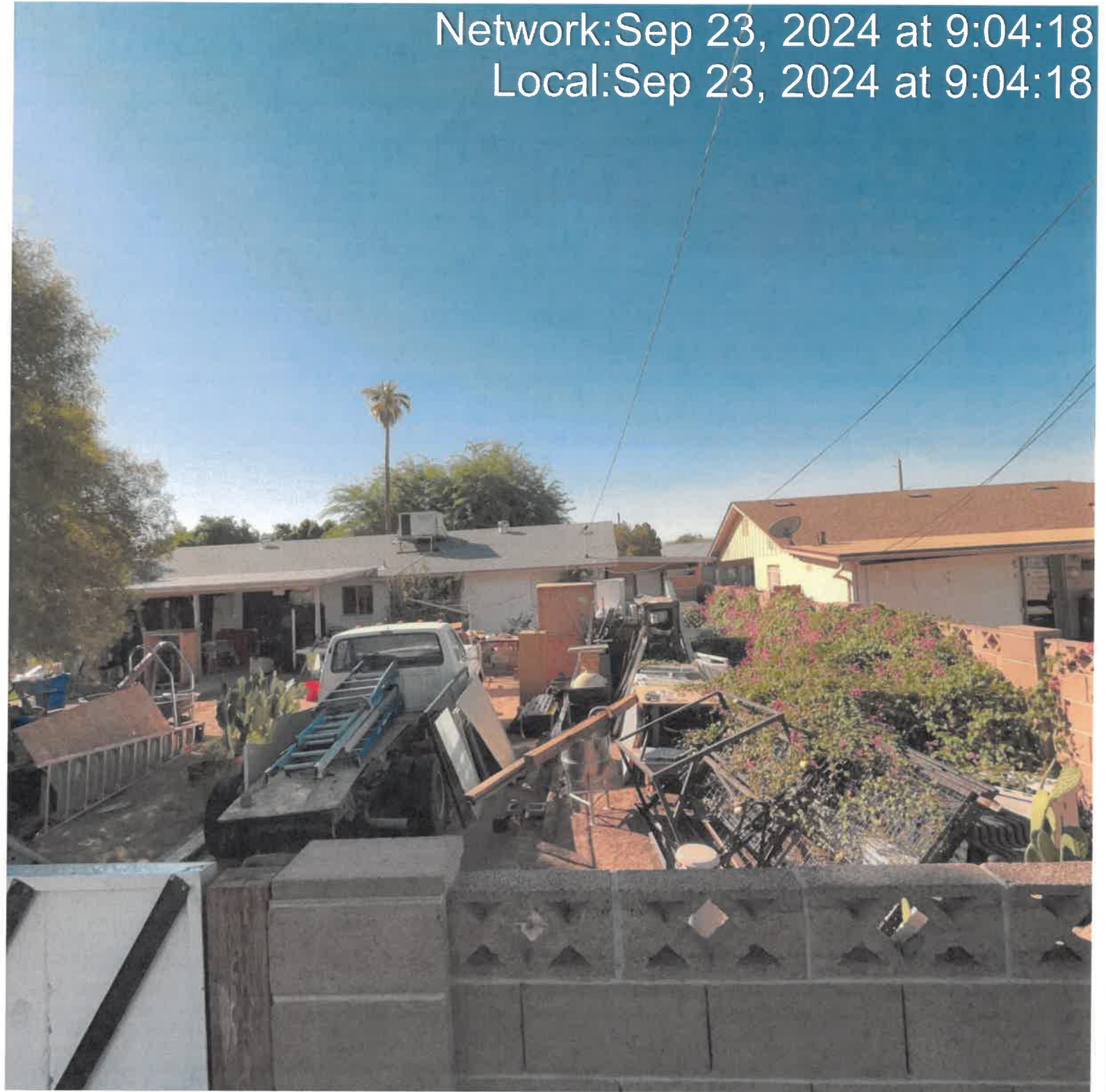
Network: Sep 23, 2024 at 9:02:25  
Local: Sep 23, 2024 at 9:02:25



Network: Sep 23, 2024 at 9:03:18  
Local: Sep 23, 2024 at 9:03:18



Network: Sep 23, 2024 at 9:04:18  
Local: Sep 23, 2024 at 9:04:18





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

10/04/2023

GUTIERREZ EDUARDO D  
1240 W 11TH ST  
TEMPE, AZ 85281

Case #: CE235342  
Site Address: 1240 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 10/04/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
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.1	PLEASE REMOVE TRASH, DEBRIS, METAL, WOOD, BUCKETS, CRATES, FURNITURE, AND OTHER MISC ITEMS FROM THE REAR YARD AND REAR PORCH.	11/3/2023
CC 21-3.b.8	PLEASE TRIM OVER HEIGHT GRASS AND WEEDS IN REAR YARD.	11/3/2023
CC 21-3.b.8	PLEASE REMOVE DEAD TREES AND BUSHES FROM FRONT AND REAR YARDS. STUMP MUST BE REMOVED OR CUT TO GROUND LEVEL.	11/3/2023
CC 21-3.b.15	PLEASE REMOVE DEAD PORTIONS OF TREES, BUSHES AND VINES IN FRONT AND REAR YARDS. PLEASE REPAIR OR REPLACE DETERIORATED REAR FENCE. REPLACEMENT MATERIALS MUST BE CONSISTENT AND OF LIKE MATERIALS.	11/3/2023

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

Melissa Ensing  
Code Inspector

Direct: 480-858-2085  
Code Compliance: 480-350-4311  
Email:Melissa\_Ensing@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**

11/03/2023

GUTIERREZ EDUARDO D  
1240 W 11TH ST  
TEMPE, AZ 85281

Case #: CE235342  
Site Address: 1240 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 11/03/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	PLEASE REMOVE TRASH, DEBRIS, METAL, WOOD, BUCKETS, CRATES, FURNITURE, AND OTHER MISC ITEMS FROM THE REAR YARD AND REAR PORCH.	12/04/2023
CC 21-3.b.8	PLEASE TRIM OVER HEIGHT GRASS AND WEEDS IN REAR YARD.	12/04/2023
CC 21-3.b.8	PLEASE REMOVE DEAD TREES AND BUSHES FROM FRONT AND REAR YARDS. STUMP MUST BE REMOVED OR CUT TO GROUND LEVEL.	12/04/2023
CC 21-3.b.15	PLEASE REMOVE DEAD PORTIONS OF TREES, BUSHES AND VINES IN FRONT AND REAR YARDS. PLEASE REPAIR OR REPLACE DETERIORATED REAR FENCE. REPLACEMENT MATERIALS MUST BE CONSISTENT AND OF LIKE MATERIALS.	12/04/2023

**CORRECTIVE ACTION MUST BE COMPLETED OR AN \$800 CITATION WILL BE ISSUED.**

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



**Melissa Ensing**  
**Code Inspector**

**Direct: 480-858-2085**  
**Code Compliance: 480-350-4311**  
**Email:Melissa\_Ensing@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 UPDATED**

01/09/2024

GUTIERREZ EDUARDO D  
 1240 W 11TH ST  
 TEMPE, AZ 85281

Case #: CE235342  
 Site Address: 1240 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 01/08/2024 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.

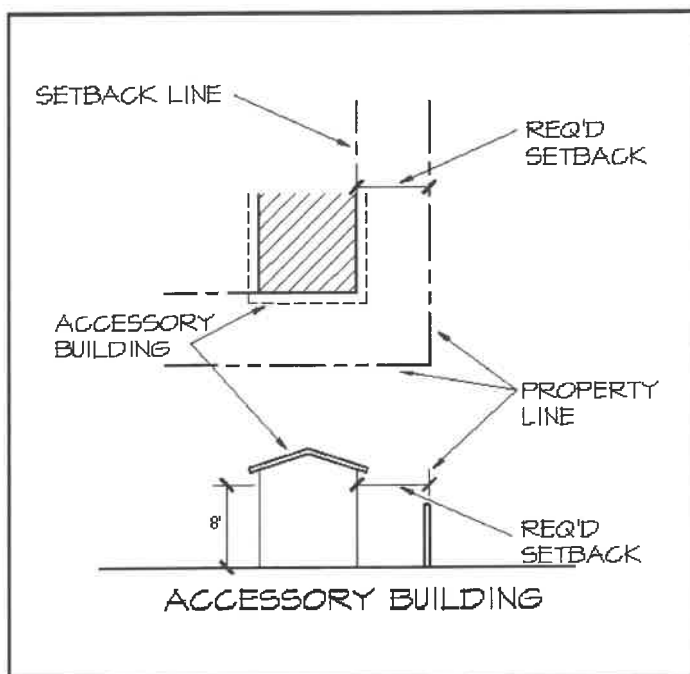
Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
ZDC 3-401.C	Non-permitted accessory building

<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	PLEASE REMOVE TRASH, DEBRIS, METAL, WOOD, BUCKETS, CRATES, FURNITURE, AND OTHER MISC ITEMS FROM THE REAR YARD AND REAR PORCH.	2/8/2024
CC 21-3.b.8	PLEASE TRIM OVER HEIGHT GRASS AND WEEDS IN REAR YARD.	2/8/2024
CC 21-3.b.8	PLEASE REMOVE DEAD TREES AND BUSHES FROM FRONT AND REAR YARDS. STUMP MUST BE REMOVED OR CUT TO GROUND LEVEL.	2/8/2024
	PLEASE REMOVE DEAD PORTIONS OF TREES, BUSHES AND VINES IN FRONT AND REAR YARDS.	
ZDC 3-401.C	PLEASE MOVE ACCESSORY BUILDING TO PROPER LOCATION FOLLOWING THE STANDARDS OF THE SIDE AND BACK SETBACKS. OR APPLY FOR A USE PERMIT AT COMMUNITY DEVELOPMENT. (31 E. 5TH ST IN THE GARDEN LEVEL (480) 350-8028.)	2/8/2024

### Section 3-401 Accessory Buildings, Uses and Structures.

- A. **Applicability.** Accessory buildings, uses and structures shall be incidental to the principal use. They must occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Buildings, structures (e.g., fence, carport, deck, etc.), and uses may all function as "accessory," subject to the provisions below.
- B. **Accessory Uses.** Accessory buildings may be used for home occupations in reference to Section 3-412.
- C. **Accessory Building.** Buildings that exceed two hundred (200) s.f. in area or eight (8) feet in height are accessory buildings (e.g., freestanding garages, large sheds, workshops, etc.). Such buildings are permitted on properties with a single-family dwelling, subject to the following:
  - 1. Use. Accessory buildings used as a dwelling shall comply with the provisions identified for guest quarters, pursuant to Section 3-411, and for accessory dwellings, pursuant to Section 3-402.
  - 2. Setback.
    - a. Accessory buildings shall not be located in the required front yard and street sideyard building setbacks. Such buildings shall be setback at least three (3) feet from all side and rear property lines. An additional one (1) foot setback is required for every additional foot in height above nine (9) feet, up to fifteen (15) feet in height. This requirement may be reduced to the minimum setback standards required in the district, subject to approval of a Use Permit Standard, pursuant to Section 6-308;
    - b. Accessory buildings in the AG district shall comply with the setback standards required in the district;
    - c. When adjacent to a dedicated public alley, the side and rear yard setbacks for an accessory building shall be measured from the midpoint of the alley; and
    - d. Accessory buildings shall comply with required separation for applicable building codes.

Figure 3-401 C1.  
Accessory Building



- 3. Height.
  - a. The maximum allowed building height shall be fifteen (15) feet. Additional height may be permitted up to the maximum height allowed in the district, subject to approval of a Use Permit Standard, pursuant to Section 6-308; and

- b. In the AG district, *accessory buildings* may be erected to the maximum allowed height in the district.

Figure 3-401 C2.  
Accessory Building Envelope Example

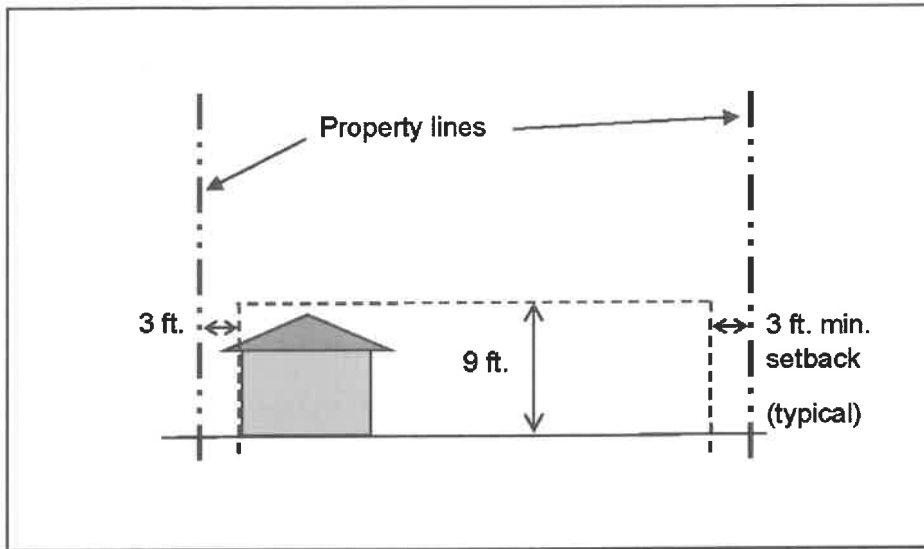
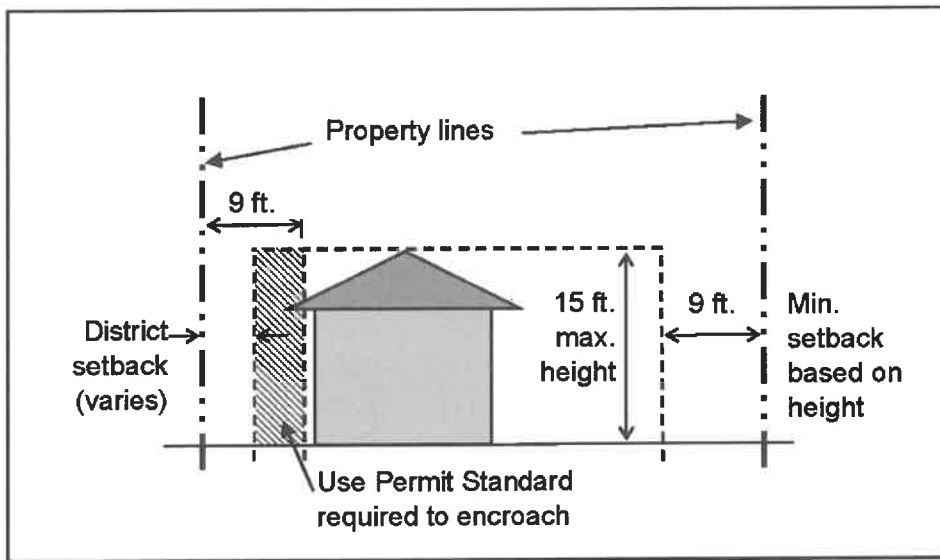
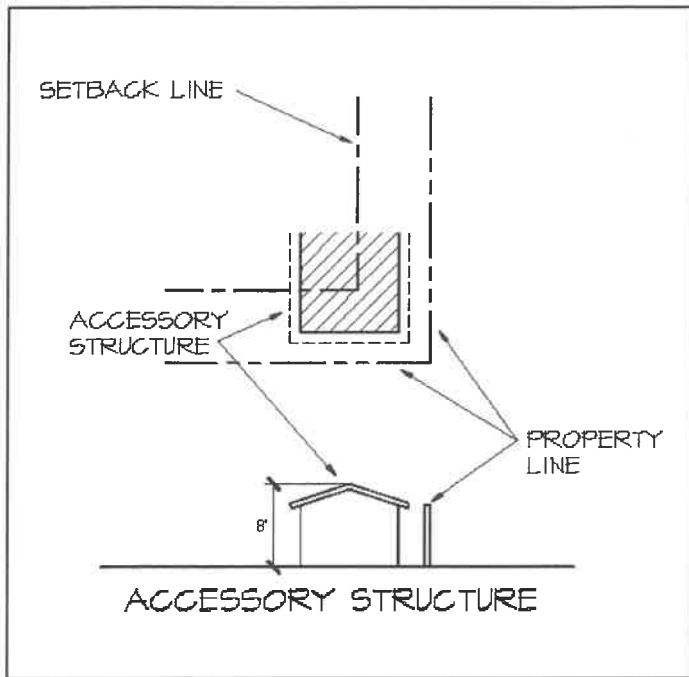


Figure 3-401 C3.  
Accessory Building Envelope Example



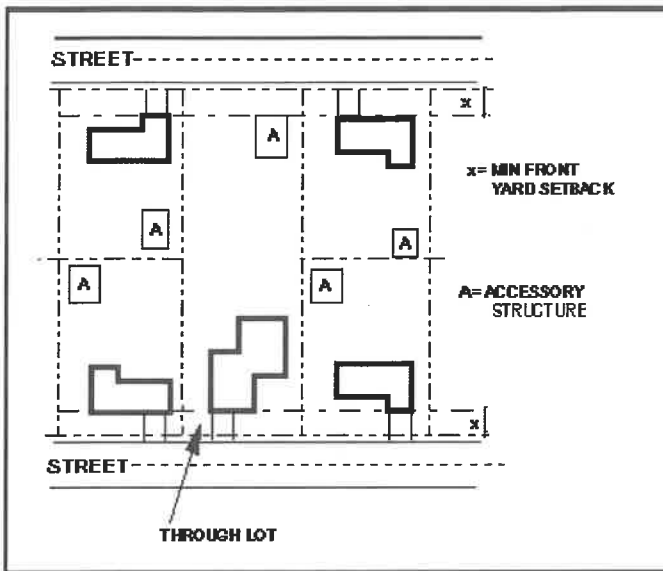
4. Area. *Lot coverage*, as defined in this Code, for *accessory buildings* shall be included in the overall maximum allowed in the district.
- D. **Accessory Structure.** *Accessory structures* (e.g., ramadas, small sheds) are *structures* that are a maximum of two hundred (200) square feet in area and equal to or less than eight (8) feet in height. A *structure* that exceeds this building area or height shall be considered an *accessory building*. Such *structures* are subject to the following standards:

**Figure 3-401 D1.**  
**Accessory Structure**



1. Accessory structures shall not be located in the required front *yard building setback*. An accessory structure may be located in the required rear, side, and street side *yard setbacks* provided that required separation for applicable building codes is provided. 2. On a *through lot*, an accessory structure shall not be located closer to the rear *property line* than the distance required for the front *yard building setback*; and

**Figure 3-401 D2.**  
**Through Lot**



3. *Lot coverage*, as defined in this Code, for *accessory structures* shall be included in the overall maximum allowed in the district.

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

**Melissa Ensing**  
**Code Inspector**

**Direct: 480-858-2085**  
**Code Compliance: 480-350-4311**  
**Email:Melissa\_Ensing@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 UPDATED 09/09/2024**

09/09/2024

GUTIERREZ EDUARDO D C/O HELEN GUTIERREZ  
 1240 W 11TH ST  
 TEMPE, AZ 85281

Case #: CE235342  
 Site Address: 1240 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/09/2024 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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance
Sec.29-2.	Adjacent property owners to maintain sidewalks, gutters, alleys

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE TRASH, DEBRIS, METAL, WOOD, BUCKETS, CRATES, FURNITURE, AND OTHER MISC ITEMS FROM THE REAR YARD AND REAR PORCH.	9/23/2024
	PLEASE REMOVE TRASH, DEBRIS, MIRRORS, FURNITURE AND MISC ITEMS FROM ALLEY BEHIND YOUR PROPERTY.	
CC 21-3.b.8	PLEASE TRIM OVER HEIGHT GRASS AND WEEDS IN REAR YARD.	05/07/2024
Sec.29-2.	Property owners must maintain each alley that is adjacent to their premises free of weeds and debris to the center line of such alley	9/23/2024

**CORRECTIVE ACTION MUST BE COMPLETED OR A \$400 CITATION MAY BE ISSUED**

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

**Melissa Ensing**  
**Code Inspector**

**Direct: 480-858-2085**  
**Code Compliance: 480-350-4311**  
**Email: [Melissa\\_Ensing@tempe.gov](mailto:Melissa_Ensing@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 <b>1790158</b>		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 <b>CE 235342</b>	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language									
<b>Defendant</b>		Name (First, Middle, Last) <b>Eduardo D. Gutierrez</b>						Juvenile	
Residence Address, City, State, Zip Code <b>1240 W 11th St Tempe, AZ 85281</b>								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.	
<b>Vehicle</b>				Color	Year	Make	Model	Style	License Plate
Registered owner & address, City, State, Zip Code							Vehicle Identification Number		

The Undersigned Certifies That:

<b>On</b>	Month <b>04</b>	Day <b>22</b>	Year <b>2024</b>	Time <b>09:41</b>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<b>Speed</b>	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel
<b>At</b>	Location <b>1240 W 11th St</b>						City <b>Tempe</b>		State of Arizona		Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>TC 21-3 A</b>	ARS Violation: <b>21-3 B.1 Trash and Debris</b>	<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>B</b>	Section: <b>TC 21-3 A</b>	ARS Violation: <b>21-3 B.5 Deteriorated landscape</b>	<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>C</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					
<b>D</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					
<b>E</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					

<b>You must appear on the date and time indicated at:</b>	<b>Tempe Municipal Court</b> 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: <b>05/06/2024</b>	Time: <b>Between 9AM &amp; 4PM</b>
			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____
	<input type="checkbox"/> Court:	Date: _____		Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM
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.	
<b>X</b>	Complainant <i>Melissa S</i>	ID # <b>17448</b>

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 violation \$400 - mailed certified**

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.



1790158

COMPLAINT