

**CITY OF TEMPE  
HEARING OFFICER**

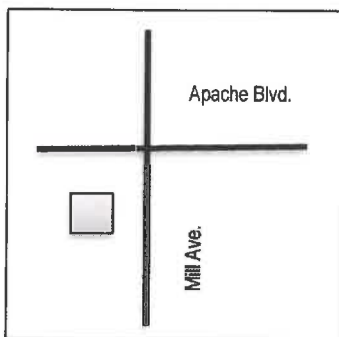
**Meeting Date: 8/06/2019  
Agenda Item: 7**

**ACTION:** Request approval to abate public nuisance items at the Harris Property located at 63 W. 13<sup>th</sup> Street. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$850.00 for abatement request, cut over-height grass and weeds from 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 HARRIS 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 CE191965: cut over-height grass and weeds from property.



Property Owner	Jonathan Harris
Applicant	City of Tempe – Code Compliance
Zoning District:	R-2, Multi-Family Residential
Code Compliance Inspector:	Andres Lara-Reyes, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Barbara Simons, Code Inspector  
Reviewed by: Drew Yocom, Planning & Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the Harris Property located at 63 W. 13<sup>th</sup> Street, in the R-2, Multi-Family Residential district. This case was initiated 03/19/2019, 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

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	JONATHAN HARRIS		EXISTING ZONING R-2 <input type="checkbox"/>
PROJECT ADDRESS	63 W 13TH ST TEMPE, AZ 85281		SUITE(S) CE191965 <input type="checkbox"/>
PROJECT DESCRIPTION	OVER HEIGHT GRASS & WEEDS, DEAD PLANTS & BUSHES. HEARING DATE: AUGUST 6, 2019		PARCEL No(S) 13318035 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	JONATHAN HARRIS	ADDRESS	6829 N 12TH ST
CONTACT NAME		CITY	PHOENIX, 85014 STATE AZ ZIP
EMAIL	JHarris@smsfinancial.net	PHONE 1	(602) 885-8003 PHONE 2

I hereby authorize the applicant below to process this application with the City of Tempe.  
 PROPERTY OWNER SIGNATURE X DATE

APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE	ADDRESS	
CONTACT NAME	ANDRES LARA-REYES	CITY	STATE ZIP
EMAIL		PHONE 1	(480) 350-8963 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 6/19/2019

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 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. SUBDIVISIONS / CONDOMINIUMS			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
TOTAL NUMBER OF APPLICATIONS	0		

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

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** 06/19/2019  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Andres Lara-Reyes  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE191965

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**LOCATION:** 63 W 13TH ST., Tempe, AZ 85281  
**LEGAL:** Parcel #133-18-035, as recorded with the Maricopa County Assessor  
**OWNER:** Jonathan Harris  
SMS Financial, LLC  
6829 North 12th Street  
Phoenix, Arizona 85014

**FINDINGS:**

63 W 13TH ST is currently in violation of City of Tempe's Nuisance Code 21-3-b-8 in regard to over height grass and weeds and dead plants and bushes.

The lot has been in violation since 03/19/2019 with the initial violation being over height grass and weeds. There has been no effort from the owner to clean up the property.

The owner Jonathan Harris has been issued several verbal warnings, correction notices and a citation in an attempt to correct the violation. As stated above, no effort from the owner to clean up the property has been done, which means the property violation remains unresolved as of this date. Notice of intent to abate was mailed to the owner and posted to the vacant lot.

**RECOMMENDATIONS:**

Jonathan Harris has not made an attempt to remedy the violation upon the property at 63 W 13TH ST. Since this property remains in violation, without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services 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. Jonathan Harris has given no indication that he plans on correcting the violation and maintaining the property.

Respectfully submitted,  
Andres Lara-Reyes

ACTION TAKEN: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

*Signature*  
SUBMIT  
*Signature*  
6 19 19



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 06/19/2019  
Case #: CE191965

**JONATHAN HARRIS**  
**6829 N 12TH ST**  
**PHOENIX, AZ 85014**

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

Location: 63 W 13TH ST TEMPE, AZ 85281  
Parcel: 13318035

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of August 6, 2019. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

CC 21-3.b.8      Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance;

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.8      Please cut all over height grass and weeds in the vacant lot 63 W 13TH ST.

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 \$850.00. 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 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)350-8311.

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**Code Inspector: Andres Lara-Reyes**  
**Phone Number: 480-350-8963**  
**E-mail: andres\_lara-reyes@tempe.gov**

HAMANN ENTERPRISES, LLC  
2925 N 19TH AVE UNIT 97  
PHOENIX, AZ 85015  
(602) 575-4455  
[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDRES LARA-REYES

FIRM: CITY OF TEMPE

DATE: 6/11/19

### PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 63 W 13TH ST

1 LANDSCAPE VACANT LOT	\$800.00
2 ESTAMATED DUMP FEES	\$50.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$850.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

**133-18-035 Commercial Parcel**

This is a commercial parcel located at 63 W 13TH ST TEMPE 85281. and the current owner is NAMAX CAP LLC MONEY PURC PENSION PLAN & TRUST. It is located in the College View subdivision and MCR 3004. Its current year full cash value is \$427,200.

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**Property Information****63 W 13TH ST TEMPE 85281**

MCR #	<u>3004</u>
Description:	E 67.98' OF N 270' OF TH PT NW4 SW4 BEG AT INTER SEC OF N LI NW4 SW4 WITH E R/W LI OF SPRR FR WH POB THE NW COR OF NW4 SW4 BEARS S 89D 25' W57.67' TH FR POB RUN N 89D 25' E 177.98' TH S 0D 36' E 415' TH S 89D 25' W 93.14' TO PT ON ELY R/W LI SPRR SD R/W LI BEING CONCAVE CURVE TO E & HAVING A RAD OF 1382.47 FT A TANGENT TO WH CURVE BEARS N 20D 50' W TH NLY ALG R/W LI 282.10' TH NLY ALG R/W LI TO BEG .42 AC
Lat/Long	<u>33.41468848   -111.94287283</u>
Lot Size	18,295 sq ft.
Zoning	R-2
Lot #	
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	22 1N 4E
Market Area/Neighborhood	02/005
Subdivision (24 Parcels)	<u>COLLEGE VIEW</u>

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## Maricopa County Treasurer's Office

Royce T. Flora, Treasurer

### Tax Summary 133-18-035 1

**Current Mailing Name & Address**

NAMAX CAP LLC MONEY PURC PENSION PLAN &  
6829 N 12TH ST  
PHOENIX, AZ 85014

**Property (Situs) Address**

63 W 13TH ST  
TEMPE, AZ 85281

#### 2018 Tax Due

<b>Assessed Tax:</b>	\$1,251.06	<b>Tax Paid:</b>	\$0.00	<b>Total Due:</b>	\$1,334.46
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[View 2018 Tax Details](#)

[Create Stub](#)

[View Additional Tax Years](#)

#### Total Amount Due

**Total Amount Due:**      **\$1,334.46**

Total amount due does not reflect any pending payments. Amount may change based on activity to this parcel.

**NOTE:** Your property may be subject to additional tax liens listed under previous parcel numbers.

[301 West Jefferson, Suite 100, Phoenix, Arizona 85003](#)   
 (602)506-8511   
 TT (602)506-2348   
 FAX (602)506-1102   
 [Disclaimer](#)



<b>Current Context</b>	
Person	
Account ID	
Premise	63 W 13TH ST, TEMPE, AZ, 85281-5671

**Credit and Collection Info**

**SA Premise List**

<b>Premise Information</b>	
Premise Information	63 W 13TH ST, TEMPE, AZ, 85281-5671
CIS Division	City of Tempe
Lot Size Square Footage (Flood Irrigation)	18354
SRP Code	Member
Solid Waste Service Location	Curbside Service
Taxing City	City of Tempe
Service Point Information	Flood Irrigation/Flood Irrigation/University Park S-6-5-25/63 W 13TH ST, TEMPE, AZ, 85281-5671
Service Point Information	Solid Waste Roll-off Service/63 W 13TH ST, TEMPE, AZ, 85281-5671
Service Point Information	Solid Waste Residential/Monday Trash Thursday Recycle/63 W 13TH ST, TEMPE, AZ, 85281-5671
Service Point Information	Water Single-family Residential/Water - Block 1 Fixed Network/Water Route 19/63 W 13TH ST, TEMPE, AZ, 85281-5671
Meter Configuration	Water - 5/8 " Meter, 40651902, Eff 12-16-2010 08:28AM , Single Dial Water, 1 register
Last Meter Read	03-13-2018 12:22PM
Next Meter Read	07-15-2019 ( Water - Block 1 Fixed Network )

<b>Field Activity Information</b>		
Schedule Date/Time Start	Field Activity Information	Field Order Status
02-22-2019 12:00AM	63 W 13TH ST, TEMPE, AZ, 85281-5671,Water Single-family Residential, On-line User, AMI Meter Change Out, Pending, Scheduled 02-22-2019 12:00AM	
10-28-2014 12:00AM	63 W 13TH ST, TEMPE, AZ, 85281-5671,Water Single-family Residential, Start/Stop Service Request, Meter Stop Service Turn Off, Completed, Scheduled 10-28-2014 12:00AM	Completed
03-20-2014 12:00AM	63 W 13TH ST, TEMPE, AZ, 85281-5671,Water Single-family Residential, Start/Stop Service Request, Meter Start Read Only, Completed, Scheduled 03-20-2014 12:00AM	Completed

**Account Financial History**

**Billed Consumption**



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

03/20/2019

SMS FINANCIAL LLC  
C/O JONATHAN HARRIS  
6829 NORTH 12TH STREET  
PHOENIX, AZ 85014

Case #: CE191965  
Site Address: 63 W 13TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 03/20/2019 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please cut all over height grass and weeds in the vacant lot 63 W 13TH ST.	04/04/2019

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

Andres Lara-Reyes  
Code Inspector

Direct: 480-350-8963  
Code Compliance: 480-350-8372  
Email: andres\_lara-reyes@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 \$75.00 pursuant to City Code Section 21-51, subsection (b).  
**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) 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 \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | 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. | 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

04/04/2019

SMS FINANCIAL LLC  
C/O JONATHAN HARRIS  
6829 NORTH 12TH STREET  
PHOENIX, AZ 85014

Case #: CE191965  
Site Address: 63 W 13TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/04/2019 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation	
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance;	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.8	Please cut all over height grass and weeds in the vacant lot 63 W 13TH ST.	04/18/2019

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

**Andres Lara-Reyes**  
Code Inspector

**Direct: 480-350-8963**  
**Code Compliance: 480-350-8372**  
**Email: andres\_lara-reyes@tempe.gov**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

04/18/2019

SMS FINANCIAL LLC  
C/O JONATHAN HARRIS  
6829 NORTH 12TH STREET  
PHOENIX, AZ 85014

Case #: CE191965  
Site Address: 63 W 13TH ST, TEMPE, AZ 85281

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Section	Violation
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.
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.4	Please cease the lawn parking of any vehicle(s) in the vacant lot 63 W 13TH ST.	04/25/2019
CC 21-3.b.8	Please cut all over height grass and weeds in the vacant lot 63 W 13TH ST.	04/25/2019

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

Andres Lara-Reyes  
Code Inspector

Direct: 480-350-8963  
Code Compliance: 480-350-8372  
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