
**CITY OF TEMPE
HEARING OFFICER**

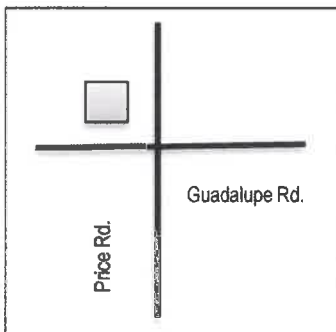
**Meeting Date: 9/03/2019
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Gutierrez Property located at 2109 E. Pegasus Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4882.00 for abatement request, remove all trash, debris, furniture, boxes, totes, tools, wood, scaffolding, appliances, PVC tarp structures and other miscellaneous items from front, side and rear yards. To include but not limited to items on trailer in side yard, rear porch and items under tarp structure in rear yard.

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 CE192930: remove all trash, debris, furniture, boxes, totes, tools, wood, scaffolding, appliances, PVC tarp structures and other miscellaneous items from front, side and rear yards. To include but not limited to items on trailer in side yard, rear porch and items under tarp structure in rear yard.



Property Owner: Jesika C. Gutierrez
Applicant: City of Tempe – Code Compliance
Zoning District: R1-7, Single Family Residential
Code Compliance Inspector: Jack Scofield, 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 Gutierrez Property located at 2109 E. Pegasus Drive, in the R1-7, Single Family Residential district. This case was initiated 04/22/2019, 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 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	GUTIERREZ PROPERTY ABATEMENT			EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	2109 E PEGASUS DR TEMPE, AZ 85283			SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE192930 SEPTEMBER 3, 2019			PARCEL No(s)	301-97-649 <input type="checkbox"/>
PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME	ADDRESS				
CONTACT NAME	CITY		STATE	ZIP	
EMAIL	PHONE 1		PHONE 2		
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
PROPERTY OWNER SIGNATURE X or attach written statement authorizing the applicant to file the application(s)				DATE	
APPLICANT INFORMATION - REQUIRED					
COMPANY / FIRM NAME	ADDRESS		21 E 6TH ST STE 208		
CONTACT NAME	CITY		STATE	ZIP	
EMAIL	PHONE 1		PHONE 2		
<i>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.</i>					
APPLICANT SIGNATURE X				DATE 7/30/2019	
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 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. 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	1			CE	CM
TOTAL NUMBER OF APPLICATIONS		1			
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 nd or 3 rd submittal, use planning resubmittal form)				TOTAL APPLICATION FEES	
				RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: July 30, 2019
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE192930, Gutierrez Property Abatement

LOCATION: 2109 E PEGASUS DR TEMPE, AZ 85283
LEGAL: TEMPE ROYAL PALMS UNIT SIXTEEN PER MCR 186-10
PARCEL: 301-97-649
OWNER: GUTIERREZ JESIKA C
2109 E PEGASUS DR
TEMPE, AZ 85283

FINDINGS:

4/22/2019 The Code Compliance Division received a complaint for deteriorated landscape.

4/23/2019 Inspected property and found a large amount of trash, debris, wood, furniture, tools, appliances in the front, rear, and side yards; 3 large structures in the rear yard with ripped and torn tarps exposing all items being store within; wood play house in the rear yard with severely weather wood. Notice to comply mailed to owner.

4/30/2019 Received voicemail from Jesika Gutierrez (listed owners daughter). Returned call and she requested an extension due to medical issues, granted a 3 week extension and provided her with HEART brochure (assistance program) and information on voluntary abatement.

5/21/2019 Mailed final notice to comply to owner.

6/4/2019 Met Ms. Gutierrez at property and granted a 2 week extension due to progress.

6/5/2019 The Code Compliance Division received an additional complaint for trash and debris.

6/24/2019 The Code Compliance Division received an additional complaint for trash, debris, and unregistered vehicle in the front side yard.

6/26/2019 Inspected and found a vehicle with expired Texas plates. Mailed updated final notice to comply to owner listing all violations.

7/10/2019 Records check showed change of ownership. Ownership has been transferred to previous owners daughter, Jesika Gutierrez. Mailed updated final notice to comply to new listed owner.

7/11/2019 The Code Compliance Division received an additional complaint for trash, debris, and unregistered vehicle.

7/24/2019 Owner provided me with a copy of a current temporary tag for the vehicle. Issued civil citation for trash and debris only

7/30/2019 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2109 E Pegasus Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1. Ms. Gutierrez has 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 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,

Jack Scofield
Code Inspector II

ACTION TAKEN:

Submit
[Signature]
7 30 19

NAME

DATE:

CASE # CE192930



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 7/30/19

**GUTIERREZ JESIKA C
2109 E PEGASUS DR
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:

Legal: TEMPE ROYAL PALMS UNIT SIXTEEN PER MCR 186-10
Location: 2109 E PEGASUS DR TEMPE, AZ 85283
Parcel: 301-97-649

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/03/2019**. 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:

- 1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC/TARP STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS. TO INCLUDE BUT NOT LIMITED TO ITEMS ON TRAILER IN SIDE YARD, REAR YARD PORCH, AND ITEMS UNDER TARP STRUCTURE IN REAR YARD.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

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 **\$4882.00**. 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 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) 350-8967.

Code Inspector: Jack Scofield

Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov



July 29, 2019

City of Tempe
Attn: Jack Scofield
Code Inspector

RE: Clean up – 2109 E Pegasus Drive

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 2109 E Pegasus Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove all Items in the front yard (to include items in the structure in the driveway, trailer, and pickup bed).
- Remove all items from the rear yard (to include items in the rear yard porch and within the tarp structure).
- Tempe PD presence during abatement
- Completion of the job in 1 day

Total = \$4,882.00

Respectfully,

Jose Hernandez



07/30/2019



07/30/2019

07/30/2019



07/30/2019



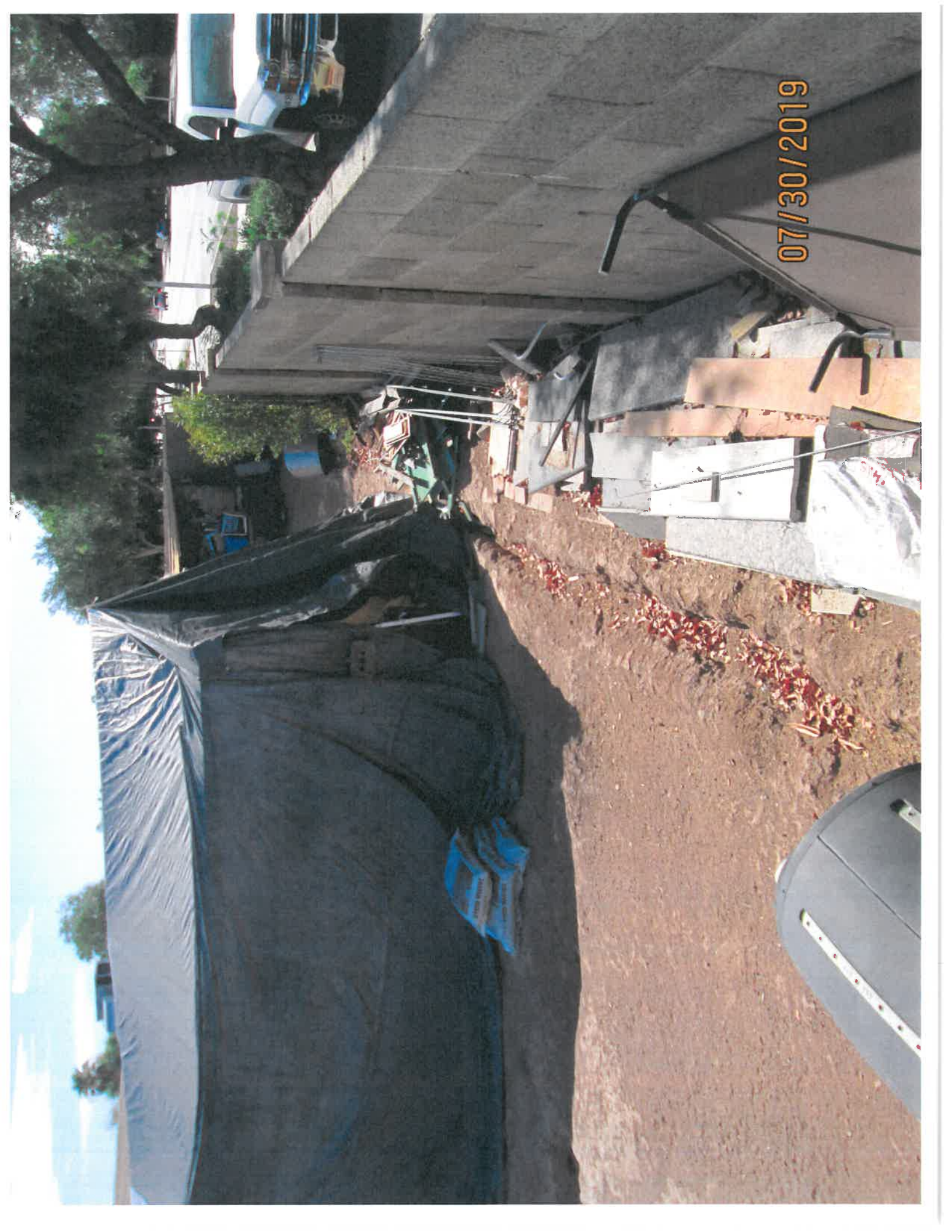
07/30/2019



07/30/2019



07/30/2019





07/30/2019



07/30/2019



07/30/2019



07/30/2019



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

4/23/19

MORALES JESSICA
C/O MORALES GUILLERMO
2109 E PEGASUS DR
TEMPE, AZ 85283-3328

Case#: CE192930
Site Address: 2109 E PEGASUS DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/07/2019

This is a notice to inform you that this site was inspected 4/23/19 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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; 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS.**
- 2. REMOVE OR REPAIR DAMAGED WOOD PLAY HOUSE IN THE REAR YARD.**

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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, 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**

5/21/19

MORALES JESSICA
C/O MORALES GUILLERMO
2109 E PEGASUS DR
TEMPE, AZ 85283-3328

Case#: CE192930
Site Address: 2109 E PEGASUS DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/04/2019

This is a notice to inform you that this site was inspected 5/21/19 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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; 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS.**
- 2. REMOVE OR REPAIR DAMAGED WOOD PLAY HOUSE IN THE REAR YARD.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$200.00 CITATION WILL BE ISSUED.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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, 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**

6/26/19

MORALES GUILLERMO
C/O MORALES JESSICA
2109 E PEGASUS DR
TEMPE, AZ 85283-3328

Case#: CE192930
Site Address: 2109 E PEGASUS DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/10/2019

This is a notice to inform you that this site was inspected 6/26/19 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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; 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.

Violation of City of Tempe Code 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS. TO INCLUDE ITEMS ON TRAILER IN SIDE YARD, REAR YARD PORCH, AND ITEMS UNDER TARP STRUCTURE IN REAR YARD**
- 2. REMOVE UNREGISTERED VEHICLE FROM THE DRIVEWAY OR REGISTER VEHICLE WITH AZ MVD.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$400.00 CITATION WILL BE ISSUED.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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, 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**

7/10/19

GUTIERREZ JESIKA C
2109 E PEGASUS DR
TEMPE, AZ 85283

Case#: CE192930

Site Address: 2109 E PEGASUS DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/24/2019

This is a notice to inform you that this site was inspected 7/10/19 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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; 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.

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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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS. TO INCLUDE BUT NOT LIMITED TO ITEMS ON TRAILER IN SIDE YARD, REAR YARD PORCH, AND ITEMS UNDER TARP STRUCTURE IN REAR YARD.
2. REMOVE UNREGISTERED VEHICLE FROM THE DRIVEWAY OR REGISTER VEHICLE WITH AZ MVD.

CORRECTIVE ACTION MUST BE COMPLETED OR A \$400.00 CITATION WILL BE ISSUED AND ABATEMENT PROCEEDINGS STARTED.

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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, 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**

7/10/19

GUTIERREZ JESIKA C
2109 E PEGASUS DR
TEMPE, AZ 85283

Case#: CE192930

Site Address: 2109 E PEGASUS DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/24/2019

This is a notice to inform you that this site was inspected 7/10/19 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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; 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.

Violation of City of Tempe Code 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE TRASH, DEBRIS, FURNITURE, BOXES, TOTES, TOOLS, WOOD, SCAFFOLDING, APPLIANCES, TORN TARPS, PVC STRUCTURES, AND OTHER MISC ITEMS IN THE FRONT, SIDE, AND REAR YARDS. TO INCLUDE BUT NOT LIMITED TO ITEMS ON TRAILER IN SIDE YARD, REAR YARD PORCH, AND ITEMS UNDER TARP STRUCTURE IN REAR YARD.**
- 2. REMOVE UNREGISTERED VEHICLE FROM THE DRIVEWAY OR REGISTER VEHICLE WITH AZ MVD.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$400.00 CITATION WILL BE ISSUED AND ABATEMENT PROCEEDINGS STARTED.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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, 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 1701644		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material				
Driver's License No.				DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D				Incident Report Number CE192930					
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language																
Defendant		Name (First, Middle, Last) Jesika C Gutierrez										Juvenile				
Residence Address, City, State, Zip Code 2109 E Pegasus Dr. Tempe, AZ 85283										Telephone: (cell phone) <input type="checkbox"/> (915) 667-2781						
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions		Email Address							
Business Address, City, State, Zip Code												Business Phone No. ()				
Vehicle		Color	Year	Make	Model	Style	License Plate		State	Expiration Date						
Registered owner & address, City, State, Zip Code								Vehicle Identification Number								
The Undersigned Certifies That:																
On	Month 07	Day 24	Year 2019	Time 0830	<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 2109 E Pegasus Dr								<input checked="" type="checkbox"/> Tempe		State of Arizona				Area	Dist.
The Defendant Committed the Following:																
A	Section: 21-3 B1		ARS CC	Violation: Trash Covered Exterior Areas				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:			MVD							
B	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:			MVD							
C	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:			MVD							
D	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:			MVD							
E	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:			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: 08/08/2019		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 _____						Complainant		70003 PSN								
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. Initials _____																
1st Violation \$200.00 Mailed to owner																
Date issued if not violation date _____																

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.



1701644