

CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/05/2019

Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Moulton Property located at 1944 E. Meadow Drive. The applicant is the City of Tempe - Code Compliance.

FISCAL IMPACT: \$1304.00 for abatement request, remove dead trees from back 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 MOULTON 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 CE192914: remove dead trees from back yard.



Property Owner Timothy and Tanya Moulton **Applicant** City of Tempe - Code Compliance **Zoning District**: Code Compliance Inspector:

R1-6, Single Family Residential Michael Glab, 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 Moulton Property located at 1944 E. Meadow Drive, in the R1-6, Single Family Residential district. This case was initiated 04/24/2019, 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.

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) 350-8877 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)



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		CONTACT NAME	MICHAEL GLAB / CODE II	NSPEC	TOR	CITY	TEMPE	SIAIE	AZ	Z2 0500	2-3681	
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DATE:

09/09/2019

SUBJECT:

MOULTON Abatement

LOCATION:

1944 E MEADOW DR, TEMPE, AZ 85282

LEGAL:

LOT 80, BOOK 118, PAGE 26, as recorded with the Maricopa County

Assessor

OWNER:

TIMOTHY & TANYA MOULTON

1944 E MEADOW DR TEMPE, AZ 85282

FINDINGS:

In April of 2019, my office received a complaint. Violations of Code were observed at the property and one notice was mailed to the property owners.

In May of 2019, I followed up at the property, observed a violation remained. I mailed a second notice to the property owners, as well as posted a notice to the structure.

In June of 2019, I followed up at the property, observed violations remained, but noted some progress on one of the violations.

In July of 2019, I followed up at the property, observed a violation remained, issued citations to the property owners.

In August of 2019, I followed up at the property, observed a violation of Code remained, sought property abatement process as a result.

RECOMMENDATIONS:

The owner(s) of this property, TIMOTHY & TANYA MOULTON, has made some attempt to bring the property into compliance, but is still incomplete. TIMOTHY & TANYA MOULTON have had at least one prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB Code Inspector City of Tempe

ACTION TAKEN:

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 09/09/2019 Case #: CE192914

TIMOTHY & TANYA MOULTON 1944 E MEADOW DR TEMPE, AZ 85282

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

Location: 1944 E MEADOW DR TEMPE, AZ 85282

Parcel: 13334086

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 11/05/2019 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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 Deteriorated landscape

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 remove dead tree(s) from backyard landscape. Please cut stumps to ground level

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 \$1,304.00. 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)350-4311.

Code Inspector: Michael Glab Phone Number: 480-350-5461 E-mail: Michael Glab@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/24/2019

TIMOTHY & TANYA MOULTON 1944 E MEADOW DR TEMPE, AZ 85282

Case #: CE192914

Site Address: 1944 E MEADOW DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/23/2019 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.16	Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance;
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 or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground;

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.16	Please return backyard pool water to clean, clear condition; OR, please drain pool and leave as empty pit secured by the fence line	05/08/2019
CC 21-3.b.8	Please remove over height grass/weeds from property (e.g. backyard landscape, etc.)	05/08/2019
CC 21-3.b.8	Please remove dead tree(s) from property (e.g. backyard landscape; blackened, leafless trees, etc.)	05/24/2019

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@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 CORRECTION NOTICE

05/09/2019

TIMOTHY & TANYA MOULTON 1944 E MEADOW DR TEMPE, AZ 85282

Case #: CE192914

Site Address: 1944 E MEADOW DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/08/2019 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.

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

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.16	Please return backyard pool water to clean, clear condition; OR, please drain pool and leave as empty pit secured by the fence line	05/24/2019
CC 21-3.b.8	Please remove over height grass/weeds from property (e.g. backyard landscape, etc.)	05/24/2019
CC 21-3.b.8	Please remove dead tree(s) from property (e.g. backyard landscape; blackened, leafless trees, etc.)	05/24/2019

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

05/29/2019

TIMOTHY & TANYA MOULTON 1944 E MEADOW DR TEMPE, AZ 85282

Case #: CE192914

Site Address: 1944 E MEADOW DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/29/2019 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.16	Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance;
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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.16	Please return backyard pool water to clean, clear condition; OR, please drain pool and leave as empty pit secured by the fence line	06/06/2019
CC 21-3.b.8	Please remove over height grass/weeds from property (e.g. backyard landscape, etc.)	06/06/2019
CC 21-3.b.8	Please remove dead tree(s) from property (e.g. backyard landscape; blackened, leafless trees, etc.)	06/28/2019

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



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

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



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.



August 6, 2019

City of Tempe Attn: Michael Glab Code Inspector

RE: Clean up - 1944 E Meadow 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 1944 E Meadow Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Cutting up, haul away and disposal of backyard dead tree debris
- Cutting of stumps above ground level to ground level
- Possible draining of backyard pool
- Tempe PD presence during abatement

Total = \$1,304.00

Respectfully,

Jose Hernandez

