

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 03/17/2020**

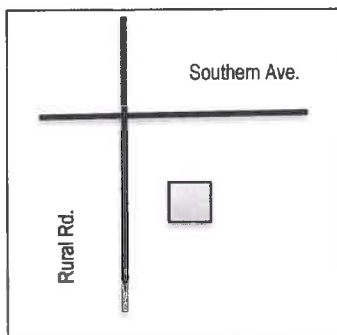
**Agenda Item: 5**

**ACTION:** Request approval to abate public nuisance items at the C&C Way Property located at 3318 S. Terrace Road. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1972.00 for abatement request: Remove trash, litter and debris from property, remove unregistered vehicles 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 C&C WAY 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 CE197243: Remove trash, litter and debris from property, remove unregistered vehicles from property.



Property Owner	C&C Way Property Management LLC
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Julie 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 C&C Way Property located at 3318 S. Terrace Road, in the R1-6, Single Family Residential district. This case was initiated 11/12/2019, 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 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	C&C Way property management LLC Property Abatement	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	3318 S. Terrace Rd. Tempe, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE197243 Hearing is March 17th 2020	PARCEL No(s)	133-54-004	<input type="checkbox"/>

### PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME	C&C Way property management LLC	ADDRESS	929 N. Val Vista Dr. STE 109-124				
CONTACT NAME	Susan George	CITY	Gilbert	STATE	AZ	ZIP	85234
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	Community Development COT	ADDRESS	21 E. 6th St.				
CONTACT NAME	Julie Scofield	CITY	Tempe	STATE	AZ	ZIP	85281
EMAIL	julie_scofield@tempe.gov	PHONE 1	480-350-8951	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>Julie Scofield</i>	DATE	2/12/2020
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### 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:** 02/12/2020  
**TO:** Jeff Tamulevich, Code Administrator  
**FROM:** Julie Scofield  
**SUBJECT:** Property Abatement

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**LOCATION:** 3318 S. Terrace Rd. Tempe, AZ 85282

**PARCEL:** 133-54-004

**OWNER:** C & C Way Property Management LLC  
C/O Susan George  
929 N. Val Vista Dr. Ste 109-124  
Gilbert, AZ 85234

**FINDINGS:**

- 11/12/2019 Complaint came into Neighborhood Enhancement (CE197243) for this property regarding junk and debris, deteriorated landscape, lawn parking, and unregistered vehicles.
- 11/13/2019 The property was inspected. There are two unregistered vehicles in the driveway. A Chrysler with AZ plate of 099WLZ exp 09/19, and a Nissan with AZ plate of BMN9856 exp 11/17. There are items being stored in the driveway and in the back yard. Items consist of metal, wood, appliances, furniture, trash, and miscellaneous items. A notice was mailed to the owner, C & C Way Property Management LLC.
- 12/17/2019 Re-inspected the property and all the violations were still visible on the property. A final notice was mailed.
- 01/15/2019 There has been no change to the property. A citation was issued for the junk/trash/debris, and unregistered vehicles. Pictures were taken the same day.
- 01/30/2020 There has been no change to the condition of the property. The owner has not paid the citation and has yet to bring the property in compliance. Requesting a bid to clean up the property. The abatement hearing is set to be March 17th, 2020.

**RECOMMENDATIONS:**

I am recommending the approval for the abatement at 3318 S. Terrace Rd. The property is owned by C & C Way Property Management LLC. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. I am also requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:  
NAME  
DATE:

*Subject*  
*[Signature]*  
7/12/20



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 02/12/2020  
Case #: CE197243

**C&C WAY PROPERTY MANAGEMENT LLC  
C/O SUSAN GEORGE  
929 N. VAL VISTA DR. STE 109-124  
GILBERT, AZ 85234**

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

Location: 3318 S TERRACE RD TEMPE, AZ 85282  
Parcel: 133-54-004

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of March 17<sup>th</sup>, 2020. 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
- CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed

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, litter and debris from property-front and back yard.
- CC 21-3.b.3 Please register or remove vehicles.

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 \$ 1972.00. 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.

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**Code Inspector: Julie Scofield**  
**Phone Number: 480-350-8951**  
**E-mail: julie\_scofield@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: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 2/3/20

PROPOSAL

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

ADDRESS: 3318 S TERRACE RD

1	REMOVAL OF UNK, TRASH, AND DEBRISIN FRONT AND BACK YARD	\$1,000.00
2	ESTAMATED DUMP FEES	\$150.00
3	REMOVAL OF 2 VEHICLES	\$270.00
4	SECURITY BY TEMPE POLICE	\$552.00
5		\$0.00
6		\$0.00
	TOTAL COST OF JOB	<u>\$1,972.00</u>

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1701918</b>	Case Number	Social Security Number	Military <input type="checkbox"/>	<input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Accident <input type="checkbox"/> Fatality <input type="checkbox"/> 16 Passenger Vehicle <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: <b>CE197243</b>

Interpreter Required?  Spanish  Other Language

**Defendant** Name (First, Middle, Last): **C & C Way Property Management LLC / Susan George** Juvenile

Residence Address, City, State, Zip Code: **929 N. VALVISTA DR, STE 109-124 GILBERT AZ 85234** Telephone: (cell phone)

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 **01** Day **15** Year **2020** Time **0939**  AM  PM **Speed** Approx. \_\_\_\_\_ Posted \_\_\_\_\_ R & P \_\_\_\_\_ Speed Measurement Device:  Radar  Laser  Pace \_\_\_\_\_ Direction of Travel \_\_\_\_\_

At: Location **3318 S. Terrace Rd.**  Tempe  \_\_\_\_\_ Area **85282** State of Arizona \_\_\_\_\_ Dist. \_\_\_\_\_

The Defendant Committed the Following:

<b>A</b>	Section: <b>21-3-B-10</b> ARS Violation: <b>Junk, Trash, Debris</b> <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: _____
<b>B</b>	Section: <b>21-3-B-30</b> ARS Violation: <b>UNREGISTERED VEHICLES</b> <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: _____
<b>C</b>	Section: _____ ARS 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: _____
<b>D</b>	Section: _____ ARS 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: _____
<b>E</b>	Section: _____ ARS 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: _____

**You must appear on the date and time indicated at:**

**Tempe Municipal Court**  
 140 E. 5th Street  
 Tempe, AZ 85281  
 Court No. 0753

**Traffic Court**  
 Suite 150, 1st Floor  
 Date: **01/29/2020** Time: **Between 9AM & 4PM**

**Criminal Court**  
 Suite 200, 2nd Floor  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  AM  PM

Court: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  AM  PM Court No. \_\_\_\_\_  
 Court Address, City, State, Zip Code: \_\_\_\_\_

Criminal:  Without admitting guilt, I promise to appear as directed hereon.  
 Civil:  Without admitting responsibility, I acknowledge receipt of this complaint.

**x Mailed**

Victim?  Victim Notified?

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.

**Julie S. Field** **8022**  
Complainant 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 \_\_\_\_\_

**A = \$ 200.00**  
**B = \$ 200.00**  
**TOTAL = \$ 400.00**

Date issued if not violation date: \_\_\_\_\_

**LET 1st citation**



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.



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

11/13/19

C & C WAY PROPERTY MANAGEMENT LLC  
C/O SUSAN GEORGE  
929 N VAL VISTA DR STE 109-124  
GILBERT, AZ, 85234

Case#: CE197243  
Site Address: 3318 S. TERRACE RD. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 12/13/2019**

This is a notice to inform you that this site was inspected on 11/13/2019 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.

**VIOLATION SECTION:**

**Violation of City of Tempe Code 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.

**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. PLEASE REMOVE THE ITEMS FROM THE FRONT, SIDE, AND BACK YARD OF THE PROPERTY. THIS INCLUDES TRASH, METAL, WOOD, APPLIANCES, FURNITURE, AND ANY OTHER MISCELLANEOUS ITEMS. THE OUTSIDE OF THE PROPERTY CANNOT BE USED FOR STORAGE.
2. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY CURRENT PLATES AND OR TAGS ON THE NISSAN QUEST (AZ BRN9856) AND CHRYSLER (AZ 099WLZ). OR REMOVE THE VEHICLE(S) FROM THE FRONT/SIDE OF THE PROPERTY.
3. PLEASE TRIM OFF ANY DEAD PORTIONS OF THE BUSH IN THE FRONT, SOUTH SIDE OF THE OF THE PROPERTY.

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

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

**Direct: 480-350-8951**  
**Code Compliance: 480-350-8372**  
**julie\_scofield@tempe.gov**

**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.

**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).**



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
FINAL CORRECTION NOTICE**

12/17/19

C & C WAY PROPERTY MANAGEMENT LLC  
C/O SUSAN GEORGE  
929 N VAL VISTA DR STE 109-124  
GILBERT, AZ, 85234

Case#: CE197243  
Site Address: 3318 S. TERRACE RD. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 01/07/2019**

This is a notice to inform you that this site was inspected on 12/17/2019 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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**Violation of City of Tempe Code 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.

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

**Direct: 480-350-8951**  
**Code Compliance: 480-350-8372**  
**julie\_scofield@tempe.gov**

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**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

11/13/19

BARBIAN, THOMAS  
3318 S. TERRACE RD.  
TEMPE, AZ 85282

Case#: CE197243  
Site Address: 3318 S. TERRACE RD. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 12/13/2019**

This is a notice to inform you that this site was inspected on 11/13/2019 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.

**VIOLATION SECTION:**

**Violation of City of Tempe Code 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.

**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. PLEASE REMOVE THE ITEMS FROM THE FRONT, SIDE, AND BACK YARD OF THE PROPERTY. THIS INCLUDES TRASH, METAL, WOOD, APPLIANCES, FURNITURE, AND ANY OTHER MISCELLANEOUS ITEMS. THE OUTSIDE OF THE PROPERTY CANNOT BE USED FOR STORAGE.
2. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY CURRENT PLATES AND OR TAGS ON THE NISSAN QUEST (AZ BRN9856) AND CHRYSLER (AZ 099WLZ). OR REMOVE THE VEHICLE(S) FROM THE FRONT/SIDE OF THE PROPERTY.
3. PLEASE TRIM OFF ANY DEAD PORTIONS OF THE BUSH IN THE FRONT, SOUTH SIDE OF THE OF THE PROPERTY.

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

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

**Direct: 480-350-8951**  
**Code Compliance: 480-350-8372**  
**julie\_scofield@tempe.gov**

**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.

**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).**





**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
FINAL CORRECTION NOTICE**

12/17/19

BARBIAN, THOMAS  
3318 S. TERRACE RD.  
TEMPE, AZ 85282

Case#: CE197243  
Site Address: 3318 S. TERRACE RD. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 01/07/2019**

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