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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 06/02/2020  
Agenda Item: 7**

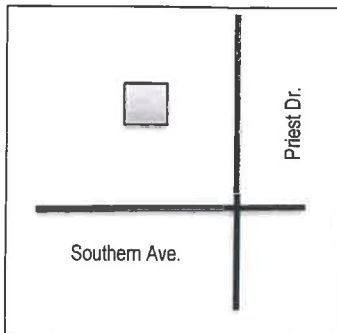
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**ACTION:** Request approval to abate public nuisance items at the Carpenter Property located at 1646 W. Fairmont Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$3540.00 for abatement request: Front and back yard landscape cleanup, remove dead tree, repair deteriorated fence.

**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 CARPENTER 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 CE197458: Front and back yard landscape cleanup, remove dead tree, repair deteriorated fence.



Property Owner: Noradeen Dawn Carpenter  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Ashley Nichols, 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 Carpenter Property located at 1646 W. Fairmont Drive, in the R1-6, Single Family Residential district. This case was initiated 11/22/19, 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	CARPENTER PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1646 W FAIRMONT DR TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	PETERSON PARK PLAT 3 ABATEMENT CE197458 JUNE 02, 2020	PARCEL No(s)	123-57-237 <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 hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
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or attach written statement authorizing the applicant to file the application(s)

APPLICANT INFORMATION – REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE / CODE ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208
CONTACT NAME	ASHLEY NICHOLS / CODE INSPECTOR	CITY	TEMPE
EMAIL	ASHLEY_NICHOLS@TEMPE.GOV	PHONE 1	(480) 858-2085
		STATE	AZ
		ZIP	85281-3681
		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>Ashley Nichols</i>	DATE	4/24/2020
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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. 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:** 04/24/2020  
**TO:** Jeff Tamulevich, Code Enforcement Manager  
**FROM:** Ashley Nichols, Code Inspector  
**SUBJECT:** CE197458, Carpenter Property Abatement

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**LOCATION:** 1646 W FAIRMONT DR TEMPE AZ 85282  
**LEGAL:** PETERSON PARK PLAT 3  
**PARCEL:** 123-57-237  
**OWNER:** CARPENTER NODAREEN DAWN  
1646 W FAIRMONT DR  
TEMPE, AZ 85282

**FINDINGS:**

11/22/2019 Code Compliance received a complaint regarding the property and upon inspection, it was found to have over height grass and weeds in the backyard area, a deteriorated fence in back, and a large dead pine tree in the front. A first notice was mailed to the property owner.

01/03/2020 The property was reinspected and found to be in the same condition. A final notice was mailed to the property owner.

02/21/2020 The property was reinspected and found to be in worse condition with over height grass and weeds in both the front and backyard areas, the deteriorated fence in back, the dead pine tree in front and some dead limbs on another tree in front. Photos were taken and citation #1701745 was issued.

04/10/2020 A check of court records revealed the owner failed to appear on her citation. Submitted a bid request for the cleanup of the property.

04/13/2020 Bid was received with a cost of \$3,540.00 for the cleanup of the property.

04/24/2020 Posted the notice of intent to abate to the property.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1646 W Fairmont Dr., due to the property owner's failure to bring the property into compliance with Tempe City Codes 21-3.B.8 and 21-3.B.15. The property represents a health hazard and is an eyesore to the community.

Without the intervention of the 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.

Respectfully submitted,

Ashley Nichols  
Code Inspector  
City of Tempe

ACTION TAKEN:

Submit

NAME

[Signature]

DATE:

4 27 20



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: ASHLEY NICHOLS

FIRM: CITY OF TEMPE

DATE: 4/13/20

PROPOSAL

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

ADDRESS: 1646 W FAIRMONT DR

1	REMOVAL OF TALL WEEDS, GRASS AND DEBRIS REPAIR FENCE IN BACK YARD	\$840.00
2	ESTAMATED DUMP FEES	\$100.00
3	REMOVAL OF DEAD TREE AND TRIMMING OF TREE 3RD PARTY	\$2,600.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$3,540.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**CORRECTION NOTICE**

11/22/2019

NODAREEN DAWN CARPENTER  
1646 W FAIRMONT DR  
TEMPE, AZ 85282

Case #: CE197458  
Site Address: 1646 W FAIRMONT DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/22/2019 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard.
CC 21-3.b.8	Dead trees or parts including stumps. Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.15	Please repair or replace the deteriorated fence in the backyard of the property.	12/23/2019
CC 21-3.b.8	Please remove the large dead pine tree located in the front yard of the property.	12/23/2019
	Please trim the over height grass and/or weeds in the backyard of the property.	12/23/2019

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

**Ashley Nichols**  
Code Inspector

**Direct: 480-858-2085**  
**Code Compliance: 480-350-8372**  
**Email: Ashley\_Nichols@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**

01/03/2020

NODAREEN DAWN CARPENTER  
1646 W FAIRMONT DR  
TEMPE, AZ 85282

Case #: CE197458  
Site Address: 1646 W FAIRMONT DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/03/2020 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard.
CC 21-3.b.8	Dead trees or parts including stumps. Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.15	Please repair or replace the deteriorated fence in the backyard of the property.	<b>02/03/2020</b>
CC 21-3.b.8	Please remove the large dead pine tree located in the front yard of the property.	<b>02/03/2020</b>
	Please trim the over height grass and/or weeds in the backyard of the property.	<b>02/03/2020</b>

**IF NOT IN COMPLIANCE BY 02/03/2020, A \$600 CITATION MAY BE ISSUED.**

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

**Ashley Nichols**  
Code Inspector

**Direct: 480-858-2085**  
**Code Compliance: 480-350-8372**  
**Email: Ashley\_Nichols@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).

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1701745</b>	Case Number	Social Security Number	Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D		Incident Report Number <b>CE 197758</b>	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant Name (First, Middle, Last) <b>Nodareen Dawn Carpenter</b>							Juvenile
Residence Address, City, State, Zip Code <b>1646 W Fairmont Dr. Tempe, AZ 85282</b>						Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code							Business Phone No.
Vehicle	Color	Year	Make	Model	Style	License Plate	State
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month <b>02</b>	Day <b>20</b>	Year <b>20</b>	Time <b>3:20</b>	<input type="checkbox"/> AM <input checked="" 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 <b>1646 W Fairmont Dr.</b>						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>21-3.0</b>	ARS Violation: <b>21-3.6.8 Deteriorated Landscape</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code
<b>B</b>	Section: <b>21-3.0</b>	ARS Violation: <b>21-3.6.15 Deteriorated Fence</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code
<b>C</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
<b>D</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
<b>E</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code

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: <b>03/09/20</b>	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____
	<input type="checkbox"/> Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Court Address, City, State, Zip Code				

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
<b>x Mailed</b>	Complainant <b>Ashley Nichols</b>	PSN <b>8049</b>

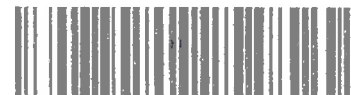
Comments:  
Juvenile Notification:  
Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials \_\_\_\_\_

**1st Citation**  
**A = \$200**  
**B = \$400**

Date issued if not violation date: **02/21/2020**

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.

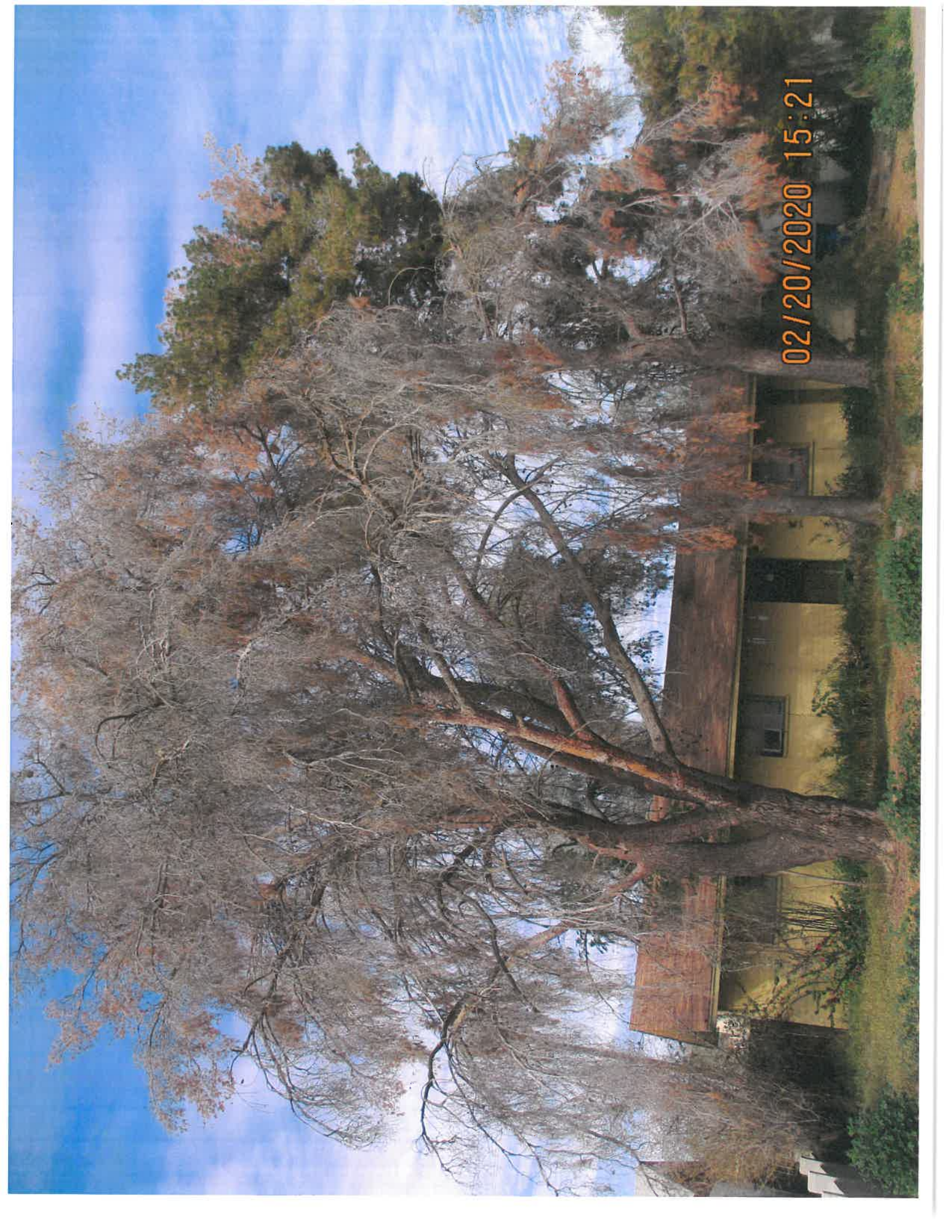


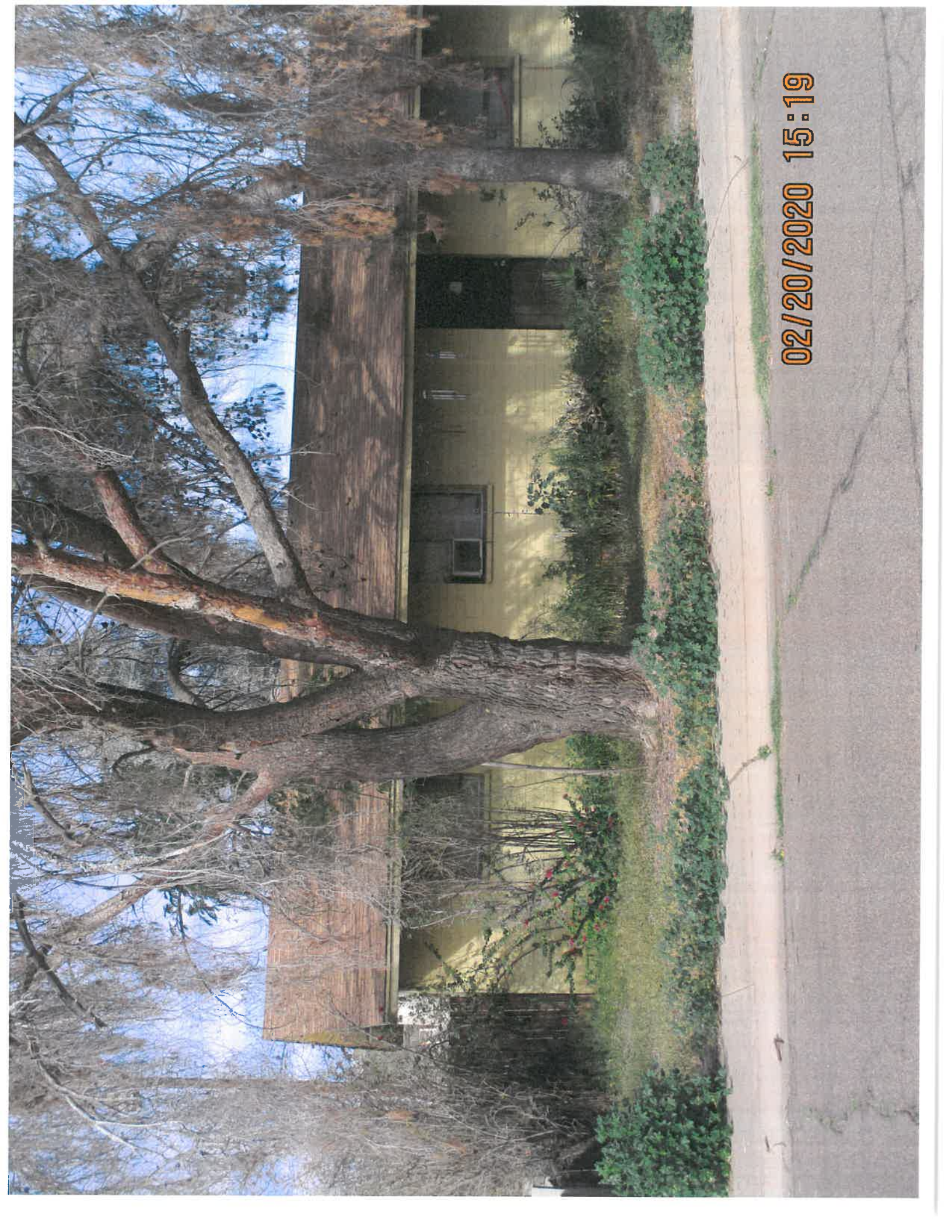
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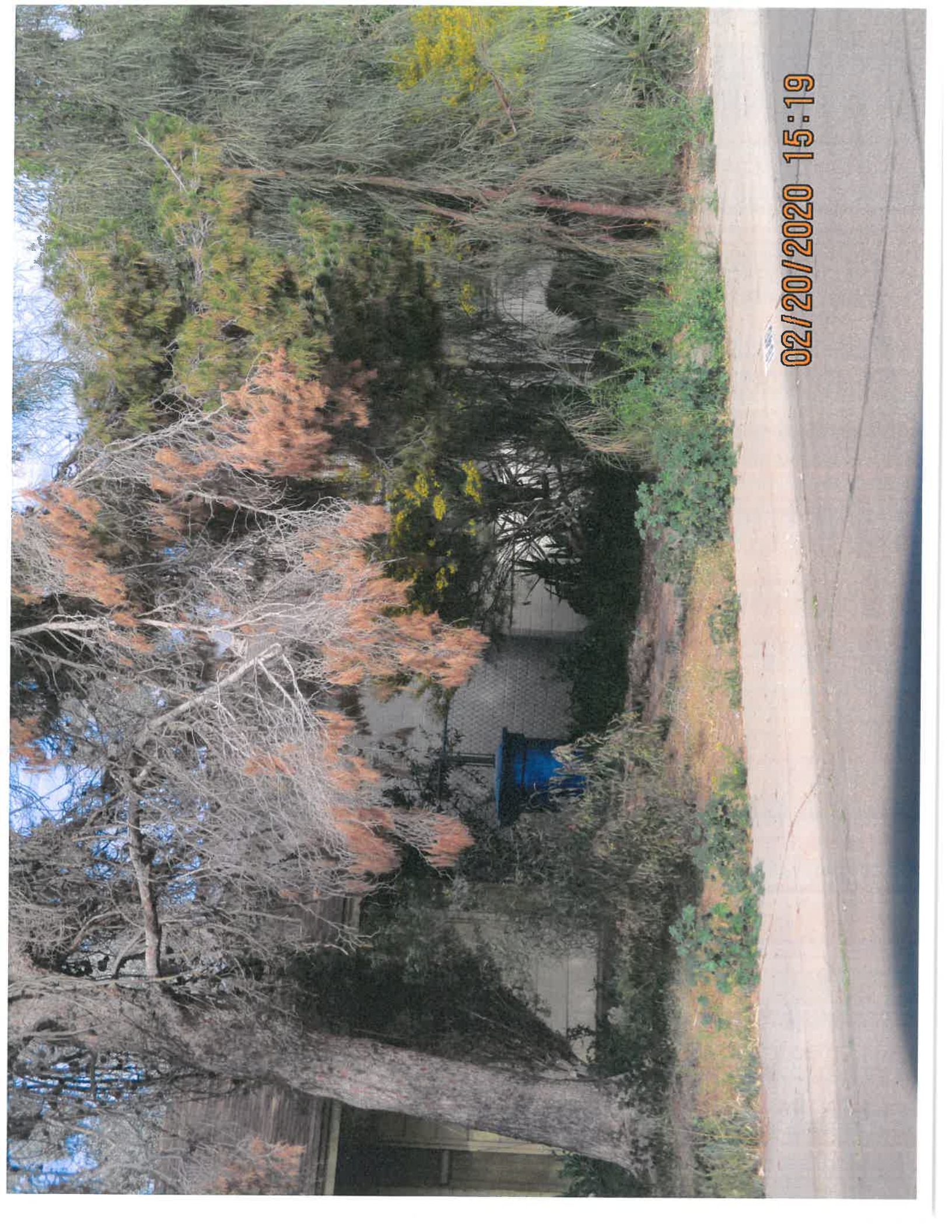
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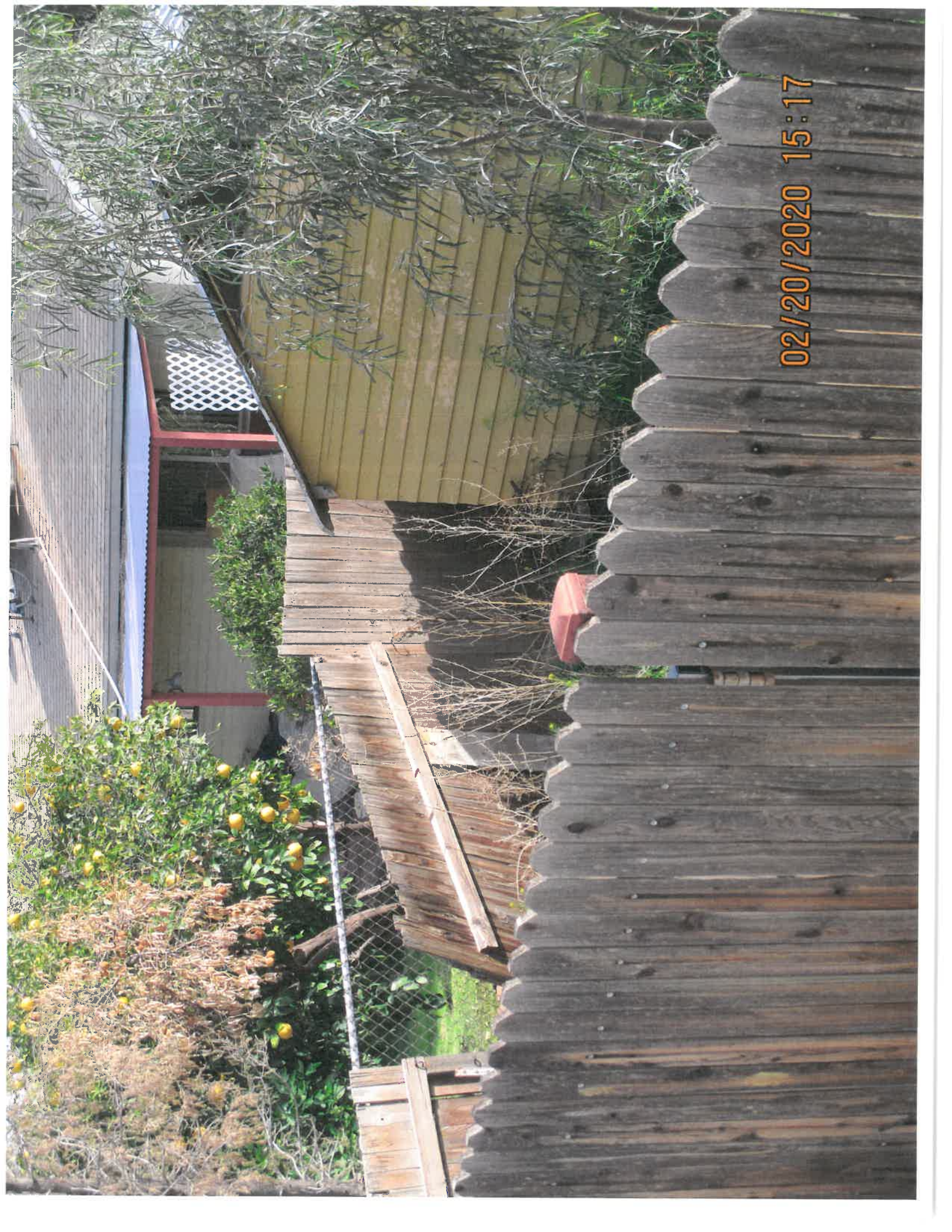
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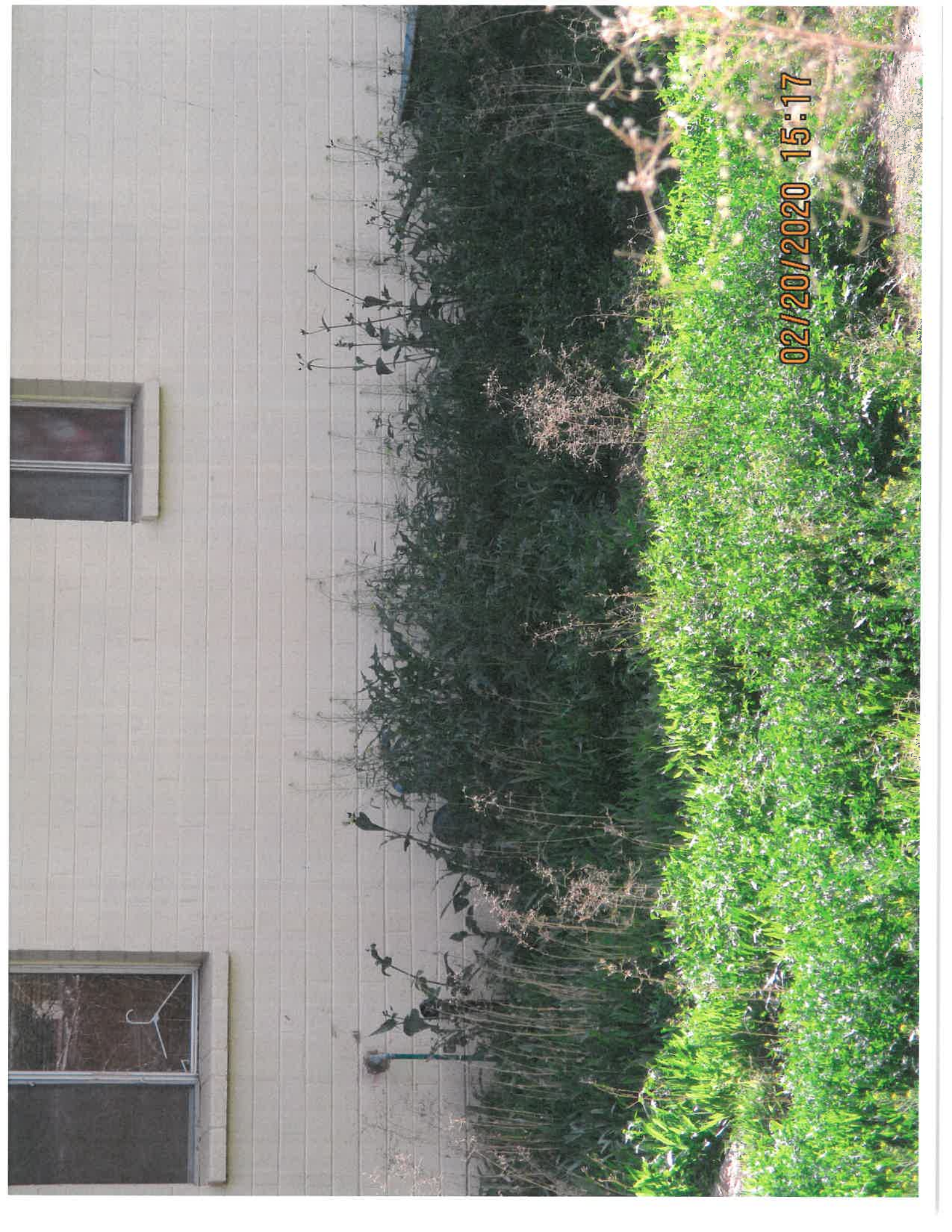
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