

**CITY OF TEMPE
HEARING OFFICER**

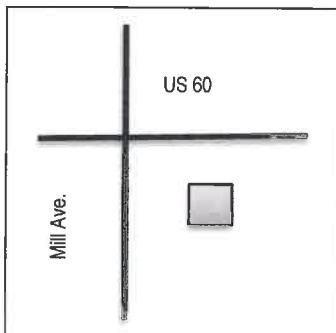
**Meeting Date: 07/07/2020
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the Nielsen Property located at 441 E. Carson Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1737.00 for abatement request: Remove junk, trash and debris from front and back of property, and remove unregistered/inoperable 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 NIELSEN 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 CE200798: Remove junk, trash and debris from front and back of property, and remove unregistered/inoperable vehicles from property.



Property Owner	Nielsen Properties 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 Nielsen Property located at 441 E. Carson Drive, in the R1-6, Single Family Residential district. This case was initiated 02/07/20, 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 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	Nielsen Property Abatement	EXISTING ZONING SUITE(S)	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	441 E. Carson Dr. Tempe, AZ 85282	PARCEL No(s)	133-41-517 <input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE200798 Hearing is July 7th, 2020		

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	Nielsen Properties LLC	ADDRESS	1017 Matador Dr. SE
CONTACT NAME	Martin Nielsen	CITY	Albuquerque
EMAIL		STATE	NM
		ZIP	87123
		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	ADDRESS	21 E. 6TH ST.
CONTACT NAME	Julie Scofield	CITY	Tempe
EMAIL	julie_scofield@tempe.gov	STATE	AZ
		ZIP	85281
		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	5/27/20 20
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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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: May 27th, 2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Julie Scofield, Code Inspector
SUBJECT: CE200798, Nielsen Property Abatement

LOCATION: 441 E. CARSON DR. TEMPE, AZ 85282

LEGAL: TEMPE GARDENS

PARCEL: 133-41-517

OWNER: NIELSEN PROPERTIES LLC
C/O MARTIN NIELSEN
1017 MATADOR DRIVE SE
ALBUQUERQUE, NM 87123

FINDINGS:

02/07/2020 The Code Compliance Division received a complaint for deteriorated landscape, paint, deteriorated fence, junk trash, and debris in the front and back of the property. Inspected the property and found over height grass/ weeds in the front and back yard. There were two unregistered/inoperable vehicles in the driveway. There are miscellaneous items being stored in the front and back of the property. The gate appeared to be broken and has missing panels. Notice to comply was mailed to owner.

02/25/2020 Conducted a re-inspection of the property and mailed a final notice to comply to the owner.

02/28/2020 The Code Compliance Division received an additional complaint for lawn parking and consanguinity. A notice was mailed for a vehicle parked on the west side of the property in an unimproved area and a notice for consanguinity.

03/13/2020 No lawn parking was observed today. The property is still in violation for the unregistered vehicles and the junk and debris.

03/19/2020 No lawn parking this day. Issued a citation for the junk and debris, broken fence, and unregistered vehicles. Citation # 1702109. Pictures were taken.

03/24/2020 Received an email from Gary Nielsen- who is the son of the owner and resides at this property. He wrote that he is trying to bring property into compliance and that there is only three people residing here.

03/25/2020 Received another email from Gary, he said that he had current registration for the vehicle(s). and asked questions regarding the citation and court.

03/27/2020 I returned the email and requested a copy of current registration. Have not

received any thing back.

04/17/2020 Received a complaint that the tenant was operating a home business of fixing/repairing vehicles. A notice was mailed.

05/13/2020 Mailed a final notice for the home business. Requested a bid for the cleanup of the property. Bid to include towing vehicles that are unregistered in the front and back yard. The bid will also include the items being stored in the front and or back of the property.

05/27/2020 Turned in the paperwork for the abatement hearing. It is set for July 7th, 2020.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 441 E. Carson Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.3 and 21-3. B.1. Mr. Nielsen has been given ample time to come into compliance and maintain the property. 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,

Julie Scofield
Code Inspector II

ACTION TAKEN:

Submit

NAME

Julie Scofield

DATE:

5 27 20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 05/27/2020
Case #: CE200798

**NIELSEN PROPERTIES LLC
1017 MATADOR DR. SE
ALBUQUERQUE, NM 87123**

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

Location: 441 E CARSON DR TEMPE, AZ 85282
Parcel: 133-41-517

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of July 7TH, 2020 located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. 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. This includes from the front and or back yard of the property.
- CC 21-3.b.3 Please register or remove unregistered vehicles from the front of the property. Only two (2) unregistered/inoperable vehicles are allowed in the back yard.

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 \$1737.00. 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov**



May 15, 2020

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Clean up – 441 E Carson 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 441 E Carson Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Clean up/removal of junk and debris from the backyard
- Removal of unregistered vehicles from the driveway
- PD presence during abatement

Total = \$2,249.00

Respectfully,

Jose Hernandez

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 5/4/20

PROPOSAL

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

ADDRESS: 441 E CARSON DR

1	REMOVAL OF TRASH AND DEBRIS IN BACK YARD	\$840.00
2	ESTAMATED DUMP FEES	\$75.00
3	REMOVAL OF UNREGISTERED VEHICLES	\$270.00
4	SECURITY BY TEMPE POLICE	\$552.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$1,737.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702109	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	<input type="checkbox"/> 16 Passenger Vehicle	Incident Report Number CE200798	<input type="checkbox"/> Haz. Material

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **Nielsen Properties LLC / Martin Nielsen** Juvenile

Residence Address, City, State, Zip Code **1017 Matador Dr. SE Albuquerque, NM 87123** 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 **03** Day **19** Year **2020** Time **0918** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At Location **441 E Carson Dr** Tempe **85282** State of Arizona Area Dist.

The Defendant Committed the Following:

A	Section: 21-3-B-1 ARS CC Violation: Junk, Trash, Debris <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
B	Section: 21-3-B-3 ARS CC Violation: INOP/UNREG VEHICLES <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
C	Section: 21-3-B-15 ARS CC Violation: Deteriorated Fence <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
D	Section: <input type="checkbox"/> ARS <input type="checkbox"/> 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
E	Section: <input type="checkbox"/> ARS <input type="checkbox"/> 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

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: **04/02/2020** 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.

Stu Scott **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 _____

1st citation
TOTAL \$800.00

A = \$200 C = \$400.00
B = \$200

Date issued if not violation date

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.



COMPLAINT



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

02/07/2020

NIELSEN PROPERTIES LLC
C/O NIELSEN, MARTIN L
1017 MATADOR DRIVE SE
ALBUQUERQUE, NM 87123

Case#: CE200798
Site Address: 441 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 02/25/2020

This is a notice to inform you that this site was inspected on 02/07/2020 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.

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-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.

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 the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.
3. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.
4. PLEASE FIX AND OR REPLACE THE BACK-YARD FENCE AND GATE. MAKE SURE IT HAS ALL THE SLATS, IS STRAIGHT AND STURDY, AND WORKS AS INTENDED. ALL MATERIALS MUST BE COMPATIBLE TO CURRENT DESIGN AND COLOR.
5. PLEASE DO NOT USE THE FRONT, SIDE, AND OR BACK YARD FOR STORAGE. PLEASE REMOVE ANY ITEMS OUT IN THE OPEN. ITEMS INCLUDE FURNITURE, WOOD, PALLETS, PILES OF VEGETATION DEBRIS, HOUSEHOLD ITEMS, METAL, AND ANY OTHER MISCELLANEOUS ITEMS.

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 (i): 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

02/25/2020

NIELSEN PROPERTIES LLC
C/O NIELSEN, MARTIN L
1017 MATADOR DRIVE SE
ALBUQUERQUE, NM 87123

Case#: CE200798

Site Address: 441 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 03/17/2020

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- 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.

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Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
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4. PLEASE FIX AND OR REPLACE THE BACK-YARD FENCE AND GATE. MAKE SURE IT HAS ALL THE SLATS, IS STRAIGHT AND STURDY, AND WORKS AS INTENDED. ALL MATERIALS MUST BE COMPATIBLE TO CURRENT DESIGN AND COLOR.
5. PLEASE DO NOT USE THE FRONT, SIDE, AND OR BACK YARD FOR STORAGE. PLEASE REMOVE ANY ITEMS OUT IN THE OPEN. ITEMS INCLUDE FURNITURE, WOOD, PALLETS, PILES OF VEGETATION DEBRIS, HOUSEHOLD ITEMS, METAL, AND ANY OTHER MISCELLANEOUS ITEMS.

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Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
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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
CORRECTION NOTICE**

02/07/2020

RESIDENTS
441 E. CARSON DR.
TEMPE, AZ 85282

Case#: CE200798
Site Address: 441 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 02/25/2020

This is a notice to inform you that this site was inspected on 02/07/2020 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.

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-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.

Section 21-3-15
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 the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.
3. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.
4. PLEASE FIX AND OR REPLACE THE BACK-YARD FENCE AND GATE. MAKE SURE IT HAS ALL THE SLATS, IS STRAIGHT AND STURDY, AND WORKS AS INTENDED. ALL MATERIALS MUST BE COMPATIBLE TO CURRENT DESIGN AND COLOR.
5. PLEASE DO NOT USE THE FRONT, SIDE, AND OR BACK YARD FOR STORAGE. PLEASE REMOVE ANY ITEMS OUT IN THE OPEN. ITEMS INCLUDE FURNITURE, WOOD, PALLETS, PILES OF VEGETATION DEBRIS, HOUSEHOLD ITEMS, METAL, AND ANY OTHER MISCELLANEOUS ITEMS.

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**

02/25/2020

GARY NIELSON
OR CURRENT RESIDENTS
441 E. CARSON DR.
TEMPE, AZ 85282

Case#: CE200798

Site Address: 441 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 03/17/2020

This is a notice to inform you that this site was inspected on 02/25/2020 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.

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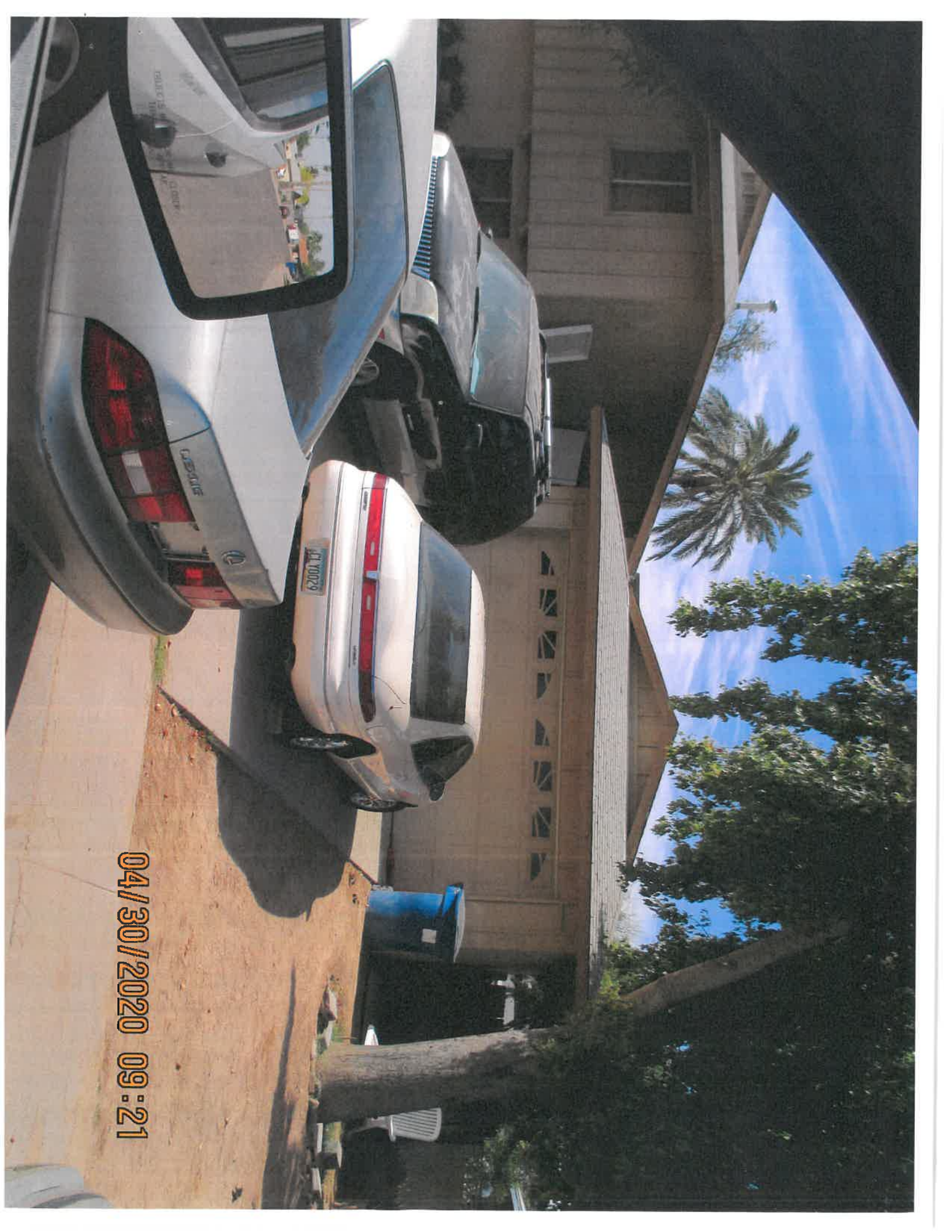
Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

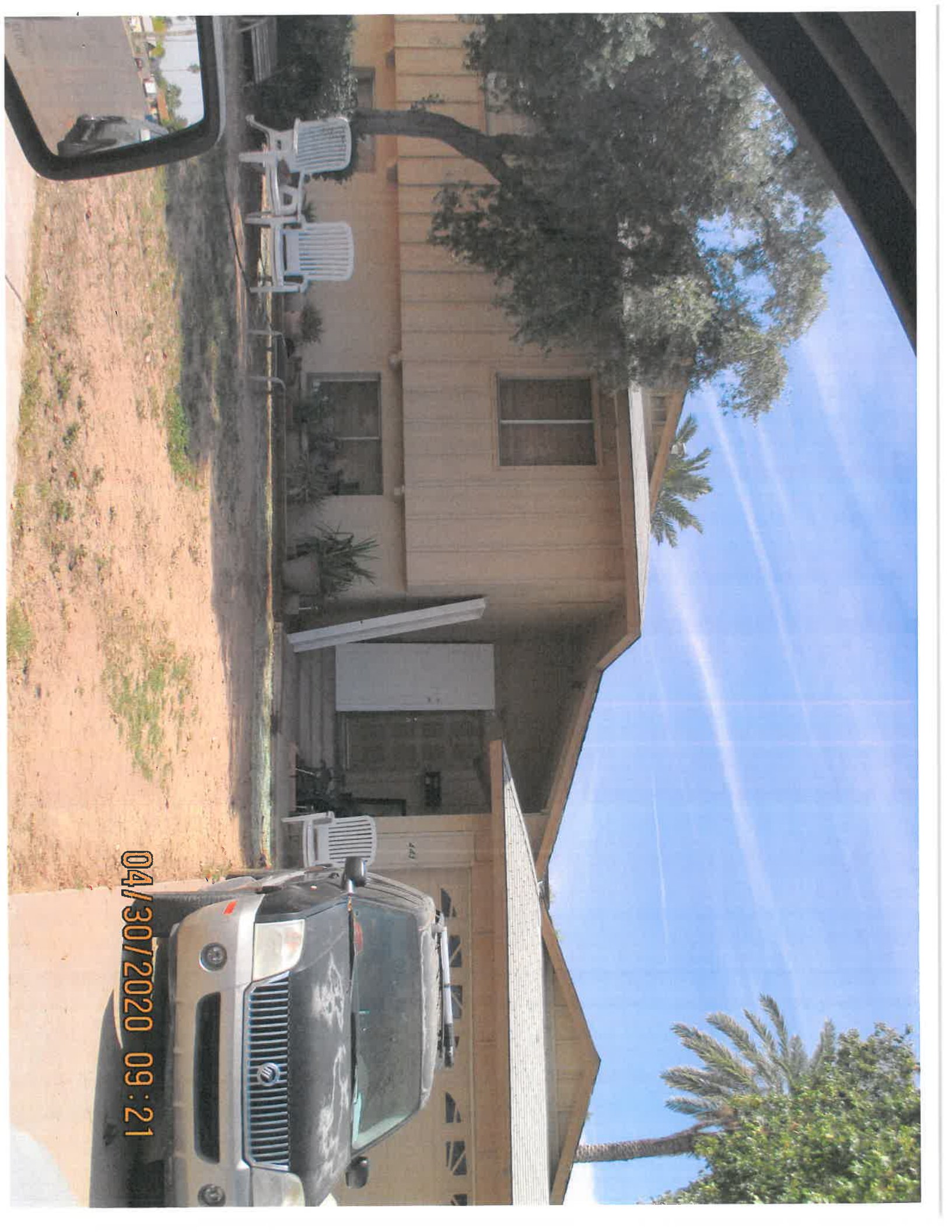
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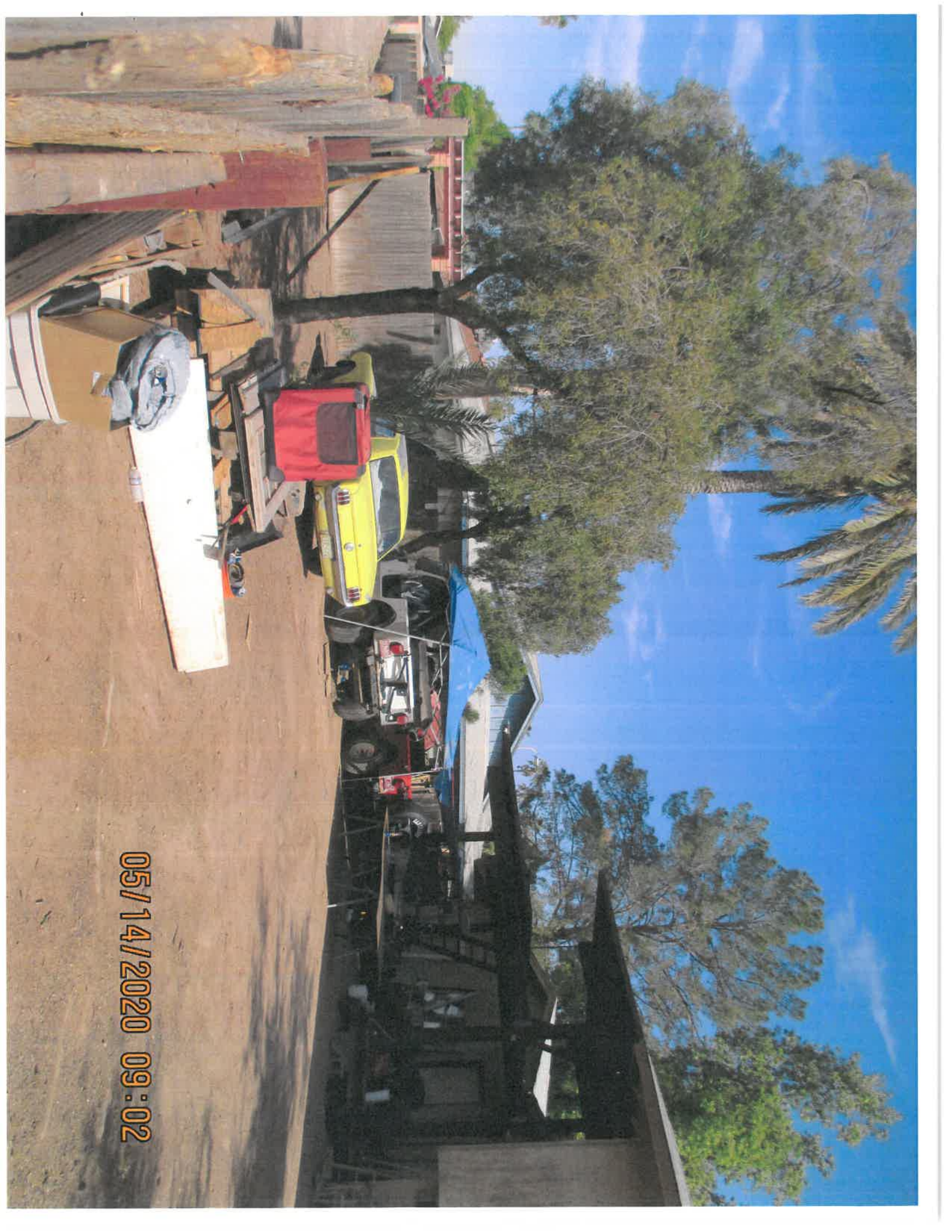
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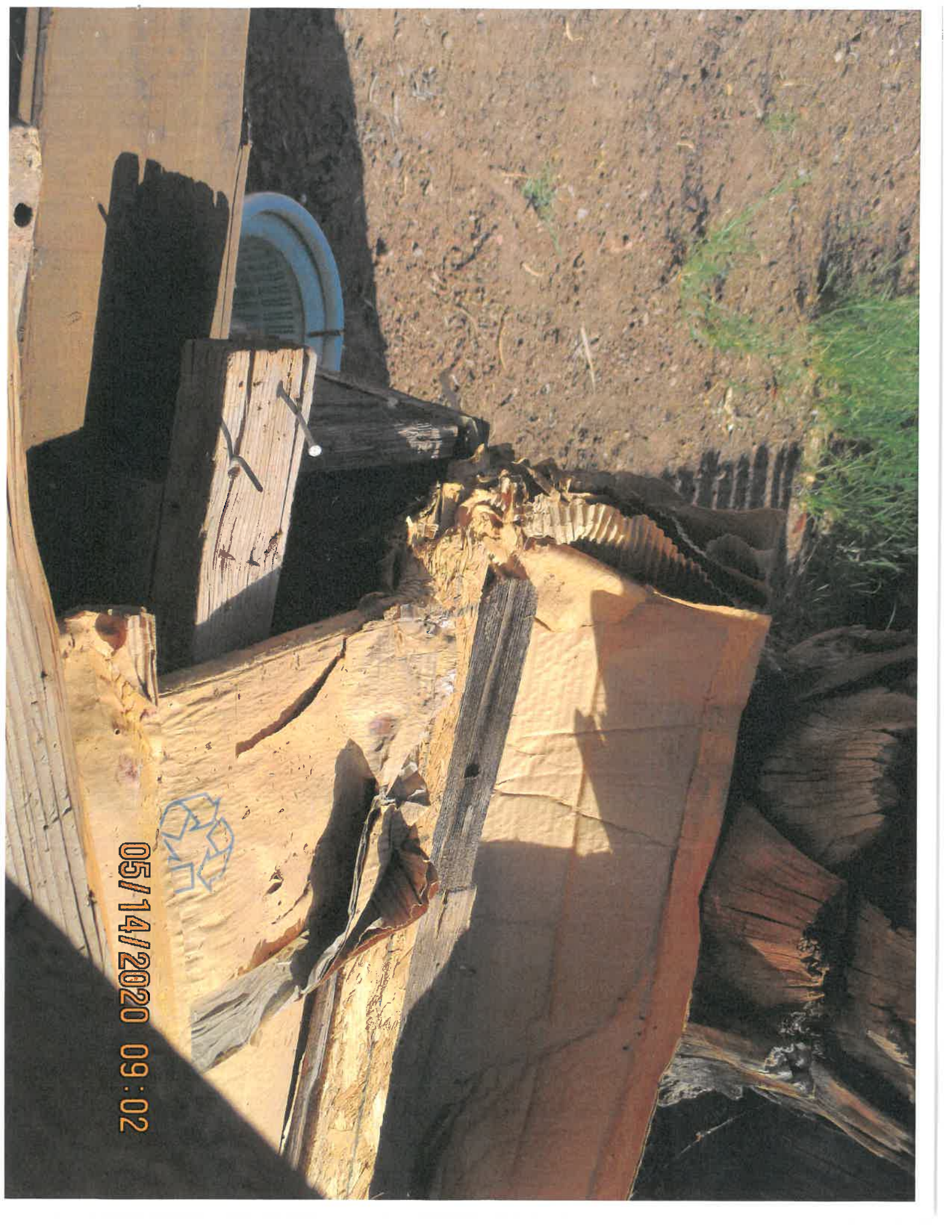
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