

CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/01/2020

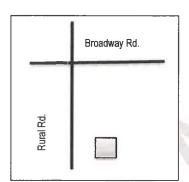
Agenda Item: 3

<u>ACTION</u>: Request approval to abate public nuisance items at the Cepeda Property located at 1168 E. Alameda Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$528.00 for abatement request: Landscape cleanup.

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 CEPEDA 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 CE200703: Landscape cleanup.



Property Owner Gilberto & Nancy Cepeda

Applicant City of Tempe – Code Compliance
Zoning District: R1-6 Single Family Residential

Code Compliance Inspector: 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 Cepeda Property located at 1168 E. Alameda Drive, in the R1-6, Single Family Residential district. This case was initiated 02/05/20, 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.

Planning Application Part 1 of 2

City of Tempe Community Development Department 31 East 5th Street, Garden Level, Tempe, Arizona 85281 (480) 350-4311 Fax (480) 350-8677 Planning Fax (480) 350-8872 http://www.tempe.gov/planning



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	MICHAEL GLAB / CODE	INSPECTOR	₹		TEMPE			AZ	ZIP 85	281-3681			
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DATE:

07/17/2020

SUBJECT:

CEPEDA Abatement

LOCATION:

1168 E ALAMEDA DR, TEMPE, AZ 85282

LEGAL:

LOT 424, BOOK 104, PAGE 047, as recorded with the Maricopa County

Assessor

OWNER:

GILBERTO & NANCY CEPEDA

1168 E ALAMEDA DR TEMPE, AZ 85282

FINDINGS:

On 02/05/2020 a violation of City Code was present. Notice was mailed to the property owners

On 02/26/2020 a violation of City Code remained at the property. A second notice was mailed to the property owners

On 03/17/2020 a violation of City Code remained at the property. A notice was posted to the front of the structure

On 05/19/2020 a violation of City Code remained, and citations were issued to the property owners

RECOMMENDATIONS:

The owner(s) of this property, GILBERTO & NANCY CEPEDA, have/has made little to no attempt to bring the property into compliance. GILBERTO & NANCY CEPEDA have/has not had a 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: 07/17/2020 Case #: CE200703

GILBERTO & NANCY CEPEDA 1168 E ALAMEDA 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: 1168 E ALAMEDA DR., TEMPE, AZ 85282

Parcel: 133-56-254

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 09/01/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th Street, 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 the over height grass/weeds from the property (e.g. the west side of the front landscape. Please remove the dead leaf pile from the middle of the front yard landscape, etc.)

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 \$528.00. 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



02/06/2020

AUBREY URBANA 1168 E ALAMEDA DR TEMPE, AZ 85282

Case #: CE200703

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/05/2020 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.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 CC 21-3.b.8 Please remove the grass/weeds from the gravel portions of the front, and/or side yard, landscape ON OR AFTER 02/20/2020

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 SITE REINSP

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**



02/06/2020

GILBERTO & NANCY CEPEDA 9112 LUBEC ST DOWNEY. CA 90240

Case #: CE200703

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/05/2020 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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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front, and/or side yard, landscape	02/20/2020

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02/27/2020

AUBREY URBANA 1168 E ALAMEDA DR TEMPE, AZ 85282

Case #: CE200703

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/26/2020 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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CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are obstructed by trees, shrubs, or anything that would tend to hide or obscure the numbers, or are not visible at all times from public access areas to the dwelling;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION							
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front, and/or side yard, landscape	03/12/2020					
CC 21-4.a.3	Please display address numbers on the property, compliant with the requirements of TCC 21-4.a.3	03/12/2020					

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**



02/27/2020

GILBERTO & NANCY CEPEDA 9112 LUBEC ST DOWNEY, CA 90240

Case #: CE200703

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front, and/or side yard, landscape	03/12/2020
CC 21-4.a.3	Please display address numbers on the property, compliant with the requirements of TCC 21-4.a.3	03/12/2020

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

03/17/2020

AUBREY URBANA 1168 E ALAMEDA DR TEMPE, AZ 85282

Case #: CE200703

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/17/2020 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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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front, and/or side yard, landscape	03/24/2020
CC 21-4.a.3	Please display address numbers on the property, compliant with the requirements of TCC 21-4.a.3	03/24/2020

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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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County, State of Arizona



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	MVD																			
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COMPLAINT



If the defendant falls 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.

Case Summary External

Cite Number 9112 LUBEC ST DOWNEY, CA 90240 CEPEDA, NANCY 21-3B8B 21-3B8A Case Status: Case No: 20-012060-4 Filed: 21-4A3 21-3B8 Code 5/20/2020 Inactive **Violation Date** 05/19/2020 05/19/2020 OBSTRUCTED ADDRESS NUMBERS LANDSCAPING-DEAD, DAMAGED, UNCONTRO Description Title: CITY OF TEMPE vs NANCY CEPEDA Stayed Balance Owing: Case Balance Owing: \$566.80 \$0.00 5/20/2020 5/20/2020 Filed 58 - FAIL TO APPEAR 58 - FAIL TO APPEAR **TPC Amount Due:** TPC Due Date: Disposition **Disp Date** 7/6/2020 7/6/2020

Citations:



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Tempe	=2
(0)	

Case No:	Case No: 20-012060-4	Title: CITY OF TEMPE vs NANCY CEPEDA REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	100
5/20/2020		ATTC FILED			
5/20/2020		CE 200703 1ST VIOLATION			1
5/20/2020	21-3B8 A	CIVIL ARRAIGNMENT NLT 6/3/2020			
5/20/2020	21-3B8 B	CIVIL ARRAIGNMENT NLT 6/3/2020			
6/7/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020			
6/7/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020			
7/7/2020	21-3B8 A	DEFAULT FEE IMPOSED	\$50.00		
7/7/2020	21-3B8 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		
7/7/2020	21-3B8 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		
7/7/2020	21-3B8 A	FTA DEFAULT			
7/7/2020	21-3B8 B	DEFAULT FEE IMPOSED	\$50.00		
7/7/2020	21-3B8 B	FINE AND APPLICABLE FEES IMPOSED	\$200.00		
7/7/2020	21-3B8 B	FTA DEFAULT			
7/7/2020		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$46.80		1
# Actions:	14				

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Case No:	20-012061-4)61-4	Title: CITY OF TEMPE vs GILBERTO CEPEDA				
CEPEDA, GILBERTO	ERTO						
9112 LUBEC ST DOWNEY, CA 90240	T 90240						
Case Status:	Closed		Case Balance Owing: \$0.00		TPC Due Date:	ate:	
Filed:		0	Stayed Balance Owing: \$0.00		TPC Amount Due:	ue:	
Cite Number	Code	Violation Date	Description	Filed	Disposition	ition	Disp Date
1702178A	21-3B8	05/19/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	5/20/2020	11 - PLEAD GUILTY/RESP - SENT IMPOSED	RESP - SENT	6/26/2020
1702178B	21-4A3	05/19/2020	OBSTRUCTED ADDRESS NUMBERS	5/20/2020	11 - PLEAD GUILTY/RESP - SENT IMPOSED	RESP - SENT	6/26/2020
# Citations: 2							
			REGISTER OF ACTION				
Date	Ci	Cite Number	Action		Amount	Judge	User
5/20/2020			ATTC FILED				JDH
5/20/2020			CE 200703 1ST VIOLATION				JDH
5/20/2020		1702178 A	CIVIL ARRAIGNMENT NLT 6/3/2020				JDH
5/20/2020		1702178 B	CIVIL ARRAIGNMENT NLT 6/3/2020				JDH
6/7/2020			CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020				SYS
6/7/2020			CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020				SYS
6/26/2020		1702178 A	11 - PLEAD GUILTY/RESP - SENT IMPOSED			XX	SYS
6/26/2020		1702178 A	FINE AND APPLICABLE FEES IMPOSED		\$200.00	XX	SYS
6/26/2020		1702178 B	11 - PLEAD GUILTY/RESP - SENT IMPOSED			즛	SYS
6/26/2020		1702178 B	FINE AND APPLICABLE FEES IMPOSED		\$200.00	XX	SYS
6/26/2020			FINES AND FEES PAID		\$400.00		SYS
7/7/2020			CLOSED CASE FILE PURGE DATE SET TO 7/7/2025				SYS
# Actions:	5						



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June 26, 2020

City of Tempe Attn: Michael Glab Code Inspector

RE: Clean up – 1168 E Alameda 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 1168 E Alameda Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of grass/weeds from the front and/or side yard landscape
- Application of Pre-Emergent over gravel landscape
- Haul away and disposal of the removed yard waste
- P.D presence on site for duration of visit

Total = \$528.00

Respectfully,

Jose Hernandez

