
**CITY OF TEMPE
HEARING OFFICER**

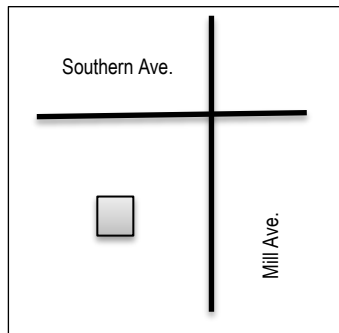
**Meeting Date: 11/17/2020
Agenda Item: 10**

ACTION: Request approval to abate public nuisance items at the Newland Property located at 2004 E. Radcliffe Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1,402.00 for abatement request: landscape cleanup of front and backyards including dead tree removal and pool draining.

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 NEWLAND 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 CE201080: landscape cleanup of front and backyards including dead tree removal and pool draining.



Property Owner: Taylor G. Newland
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 Newland Property located at 2004 E. Radcliffe Drive, in the R1-6, Single Family Residential district. This case was initiated 02/20/20, 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	Newland Property Abatement	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	2004 E. Radcliffe Dr. Tempe, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE201080 Hearing is November 17th, 2020	PARCEL No(s)	305-01-099	<input type="checkbox"/>

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

BUSINESS NAME		ADDRESS	2004 E. Radcliffe Dr.				
CONTACT NAME	Taylor Newland	CITY	Tempe	STATE	AZ	ZIP	85283
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	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	DATE	10/8/2020
<i>Julie Scofield</i>			

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 #				
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: October 8th, 2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Julie Scofield, Code Inspector
SUBJECT: CE201080, Newland Property Abatement

LOCATION: 2004 E. RADCLIFFE DR. TEMPE, AZ 85283

LEGAL: KNOELL TEMPE UNIT 6

PARCEL: 305-01-099

OWNER: TAYLOR NEWLAND
2004 E. RADCLIFFE DR.
TEMPE, AZ 85283

FINDINGS:

02/20/2020 The Code Compliance Division received a complaint for deteriorated landscape and roof. Inspected the property and found grass and weeds in the gravel landscape in the front yard and a tarp covering the roof. Notice to comply was mailed to the owner.

02/26/2020 Received an anonymous complaint for deteriorated landscape.

03/03/2020 Received an email from the owner requesting an extension for the landscape, it was granted.

03/19/2020 The owner is getting bids for the roof to be replaced.

05/04/2020 The roof still has not been taken care of. The landscape has been completed.

06/05/2020 Sent an email requesting an update on the roof and asked that he maintain the landscape. Now there is more weeds and a palm tree growing into the sidewalk.

06/22/2020 Received an online complaint for the tarp on the roof.

07/08/2020 Received a complaint for over height grass and weeds, deteriorated swimming pool and deteriorated roof.

07/22/2020 Received an email from the owner saying that the roof will be done July 31st.

07/23/2020 Inspected the back yard of the property. The pool is green. There is over height grass and weeds in the back of the property and dead vegetation. A notice to comply was emailed and mailed to the owner.

08/07/2020 The roof is complete and no longer in violation. The landscape and pool are still in violation. Received an email from the owner requesting more time for the landscape in the back yard and the pool.

08/25/2020 The owner has done most of the landscape and the pool is clearer, but not in compliance. Sent an email to the owner. Received an email back. The owner wants until winter to take care of his pool. He then sent another email saying he was not going to do anymore.

09/09/2020 Issued a citation for the pool. Still in violation. Pictures were taken to show the condition of the pool.

10/08/2020 Received bids for an abatement cleanup to include the pool and the leftover landscape. The hearing is scheduled for November 17th, 2020

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 2004 E. Radcliffe Dr. The property owner has failed to bring the property into compliance with Tempe City Code 21-3. B.16 and 21-3-b.8. Mr. Newland has been given ample time and has been communicated with by email. The property represents an eyesore and health and safety issue 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:

Submitt

NAME

Julie Scofield

DATE:

10 8 20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 10/08/2020
Case #: CE201080

Taylor Newland
2004 E RADCLIFFE DR
TEMPE, AZ 85283

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

Location: 2004 E RADCLIFFE DR TEMPE, AZ 85283
Parcel: 30501099

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 17th, 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.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance.

CC 21-3.b.16 Swimming pool that is deteriorated or presents a health hazard

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 a. Remove all grass and weeds in the gravel. Cut down to ground level or remove any dead vegetation or dead portions thereof.

CC 21-3.b.16 Please restore water to a clear, clean condition

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 \$1402.00. 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

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: 10/4/20

PROPOSAL

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

ADDRESS: 2004 E RADCLIFFE DR

1 LANDSCAPE FRONT AND BACK YARDS INCLUDES DEAD TREES DRAIN SWIMMING POOL	\$800.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE PD	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,402.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702237		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 CE201080				
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language												
Defendant		Name (First, Middle, Last) TAYLOR G. NEWLAND								Juvenile		
Residence Address, City, State, Zip Code 2004 E Radcliffe DR. Tempe, AZ 85283												
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Telephone: (cell phone) <input type="checkbox"/>				
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 09	Day 09	Year 2020	Time 8:18	<input checked="" type="checkbox"/> AM <input 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 2004 E. Radcliffe Dr						<input checked="" type="checkbox"/> Tempe	85283	Area	Dist.	State of Arizona

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS Violation: CC Deteriorated Pool 21-3-B-16	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	<input checked="" type="checkbox"/> Municipal Code	
	MVD	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
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:	<input type="checkbox"/> Municipal Code	
	MVD	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
C	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:	<input type="checkbox"/> Municipal Code	
	MVD	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
D	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:	<input type="checkbox"/> Municipal Code	
	MVD	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
E	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:	<input type="checkbox"/> Municipal Code	
	MVD	<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	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 9/24/2020	Time: Between 9AM & 4PM	
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
	Court Address, City, State, Zip Code		Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM

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.	
x Mailed & Court mail	<i>Paula Sheffield</i>	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 \$400.00

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.



1702237

COMPLAINT



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

02/20/2020

NEWLAND TAYLOR G
2004 E RADCLIFFE DR
TEMPE, AZ 85283

Case#: CE201080

Site Address: 2004 E RADCLIFFE DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 03/05/2020 (FOR THE LANDSCAPE) 03/21/2020 (FOR THE ROOF)

This is a notice to inform you that this site was inspected on 02/20/2020 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 the Tempe City Code, Chapter 21-4-2

For any residential property:

- a. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay;
- b. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
- c. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;
- d. Replacement materials and paint used to repair or repaint exterior surfaces of a building shall be visually compatible with the remainder of the materials and paint on the exterior of the structure.
- e. Glazed area not in sound condition or maintained free of missing, loose, cracked or broken glass; or
- f. Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks, and cracks; or any exterior door incapable of functioning as intended by its design.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.
2. PLEASE REMOVE THE TARP FROM THE ROOF AND THE ITEMS HOLDING IT DOWN. REPLACE OR REPAIR THE AREA THAT IS DAMAGED. MATERIALS MUST BE COMPATIBLE TO CURRENT DESIGN OR COLORS.

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
CORRECTION NOTICE**

07/23/2020

NEWLAND TAYLOR G
2004 E RADCLIFFE DR
TEMPE, AZ 85283

Case#: CE201080

Site Address: 2004 E RADCLIFFE DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 08/07/2020

This is a notice to inform you that this site was inspected on 07/23/2020 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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Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.
2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE **BACK YARD** OF THE PROPERTY.
3. CUT DOWN TO GROUND LEVEL OR REMOVE ANY DEAD VEGETATION FROM THE BACK YARD OF THE PROPERTY. THIS INCLUDES TREES, BUSHES, ETC. OR TRIM OFF DEAD LIMBS FROM VEGETATION THAT IS STILL ALIVE.
4. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.

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

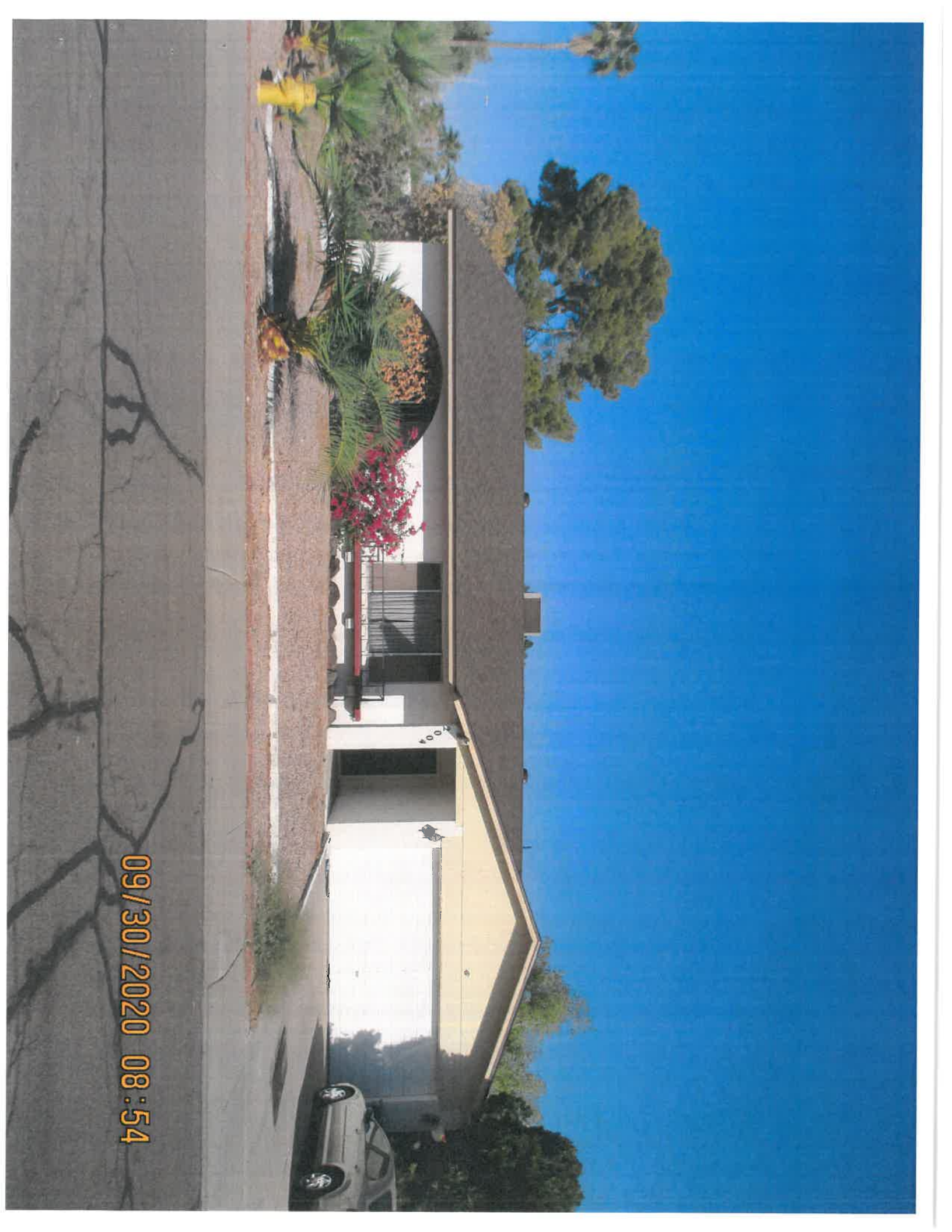
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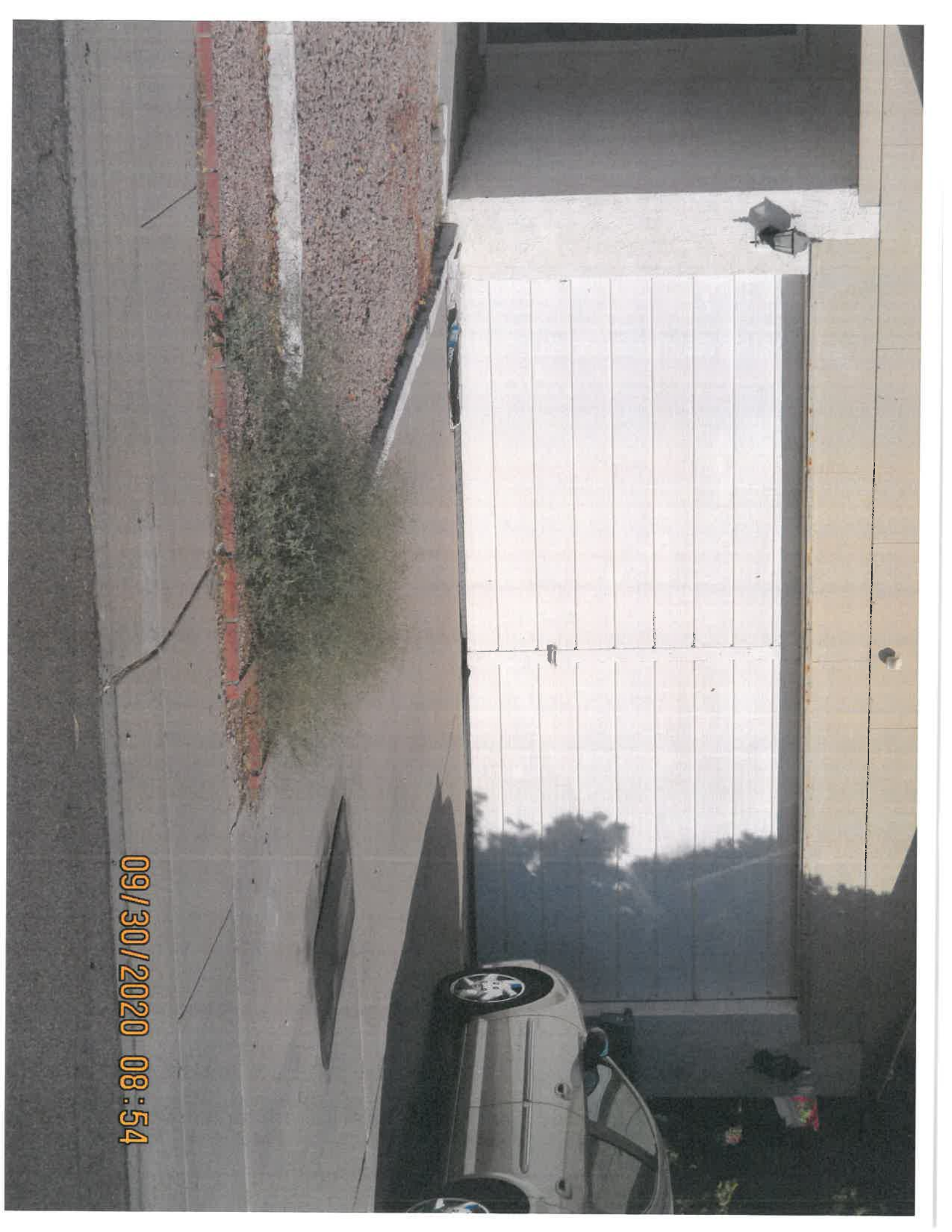


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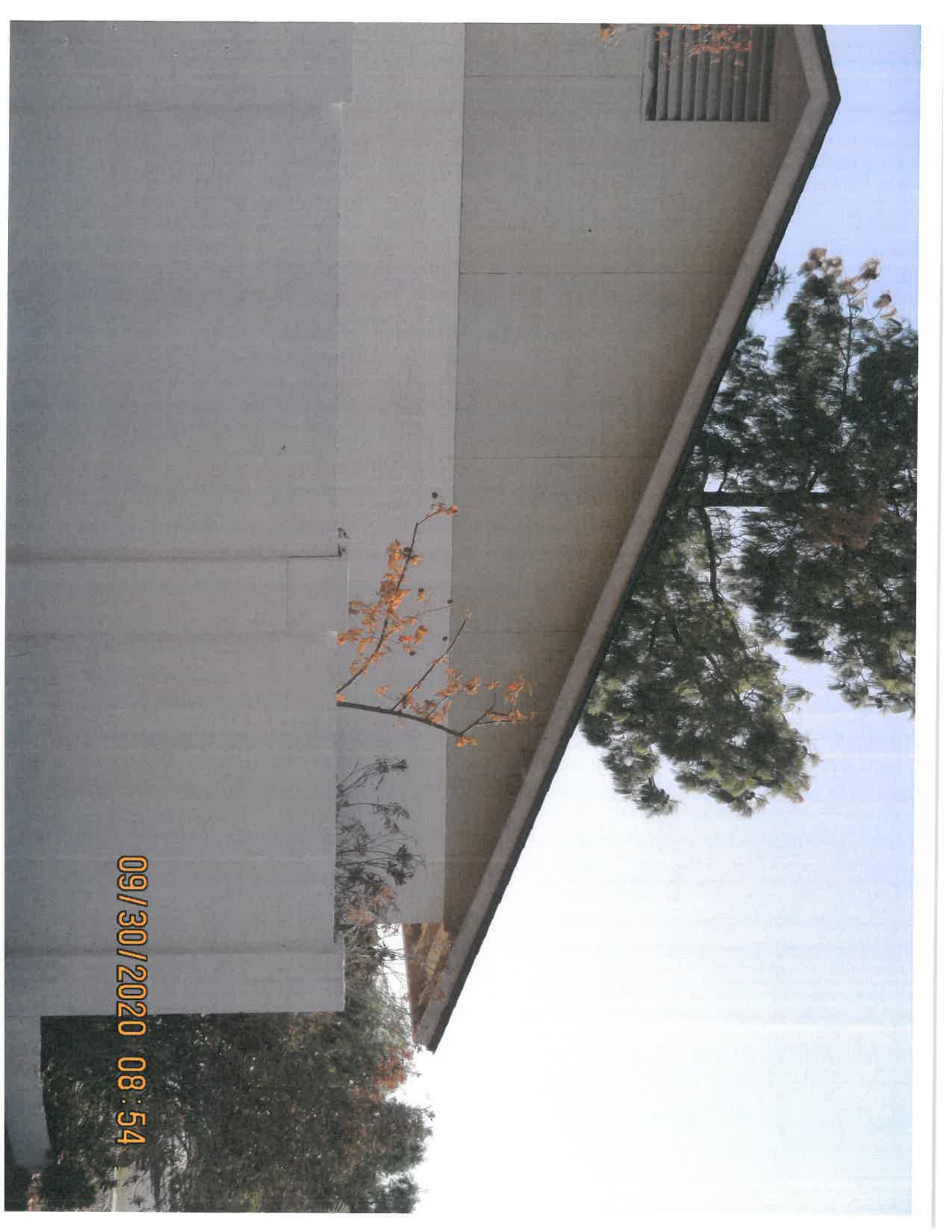
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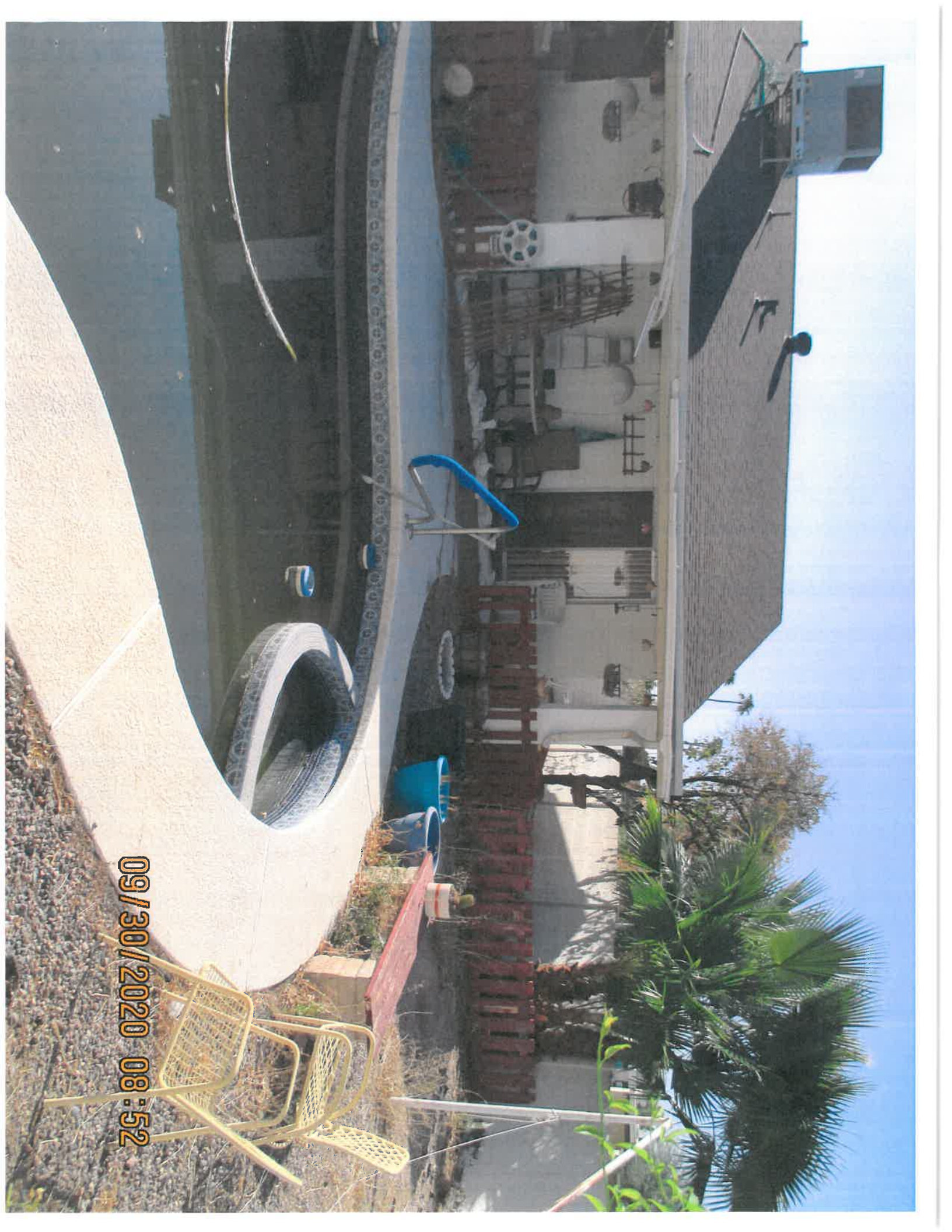




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