
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 11/17/2020

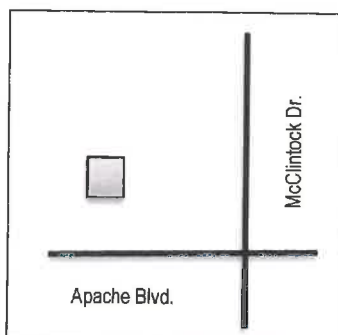
Agenda Item: 6

ACTION: Request approval to abate public nuisance items at the Ruiz Property located at 1325 E. Don Carlos Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3268.00 for abatement request: remove dead tree in back yard.

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 RUIZ 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 CE204836: remove dead tree in back yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Armando F. & Polly A. Ruiz
City of Tempe – Code Compliance
R1-6 Single Family Residential
Hector Heredia, 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 Ruiz Property located at 1325 E. Don Carlos Avenue, in the R1-6, Single Family Residential district. This case was initiated 07/28/20, 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

Project Submittal Application

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



Project Information - Required

Project Name: <u>RUIZ Armando F / Polly A Property Abatement</u>	
Project Address: <u>1325 E Don Carlos Ave</u>	Suite No.: <input type="checkbox"/>
Proposed Use of Building/Suite:	Existing Zoning: <u>RI-6</u> <input type="checkbox"/>
Legal Description: <input type="checkbox"/> Attached <u>Carlson Park</u>	Parcel No.: <u>132.62.086</u> <input type="checkbox"/>
Description of Work/Request: <u>Hearing Date: 11.17.201 CE204836</u>	
Valuation (for building plan review only):	

Applicant Information - Required

Company or Firm Name: <u>City of Tempe / Code Compliance</u>	Telephone 1: () Ext: _____
Applicant's Name: <u>Hector Heredia / Inspector</u>	Telephone 2: () Ext: _____
Applicant's Street Address: <u>21 E 6th St Ste: 208</u>	Fax: ()
City: <u>Tempe</u> State: <u>AZ</u> Zip: <u>85281</u>	Email Address(es):
Applicant Signature: <u>Hector Heredia</u>	Date: <u>10.09.2020</u>

For City Use Only

Planning <input type="checkbox"/> Recordation <input type="checkbox"/> SPR <input type="checkbox"/> PL Dev Plan Review <input type="checkbox"/> Sign Permit <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amend <input type="checkbox"/> Zoning Amend <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Subdivision/Condo <input type="checkbox"/> PAD Overlay <input type="checkbox"/> Legal Posting Signs <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Abatement <input type="checkbox"/> Shared Parking <input type="checkbox"/> CCR Review <input type="checkbox"/> Continuance <input type="checkbox"/> Appeal <input type="checkbox"/> Other _____ Fire <input type="checkbox"/> Tanks <input type="checkbox"/> AFES (O/H) <input type="checkbox"/> Spray Paint Booth <input type="checkbox"/> Special Extinguishing <input type="checkbox"/> Fire Alarm <input type="checkbox"/> Kitchen Hood System <input type="checkbox"/> Rack Storage <input type="checkbox"/> Hazmat <input type="checkbox"/> Other _____	Fees 	Building <input type="checkbox"/> New Building <input type="checkbox"/> Com Add/Alt <input type="checkbox"/> TI <input type="checkbox"/> MF <input type="checkbox"/> NRes <input type="checkbox"/> Res Remodel/Add <input type="checkbox"/> Pool <input type="checkbox"/> Demo <input type="checkbox"/> Grading Only <input type="checkbox"/> Phased Constr <input type="checkbox"/> Phased Constr w/UG MEP <input type="checkbox"/> Structural Frame <input type="checkbox"/> MEP Only <input type="checkbox"/> Mobile Home <input type="checkbox"/> Factory Built Bldg <input type="checkbox"/> Deferred submittal <input type="checkbox"/> Revision <input type="checkbox"/> New Standard <input type="checkbox"/> Permits based on Standard # <input type="checkbox"/> Suiting <input type="checkbox"/> Other _____	Engineering <input type="checkbox"/> Engineering <input type="checkbox"/> Revision Tracking Nos.: DS _____ BP _____ RA _____ FR _____ RAF _____ EN _____ RAE _____ PL _____ SPR _____ SGN _____ GO _____ GOB _____ SE _____ ZP _____ MCA Code: File With: Received By:	Submitted Materials: _____ Building _____ Fire _____ Planning _____ Signs _____ Engineering <input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Soils Report <input type="checkbox"/> Structural Calcs <input type="checkbox"/> Report <input type="checkbox"/> Truss Calcs <input type="checkbox"/> Materials <input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Color Board <input type="checkbox"/> Parking Analysis <input type="checkbox"/> Haz Mat Form <input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Other: _____ Total Valuation: Total Submittal Fees: Validation: Date Stamp:
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City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:10/09/2020

TO: RUIZ ARMANDO F / POLLY
1325 E DON CARLOS AVE
TEMPE, AZ 85281

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

LEGAL: Book 132, Map 62, Parcel 086, as recorded with the Maricopa County Assessor.

LOCATION: 1325 E DON CARLOS AVE

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 11.17.2020. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

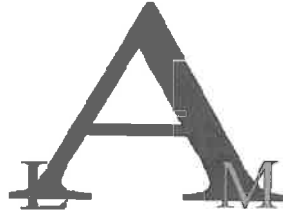
VIOLATIONS: CC 21-3.b.8 - Dead trees or parts including stumps

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. 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 \$3268.00. 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 for 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) 350-8372.

Code Enforcement Officer: Hector Heredia

Phone Number 480-350-5462



Artistic Land Management, Inc.

October 9, 2020

City of Tempe
Attn: Hector Heredia
Code Inspector
Code Compliance Division

RE: Tree Removal – 1325 E Don Carlos Avenue

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 1325 E Don Carlos Avenue in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Cut down one dead tree in the backyard to ground level
- Haul off debris
- PD presence on site

Total = \$3,268.00

Respectfully,

Jose Hernandez

DATE: 10/09/20

SUBJECT: RUIZ ARMANDO F / POLLY : PROPERTY ABATEMENT

LOCATION: 1325 E DON CARLOS AVE

LEGAL: Book 132, Map 62, Parcel 086, as recorded with the Maricopa County Assessor

OWNER: RUIZ ARMANDO F / POLLY
1325 E DON CARLOS AVE
TEMPE, AZ 85281

FINDINGS:

07/28/2020: The violation of a dead tree was brought to our attention by an anonymous party. Upon in section could verify the violation and subsequently sent out a first notice.

08/18/2020: No corrective action was taken, or communication initiated. A final notice was sent.

08/31/2020: No corrective action was taken, or communication initiated. A citation was issued.

09/16/2020: Anonymous concerns continue to come in about the existing violation.

09/23/2020: The citation entered default.

10/07/2020: Anonymous concerns continue to come in about the existing violation.

10/09/2020: Abetment paperwork initiated based on lack of corrective action.

RECOMMENDATIONS:

The owner of this property Ruiz Armando F / Polly has made no attempt to bring the property into compliance. Ruiz Armando F / Polly has had several abatements conducted on his property over the past several years and shows no inclination to maintain the property. Due to the continual lack of maintenance a 180-day open abatement 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,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN:

SUBMIT

NAME

Hector Heredia

DATE:

10 13 20



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/31/2020

RUIZ ARMANDO F / POLLY A
ATTN: CURRENT RESIDENT TENANT / ROBERT S RUIZ JR
1325 E DON CARLOS AVE
TEMPE, AZ 85281

Case #: CE204836
Site Address: 1325 E DON CARLOS AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/03/2020 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.8	Dead trees or parts including stumps

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please take the precautionary measure to properly trim and regularly maintain deteriorated dead limbs from the tree's structural make-up. As an option the tree itself could be excavated to permanently eradicate the concerns. If not familiar with the regulations regarding dead trees or parts of, please familiarize yourself with the City of Tempe Chapter 21 Nuisances Codes for clarification of the violation under article 21-3.b.8. All debris must be discarded appropriately in approved city dump sites or bins. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.</p> <p>This issue must be addressed. If your property is out of compliance again in a twelve-month period for the same violation/s, reoccurring violation fees and citations can be issued without warning or further notice. Please contact me at your earliest convenience.</p>	08/18/2020

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email: Hector_Heredia@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
CORRECTION NOTICE

07/31/2020

RUIZ ARMANDO F / POLLY A
1325 E DON CARLOS AVE
TEMPE, AZ 85281

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

Hector Heredia Jr
Code Inspector

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

08/11/2020

RUIZ ARMANDO F / POLLY A
ATTN: CURRENT RESIDENT TENANT / ROBERT S RUIZ JR
1325 E DON CARLOS AVE
TEMPE, AZ 85281

Case #: CE204836
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Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

08/11/2020

RUIZ ARMANDO F / POLLY A
1325 E DON CARLOS AVE
TEMPE, AZ 85281

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1701997	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 CE204836	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant Name (First, Middle, Last) Polly A Ruiz							Juvenile
Residence Address, City, State, Zip Code 1325 E Don Carlos Ave							Telephone: (cell phone) () ()
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code Tempe AZ 85281							Business Phone No. () ()
Vehicle			Color	Year	Make	Model	Style
Registered owner & address, City, State, Zip Code			Vehicle Identification Number				

The Undersigned Certifies That:

On	Month 09	Day 08	Year 2020	Time 9:03	<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 1325 E Don Carlos Ave Tempe AZ 85281							State of Arizona	Area	Dist.	

The Defendant Committed the Following:

A	Section: CC2139	Violation: CC213.b.8 Detention of Licensee	<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	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
C	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
D	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
E	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code

(Dead Tree (Parts of))

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: 092320	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	<input type="checkbox"/> Court:	Date: _____	Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.

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 <u>Certified Mail</u>	Complainant: <u>[Signature]</u>	PSN: <u>8045</u>

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 _____

First Citation \$200

Date issued if not violation date: **09082020**

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.



1701997

COMPLAINT



