

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 07/06/2021

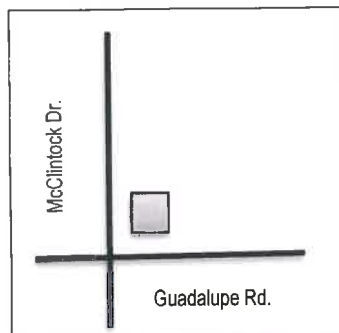
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Donnell Property located at 6218 S. Taylor Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$399.85 for abatement request: remove unregistered vehicle(s).

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 DONNELL 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 CE211360: remove unregistered vehicle(s).



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Lasondra Donnell
City of Tempe – Code Compliance
R1-7, Single Family Residential
Julie Scofield - Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Jeff Tamulevich, Code Compliance Administrator

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 Donnell Property located at 6218 S. Taylor Drive, R1-7, Single Family Residential district. This case was initiated 3/02/21, 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 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	DONNELL PROPERTY ABATEMENT	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	6218 S. Taylor Dr. Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE211360 Hearing is July 6th, 2021	PARCEL No(s)	301-01-374 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	6218 S. Taylor Dr.
CONTACT NAME	Lasondra Donnell	CITY	Tempe
EMAIL		STATE	AZ
		ZIP	85283
		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	DATE	5/28/21
<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)
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: 05/28/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield
SUBJECT: Donnell Property Abatement

LOCATION: 6218 S. Taylor Dr. Tempe, AZ 85283

LEGAL: Continental East Unit 6

PARCEL: 301-01-374

OWNER: Lasondra Donnell
6218 S. Taylor Dr.
Tempe, AZ 85283

FINDINGS:

- 03/02/2021 Complaint came into Neighborhood Enhancement (CE211360) for this property regarding unregistered vehicles. The property was inspected. There were two (2) unregistered van vehicles parked in the driveway and side of the property. There were also flat tires on one of the vans. A notice was mailed to the owner, Lasondra Donnell.
- 03/16/2021 Reinspected the property. A final notice regarding the unregistered vehicles was mailed.
- 04/07/2021 Reinspected the property. There has been no change in the registering of the vans. A pink hanger was hung on the door to try to make contact or come into compliance. Asked them to do so by 04/13/2021.
- 04/09/2021 Received a phone call from a man named Tye. He had said that his wife had passed away recently and did not know that he could not keep the vehicles there. An extension was granted for two weeks.
- 04/28/2021 A citation was issued for the unregistered vehicles. The citation is #1702290. Pictures were taken to show the vehicles parked in the front of the property. Citation was mailed USPS and mailed certified letter. Both plates were ran through AZ MVD, and both came back as expired.
- 05/18/2021 There has been no change in the registering of the vehicles. Requested bids and will be turning in the paperwork to abate the property. The citation has gone unpaid.
- 05/28/2021 Turning in the paperwork for the abatement hearing to be held on July 6th, 2021.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 6218 S. Taylor Dr. The property is owned by Lasondra Donnell. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. I am also requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Scot
Julie Scofield
5-28-21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 05/28/2021
Case #: CE211360

LASONDRA DONNELL
6218 S TAYLOR 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: 6218 S TAYLOR DR TEMPE, AZ 85283
Parcel: 301-01-374

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of July 6th, 2021. 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.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.3 Please register or remove any unregistered vehicles from the front/side of the property.

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 \$399.85. 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

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702290	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 CE211360		<input type="checkbox"/> 16 Passenger Vehicle
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							<input type="checkbox"/> Juvenile
Defendant Name (First, Middle, Last) LASONDRA DONNELL							Telephone: (cell phone) <input type="checkbox"/>
Residence Address, City, State, Zip Code 6218 S TAYLOR DR. Tempe AZ 85283							
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code							Business Phone No.
Vehicle			Color	Year	Make	Model	Style
Registered owner & address, City, State, Zip Code						License Plate	State
						Expiration Date	Vehicle Identification Number

The Undersigned Certifies That:

On	Month	Day	Year	Time	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location 6218 S. Taylor Dr.				Area	85283	State of Arizona	Dist.			

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS Violation: 21-3B-3 UNREGISTERED VEHICLES	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code
B	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
C	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
D	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code
E	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code

You must appear on the date and time indicated at:

Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court	Date: 05/14/2021	Time: Between 9AM & 4PM
	<input type="checkbox"/> Criminal Court	Date: _____	Time: _____
<input type="checkbox"/> Court:	Date: _____	Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM
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 + cert

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.

Complainant: **Spencer** PSN: **8022**

Comments: **1st citation \$200.00**

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 _____

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



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Client: City of Tempe / Nuisance Abatement Services
Property: 6218 South Taylor Drive
Tempe, AZ 85283

Operator: SKIP

Estimator: Skip Yaw
Company: EVDS

Business: (480) 833-4538
E-mail: skip@evds.co

Type of Estimate: Nuisance Abatement Services
Date Entered: 5/26/2021 Date Assigned:

Price List: AZPH8X_MAY21
Labor Efficiency: Restoration/Service/Remodel
Estimate: 21-1445-NUISANCE

Reference #CE211360



East Valley Disaster Services

East Valley Disaster Services, Inc.
 257 W. Broadway
 Mesa, AZ 85210
 (480) 833-4538 (Office & 24 Hour Emergency)
 Info@evds.co
 EIN: 86-0721883 / ROC: B License #097838

21-1445-NUISANCE
Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	387.00	12.85	399.85
NOTE: Abatement services include;					
1) Removal of two (2) unregistered vans from the front yard.					
2) Security provided by City of Tempe Police Department.					
Totals: Exterior				12.85	399.85
Total: Nuisance Abatement Services				12.85	399.85
Line Item Totals: 21-1445-NUISANCE				12.85	399.85



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Summary

Line Item Total	387.00
Material Sales Tax	12.85
Replacement Cost Value	\$399.85
Net Claim	\$399.85

Skip Yaw



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

03/02/2021

DONNELL LASONDRA
6218 S TAYLOR DR
TEMPE, AZ 85283

Case#: CE211360
Site Address: 6218 S TAYLOR DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 03/16/2021

This is a notice to inform you that this site was inspected on 03/02/2021 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-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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. 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. TIRES MUST BE INFLATED AND MAINTAINED WITH AIR.

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**

03/16/2021

DONNELL LASONDRA
6218 S TAYLOR DR
TEMPE, AZ 85283

Case#: CE211360
Site Address: 6218 S TAYLOR DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 04/01/2021

This is a notice to inform you that this site was inspected on 03/16/2021 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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04/28/2021 13:34



04/28/2021 13:33





04/28/2021 13:33



04/28/2021 13:33