

**CITY OF TEMPE
HEARING OFFICER**

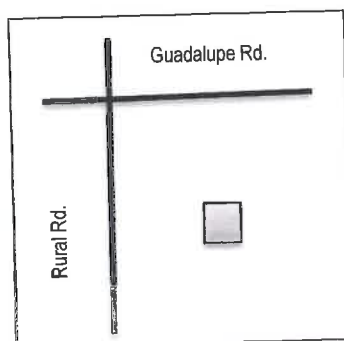
Meeting Date: 07/06/2021
Agenda Item: 6

ACTION: Request approval to abate public nuisance items at the Nelson Property located at 6736 S. Kenneth Place. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1880.00 for abatement request: remove unregistered vehicle, landscape cleanup including tree stump removal, remove junk, trash and debris 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 NELSON 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 CE210408: remove unregistered vehicle, landscape cleanup including tree stump removal, remove junk, trash and debris from property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Susan L. Nelson
City of Tempe – Code Compliance
R1-6, 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 Nelson Property located at 6736 S. Kenneth Place, in the R1-6, Single Family Residential district. This case was initiated 1/21/21, 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	NELSON PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	6736 S. Kenneth Pl. Tempe, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE210408 Hearing is July 6th, 2021	PARCEL No(s)	301-48-493	<input type="checkbox"/>

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

BUSINESS NAME		ADDRESS	6736 S. Kenneth Pl.				
CONTACT NAME	Susan Nelson	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	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	

<input checked="" type="checkbox"/> 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: 05/28/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE210408, Nelson Property Abatement

LOCATION: 6736 S. KENNETH PL. TEMPE, AZ 85283

LEGAL: TEMPE GARDENS 14

PARCEL: 301-48-493

OWNER: SUSAN NELSON
6736 S. KENNETH PL
TEMPE, AZ 85283

FINDINGS:

01/21/2021 The Code Compliance Division received a complaint for an unregistered vehicle parked in the driveway. Inspected the property, and there is an unregistered Kia Van with AZ license plate of 850VZA parked in the driveway. A notice was mailed to the owner, Susan Nelson.

02/04/2021 Went to the property to inspect. There has been no change in the condition of the vehicle, it is not registered. A final notice was mailed.

02/10/2021 Received a call from Susan Nelson. She said her husband had passed away in September and was still trying to take care of things. She requested an extension which was granted until March 5th.

03/05/2021 Received another call from Ms. Nelson requesting more time. Was granted until March 24th.

04/02/2021 Spoke to Ms. Nelson again and granted one more week.

04/20/2021 Inspected the property, the violation of unregistered vehicle still exists. Issued a citation. Pictures were taken as well to show the condition of the property.

05/21/2021 The landscape is now displaying grass and weeds in the gravel, vegetation debris, and over height grass. There are some items visible from the front. A notice was mailed to cover the landscape and junk, trash, debris. The citation was paid. However, the vehicle is still in violation. Requesting a bid to cover all items. Hearing will be July 6th, 2021.

05/28/2021 Turning in the paperwork for the abatement hearing.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 6736 S. Kenneth Pl. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8, 21-3. b.1, and 21-3. B.3. Susan Nelson 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 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: [Signature]
DATE: 5-28-21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 05/28/2021
Case #: CE210408

**NELSON SUSAN L
6736 S KENNETH PL
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: 6736 S KENNETH PL TEMPE, AZ 85283
Parcel: 301-48-493

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
- CC 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
- CC 21-3.b.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

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 unregistered vehicle from the front of the property.
- CC 21-3.b.1 Please remove trash, litter and debris from property. Even items seen under the garage door.
- CC 21-3.b.8 Remove dead tree stump, remove grass and weeds from gravel areas, cut down all over height grass and or weeds from non-gravel areas.

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 \$1880.00. 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

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702287	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 CE210408		<input type="checkbox"/> 16 Passenger Vehicle <input type="checkbox"/> Haz. Material

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **SUSAN L. NELSON** Juvenile

Residence Address, City, State, Zip Code **60736 S. Kenneth PL, Tempe, AZ 85283** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

Business Address, City, State, Zip Code

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	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				Area	Dist.					
	04 20 2021 1253				Speed				Tempe	85283	85283
	60736 S. Kenneth PL										

The Defendant Committed the Following:

A	Section: TC21-3A	ARS Violation: CC 21-3-B-3 UNREGISTERED VEHICLE	Domestic Violence Case <input type="checkbox"/>	Criminal <input type="checkbox"/>	Criminal Traffic <input type="checkbox"/>
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	Criminal <input type="checkbox"/>	Criminal Traffic <input type="checkbox"/>
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	Criminal <input type="checkbox"/>	Criminal Traffic <input type="checkbox"/>
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	Criminal <input type="checkbox"/>	Criminal Traffic <input type="checkbox"/>
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	Criminal <input type="checkbox"/>	Criminal Traffic <input type="checkbox"/>
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<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	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 05/05/2021	Time: Between 9AM & 4PM
	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____
Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> 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.

Complainant: **[Signature]** PSN: **8022**

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 _____

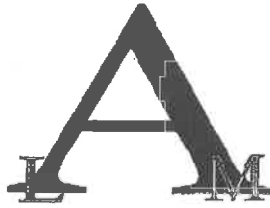
1st citation \$200.00

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.



COMPLAINT



Artistic Land Management, Inc.

May 27, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector II

RE: Clean-Up at 6736 S. Kenneth Pl.

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 6736 S. Kenneth Place, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean-up in the front yard
- Remove trash, junk, debris in the front and/or side yard
- Tow away unregistered van
- Police presence on-site for duration of the visit

Total = \$1,880.00

Respectfully,

Jose Hernandez



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

01/21/2021

NELSON SUSAN L
OR ROGER NELSON
6736 S KENNETH PL
TEMPE, AZ 85283

Case#: CE210408
Site Address: 6736 S. KENNETH PL. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 02/04/2021

This is a notice to inform you that this site was inspected on 01/21/2021 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. CAR COVERS ARE NOT ACCEPTABLE.

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**

02/04/2021

NELSON SUSAN L
OR ROGER NELSON
6736 S KENNETH PL
TEMPE, AZ 85283

Case#: CE210408
Site Address: 6736 S. KENNETH PL. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 02/19/2021

This is a notice to inform you that this site was inspected on 02/04/2021 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. CAR COVERS ARE NOT ACCEPTABLE.

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
REVISED CORRECTION NOTICE**

05/21/2021

NELSON SUSAN L
6736 S KENNETH PL
TEMPE, AZ 85283

Case#: CE210408
Site Address: 6736 S. KENNETH PL. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/18/2021

This is a notice to inform you that this site was inspected on 05/21/2021 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-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 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-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:

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. CAR COVERS ARE NOT ACCEPTABLE.
2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN ANY-NON-GRAVEL LANDSCAPED AREAS.
3. 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.
4. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT AND OR SIDE OF THE PROPERTY. THIS INCLUDES THE TRASH, HOUSEHOLD ITEMS, VEGETATION DEBRIS, AND ANY OTHER MISCELLANEOUS ITEMS.
5. PLEASE EITHER CLOSE THE GARAGE ALL THE WAY SO THAT ITEMS ARE NOT VISIBLE FROM THE FRONT, OR REMOVE ANY ITEMS SEEN UNDER THE GARAGE DOOR.
6. CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD PALM TREE STUMP.

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

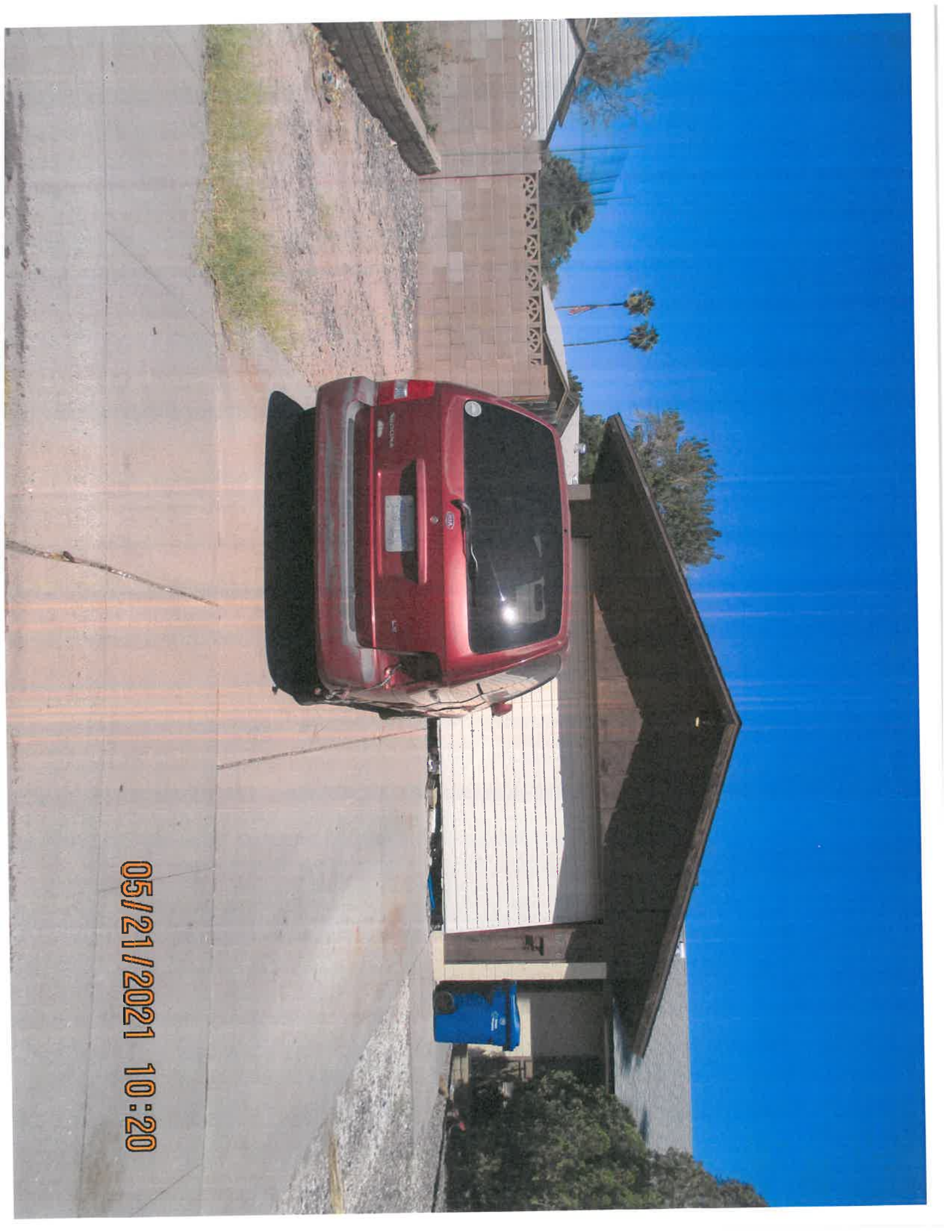
Julie Scofield
Code Inspector II
E-Mail

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

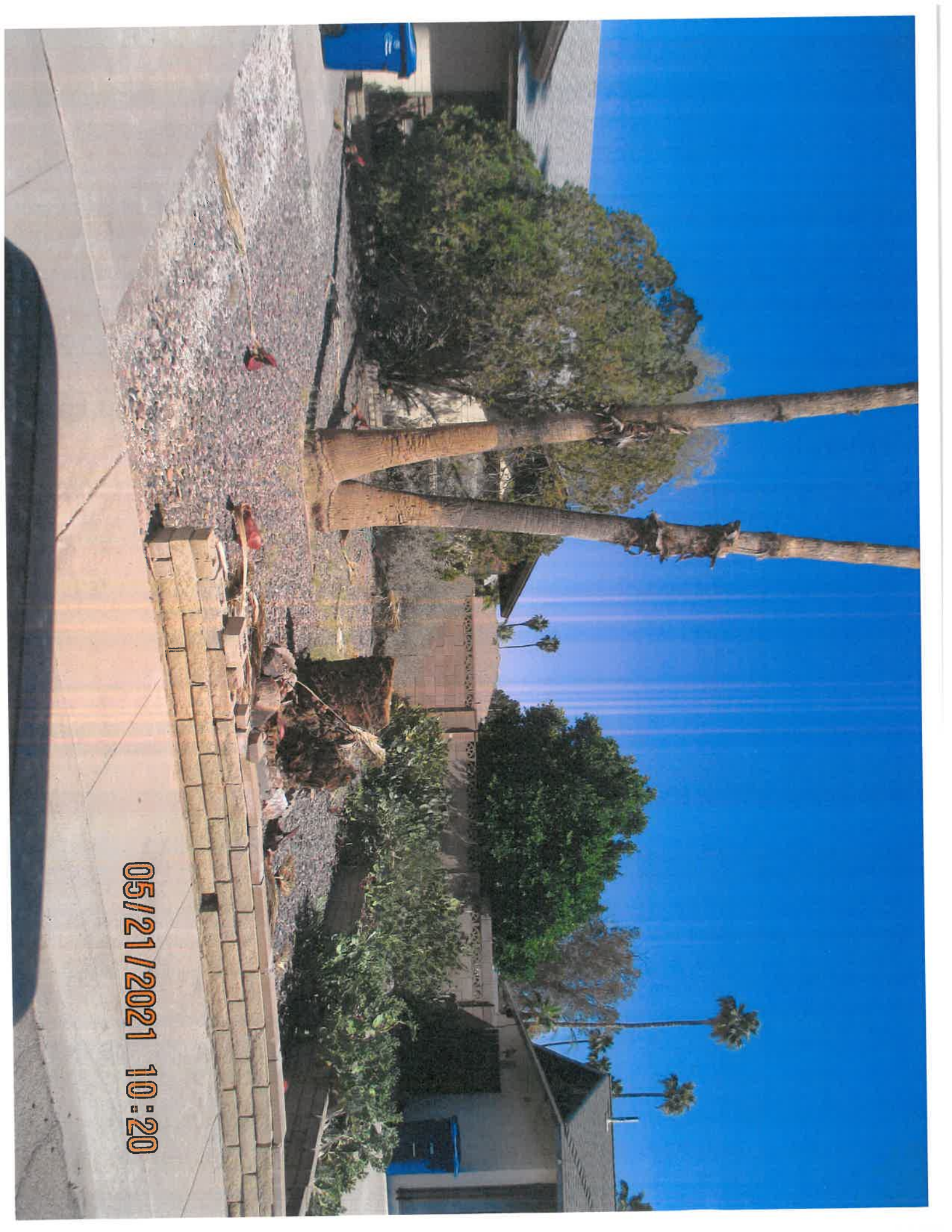
Civil and Criminal Penalties

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).



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