
**CITY OF TEMPE
HEARING OFFICER**

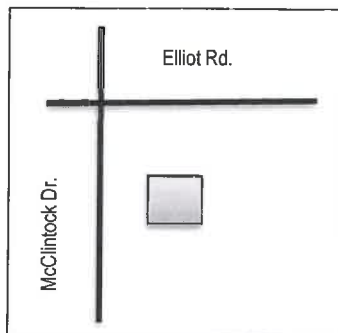
**Meeting Date: 09/01/2021
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Hill Property located at 1919 E. Citation Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1999 for abatement request: remove excess fronds from palm trees on property.

RECOMMENDATION: Staff – Approval of abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the HILL 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 CE211831: remove excess fronds from palm trees on property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Bruce E. Hill
City of Tempe – Code Compliance
R1-7, Single Family Residential
Julie Scofield

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 Hill Property located at 1919 E. Citation Lane, R1-7, Single Family Residential district. This case was initiated 03/23/21, 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 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	HILL PROPERTY ABATEMENT	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	1919 E. CITATION LN. TEMPE, AZ 85284	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE211831 HEARING IS SEPTEMBER 1ST, 2021	PARCEL No(s)	301-50-464 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	1919 E. CITATION LN
CONTACT NAME	BRUCE HILL	CITY	TEMPE
EMAIL		PHONE 1	
		PHONE 2	
		STATE	AZ
		ZIP	85284

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	PHONE 1	480-350-8951
		PHONE 2	
		STATE	AZ
		ZIP	85281

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	7/20/21
<i>Julie Scofield</i>			

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	
		STATE	
		ZIP	
		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: 07/20/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE211831, Hill Property Abatement

LOCATION: 1919 E. CITATION LN. TEMPE, AZ 85284

LEGAL: TEMPE ROYAL PALMS UNIT 18

PARCEL: 301-50-464

OWNER: BRUCE HILL
1919 E. CITATION LN.
TEMPE, AZ 85284

FINDINGS:

03/23/2021 The Code Compliance Division received a complaint for deteriorated landscape and overgrown palm trees. Inspected the property and found the grass in the front yard landscape to be dead, and the palm fronds on the palm trees to be in violation. A notice was mailed to the property owner Bruce Hill.

04/27/2021 A final notice was mailed to the property owner for the palm tree. The grass at this time looked like it had been getting watered.

05/07/2021 Code Compliance received another complaint for the palm trees.

05/26/2021 A pink hanger was hung on the front door asking for compliance or contact by 06/02/2021. A revised notice was mailed for the palm trees in the back yard.

06/16/2021 Talked to the owner Bruce Hill. He said that he does not have the money and is possibly interested in doing a voluntary abatement. He was given the contact information to the landscape program, and he was going to get his own bids as well. The City of Tempe contractors were emailed requesting bids to do a voluntary abatement.

07/01/2021 Contacted Mr. Hill again and provided the one bid that I had received at that time. He responded with "that price is outrageous!".

07/07/2021 Contacted the owner again and gave him till July 13th to let me know if he had any updates or decided to go through with the voluntary abatement before I move forward with the case.

07/08/2021 Received another complaint for the palm trees.

07/20/2021 Turning in the paperwork for the abatement hearing to be heard on September 1st, 2021

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1919 E. Citation Ln. due to the property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8. Mr. Hill 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.

Respectfully submitted,

Julie Scofield
Code Inspector II

ACTION TAKEN: submitted
NAME: [Signature]
DATE: 7-20-21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/20/2021
Case #: CE211831

**HILL BRUCE E
1919 E CITATION LN
TEMPE, AZ 85284**

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

Location: 1919 E CITATION LN TEMPE, AZ 85284
Parcel: 301-50-464

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 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 Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance

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. Trim off all dead palm fronds from the palm trees in the front and back 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 \$1998.74. 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



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: 1919 East Citation Lane
Tempe, AZ 85284

Operator: SKIP

Estimator: Skip Yaw
Company: EVDS

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

Type of Estimate: Nuisance Abatement Services
Date Entered: 6/21/2021 Date Assigned:

Price List: AZPH8X_JUN21
Labor Efficiency: Restoration/Service/Remodel
Estimate: 21-1514-NUISANCE



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

21-1514-NUISANCE
Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	1,934.50	64.24	1,998.74
NOTE: Abatement services includes;					
1) Trimming palm trees in front and back yard.					
2) Haul off and disposal of palm trimmings.					
3) Security provided by the City of Tempe Police Department.					
Totals: Exterior				64.24	1,998.74
Total: Nuisance Abatement Services				64.24	1,998.74
Line Item Totals: 21-1514-NUISANCE				64.24	1,998.74



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EIN: 86-0721883 / ROC: B License #097838

Summary

Line Item Total	1,934.50
Material Sales Tax	64.24
Replacement Cost Value	\$1,998.74
Net Claim	\$1,998.74

Skip Yaw



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Mesa, AZ 85210
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Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 1 1-1919 East Citation Lane (1)
Date Taken: 6/21/2021



- 2 2-1919 East Citation Lane (2)
Date Taken: 6/21/2021





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EIN: 86-0721883 / ROC: B License #097838

- 3 3-1919 East Citation Lane (3)
Date Taken: 6/21/2021



- 4 4-1919 East Citation Lane (4)
Date Taken: 6/21/2021





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Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 5 5-1919 East Citation Lane (5)
Date Taken: 6/21/2021



- 6 6-1919 East Citation Lane (6)
Date Taken: 6/21/2021





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EIN: 86-0721883 / ROC: B License #097838

- 7 7-1919 East Citation Lane (7)
Date Taken: 6/21/2021



- 8 8-1919 East Citation Lane (8)
Date Taken: 6/21/2021





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

- 9 9-1919 East Citation Lane (9)
Date Taken: 6/21/2021



- 10 10-1919 East Citation Lane (10)
Date Taken: 6/21/2021





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Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 11 11-1919 East Citation Lane (11)
Date Taken: 6/21/2021



- 12 12-1919 East Citation Lane (12)
Date Taken: 6/21/2021





**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

03/23/2021

HILL BRUCE E
1919 E CITATION LN
TEMPE, AZ 85284-4704

Case#: CE211831
Site Address: 1919 E. CITATION LN. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 04/22/2021

This is a notice to inform you that this site was inspected on 03/23/2021 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-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. PLEASE WATER GRASS TO REVIVE TO A GREEN LIVING COLOR. MAINTAIN WITH REGULAR WATERINGS.
2. PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREE IN THE FRONT YARD OF THE PROPERTY.

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**

04/27/2021

HILL BRUCE E
1919 E CITATION LN
TEMPE, AZ 85284-4704

Case#: CE211831
Site Address: 1919 E. CITATION LN. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/26/2021

This is a notice to inform you that this site was inspected on 04/27/2021 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-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. PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREE IN THE FRONT YARD OF THE PROPERTY.

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

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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 FINAL CORRECTION NOTICE**

05/26/2021

HILL BRUCE E
1919 E CITATION LN
TEMPE, AZ 85284-4704

Case#: CE211831
Site Address: 1919 E. CITATION LN. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/16/2021

This is a notice to inform you that this site was inspected on 05/26/2021 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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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREES IN THE FRONT AND BACK YARD OF THE PROPERTY.

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

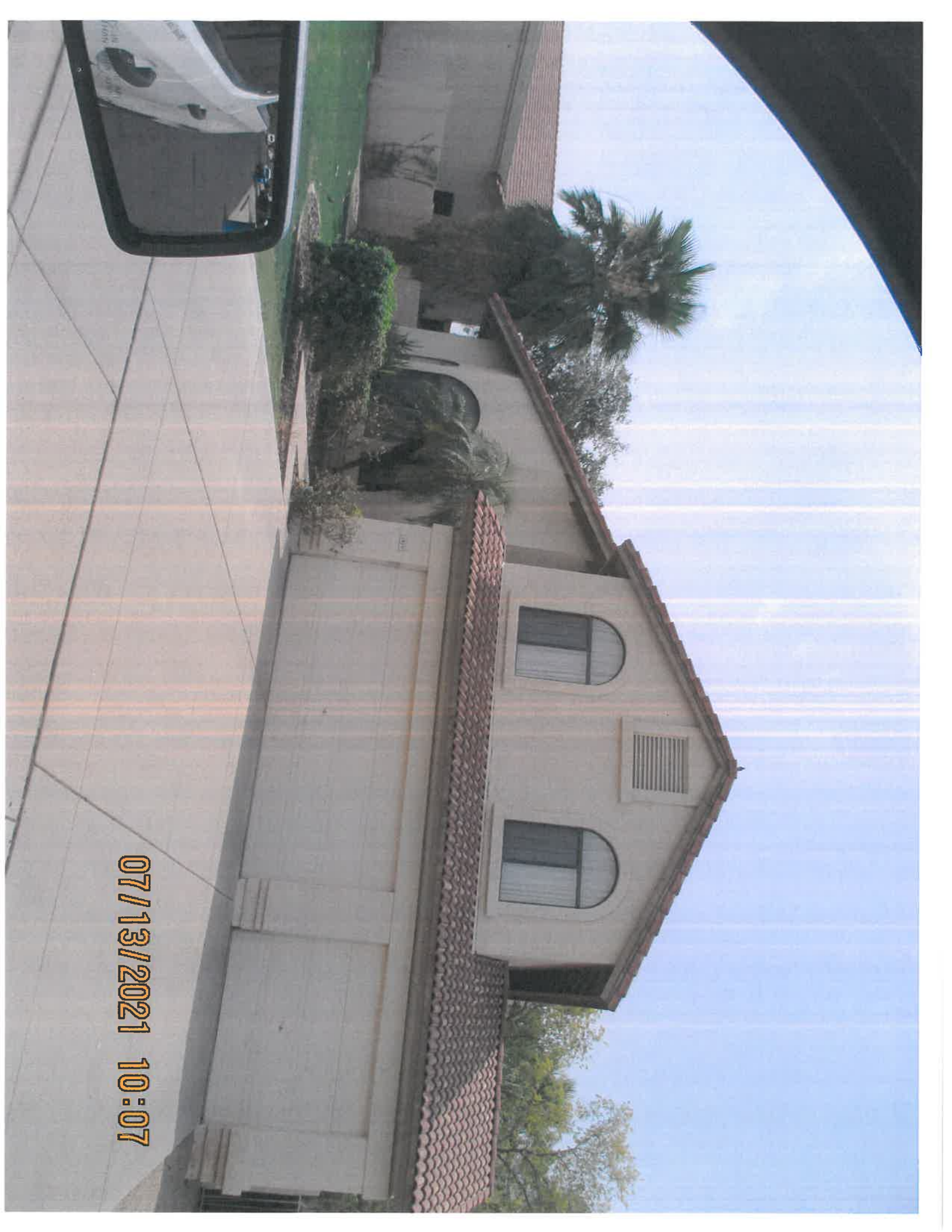
Direct: 480-350-8951
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Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

IF THE VIOLATIONS ARE NOT CORRECTED BY 06/16/2021, A \$200 CITATION MAY BE ISSUED.



07/13/2021 10:07

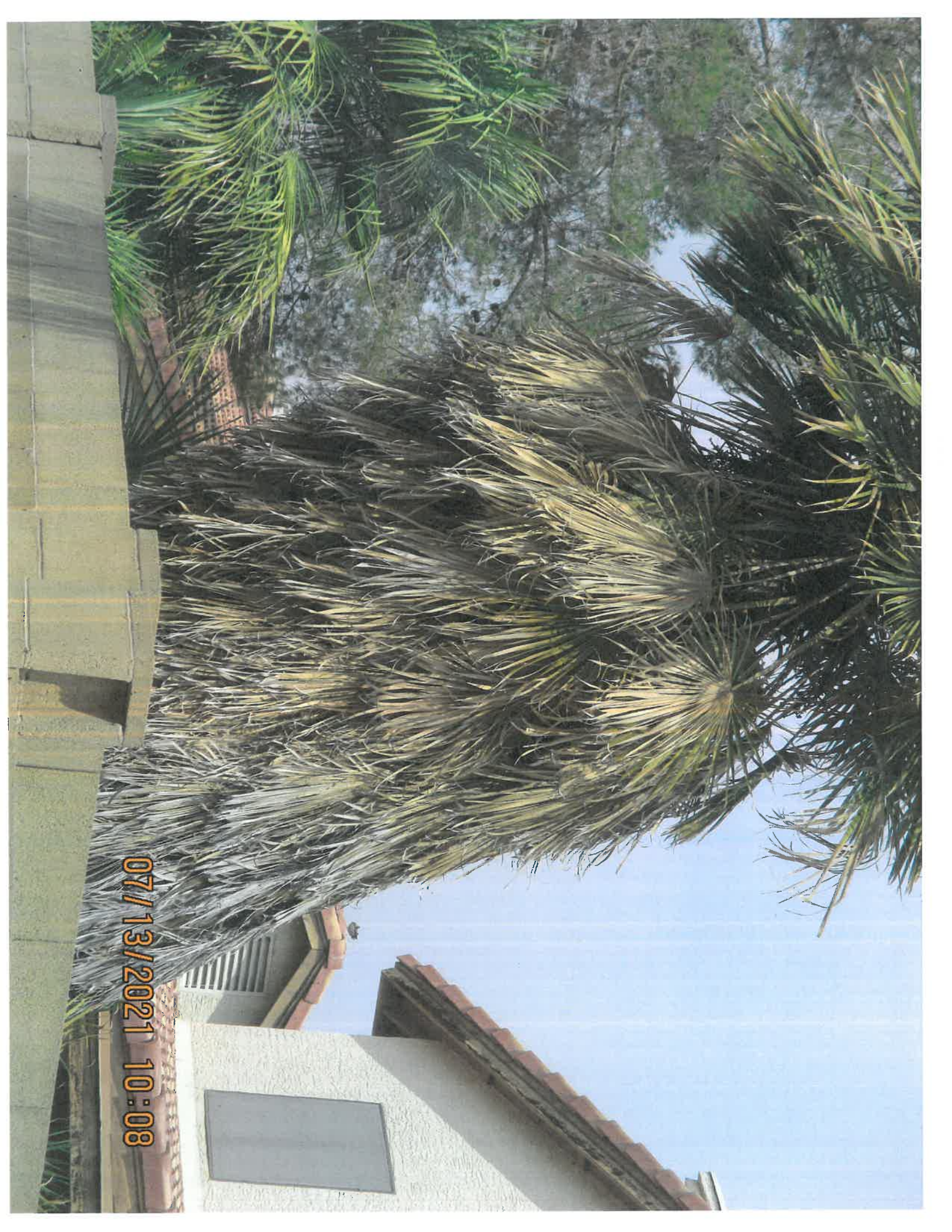


07/13/2021 10:07



07/13/2021 10:08

07/13/2021 10:08





07/13/2021 10:09