

**CITY OF TEMPE  
HEARING OFFICER**

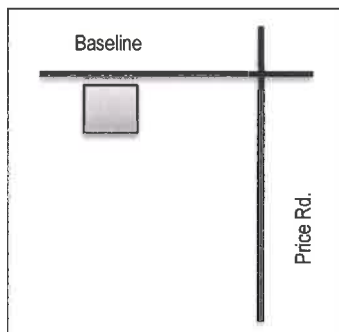
**Meeting Date: 11/02/2021  
Agenda Item: 4**

**ACTION:** Request approval to abate public nuisance items at the Chang Property located at 1990 E. Rice Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1377 for abatement request: landscape cleanup, including dead tree removal.

**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 CHANG 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 CE213600: landscape cleanup, including dead tree removal.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Denise C. Chang  
City of Tempe – Code Compliance  
R1-6, Single Family Residential  
Julie Scofield

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 Chang Property located at 1990 E. Rice Drive, in the R1-6, Single Family Residential district. This case was initiated 6/09/2021, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180-day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

# Planning Application Submittal Form

Part 1 of 2

City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> 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	CHANG ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1990 E. Rice Dr. Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE213600 Hearing is November 2nd, 2021	PARCEL No(s)	301-01-696 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS	1990 E. Rice Dr.	
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	PHONE 2	85283

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	ADDRESS	21 E. 6th St.	
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	PHONE 2	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 <i>Julie Scofield</i>	DATE	9/21/21
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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 <a href="#">Planning &amp; Zoning Fee Schedule</a> 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 #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** 09/21/2021  
**TO:** Michael Spencer, Sr. Code Inspector  
**FROM:** Julie Scofield, Code Inspector  
**SUBJECT:** CE213600, Chang Property Abatement

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**LOCATION:** 1990 E. RICE DR. TEMPE, AZ 85283

**LEGAL:** KNOELL TEMPE UNIT 5

**PARCEL:** 301-01-696

**OWNER:** DENISE CHANG  
1990 E. RICE DR  
TEMPE, AZ 85283

**FINDINGS:**

06/09/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape. Inspected the property, and there was over height grass and weeds in the front yard. There was a dead citrus tree as well. A notice was mailed to the property owner, Denise Chang.

07/15/2021 Conducted a reinspection. There is still a small amount of over height grass and weeds in the yard. The dead tree is still in violation as well. A final notice was mailed.

08/16/2021 Reinspected the property and it is still in violation for the tree. Currently the other citrus tree in the yard is now dead as well. Hung a pink hanger on the door asking for compliance or contact by 8/19/2021 to avoid a citation.

08/23/2021 Issued a citation for the landscape (dead trees) in the front yard of the property. Citation # 1619612. Pictures were taken to show the condition of the property.

09/16/2021 There has been no change to the property and a bid was requested to abate the property.

09/21/2021 Received the bid for the abatement of the property and the hearing for the abatement will be set for November 2<sup>nd</sup>, 2021. At this time, the citation has not been paid.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property located at 1990 E. Rice Dr, due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. Ms. Chang was issued a citation and did not pay for the fines nor has the property been brought 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: abate  
NAME: Mark Gher  
DATE: 9/21/21



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/21/2021  
CASE #: CE213600

**DENISE CHANG**  
1990 E. RICE 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:** 1990 E. RICE DR. TEMPE, AZ 85283  
**PARCEL:** 301-01-696

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **11/02/2021**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

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

**As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.**

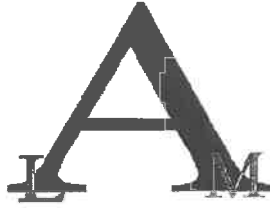
**CC 21-3.b.8 Remove dead trees in front yard. Stumps need to be removed or cut down to ground level. Cut all over height grass and or weeds.**

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 **\$1377.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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.**

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**Code Inspector: Julie Scofield**  
**Phone Number: 480-350-8951**  
**E-mail: julie\_scofield@tempe.gov**



Artistic Land Management, Inc.

September 21, 2021

City of Tempe  
Attn: Julie Scofield  
Code Inspector II

RE: Landscape Clean-Up at 1990 E. Rice Dr.

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 1990 E. Rice Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

##### Front Yard Clean-Up

- Cut down high weeds and grass
- Apply post-emergent chemical where needed
- Cut down two dead trees to ground level
- Haul off debris
- Police presence on-site for duration of visit

Total = \$1,377.00

Respectfully,

Jose Hernandez



08/23/2021 09:02





08/23/2021 09:02



08/23/2021 09:02



08/23/2021 09:02



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

06/09/2021

CHANG DENISE C  
1990 E RICE DR  
TEMPE, AZ 85283

Case#: CE213600  
Site Address: 1990 E RICE DR. TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 07/10/2021**

This is a notice to inform you that this site was inspected on 06/09/2021 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 COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
2. CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD CITRUS TREE FROM THE FRONT YARD.
3. TRIM OFF DEAD PORTIONS FROM THE OTHER CITRUS TREE IN THE FRONT YARD.

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**

07/15/2021

CHANG DENISE C  
1990 E RICE DR  
TEMPE, AZ 85283

Case#: CE213600  
Site Address: 1990 E RICE DR. TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 08/12/2021**

This is a notice to inform you that this site was inspected on 07/15/2021 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  
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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).**

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1619612</b>	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number <b>CE 213600</b>
<b>Defendant</b>	Name (First, Middle, Last) <b>Denise C. CHANG</b>						Juvenile
Residence Address, City, State, Zip Code <b>1990 E RICE DR, Tempe AZ 85283</b>						Residence Phone No.	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code						Business Phone No.	
<b>Vehicle</b>	Color	Year	Make	Model	Style	License Plate	State
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month <b>08</b>	Day <b>23</b>	Year <b>2021</b>	Time <b>0902</b>	<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 <b>1990 E Rice DR</b>								<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona	<b>85283</b>	Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>TCC 21-3A</b>	ARS Violation: <b>CC 21-3-B-8 Deteriorated Landscaping (dead trees)</b>	Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
<b>B</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
<b>C</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
<b>D</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
<b>E</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <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: <b>09/07/2021</b>	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.
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.

**Spencer Schfield** **8022**  
Complainant PSN

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 \_\_\_\_\_

COMPLAINT

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.

