

### CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/02/2021

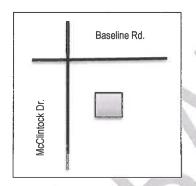
Agenda Item: 2

**ACTION:** Request approval to abate public nuisance items at the Hernandez Property located at 1853 E. Harvard Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$2338 for abatement request: front & back yard landscape cleanup, restore pool to clear state, remove refrigerator from front yard.

**RECOMMENDATION:** Staff – Approval of 180-day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the HERNANDEZ 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 CE214095: front & back yard landscape cleanup, restore pool to clear state, remove refrigerator from front yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Maria G Hernandez Florez & Uriel Isiaz-Martinez 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 Hernandez Property located at 1853 E. Harvard Drive, in the R1-6, Single Family Residential district. This case was initiated 7/06/2021, 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.

### 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
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION – REQUIRED  EXISTING DATE:  PROJECT NAME												
	PROJECT NAME	HERNANDEZ ABATEMEN	Т					EXISTING R1-6				
PRO	OJECT ADDRESS	1853 E. Harvard Dr. Tempe	AZ 85	 283			SUITE(S)					
PROJEC	CT DESCRIPTION		<u> </u>				PARCEL No(s)	301-01-959				
		Abatement of CE214095 Hearing is November 2nd, 2	2021									
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)  BUSINESS NAME  ADDRESS   4050 F, 1404 and Pre												
	BUSINESS NAME					1853 E. Harvard Dr.			- In			
	CONTACT NAME	Maria Hernandez			CITY	Tempe	STATE	AZ	ZIP 8	5283		
	EMAIL				PHONE 1		PHONE 2					
l hereb	y authorize the	applicant below to proces	s this a	application v	with the Cit	y of Tempe.						
		PROPERTY	OWNER	SIGNATURE			-	DATE				
or at	tach written stater	ment authorizing the applicant to	file the a	application(s)	INFORMA	TION - REQUIRED						
COMPA	NY / FIRM NAME	Julie Scofield	,		ADDRESS	21 E. 6th St.						
	CONTACT NAME				CITY	Tempe	STATE	AZ T	ZIP 8	5281		
	EMAIL				PHONE 1		PHONE 2	/-				
		julie_scofield@tempe.gov is application is accurate a		aubarittad a	/a a	480-350-8951	lan that if the applic	ation is do	omed t	n he		
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□ B.	ADMINISTRAT	IVE APPLICATIONS					ADM	ADM				
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□ D.	USE PERMITS	/ USE PERMIT STANDARDS					ZUP					
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□ F.	PLANNED ARI	EA DEVELOPMENT OVERLAYS					PAD	RE	C			
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SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal,							TOTAL APPLIC	AINN FEES				
please use Planning Resubmittal Form)							RECEIVED BY	INTAKE STA	FF (INIT	ALS)		

DATE:

09/21/2021

TO:

Michael Spencer, Sr. Code Inspector

FROM:

Julie Scofield, Code Inspector

SUBJECT:

CE214095, Hernandez Property Abatement

LOCATION: 1853 E. HARVARD DR. TEMPE, AZ 85283

LEGAL:

**TEMPE ROYAL PALMS** 

PARCEL:

301-01-959

OWNER:

MARIA HERNANDEZ

1853 E. HARVARD DR. **TEMPE, AZ 85283** 

#### FINDINGS:

07/06/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape, deteriorated swimming pool, and a fridge.

07/07/2021 Inspected the property, and there was over height grass and weeds in the front and back yard of the property. There is a fridge in the porch, and the pool is also green. A notice was mailed to the property owner, Maria Hernandez.

07/22/2021 Conducted a reinspection. Mailed a final notice for the pool to the property owner.

08/05/2021 There has been no change to the property. Hung up a pink hanger on the door asking for contact or compliance by 08/11/2021 to avoid a citation.

08/12/2021 Received a call from a man named Jaime. He asked for more time and was going to take care of all the violations. I called and left him a message granting more time.

08/24/2021 Received a 311 complaint for a deteriorated swimming pool.

08/30/2021 Issued a citation for the swimming pool, deteriorated landscape, and the fridge. Citation # 1619611. Pictures were taken to show the condition of the property.

09/09/2021 Received a 311 complaint for a deteriorated swimming pool.

09/14/2021 Received a 311 complaint for a deteriorated swimming pool.

09/21/2021 Turning in the paperwork to abate the property. The hearing is set for November 2<sup>nd</sup>, 2021.

#### **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property located at 1853 E. Harvard Dr, due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8,21-3. b-16, and 21-3. b-1. Ms. Hernandez was issued a citation and did not pay for the fines and has not brought 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

NAME

DATE:

ACTION TAKEN: SUbuj



#### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/21/2021 CASE #: CE214095

MARIA G HERNANDEZ FLOREZ 1853 E HARVARD 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: 1853 E HARVARD DR TEMPE, AZ 85283

PARCEL: 301-01-959

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.16	Swimming pool that is deteriorated or presents a health hazard
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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

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.16	Please restore water to a clear, clean condition
CC 21-3.b.8	Please cut over height/weeds and grass in the front and back yard.
CC 21-3.b.1	Please remove refrigerator from the front yard.

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 \$2338.00. 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.

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



September 21, 2021

City of Tempe Attn: Julie Scofield Code Inspector II

RE: Landscape Clean-Up at 1853 E. Harvard 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 1853 E. Harvard Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

#### Front & Backyard Clean-Up

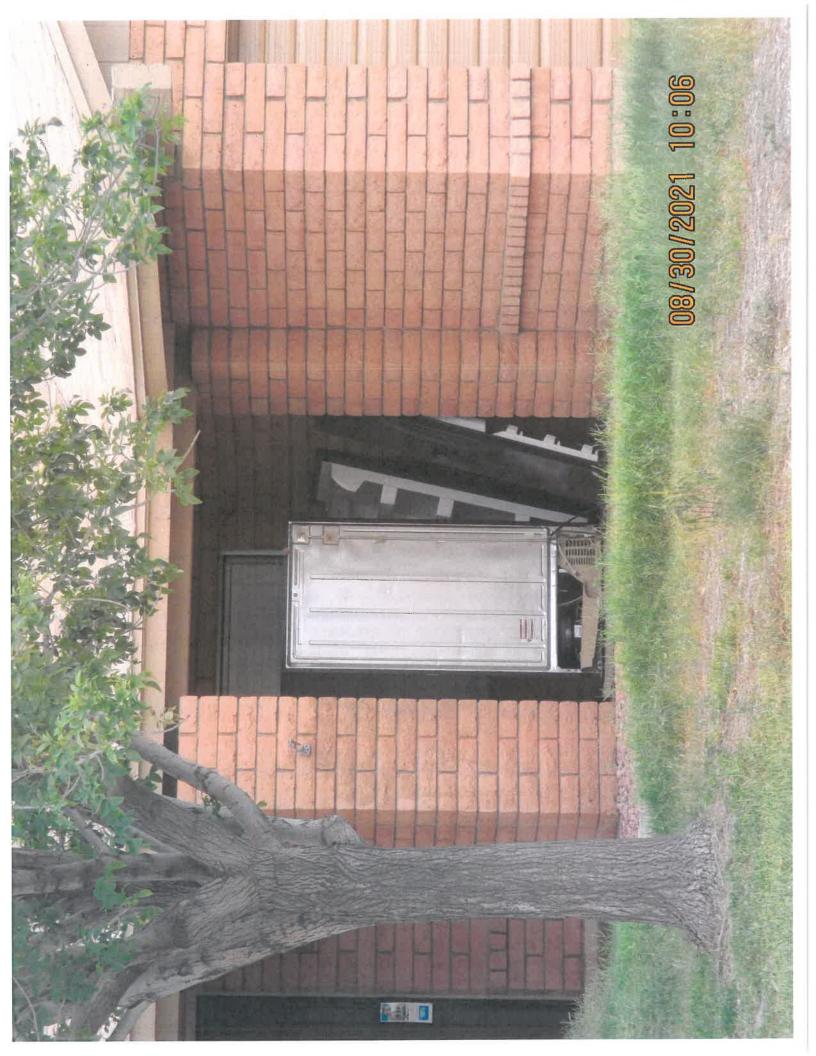
- Cut down high weeds and grass
- Apply post-emergent chemical where needed
- Remove junk and trash
- Haul off debris
- Drain swimming pool
- Police presence on-site for duration of visit

Total = \$2,338.00

Respectfully,

Jose Hernandez



















# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

07/07/2021

HERNANDEZ, MARIA 1853 E. HARVARD DR. TEMPE, AZ 85283

Case#: CE214095

Site Address: 1853 E. HARVARD DR. TEMPE, AZ 85283

#### SITE REINSPECTION ON OR AFTER: 07/21/2021

This is a notice to inform you that this site was inspected on 07/07/2021 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-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

#### 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 REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT OF THE PROPERTY. THIS INCLUDES THE FRIDGE AND ANY OTHER MISCELLANEOUS ITEMS.
- 2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND BACK YARD OF THE PROPERTY.
- 3. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGEA, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.

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

07/22/2021

FLOREZ MARIA G HERNANDEZ/ISAIS-MARTINEZ 1853 E. HARVARD DR. TEMPE, AZ 85283

Case#: CE214095

Site Address: 1853 E. HARVARD DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 08/05/2021

This is a notice to inform you that this site was inspected on 07/22/2021 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-16**

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

 RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGEA, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.

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).

## Arizona Traffic Ticket and Complaint



<b>Tempe</b>	2
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