

**CITY OF TEMPE
HEARING OFFICER**

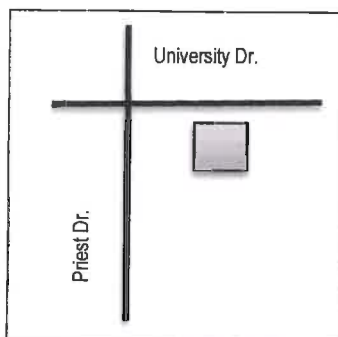
Meeting Date: 01/04/2022
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Gonzalez Property located at 1242 W. 9th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$710 for abatement request: front and side yard landscape cleanup.

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 GONZALEZ 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 CE213985: front and side yard landscape cleanup.



Property Owner: Alberto Gonzalez
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: 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 Gonzalez Property located at 1242 W. 9th Street, in the R1-6, Single Family Residential district. This case was initiated 07/12/2021, 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 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	GONZALEZ PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1242 W. 9TH ST.	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE213985 HEARING IS SCHEDULED FOR JANUARY 4TH, 2022	PARCEL No(s)	12474-016 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ALBERTO GONZALEZ	ADDRESS	1242 W. 9TH ST.
CONTACT NAME		CITY	TEMPE
		STATE	AZ
		ZIP	85281
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	CITY OF TEMPE	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 <i>Julie Scofield</i>	DATE	11/16/21
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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 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: 11/16/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE213985, Gonzalez Property Abatement

LOCATION: 1242 W. 9TH ST. TEMPE, AZ 85281

LEGAL: WESTGATE SUBDIVISION

PARCEL: 124-74-016

OWNER: GONZALEZ ALBERTO
1242 W 9TH ST
TEMPE, AZ 85281

FINDINGS:

07/12/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape and a deteriorated fence. Inspector Brandy Zedlar Inspected the property and found that there was grass and weeds growing in the gravel landscape, as well as over height grass and weeds in the back yard. There was no violation with the fence. A notice was mailed to the owner, Alberto Gonzalez. A notice was also mailed to the tenant listed on the water bill.

07/29/2021 Brandy Zedlar Conducted a reinspection. There has been no change to the property. final notices were mailed.

08/16/2021 Inspector Julie Scofield took over this case. Inspected the property and found grass and weeds in the gravel landscape. A notice was mailed to the owner and the tenant.

08/31/2021 There has been no change to the landscape. A pink hanger was placed on the door asking for contact or compliance by 09/06/2021 to avoid a citation.

09/07/2021 An anonymous complaint came in for this property regarding the front yard landscape.

09/15/2021 Received a phone call Mr. Alan Wu -who is the tenant at this property. He wanted to know if the work they did was enough. I called and left him a detailed message on what actions were needed to bring the property into compliance. I granted until 09/21/2021 to have it done.

09/23/2021 Issued a citation for the landscape. Citation # 1702299. pictures were taken to show the violation.

10/21/2021 Inspector Michelle Van Etten spoke to the tenants at the property and explained what needed to be done. They indicated that they would call inspector Julie Scofield.

11/16/2021 Turning in the abatement packet for the hearing to be heard on January 4th, 2022, for the landscape violation. The citation has gone to collections.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 1242 W. 9th St. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. Mr. Gonzalez was issued multiple notices. The citation went to the tenant, due to the fact that another current address was not found for the property owner. 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. I also request that the abatement be approved for 180 days.

Respectfully submitted,

Julie Scofield
Code Inspector II

ACTION TAKEN: Subnet
NAME: [Signature]
DATE: 11/16/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/16/2021
CASE #: CE213985

GONZALEZ ALBERTO
1242 W. 9TH ST.
TEMPE, AZ 85281

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

LOCATION: 1242 W 9TH ST TEMPE, AZ 85281
PARCEL: 124-74-016

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **01/04/2022**. 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 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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 **Please remove all grass and or weeds from the gravel landscape in the front and 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 **\$710.00**. 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



Artistic Land Management, Inc.

November 2, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Landscape Clean-Up at 1242 W. 9th St.

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 1242 W. 9th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

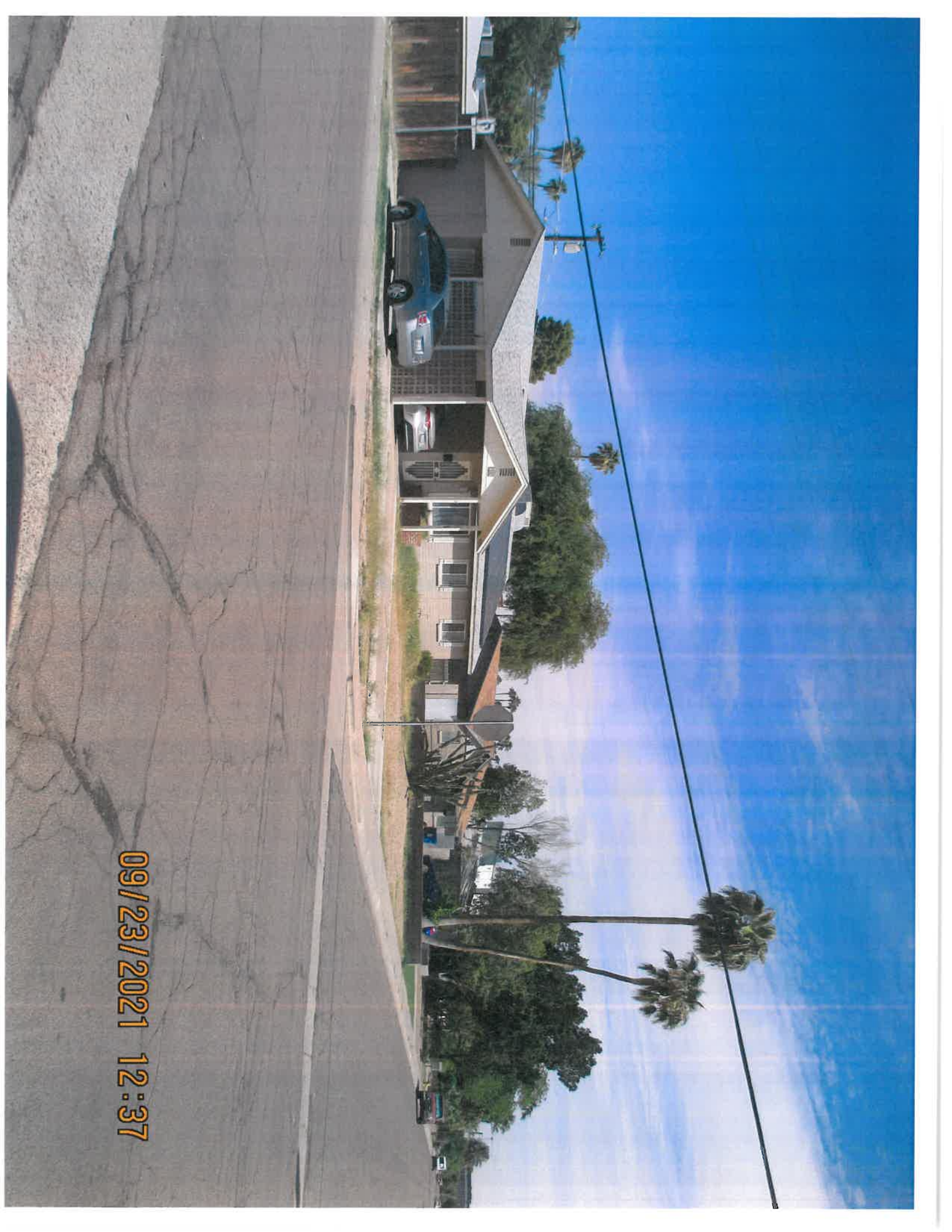
Front and Side Yard Clean-Up

- Cut down weeds and unwanted grass to ground level
- Apply post-emergent chemical where needed
- Rake and/or blow landscaped areas
- Haul off debris
- Police presence on-site for duration of visit

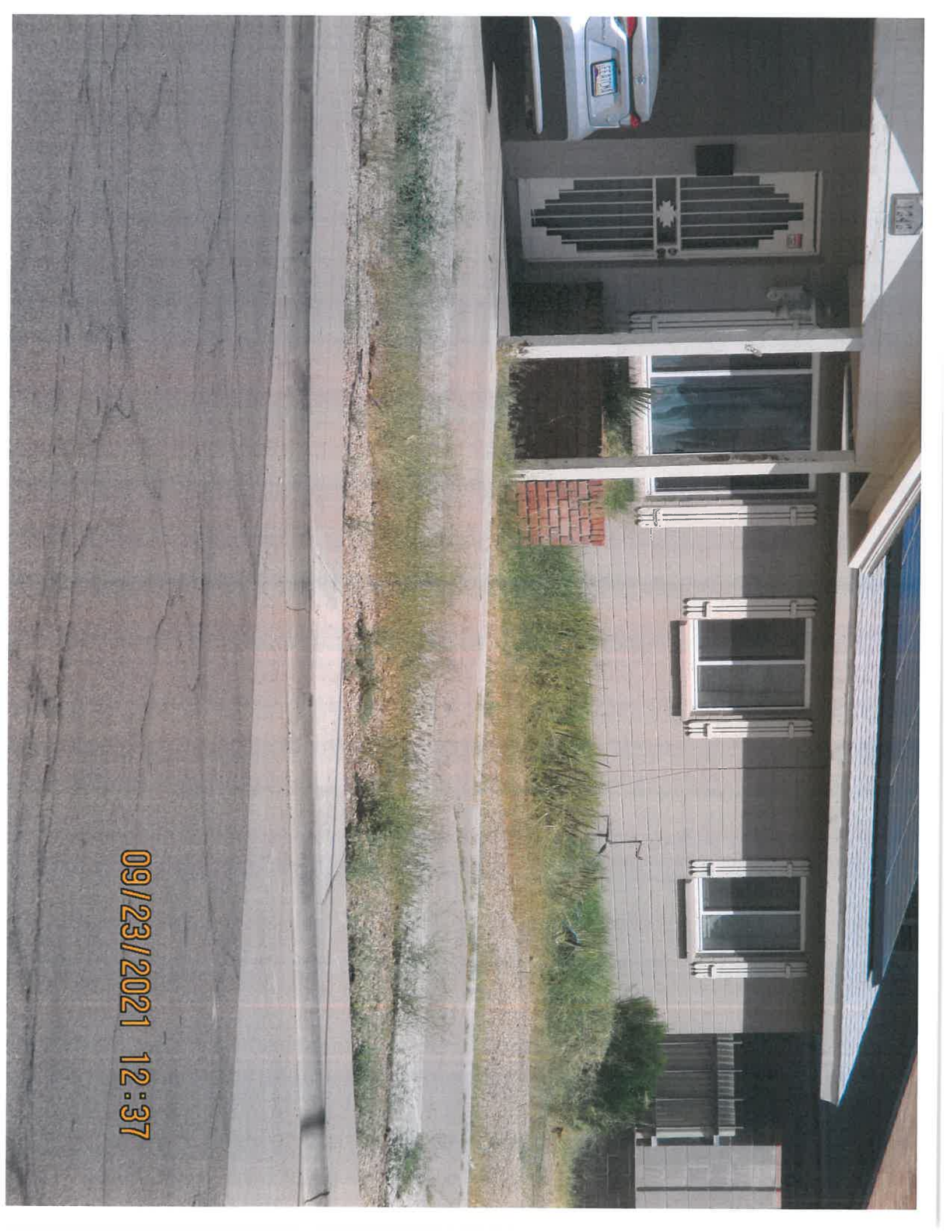
Total = \$710.00

Respectfully,

Jose Hernandez



09/23/2021 12:37



09/23/2021 12:37



09/23/2021 12:37



09/23/2021 12:37



09/23/2021 12:38



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

7-13-2021

ALAN WU
1242 W 9TH ST
TEMPE, AZ 85281

Case#: CE213985
Site Address: 1242 W 9TH ST

SITE REINSPECTION ON OR AFTER: 7/29/21

This is a notice to inform you that this site was inspected on **7/12/21** 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 the Tempe City Code, Chapter 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. Completely remove the weeds/grass growing within the gravel landscape in the front, side, and street side yard.**
- 2. Trim the over height weeds/grass in the back yard.**

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

Brandy Zedlar
Code Inspector II
email

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov

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).

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.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE**

7-13-2021

**ROBERTO GONZALEZ
1242 W 9TH ST
TEMPE, AZ 85281**

Case#: CE213985
Site Address: 1242 W 9TH ST

SITE REINSPECTION ON OR AFTER: 7/29/21

This is a notice to inform you that this site was inspected on **7/12/21** 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. Completely remove the weeds/grass growing within the gravel landscape in the front, side, and street side yard.**
- 2. Trim the over height weeds/grass in the back yard.**

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov**

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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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08/16/2021

GONZALEZ ALBERTO
OR WU, ALAN
1242 W 9TH ST
TEMPE, AZ 85281-5306

Case#: CE213985
Site Address: 1242 W 9TH ST. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 08/30/2021

This is a notice to inform you that this site was inspected on 08/16/2021 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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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. 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.

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

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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
CORRECTION NOTICE**

08/16/2021

GONZALEZ ALBERTO
4012 E JOJOBA ROAD
PHOENIX, AZ 85044

Case#: CE213985
Site Address: 1242 W 9TH ST. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 08/30/2021

This is a notice to inform you that this site was inspected on 08/16/2021 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
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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 1702299	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 CE213985

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **AIAN WU** Juvenile

Residence Address, City, State, Zip Code **1242 W 9th St Tempe, AZ 85281** Telephone: (cell phone)

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

Business Address, City, State, Zip Code Business Phone No.

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 **09** Month **23** Day **2021** Year **1237** Time AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At **1242 W 9th St** Location Tempe **85281** State of Arizona Area Dist.

The Defendant Committed the Following:

A Section: **TCC 21-3A** ARS Violation: **CC 21-3-B-8 Deteriorated Landscape** Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

B Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

C Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

D Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

E Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic 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

Traffic Court Suite 150, 1st Floor Date: **10/7/21** Time: **Between 9AM & 4PM**

Criminal Court Suite 200, 2nd Floor Date: Time: AM PM

Court: Date: Time: AM 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 **Paula Bogard** PSN **8022**

Comments: **1st citation \$200**

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

Case No: 21-019860-4

Title: CITY OF TEMPE vs ALAN WU

WU, ALAN
1242 W 9TH ST
TEMPE, AZ 85281

Case Status: Inactive
Filed: 9/24/2021
Case Balance Owning: \$294.30
Stayed Balance Owning: \$0.00

TPC Due Date:
TPC Amount Due:

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1702299A	21-3B8	09/23/2021	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	9/24/2021	58 - FAIL TO APPEAR	10/21/2021

Citations: 1

REGISTER OF ACTION

Date	Cite Number	Action	Amount	Judge	User
9/24/2021		ATTC FILED			JDH
9/24/2021		**1ST VIOLATION**			JDH
9/24/2021	1702299 A	CIVIL ARRAIGNMENT NLT 10/7/2021			JDH
10/8/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 10/21/2021			SYS
10/22/2021	1702299 A	DEFAULT FEE IMPOSED	\$50.00		SYS
10/22/2021	1702299 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
10/22/2021	1702299 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
10/22/2021	1702299 A	FTA DEFAULT			SYS
10/22/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		

Actions: 9