
**CITY OF TEMPE
HEARING OFFICER**

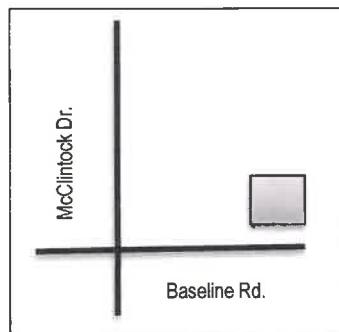
**Meeting Date: 02/01/2022
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Harris Property located at 5005 S. Country Club Way. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$607 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 HARRIS 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 CE216255: front and side yard landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Christopher Harris
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 Harris Property located at 5005 S. Country Club Way, in the R1-6, Single Family Residential district. This case was initiated 10/04/2021, 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	Harris Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	5005 S. Country Club Way, Tempe, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE216255 Hearing is scheduled for February 1st, 2022	PARCEL No(s)	133-35-166 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	5005 S. Country Club Way		
CONTACT NAME	Christopher Harris	CITY	Tempe	STATE	AZ ZIP 85282
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	DATE	1/4/22
<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)
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: 01/04/2022
TO: Jeff Tamulevich, Code Enforcement Manager
FROM: Julie Scofield, Code Inspector
SUBJECT: CE216255, Harris Property Abatement

LOCATION: 5005 S. COUNTRY CLUB WAY TEMPE, AZ 85282

LEGAL: CONTINENTAL EAST UNIT FIVE

PARCEL: 133-35-166

OWNER: CHRISTOPHER HARRIS
5005 S. COUNTRY CLUB WAY
TEMPE, AZ 85282

FINDINGS:

10/04/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape. An inspection found that the property was in violation for grass and weeds in a gravel landscape, on the north side. A notice was mailed to the owner, Christopher Harris.

10/19/2021 There has been no change to the property. A final notice was mailed.

11/04/2021 There has been no change to the landscape. A pink hanger was placed on the door asking for contact or compliance by 11/08/2021 to avoid a citation.

11/09/2021 Received a call from Raquel, who says she is a roommate. She wanted to know what the issue was and what needed to be done to come into compliance. I called and left her a detailed message about the landscape.

11/18/2021 Issued a citation to the property owner for the deteriorated landscape. Citation # 1702431. Pictures were taken to show the condition of the property.

12/16/2021 There has been no change to the property. Requesting bids to conduct an abatement hearing.

01/04/2022 Turning in the abatement packet for the hearing to be heard on February 1st, 2022, for the landscape violation. The citation has gone to collections.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 5005 S. Country Club Way, due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. Mr. Harris was issued multiple notices. A citation was issued but has gone to collections. 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: Submit
NAME: sc Scofield
DATE: 1/4/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12/29/2021
CASE #: CE216255

**CHRISTOPHER HARRIS
5005 S COUNTRY CLUB WAY
TEMPE, AZ 85282**

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

LOCATION: 5005 S. COUNTRY CLUB WAY TEMPE, AZ 85282
PARCEL: 133-35-166

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **02/01/2022**. 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 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 all grass and weeds from the gravel landscape in the front and sides 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 **\$606.49**. 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**



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

10/04/2021

HARRIS CHRISTOPHER F
5005 S COUNTRY CLUB WAY
TEMPE, AZ 85282

Case#: CE216255
Site Address: 5005 S COUNTRY CLUB WAY. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 10/19/2021

This is a notice to inform you that this site was inspected on 10/04/2021 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-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 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

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**

10/19/2021

HARRIS CHRISTOPHER F
5005 S COUNTRY CLUB WAY
TEMPE, AZ 85282

Case#: CE216255
Site Address: 5005 S COUNTRY CLUB WAY. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 11/02/2021

This is a notice to inform you that this site was inspected on 10/19/2021 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 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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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: 5005 S Country Club way
Tempe, AZ 85282

Operator: LUKE

Estimator: Luke Bourdeaux (480)-540-6611
Company: East Valley Disaster Services

Business: (480) 540-6611

Type of Estimate: Nuisance Abatement Services

Date Entered: 5/26/2021

Date Assigned:

Price List: AZPH8X_MAY21

Labor Efficiency: Restoration/Service/Remodel

Estimate: 21-2199-STRU



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

21-2199-STRU

Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Abatement Services	1.00 EA	0.00	587.00	19.49	606.49
NOTE: Abatement services includes;					
1) Removal of overgrown grass and weeds from front of property, haul off and disposal.					
2) Security provided by the City of Tempe Police Department.					
Totals: Exterior				19.49	606.49
Total: Nuisance Abatement Services				19.49	606.49
Line Item Totals: 21-2199-STRU				19.49	606.49



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257 W. Broadway
Mesa, AZ 85210
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EIN: 86-0721883 / ROC: B License #097838

Summary

Line Item Total	587.00
Material Sales Tax	19.49
Replacement Cost Value	\$606.49
Net Claim	\$606.49

Luke Bourdeaux (480)-540-6611

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702431		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 CE2160255	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language												Juvenile	
Defendant		Name (First, Middle, Last) Christopher F. Harris										Telephone: (cell phone) <input type="checkbox"/>	
Residence Address, City, State, Zip Code 5005 S. Country Club way Tempe, AZ 85282												Telephone: (cell phone) <input type="checkbox"/>	
Sex		Height		Weight		Eyes		Hair		Origin		Date of Birth	
Business Address, City, State, Zip Code												Business Phone No. ()	
Vehicle		Color		Year		Make		Model		Style		License Plate	
Registered owner & address, City, State, Zip Code												Vehicle Identification Number	

The Undersigned Certifies That:

On	Month	Day	Year	Time	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 5005 S. Country Club way				Tempo 85282		State of Arizona		Area		Dist.	

The Defendant Committed the Following:

A	Section:	TC 21-3A	ARS Violation:	CC 21-3-B-8 Deteriorated Landscape	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number		Disp. Code:		Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD							
B	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number		Disp. Code:		Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD							
C	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number		Disp. Code:		Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD							
D	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number		Disp. Code:		Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD							
E	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number		Disp. Code:		Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD							

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:	12/02/21	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 Address, City, State, Zip Code							

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	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.	
x mailed	Complainant Spencer G. Field	PSN 8022

Comments: **1st citation**

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 _____

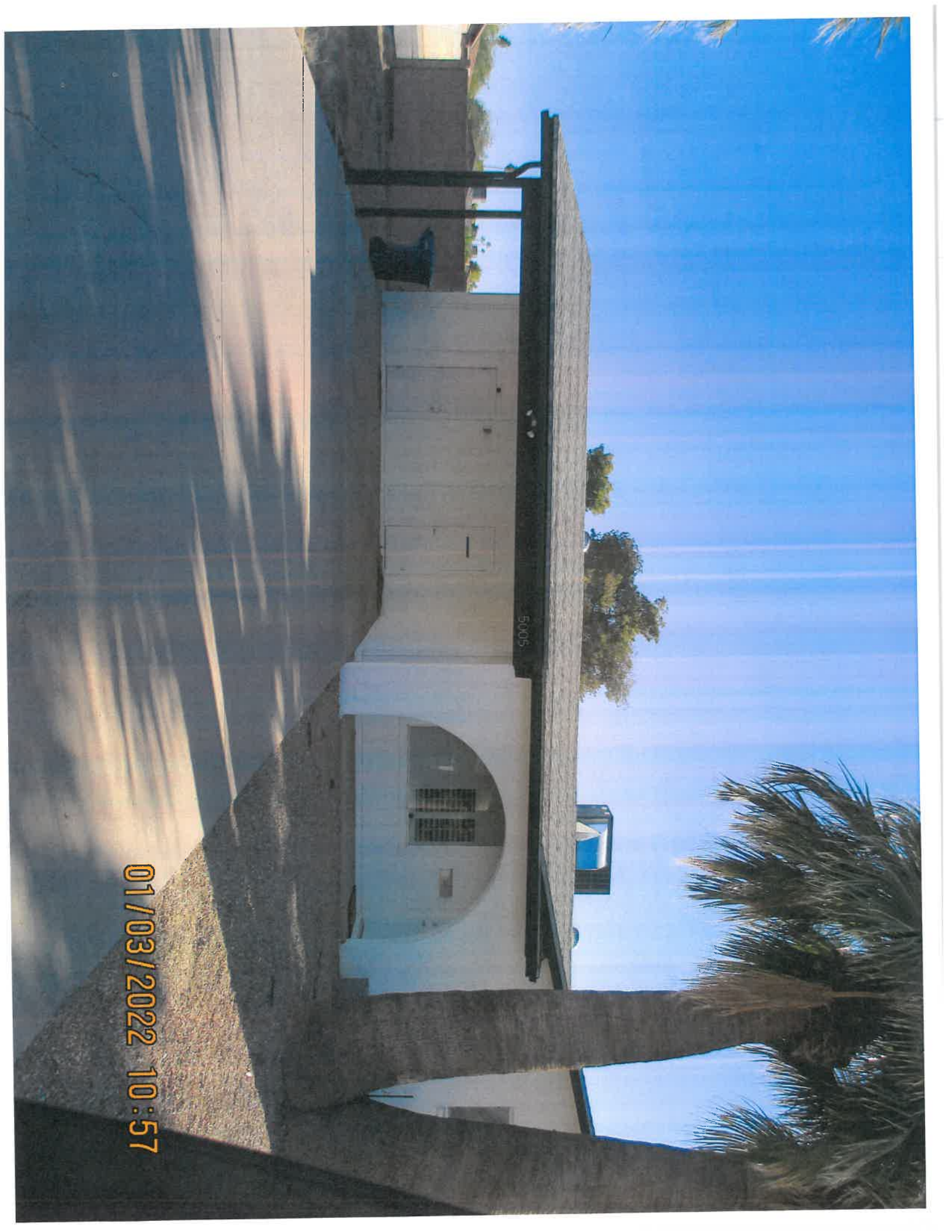
Date issued if not violation date _____

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.



1702431

COMPLAINT

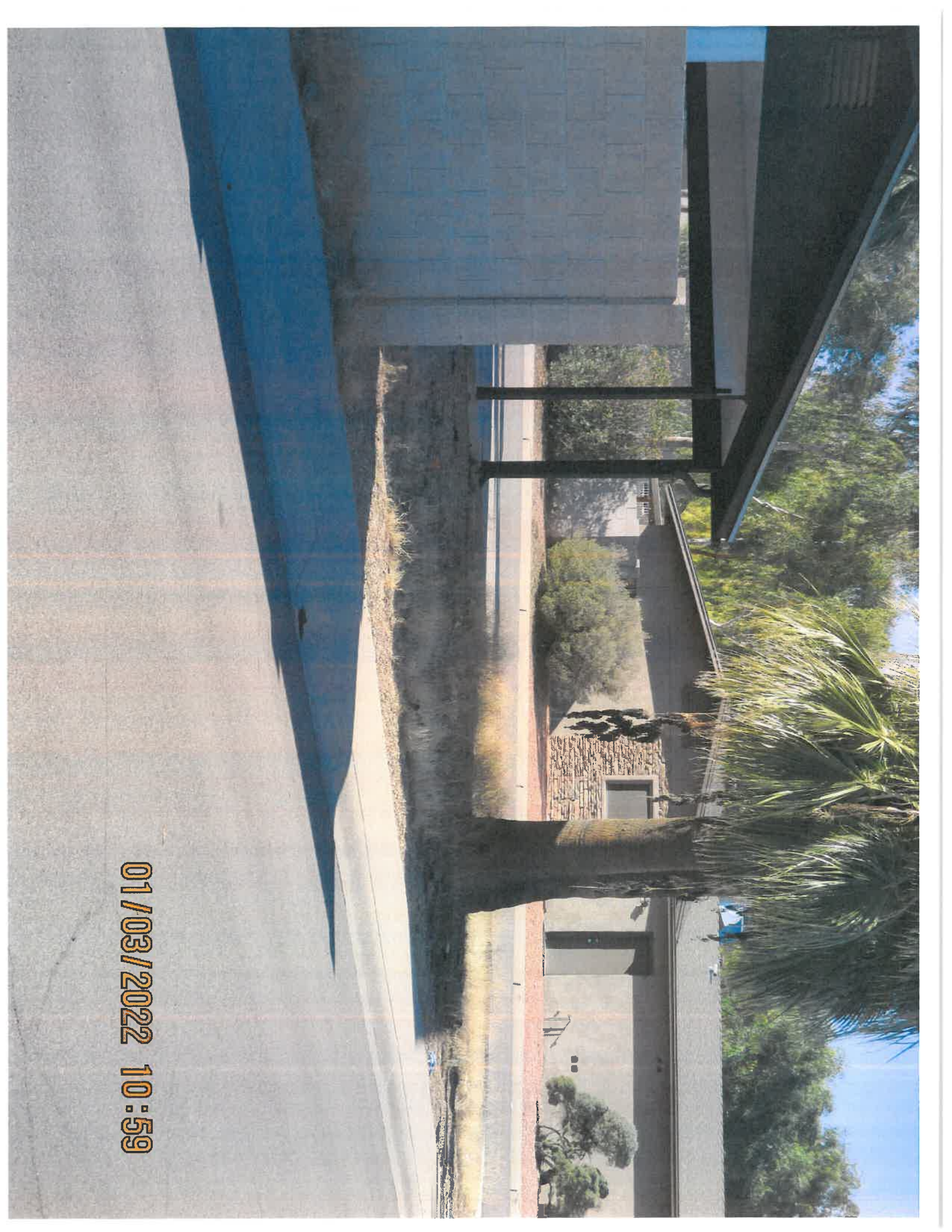


5005

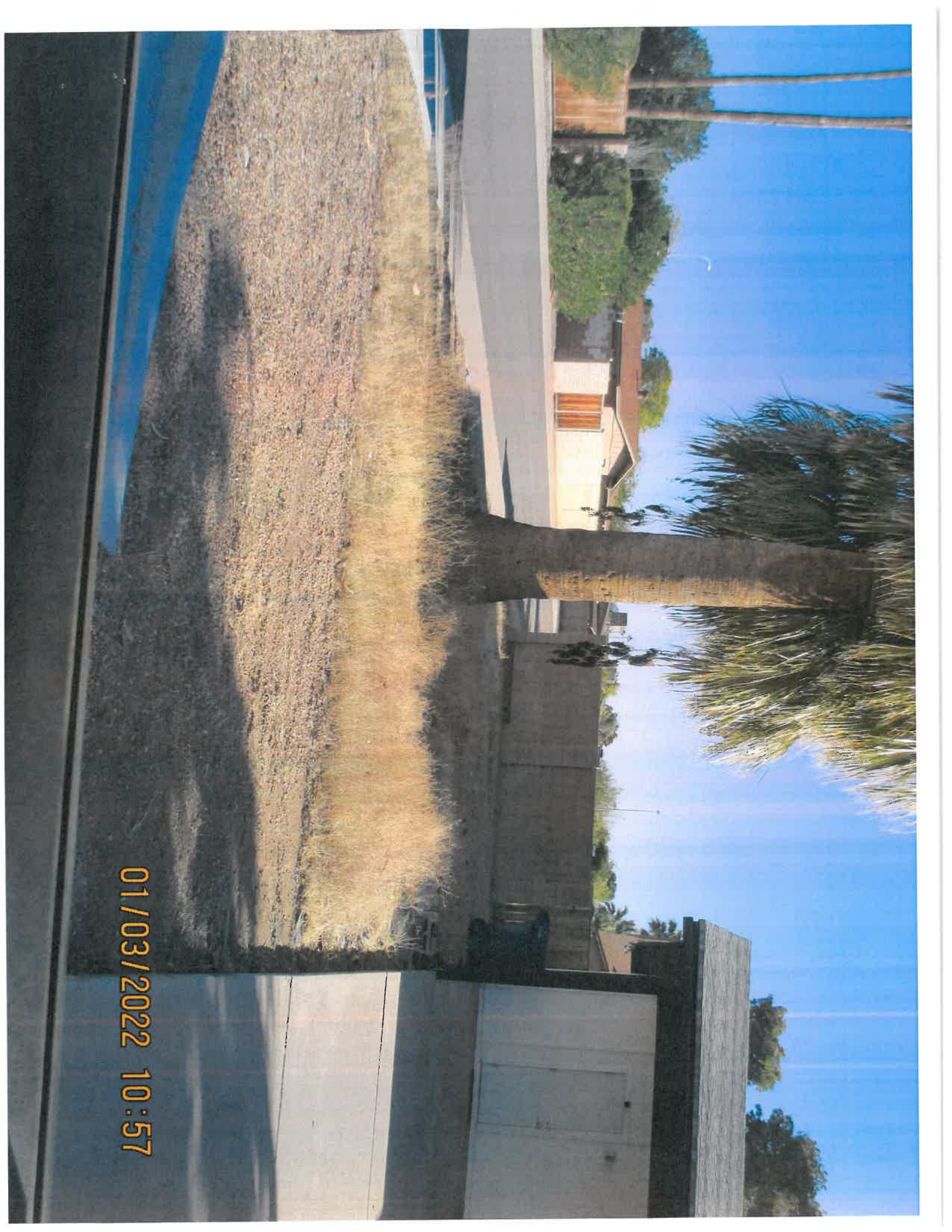
01/03/2022 10:57



01/03/2022 10:57



01/03/2022 10:59

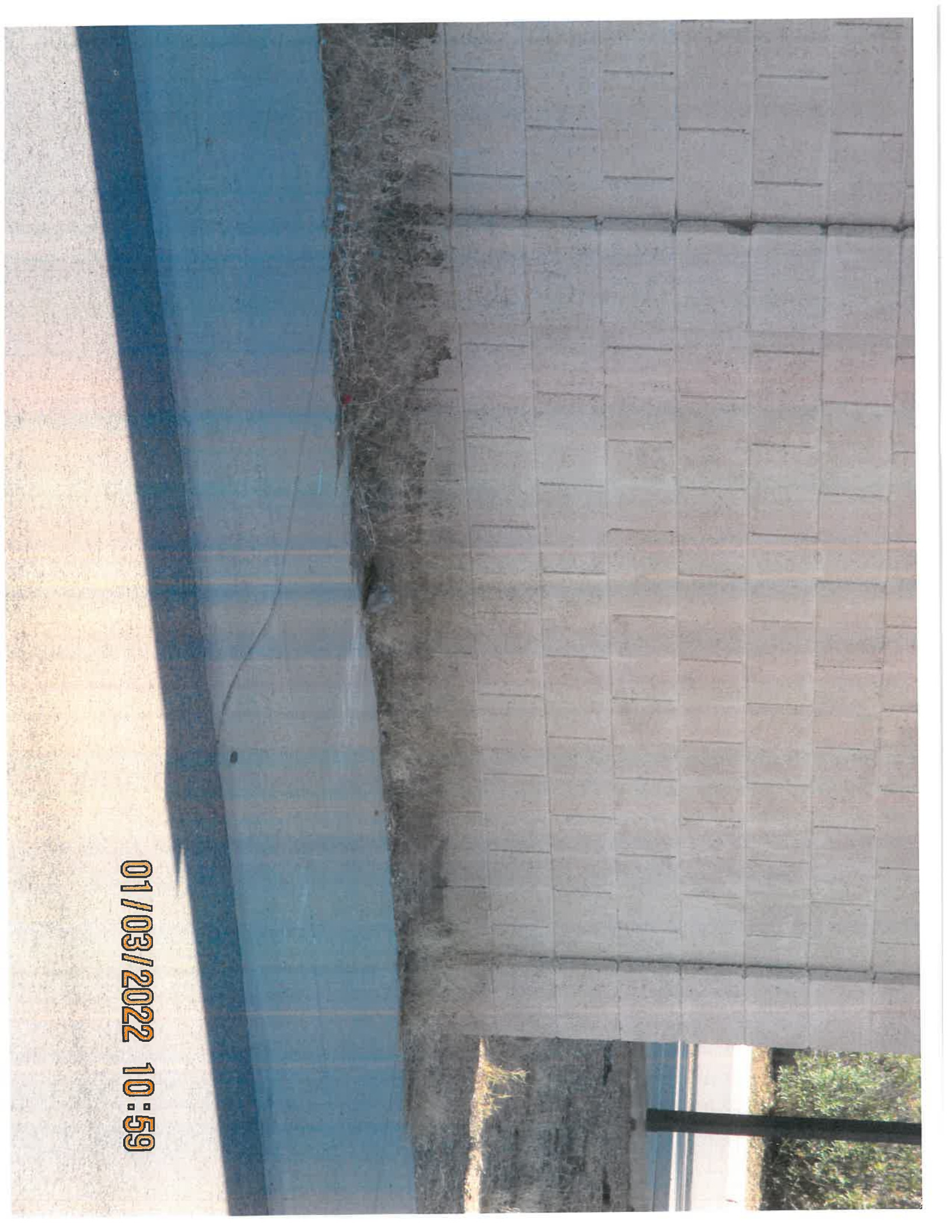


01/03/2022 10:57

01/03/2022 10:58



01/03/2022 10:59



Case No: 21-023922-4 Title: CITY OF TEMPE vs CHRISTOPHER F HARRIS

HARRIS, CHRISTOPHER F
 5005 S COUNTRY CLUB WAY
 TEMPE, AZ 85282

Case Status: Inactive **Case Balance Owning:** \$294.30 **TPC Due Date:**
Filed: 11/19/2021 **Stayed Balance Owning:** \$0.00 **TPC Amount Due:**

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1702431A	21-3B8	11/18/2021	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	11/19/2021	58 - FAIL TO APPEAR	12/16/2021

Citations: 1

REGISTER OF ACTION						
Date	Cite Number	Action	Amount	Judge	User	
11/19/2021		ATTC FILED			LGB	
11/19/2021		FIRST CITATION			LGB	
11/19/2021	1702431 A	CIVIL ARRAIGNMENT NLT 12/2/2021			LGB	
12/3/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 12/16/2021			SYS	
12/17/2021	1702431 A	DEFAULT FEE IMPOSED	\$50.00		SYS	
12/17/2021	1702431 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS	
12/17/2021	1702431 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS	
12/17/2021	1702431 A	FTA DEFAULT			SYS	
12/17/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30			

Actions: 9