

**CITY OF TEMPE
HEARING OFFICER**

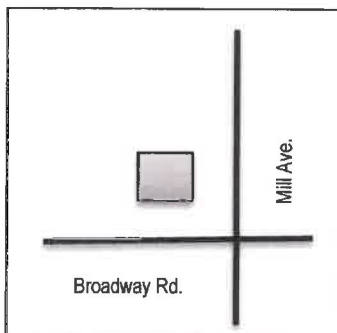
**Meeting Date: 03/01/2022
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Moses Property located at 530 W. 19th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$860 for abatement request: remove inoperable/unregistered vehicle.

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 MOSES 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 CE216602: remove inoperable/unregistered vehicle.



Property Owner	Nathaniel Gonzales Moses
Applicant	City of Tempe – Code Compliance
Zoning District	R1-6, Single Family Residential
Code Compliance Inspector	Michelle Van Etten

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 Moses Property located at 530 W. 19th Street, in the R1-6, Single Family Residential district. This case was initiated 10/22/2021, 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 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

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	Nathaniel Gonzales Moses, Property Abatement			EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	530 W 19th St. Tempe, AZ 85281			SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE216602 March, 01, 2022			PARCEL No(s)	124-64-086 <input type="checkbox"/>
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME	City of Tempe / Code Enforcement	ADDRESS	21 E 6th St., Suite 208		
CONTACT NAME	Michelle Van Etten / Code Inspector	CITY	Tempe	STATE	AZ ZIP 85281
EMAIL	michelle_vanetten@tempe.gov	PHONE 1	(480) 350-2895	PHONE 2	
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
PROPERTY OWNER SIGNATURE		X	<i>Michelle Van Etten</i>	DATE	1/24/2022
or attach written statement authorizing the applicant to file the application(s)					
APPLICANT INFORMATION – REQUIRED					
COMPANY / FIRM NAME		ADDRESS			
CONTACT NAME		CITY		STATE	ZIP
EMAIL		PHONE 1		PHONE 2	
<i>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.</i>					
APPLICANT SIGNATURE				X	DATE
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs					
BUSINESS NAME		ADDRESS			
CONTACT NAME		CITY		STATE	ZIP
TYPE OF BUSINESS		PHONE		EMAIL	
APPLICATION	QTY	SPECIFIC REQUEST	FOR CITY USE ONLY		
<input checked="" type="checkbox"/> (check all that apply)		(see <i>planning & zoning fee schedule</i> for types)	(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. SUBDIVISIONS / CONDOMINIUMS			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	
TOTAL NUMBER OF APPLICATIONS	0				
FOR CITY USE ONLY					
DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)	
PL TRACKING #					
SPR TRACKING # <i>(if 2nd or 3rd submittal, use planning resubmittal form)</i>				TOTAL APPLICATION FEES	
				RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: January 24, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CE216602, 530 W 19th St., Tempe, Abatement

LOCATION: 530 W 19th St., Tempe, AZ 85281

PARCEL: 124-64-086

OWNER: Nathaniel Gonzales Moses

FINDINGS:

On 10/22/2021 I inspected the above property and found a vehicle in the driveway that had at least two flat tires and expired AZ registration stickers showing. (2007 Mazda 3, license AZ-117WRW). I mailed an initial notice of correction to the registered owner who was the owner of that residence. The water bill showed a secondary, out of state address. A notice was sent to that address as well.

On 11/03/2021 the notice sent to the Tempe address was returned by the postal service. The County Assessor's Office website showed the mailing address as "630 W 19th St." but there was no such address. I re-sent the notice to the location of the violation, "530 W 19th St."

On 11/15/2021 I reinspected the property and found that the violations had not been corrected. I sent a final notice to both addresses.

On 11/29/2021 I reinspected the property and found that the vehicle still had flat tires, still had not appeared to have been moved, and was still showing expired registration. I put a pink placard on the door asking for compliance or contact by 12/01/2021.

On 12/01/2021 I did not hear from the owner and the status of the vehicle had not changed. I verified that the registration had expired on 10/31/2017. A citation was issued. The citation was sent via certified mail to the Tempe address, and a copy of the citation was mailed through standard mail to both addresses.

On 12/03/2021 I received a phone call from Nathaniel Moses who said that he had been ill and did not see the pink placard on his door until it was too late. He told me he was planning on donating the vehicle to charity. I explained that the citation had already

been issued and was in the mail.

On 12/06/2021, the final notice that was mailed to the address in WA was returned via the post office as "undeliverable."

On 01/20/2022, the certified mail sent to the Tempe address was returned and said that a forwarding address (the WA address) should be used. Because a copy of the citation was sent to that address already and Mr. Moses had acknowledged on 12/03/21 that he was at the Tempe residence to see the pink placard I had placed on his door, I secured the returned certified mail to the front door of the residence.

On 01/24/2022 I reinspected the property and saw that the vehicle was in the same condition. The copy of the citation that was secured to the front door had been removed. I verified through the Tempe City Courts that the citation has not been paid and is in collections. I posted a notice of intent to abate to the property and mailed a copy to the property owner at both addresses.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 530 W 19th St., Tempe due to property owner's failure to bring property / vehicle into compliance with Tempe City Code 21-3-B-3, inoperable / unregistered vehicle in the driveway. Nathaniel Gonzales Moses 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 / vehicle into compliance. The property represents a health hazard and 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,

Michelle Van Etten
Code Inspector

ACTION TAKEN: Submitt

NAME 

DATE: 1/24/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:01/24/2022
CASE # CE216602

Nathaniel Gonzales Moses
530 W 19th Street
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: 530 W 19th St., Tempe, AZ 85281
PARCEL: 124-64-086

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 03/01/2022. 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.3 An unregistered vehicle outside of or under a roof area not enclosed

If the violations have not been corrected within thirty 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:

- 1. REMOVE THE INOPERABLE / UNREGISTERED VEHICLE FROM THE DRIVEWAY OR MAKE IT OPERABLE AND OBTAIN CURRENT REGISTRATION FOR IT THROUGH THE ARIZONA DEPT OF MOTOR VEHICLES.**

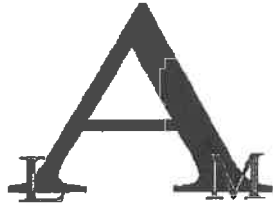
Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$860.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual 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 for 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: Michelle Van Etten

Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



Artistic Land Management, Inc.

January 20, 2022

City of Tempe
Attn: Michelle Van Etten
Code Inspector

RE: Clean-Up at 530 W. 19th 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 530 W. 19th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Tow one unregistered vehicle
- Police presence on-site for duration of visit

Total = \$860.00

Respectfully,

Jose Hernandez



January 24, 2002 at 3:55:09 AM

cE216602



CE216602



CE216602



CE216602



CE216602



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

10/22/2021

MOSES GONZALES NATHANIEL J/MOSES KATHERINE M
630 W 19TH ST
TEMPE, AZ 85281

Case #: CE216602
Site Address: 530 W 19TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 10/22/2021 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.

Section	Violation
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.3	PLEASE REMOVE THE INOPERABLE / UNREGISTERED VEHICLE FROM THE DRIVEWAY OR MAKE OPERABLE AND OBTAIN CURRENT REGISTRATION THROUGH AZMVD. MAZDA 3 AZ-117WRW	11/5/2021
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michelle Van Etten
Code Inspector

Direct: 480-350-2895
Code Compliance: 480-350-4311
Email:michelle_vanetten@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 \$82.00 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
CORRECTION NOTICE

10/22/2021

NATHAN MOSES
38 B COPPLE RD
OMAK, WA 988419583

Case #: CE216602
Site Address: 530 W 19TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 10/22/2021 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.

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

11/03/2021

MOSES GONZALES NATHANIEL J/MOSES KATHERINE M
530 W 19TH ST
TEMPE, AZ 85281

Case #: CE216602
Site Address: 530 W 19TH ST, TEMPE, AZ 85281

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

11/15/2021

MOSES GONZALES NATHANIEL J/MOSES KATHERINE M
530 W 19TH ST
TEMPE, AZ 85281

Case #: CE216602
Site Address: 530 W 19TH ST, TEMPE, AZ 85281

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CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED

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

Michelle Van Etten
Code Inspector

Direct: 480-350-2895
Code Compliance: 480-350-4311
Email:michelle_vanetten@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
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11/15/2021

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702405		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 CE216602	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant		Name (First, Middle, Last) NATHANIEL GONZALES MOSES										Juvenile	
Residence Address, City, State, Zip Code 530 W. 19th ST, TEMPE, AZ 85281										Telephone: (cell phone) <input type="checkbox"/>			
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	Month 12	Day 01	Year 21	Time 0845	<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 530 W. 19th ST.							<input checked="" type="checkbox"/> Tempe	85281	State of Arizona		Area	Dist.
The Defendant Committed the Following:													
A	Section: 21-3 A		ARS Violation: 21-3.B.3 INOP - UNRES. VEHICLE		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<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		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<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		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<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		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<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		<input type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<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: 12/15/2021		Time: Between 9AM & 4PM			
		<input type="checkbox"/> Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.			
		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						M. VAN ETEN				SOLO			
Complainant						PSN							
Comments: 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 _____													
FIRST CITATION \$200 -										Date issued if not violation date			

COMPLAINT



1702405

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.

Case No: 21-024615-4 Title: CITY OF TEMPE vs NATHANIEL GONZALEZ MOSES

MOSES, NATHANIEL GONZALEZ
 530 W 19TH ST
 TEMPE, AZ 85281

Case Status: Inactive **Case Balance Owing:** \$294.30 **TPC Due Date:**
Filed: 12/1/2021 **Stayed Balance Owing:** \$0.00 **TPC Amount Due:**

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1702405A	21-3B3	12/01/2021	ENUMERATED VIOLATION-INOPERABLE/JNR	12/1/2021	58 - FAIL TO APPEAR	12/29/2021
# Citations: 1						

REGISTER OF ACTION

Date	Cite Number	Action	Amount	Judge	User
12/1/2021		ATTC FILED			AS
12/1/2021		1ST CITATION \$200			AS
12/1/2021	1702405 A	CIVIL ARRAIGNMENT NLT 12/15/2021			AS
12/16/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 12/29/2021			SYS
12/30/2021	1702405 A	DEFAULT FEE IMPOSED	\$50.00		SYS
12/30/2021	1702405 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
12/30/2021	1702405 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
12/30/2021	1702405 A	FTA DEFAULT			SYS
12/30/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		
# Actions: 9					