
**CITY OF TEMPE
HEARING OFFICER**

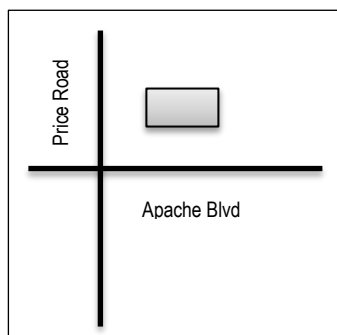
**Meeting Date: 04/19/2022
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Cox Property located at 1107 West 10th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$831.00 for abatement request, including all trash and debris items from the carport area, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the COX PROPERTY (CE217079). 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 CE217079: trash and debris items from the carport area. The request includes the following:



Property Owner: Amos Cox
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential District
Code Compliance: Michelle Van Etten, Code Inspector
Inspector:

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Community Development Director
Prepared by: Cassidy Hernandez, Administrative Assistant
Reviewed by: Drew Yocom, Planning and Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Cox Property located at 1107 West 10th Street in the R1-6, Single Family Residential District. This case was initiated 11/18 following 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 the 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	Amos Cox Abatement			EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1107 W 10th St, Tempe AZ 85281			SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE217079 April 19, 2022			PARCEL No(s)	124-61-105 <input type="checkbox"/>
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME			ADDRESS	1107 W 10th St.	
CONTACT NAME	Amos Cox	CITY	Tempe	STATE	AZ ZIP 85281
EMAIL		PHONE 1		PHONE 2	
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
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 / 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 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 3/7/2022	
<i>Michelle Van Etten</i>					
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. 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 # (if 2 nd or 3 rd submittal, use planning resubmittal form)				TOTAL APPLICATION FEES	
				RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: March 7, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CE217079, 1107 W 10th St., Tempe, Abatement

LOCATION: 1107 W 10th St., Tempe, AZ 85281

PARCEL: 124-61-105

OWNER: Amos Cox

FINDINGS:

On 11/19/2021 I observed trash and debris and an inoperable vehicle in the driveway at 1107 W 10th St. At the time, there was a refrigerator in the driveway and a white Subaru on car jacks. I sent a notice for both violations.

On 12/02/2021 I conducted a reinspection and observed that the vehicle was still on jacks in the driveway. In addition to the refrigerator in the driveway, there were mattresses in the carport area. A final notice was sent for both violations. It should be noted that the bulk trash pickup for that area was 12/06-09/2021. That was indicated on the notice, and an inspection date after bulk pickup was used.

On 12/16/2021 I left a pink placard with a resident at the home who identified herself as the owner, Amos Cox's mother. The pink placard had a contact or comply deadline of 12/20/2021 at 8:00 am, to avoid a citation being issued.

On 12/20/2021 I reinspected the residence. At that time I found that the refrigerator was gone, but the mattresses remained in the carport area. The Subaru was no longer on jacks, and a tarp was covering the license plate. Mr. Cox was in the yard at the time and I attempted to speak to him to see if he would remove the mattresses and avoid a citation. Mr. Cox demanded that I get off of his property and refused to speak to me other than to tell me that he would not remove the mattresses because he used them as "crash pads" for rock climbing in the carport. A citation was then issued for trash and debris being in the carport area.

The citation was sent via certified mail. The mail was signed for, and I received the signed notice on or about 12/27/2021.

After the citation was issued, I periodically inspected the residence to see if the mattresses were in use or had been moved. At no time when I conducted these inspections, were the mattresses being used or not in the carport area.

On 03/07/2022 I inspected the residence and observed that the mattresses were not being used and remained in the carport area. I posted a notice to abate on the front door of the residence and sent a copy via mail. I verified through the Tempe City Courts that the citation had not been paid and was in collections, nor was it contested by Mr. Cox.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1107 W 10th St., Tempe due to property owner's failure to bring the property into compliance with Tempe City Code 21-3-b-1, trash and debris in the driveway / carport area. The owner, Amox Cox, has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation and has failed to appear in court. There has been no indication that the property owner will bring the property 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 and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Michelle Van Etten
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 3/7/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:03/07/2022
CASE # CE217079

Amos Cox
1107 W 10th 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: 1107 W 10th St., Tempe AZ 85281
PARCEL: 124-61-105

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 04/19/2022. 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.1 Trash and debris in exterior areas or under any roof not enclosed by walls

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 ALL TRASH AND DEBRIS ITEMS FROM THE CARPORT AREA (INCLUDING BUT NOT LIMITED TO MATTRESSES, BOX SPRINGS, BUCKETS, METAL PIECES, ETAL.)**

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 **\$831.00**. 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.

March 2, 2022

City of Tempe
Attn: Michelle Van Etten
Code Inspector

RE: Clean-Up at 1107 W. 10th 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 a 1107 W. 10th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove trash and debris from the front of the home and carport area
- Police presence on-site for duration of visit

Total = \$831.00

Respectfully,

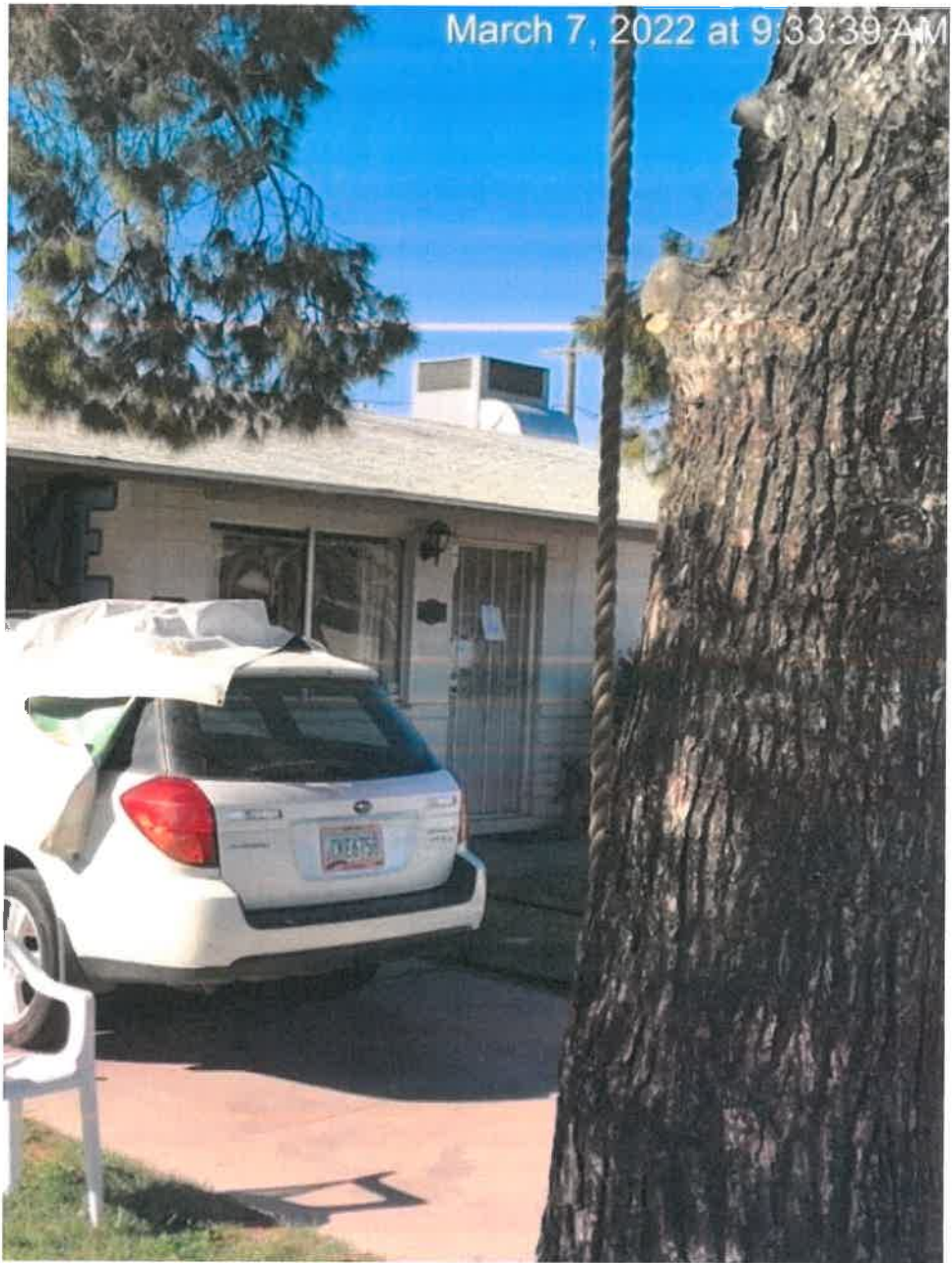
Jose Hernandez



March 7, 2022 at 9:32:55 AM



March 7, 2022 at 9:33:39 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

11/18/2021

COX AMOS
1107 W 10TH ST
TEMPE, AZ 85281-5360

Case #: CE217079
Site Address: 1107 W 10TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 11/18/2021 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.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
CC 21-3.b.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE REFRIGERATOR FROM THE DRIVEWAY AREA.	12/2/2021
CC 21-3.b.3	PLEASE REMOVE THE INOPERABLE / UNREGISTERED VEHICLE FROM THE DRIVEWAY AREA OR MAKE DRIVEABLE AND / OR REGISTER WITH AZ MVD.	12/2/2021

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
FINAL CORRECTION NOTICE

12/02/2021

COX AMOS
1107 W 10TH ST
TEMPE, AZ 85281-5360

Case #: CE217079
Site Address: 1107 W 10TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 11/18/2021 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.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
CC 21-3.b.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE REFRIGERATOR, MATTRESSES, ETC FROM THE DRIVEWAY AREA. RE-INSPECTION WILL BE AFTER BULK TRASH PICK-UP, DEC 6-9, 2021	12/16/2021
CC 21-3.b.3	PLEASE REMOVE THE INOPERABLE / UNREGISTERED VEHICLE FROM THE DRIVEWAY AREA OR MAKE DRIVEABLE AND / OR REGISTER WITH AZ MVD. (SUBURU ON JACKS)	12/16/2021

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

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

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702410		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 CE217079					
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language																	
Defendant		Name (First, Middle, Last) AMOS COX										Juvenile					
Residence Address, City, State, Zip Code 1107 W 10TH 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 20	Year 2021	Time 0948	<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 1107 W 10TH ST.							<input checked="" type="checkbox"/> Tempe 85281			State of Arizona		Area	Dist.			
The Defendant Committed the Following:																	
A	Section: TCC 21-3 A		ARS Violation: CC 21-3-b-1 TRASH/DEBRIS CARPORT		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:		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:		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:		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:		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: 01-10-2022		Time: Between 9AM & 4PM								
		<input type="checkbox"/> Court:			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM						
		Court Address, City, State, Zip Code					Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.						
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 M. VAN EITEN.						PSN 8060					
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 _____																	
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.



1702410