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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 04/19/2022  
Agenda Item: 3**

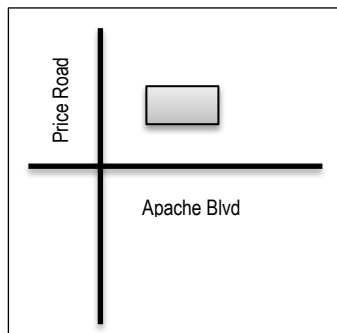
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**ACTION:** Request approval to abate public nuisance items at the Mercer Property located at 2112 E. Freemont Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$6810.00 for abatement request, including Items in the front and back yards of the property. 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 MERCER PROPERTY (CE217002). 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 CE217002: including Items in the front and back yards of the property. The request includes the following:



Property Owner	Diane Mercer
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential District
Code	Compliance
Inspector:	Julie Scofield, Senior Code Inspector

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Shelly Seyler, Interim 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 Mercer Property located at 2112 E. Freemont Drive in the R1-6, Single Family Residential District. This case was initiated 11/15/2021 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 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  
<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	MERCER PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2112 E. FREMONT DR. TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE217002 HEARING IS APRIL, 19, 2022	PARCEL No(s)	133-35-091 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	2112 E. FREMONT DR.		
CONTACT NAME	DIANE MERCER	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 <i>Julie Scofield</i>	DATE	3/7/22
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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	

<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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** March 7<sup>th</sup>, 2022  
**TO:** Jack Scofield, Sr. Code Inspector  
**FROM:** Julie Scofield, Code Inspector  
**SUBJECT:** CE217002, Mercer Property Abatement

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**LOCATION:** 2112 E. FREMONT DR. TEMPE, AZ 85282

**LEGAL:** CONTINENTAL EAST

**PARCEL:** 133-35-091

**OWNER:** DIANE MERCER  
2112 E. FREMONT DR.  
TEMPE, AZ 85282

**FINDINGS:**

11/15/2021 The Code Compliance Division received a complaint for junk, trash, and debris in the back yard.

11/18/2021 Inspected the property. There was a large number of items stored on the outside of the property, In the front and back yard. Mailed a notice to the owner for the violations.

12/28/2021 Inspected the property. There has been a small change to the condition of the property and remains in violation. Mailing a final notice.

02/07/2022 Inspected the property. The property is still in violation of items being stored in the front and back yard. A citation was issued. Pictures were taken this day to show the condition of the property.

03/01/2022 Requested bids to abate the property. The owner has failed to appear or pay for the citation.

03/09/2022 Turning in the paperwork for the abatement hearing that is to be held April 19<sup>th</sup>, 2022.

**PROPERTY HISTORY**

04/06/2020 The Code Compliance Division received a complaint for items being stored in the front and back yards. CE202303.

09/15/2020 An abatement hearing was held and approved for the removal of the items in the front and back yard.

10/29/2020 The cleanup of the property was conducted. The property was brought into compliance.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 2112 E. Fremont Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.1. Diane Mercer 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 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

ACTION TAKEN: Submit

NAME 

DATE: 3/8/22



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 03/07/2022  
CASE #: CE217002

**MERCER DIANE C  
2112 E FREMONT  
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:** 2112 E FREMONT DR TEMPE, AZ 85282  
**PARCEL:** 133-35-091

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers [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** 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.**

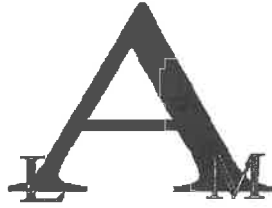
**CC 21-3.b.1** Please remove items from the front and back yards of the property.

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 **\$6810.00**. 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.**

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**Code Inspector: Julie Scofield  
Phone Number: 480-350-8951  
E-mail: [julie\\_scofield@tempe.gov](mailto:julie_scofield@tempe.gov)**



**Artistic Land Management, Inc.**

March 4, 2022

City of Tempe  
Attn: Julie Scofield  
Code Inspector II

RE: Clean-Up at 2112 E. Fremont 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 a 2112 E. Fremont Dr, 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 and backyard of the property
- Police presence on-site for duration of visit

Total = \$6,810.00

Respectfully,

Jose Hernandez















**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

11/18/2021

MERCER DIANE C  
OR TIFFANY MERCER  
2112 E FREMONT DR  
TEMPE, AZ 85282-7430

Case#: CE217002  
Site Address: 2112 E FREMONT DR. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 12/18/2021**

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.

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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT, SIDES, AND BACK YARD OF THE PROPERTY. THIS INCLUDES THE WOOD, METAL ITEMS, BUILDING MATERIALS, PILES OF ITEMS, ANY HOUSEHOLD ITEMS, RUGS, CLOTHING, CONTAINERS, AND ANY OTHER MISCELLANEOUS ITEMS. THE OUTSIDE OF THE PROPERTY MUST NOT BE USED TO STORE ITEMS.

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**

12/30/2021

MERCER DIANE C  
OR TIFFANY MERCER  
2112 E FREMONT DR  
TEMPE, AZ 85282-7430

Case#: CE217002  
Site Address: 2112 E FREMONT DR. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 01/29/2022**

This is a notice to inform you that this site was inspected on 12/28/2021 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.

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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

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).

**IF THE PROPERTY IS STILL IN VIOLATION ON OR AFTER  
1/30/2022, A CITATION MAY BE ISSUED.**

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1702443</b>		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material	
Driver's License No.				DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D				Incident Report Number <b>CE217002</b>		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													Juvenile
Defendant Name (First, Middle, Last) <b>Diane C. Mercer</b>													
Residence Address, City, State, Zip Code <b>2112 E Fremont DR, Tempe, AZ 85282</b>										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 <b>02</b>	Day <b>07</b>	Year <b>2022</b>	Time <b>1029</b>	<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 <b>2112 E. Fremont DR.</b>						<input checked="" type="checkbox"/> Tempe <b>85282</b>		Area		Dist.		

The Defendant Committed the Following:

<b>A</b>	Section: <b>TCC 21-3A</b>	ARS CC	Violation: <b>21-3-B-1</b>	Junk, trash, debris		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:		<input checked="" type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
MVD									
<b>B</b>	Section:	ARS CC	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									
<b>C</b>	Section:	ARS CC	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									
<b>D</b>	Section:	ARS CC	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									
<b>E</b>	Section:	ARS CC	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: <b>02/25/2022</b>	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.	
<b>x Mailed</b>	Complainant: <b>Pulse Orgz</b> PSN: <b>8022</b>	

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 \_\_\_\_\_

**1st citation \$200.00**

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