

CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/21/2022

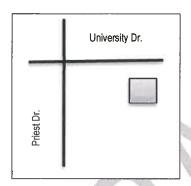
Agenda Item: 2

<u>ACTION</u>: Request approval to abate public nuisance items at the Williams Property located at 1045 W. 9th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1425 for abatement request: remove trash and debris from exterior areas of the property.

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 WILLIAMS 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 CE217221: remove trash and debris from exterior areas of the property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Scott Williams
City of Tempe – Code Compliance
R1-6, Single Family Residential
Michelle Van Etten

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Interim Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector Reviewed by: Drew Yocom, Interim Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Williams Property located at 1045 W. 9th Street, in the R1-6, Single Family Residential district. This case was initiated 12/01/2021, 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.

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 NAME	Scott Williams Abatement		PROJECT	INFORMAT	ION – REQUIRED	EXISTING ZONING	R1-6	R1-6				
	PROJECT ADDRESS	1045 W 9th St., Tempe AZ											
PR	DJECT DESCRIPTION	Abatement of CE217221 June 21, 2022	PARCEL No(s)	124-61-138									
		PROPERTY OWNER	INFOR	RMATION – F		(EXCEPT PRELIMINARY	SITE PLAN REVIEW)						
	BUSINESS NAME				ADDRESS	1045 W 9th St							
	CONTACT NAME	Scott Williams			CITY	Tempe	STATE	AZ	ZIP	85281			
	EMAIL				PHONE 1		PHONE 2						
I he	reby authorize the	applicant below to proces	ss this	application v	with the Cit	y of Tempe.							
(or attach written stater	PROPERTY nent authorizing the applicant to	file the	R SIGNATURE application(s)				DATE					
				APPLICANT		TION – REQUIRED	- · · · · · · · · · · · · · · · · · · ·						
CO	MPANY / FIRM NAME	City of Tempe / Code Enfo	rcemen	t	ADDRESS	21 E 6th St, Suite 208							
	CONTACT NAME	Michelle Van Etten / Code	Inspect	or	CITY	Tempe	STATE	AZ	ZIP				
	EMAIL	michelle_vanetten@tempe	_		PHONE 1	(480) 350-2895	PHONE 2						
I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is decincomplete it will be returned to me without review, to be resubmitted with any missing information.													
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TYPE OF BUSINESS					PHONE		EMAIL	EMAIL					
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	SPR TRACKING #						TOTAL APPLIC	TOTAL APPLICATION FEES					
	(if 2 nd or 3 nd submittal, p planning resubmittal form)						RECEIVED BY			rials)			



DATF:

May 17, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CE217221 – 1045 W 9th St. Tempe - Abatement

LOCATION: 1045 W 9th St. Tempe, AZ. 85281

PARCEL:

124-61-138

OWNER:

Scott Williams

1045 W 9th St.

Tempe, AZ. 85281

FINDINGS:

On 12/01/2021 I inspected the above property and found tall grass and weeds in the front and side gravel landscape areas and trash and debris items in the carport / driveway area. I sent an initial notice to the owner.

On 12/15/2021 I reinspected the property and found that the violations had not been corrected. I sent a final notice.

On 12/29/2021 I reinspected the property and found that the violations were not corrected. I put a pink placard on the door of the residence requesting compliance or contact by 01/04/2022 in order for a citation to be avoided.

On 01/04/2022 I reinspected the property and found that the violations had not been corrected. I was not contacted by the owner. I issued a citation for the violations.

On 02/23/2022 I reinspected the property and found that the grass and weeds had been removed, but the trash and debris items in the carport / driveway area remained. Cabinets were installed in the carport, and it appeared some of the items had been removed or stored properly. I monitored the property.

On 04/14/2022 I reinspected the property and found that there were still multiple trash and debris items in the carport / driveway area. I issued a second citation.

On 05/17/2022 I issued a notice of intent to abate on the property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1045 W 9th St. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 The owner, Mr. Williams, was given ample time to come into compliance and maintain the property. Two citations have been issued, and although Mr. Williams has paid them, the violations have not been corrected. There is no indication that the property will be brought into compliance in the near future. 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

NAME

DATE:

Submit

17/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:05/17/2022 CASE # CE217221

SCOTT WILLIAMS 1045 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: 1045 W 9th St., Tempe AZ 85281

PARCEL: 124-61-138

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 06/21/2022. 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.

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 FROM THE CARPORT, DRIVEWAY, AND ALL YARD AREAS OF THE RESIDENCE. (INCLUDING, BUT NOT LIMITED TO TOOLS, STORAGE TUBS, BOXES, MISC. HOUSEHOLD ITEMS, BOTTLES, CANS, AND VARIOUS OTHER ITEMS.)

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 \$1425.00. 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



May 11, 2022

City of Tempe Attn: Michelle Van Etten Code Compliance Inspector

RE: Clean-Up at 1045 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 1045 W. 9th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

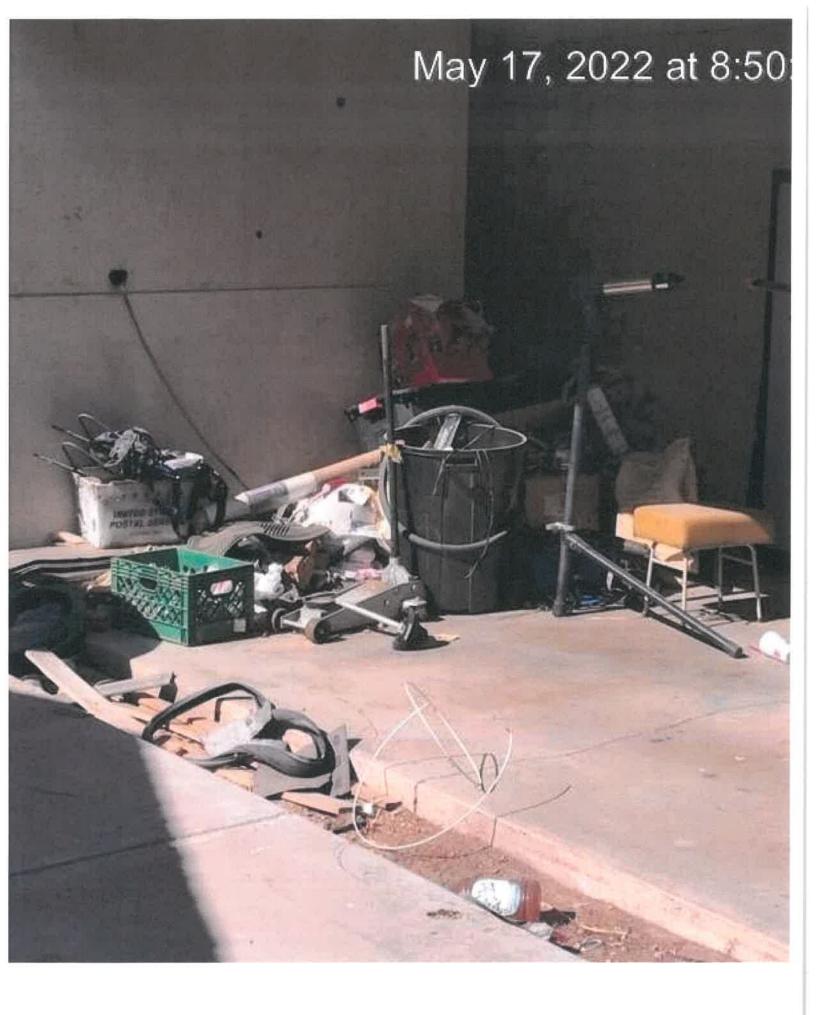
Scope of Work

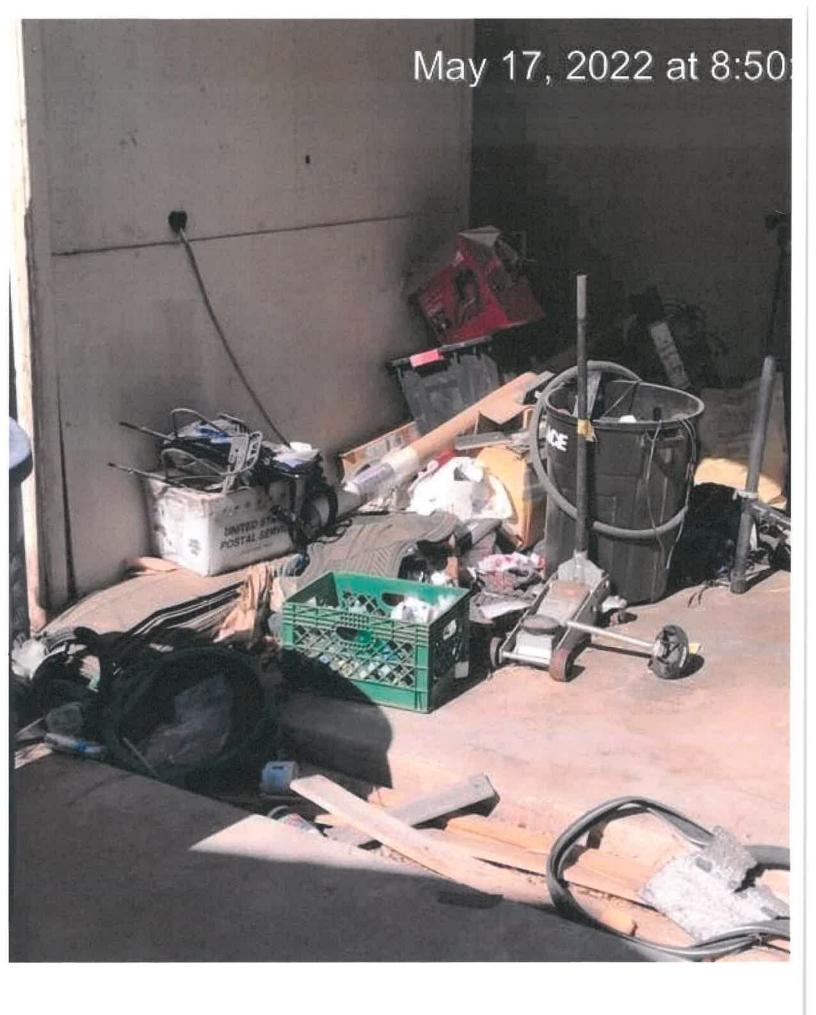
- Removal of trash and debris in the front yard, carport area
- Haul away and dispose of removed items
- Police presence for the duration of the visit

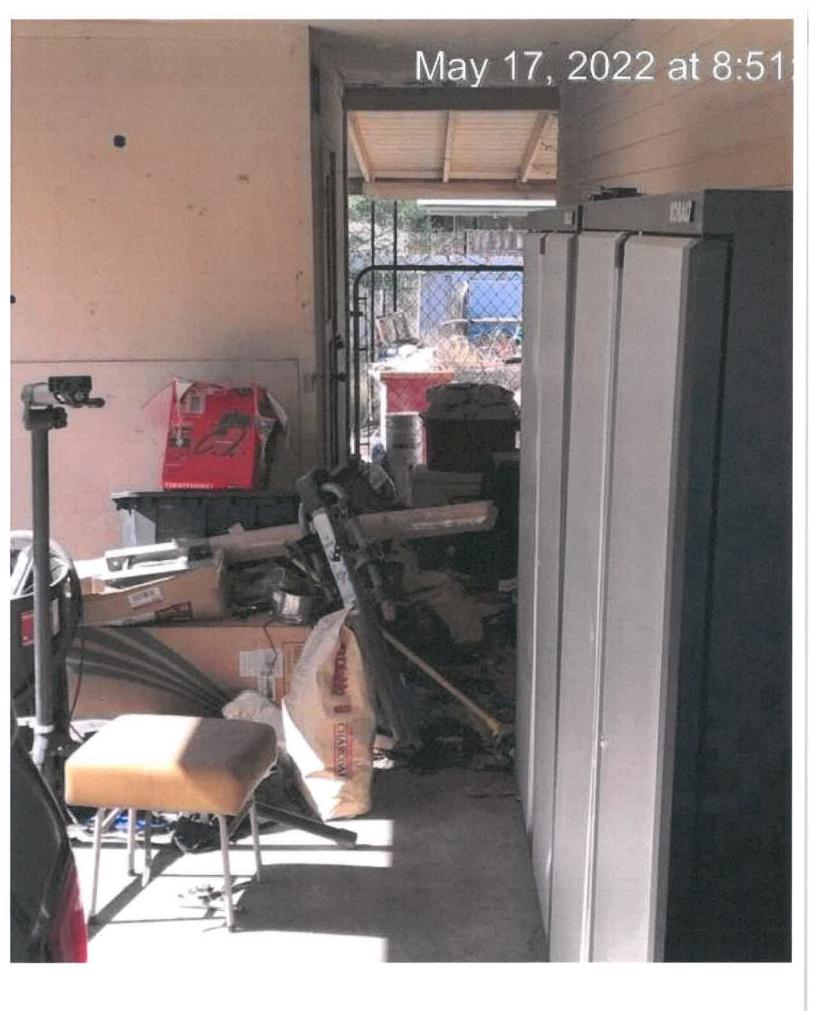
Total = \$1,425.00

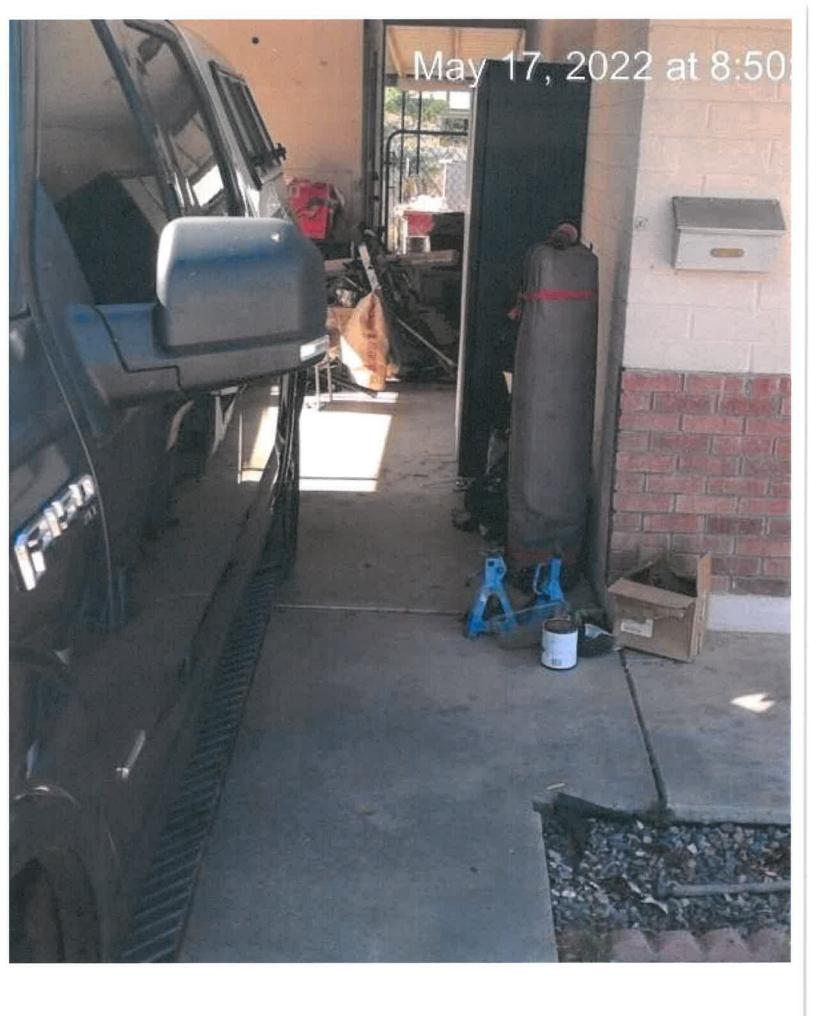
Respectfully,

Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

12/01/2021

WILLIAMS SCOTT 1045 W 9TH ST TEMPE, AZ 85281-5302

Case #: CE217221

Site Address: 1045 W 9TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 12/01/2021 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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE T	THE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS FROM THE CARPORT AREA. (TRASH ITEMS, CANS, PAINT CANS OR SIMILAR, BOXES, TUBS, CRATES, ETAL)	12/15/2021
CC 21-3.b.8	PLEASE REMOVE THE GRASS AND WEEDS FROM THE GRAVEL LANDSCAPE AREAS. GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF ALL GRASS AND WEEDS.	12/15/2021

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

12/15/2021

WILLIAMS SCOTT 1045 W 9TH ST TEMPE, AZ 85281-5302

Case #: CE217221

Site Address: 1045 W 9TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 12/15/2021 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 reenclosed by the walls, doors or windows of any building								
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches							
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER						
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS FROM THE CARPORT AREA. (TRASH ITEMS, CANS, PAINT CANS OR SIMILAR, BOXES, TUBS, CRATES, ETAL)	12/29/2021						

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED

LANDSCAPE AREAS. GRAVEL LANDSCAPES MUST BE MAINTAINED FREE

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

PLEASE REMOVE THE GRASS AND WEEDS FROM THE GRAVEL

OF ALL GRASS AND WEEDS.

Michelle Van Etten Code Inspector

CC 21-3.b.8

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle vanetten@tempe.gov 12/29/2021

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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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	Defendant Name (First, Middle, Last) SCOTT A WILLIAMS																
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COMPLAINT



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT

