

**CITY OF TEMPE
HEARING OFFICER**

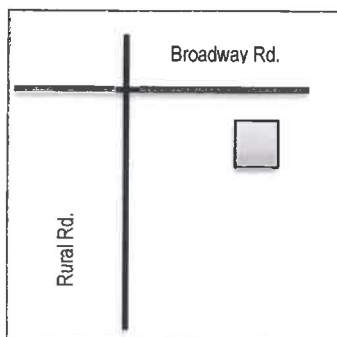
Meeting Date: 09/06/2022
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the Angel Property located at 1240 E. El Parque Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$910.00 for abatement request, remove dead fronds on palm tree in front yard.

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 ANGEL 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 CE217736: remove dead fronds on palm tree in front yard.



Property Owner: Alicia L. Angel
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential District
Code Compliance Inspector: Barbara Simons

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Compliance Administrator

Department Director: Jeff Tamulevich, Community Development Director
Prepared by: Cassidy Hernandez, Administrative Assistant
Reviewed by: Drew Yocom, Code Compliance Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Moulton Property located at 1240 E. El Parque Drive in the R1-6, Single Family Residential District. This case was initiated 12/29/21 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 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	Angel Property Abatement	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	1240 E. El Parque Drive	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE217736 Hearing Officer 09/06/2022	PARCEL No(s)	133-56-274	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME		ADDRESS	1240 E. El Parque Drive				
CONTACT NAME	Alicia L. Angel	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 / Code Compliance	ADDRESS	21 E. 6th Street STE 208				
CONTACT NAME	Barbara Simons / Code Inspector	CITY	Tempe	STATE	AZ	ZIP	85281
EMAIL	barbara_simons@tempe.gov	PHONE 1	480-350-5460	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	7/19/22
<i>Barbara Simons</i>			

BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME		ADDRESS					
CONTACT NAME		CITY		STATE		ZIP	85281
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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				
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: 07/19/22
TO: Julie Scofield, Senior Code Inspector
FROM: Barbara Simons
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE217736

LOCATION: 1240 E. El Parque Drive Tempe, AZ 85282
LEGAL: Parcel #133-56-274, as recorded with the Maricopa County Assessor
OWNER: ALICIA L. ANGEL
1240 E. EL PARQUE DRIVE
TEMPE, AZ 85282

FINDINGS:

12/29/21 - Case was opened proactively for a tree obstructing the sidewalk and excess dead palm fronds on trees in the front yard. Notice to comply was mailed to Alicia Angel on 12/29/21, with a re-inspection date of 01/24/22.

01/24/22 – The property was inspected and the sidewalk obstruction was cleared but the excess fronds remained. A 1st violation notice was sent for the excess fronds with a re-inspection date of 02/14/22.

02/15/22 – The property was inspected and the excess fronds were still present. Final notice was sent with a re-inspection date of 03/07/22.

03/16/22 – No change was observed to the property. A door notice was left at the property asking the owner to contact me regarding the excess fronds.

04/27/22 – Palm tree in the front yard still not trimmed. Measured dead fronds at over 8 feet in length and closer than 3-4 feet from the ground. No contact had been made by the owner. Citation #1702157 was issued.

07/19/22 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement Hearing. Notice was posted to the property.

RECOMMENDATIONS:

I recommend the approval of a 180-day open abatement period for removal of excess fronds from 1240 E. El Parque Drive, which is owned by Alicia L. Angel. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action.

Respectfully submitted,
Barbara Simons

ACTION TAKEN: Submitted

NAME: Julie Scofield

DATE: 7/19/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/19/2022
CASE #: CE217736

ANGEL ALICIA
1240 E EL PARQUE DR
TEMPE , AZ 85282-2512

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

LOCATION: 1240 E EL PARQUE DR TEMPE, AZ 85282
PARCEL: 133-56-274

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers [09/06/2022](#). 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 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

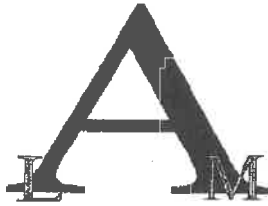
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

CC 21-3.b.8 Please trim/remove the dead, low hanging palm fronds, from palm tree(s) located on 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 **\$910.00**. 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.

Code Inspector: Barbara Simons
Phone Number: 480-350-5460
E-mail: Barbara_Simons@tempe.gov



Artistic Land Management, Inc.

June 20, 2022

City of Tempe
Attn: Barbara Simons
Code Compliance Inspector

RE: Clean-Up at 1240 E. El Parque.

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 1240 E. El Parque, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove dead palm fronds from tree in the front yard
- Police presence for the duration of the visit

Total = \$910.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

12/29/2021

ANGEL ALICIA
1240 E EL PARQUE DR
TEMPE, AZ 85282-2512

Case #: CE217736
Site Address: 1240 E EL PARQUE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/29/2021 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.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street
CC 21-3.b.8	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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.7	Please trim the tree obstructing the sidewalk.	01/24/2022
CC 21-3.b.8	Please trim/remove the dead, low hanging palm fronds, from palm tree(s) located on the property.	

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

Barbara Simons
Code Inspector

Direct: 480-350-5460
Code Compliance: 480-350-4311
Email:Barbara_Simons@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

01/25/2022

ANGEL ALICIA
1240 E EL PARQUE DR
TEMPE, AZ 85282-2512

Case #: CE217736
Site Address: 1240 E EL PARQUE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/24/2022 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.8	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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please trim/remove the dead, low hanging palm fronds, from palm tree(s) located on the property.	02/14/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Barbara Simons
Code Inspector

Direct: 480-350-5460
Code Compliance: 480-350-4311
Email: Barbara_Simons@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

02/15/2022

ANGEL ALICIA
1240 E EL PARQUE DR
TEMPE, AZ 85282-2512

Case #: CE217736
Site Address: 1240 E EL PARQUE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/15/2022 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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ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please trim/remove the dead, low hanging palm fronds, from palm tree(s) located on the property.	03/07/2022
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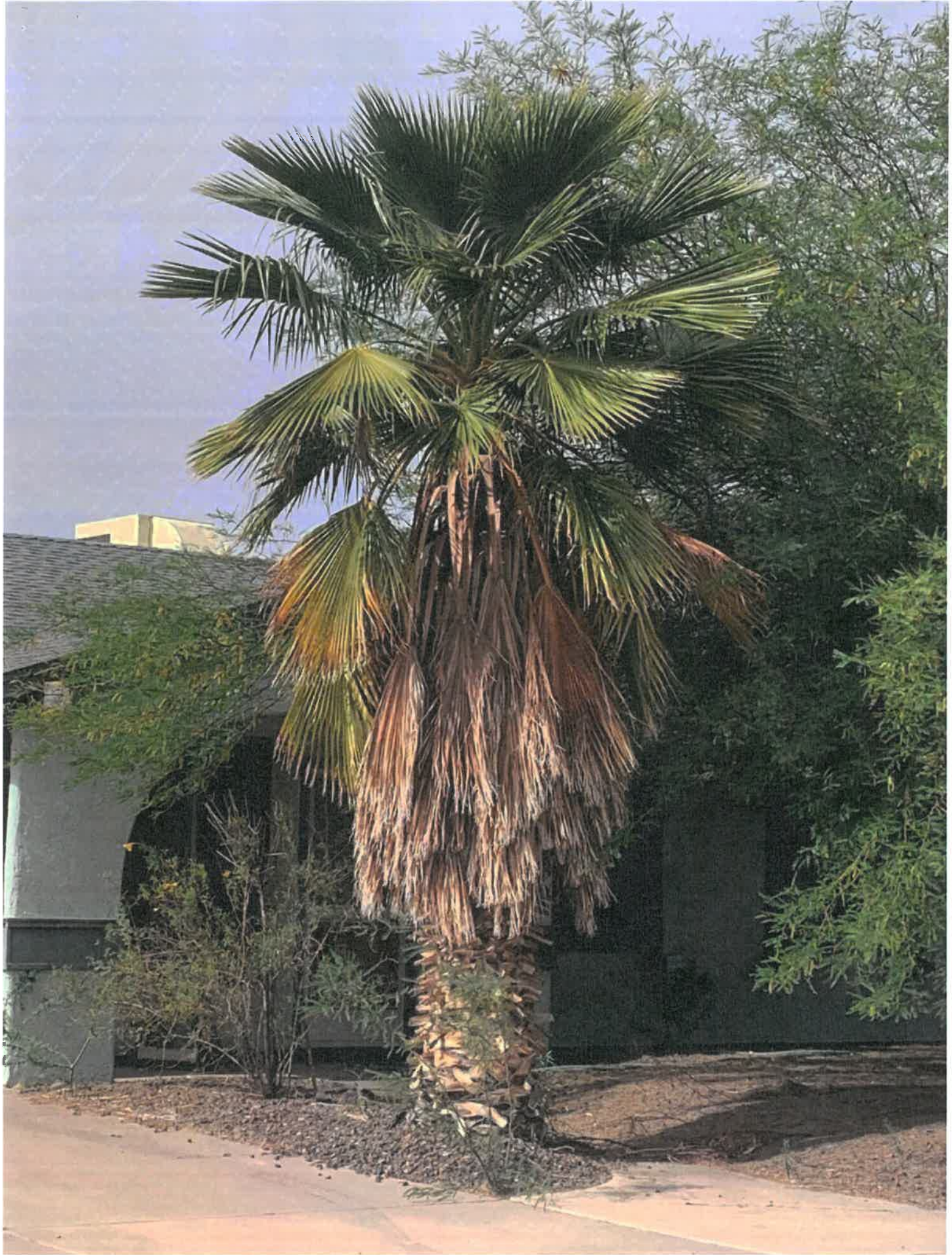
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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702157		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.				<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D					Incident Report Number CE217730	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant Name (First, Middle, Last) ALICIA L. ANGEL		Juvenile											
Residence Address, City, State, Zip Code 1240 E. EL PARQUE DR. TEMPE AZ 85282										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 04	Day 27	Year 2022	Time 2:45	<input type="checkbox"/> AM <input checked="" 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 1240 E. EL PARQUE DR.							<input checked="" type="checkbox"/> Tempe	85282		State of Arizona	Area	Dist.
The Defendant Committed the Following:													
A	Section: TC 21-3 A			ARS Violation: CC 21.3.018 DETERIORATED LANDSCAPE			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:					
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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		
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	Docket Number			Disp. Code:		Date of Disposition:		Sanction:					
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: 5/11/2022		Time: Between 9AM & 4PM					
				<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM					
	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 & POSTED TO PROPERTY						D SIMON				804Z			
						COMPLIANCE				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 _____													
1ST VIOLATION - \$200 FINE													
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.



1702157