

**CITY OF TEMPE  
HEARING OFFICER**

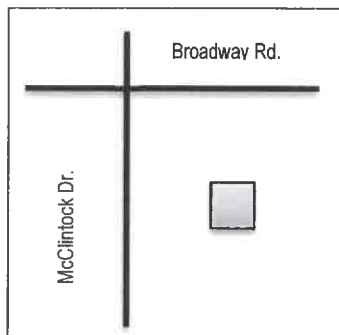
**Meeting Date: 09/06/2022  
Agenda Item: 3**

**ACTION:** Request approval to abate public nuisance items at the Moulton Property located at 1944 E. Meadow Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$911.00 for abatement request, front yard landscape cleanup.

**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 MOULTON 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 CE220751: front yard landscape cleanup.



Property Owner: Timothy L. & Tanya D. Moulton  
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 1944 E. Meadow Drive in the R1-6, Single Family Residential District. This case was initiated 02/02/22 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 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	Moulton Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1944 E. Meadow Drive	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE220751 Hearing Officer 09/06/2022	PARCEL No(s)	133-34-086 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	1944 E. Meadow Drive
CONTACT NAME	Timothy L. & Tanya D. Moulton	CITY	Tempe
EMAIL		STATE	AZ
		ZIP	85282
		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
EMAIL	barbara_simons@tempe.gov	STATE	AZ
		ZIP	85281
		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 <i>Barbara Simons</i>	DATE	9/19/22
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		STATE	AZ
		ZIP	85281
		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. 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:** 07/19/22  
**TO:** Julie Scofield, Senior Code Inspector  
**FROM:** Barbara Simons  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE220751

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**LOCATION:** 1944 E. Meadow Drive Tempe, AZ 85282  
**LEGAL:** Parcel #133-34-086, as recorded with the Maricopa County Assessor  
**OWNER:** TIMOTHY L. AND TANYA D. MOULTON  
1944 E. MEADOW DRIVE  
TEMPE, AZ 85282

**FINDINGS:**

02/02/22 - Case was opened proactively for over-height grass and weeds in the front yard. Notice to comply was mailed to Timothy and Tanya Moulton on 02/02/22, with a re-inspection date of 02/21/22.

03/09/22 – The property was inspected and the condition was unchanged. Final notice was sent with a re-inspection date of 03/28/22.

04/05/22 – The property was inspected and grass areas were still over-height but now dead. A door notice was left at the property asking the owner to contact me regarding the landscape violation.

04/19/22 – The property was unchanged from the previous re-inspection. No contact had been made by the owner. A voice mail message was left for the owner asking them to contact me regarding the violation by April 25<sup>th</sup> or a citation would be issued.

04/27/22 – The property was inspected with no change to its condition. Citation #1702156 was issued to Timothy L. Moulton.

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 landscape cleanup at 1944 E. Meadow Drive, which is owned by Timothy L. and Tanya D. Moulton. The owners have been given ample time and opportunities to bring this property into compliance and have 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 #: CE220751

**MOULTON TIMOTHY L/TANYA D**  
**1944 E MEADOW DR**  
**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:** 1944 E MEADOW DR TEMPE, AZ 85282  
**PARCEL:** 133-34-086

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**                      Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**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.**

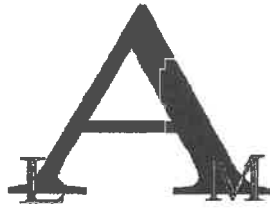
**CC 21-3.b.8**                      **Please remove all grass and/or weeds in the front yard landscape areas.**

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 **\$911.00**. 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: Barbara Simons**  
**Phone Number: 480-350-5460**  
**E-mail: [Barbara\\_Simons@tempe.gov](mailto:Barbara_Simons@tempe.gov)**



Artistic Land Management, Inc.

July 16, 2022

City of Tempe  
Attn: Barbara Simons  
Code Inspector

RE: Clean-Up at 1944 E. Meadow 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 at 1944 E. Meadow Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Remove grass and weeds from the front and side yards
- PD presence on-site for duration of the visit

Total = \$911.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

02/02/2022

MOULTON TIMOTHY L/TANYA D  
1944 E MEADOW DR  
TEMPE, AZ 85282

Case #: CE220751  
Site Address: 1944 E MEADOW DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/02/2022 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please trim the over-height grass and/or weeds in the front yard.	02/21/2022
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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**

**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**

03/09/2022

MOULTON TIMOTHY L/TANYA D  
1944 E MEADOW DR  
TEMPE, AZ 85282

Case #: CE220751  
Site Address: 1944 E MEADOW DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/09/2022 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please trim the over-height grass and/or weeds in the front yard.	03/28/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

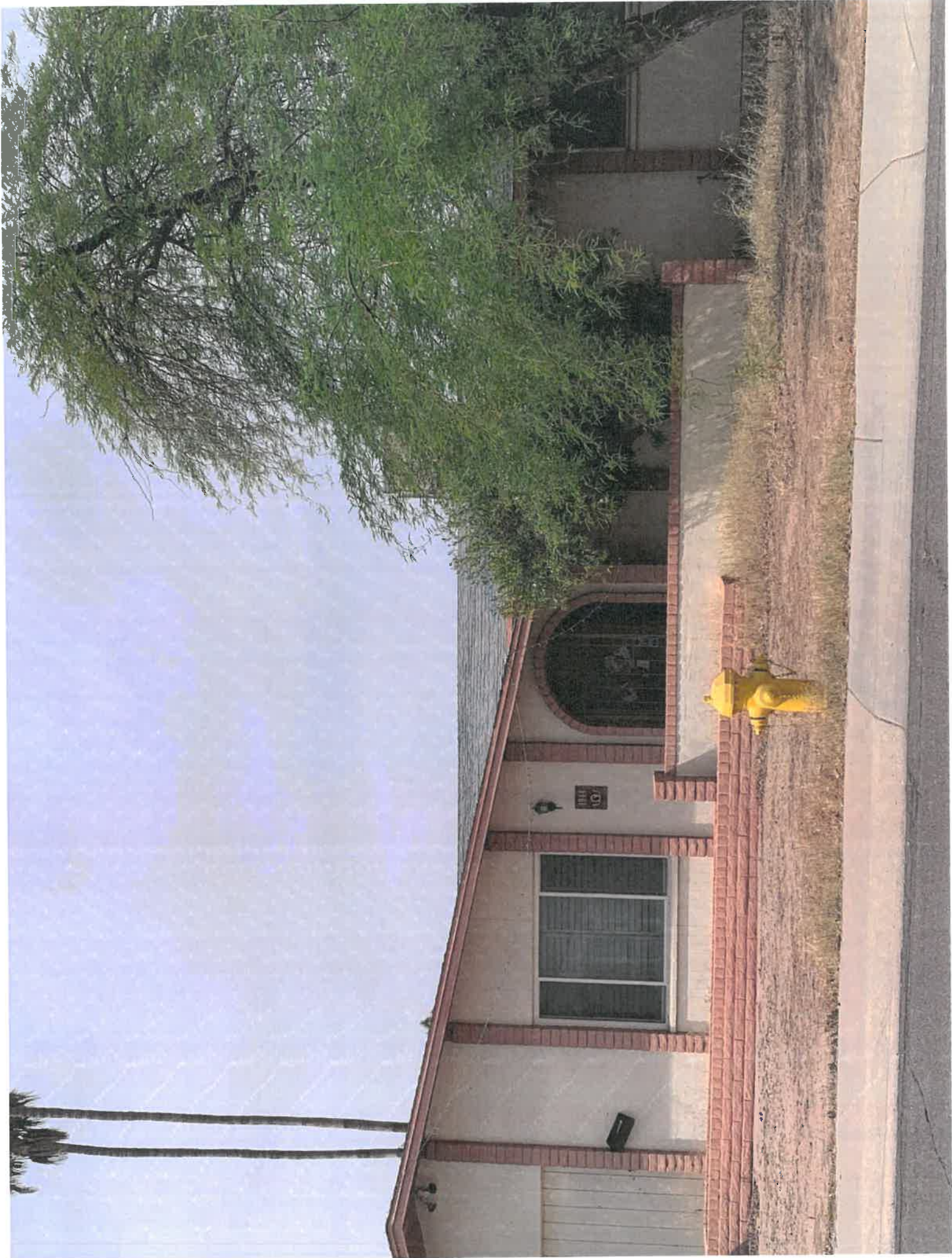
**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-4311**  
**Email:Barbara\_Simons@tempe.gov**

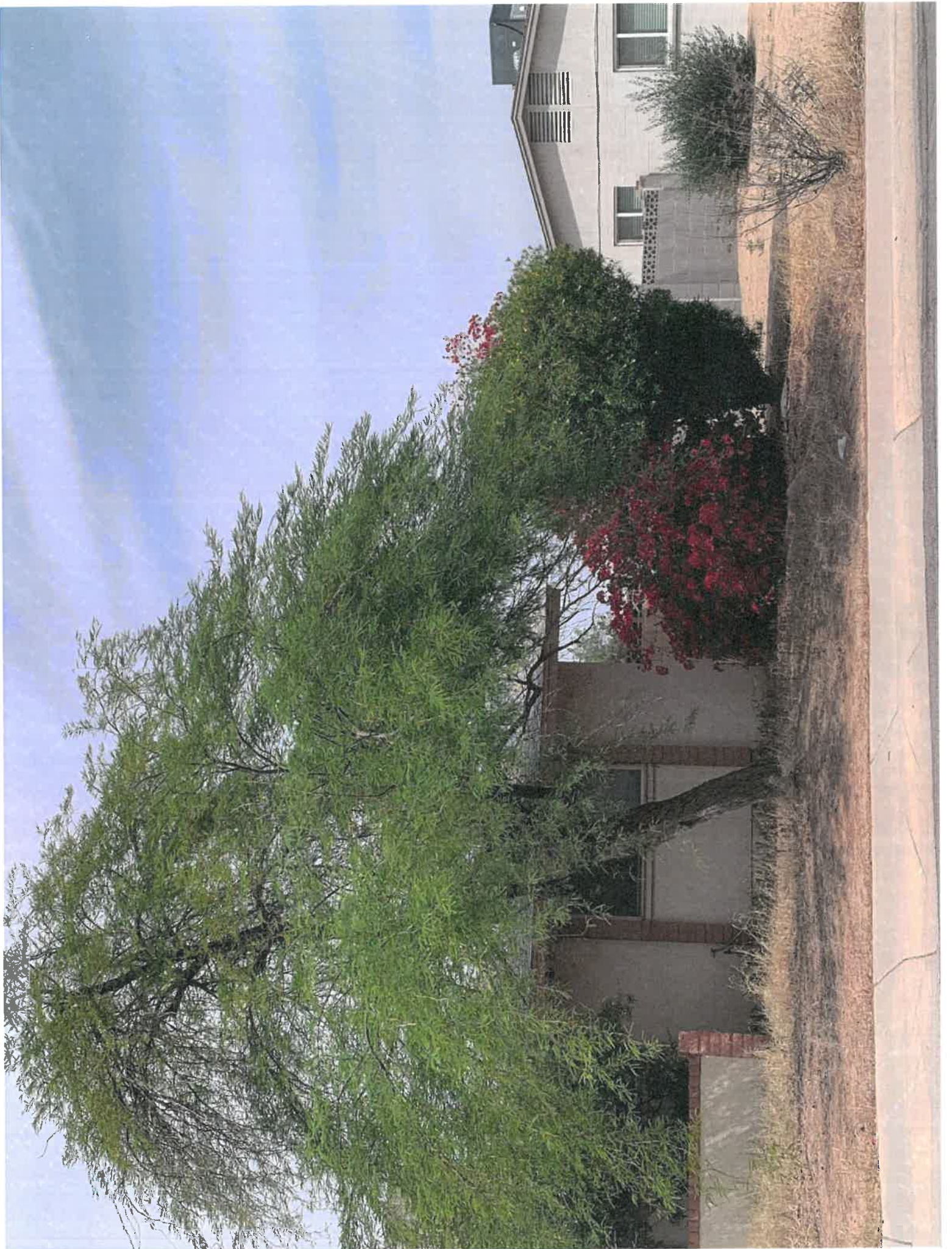
**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).  
**Civil and Criminal Penalties**

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.

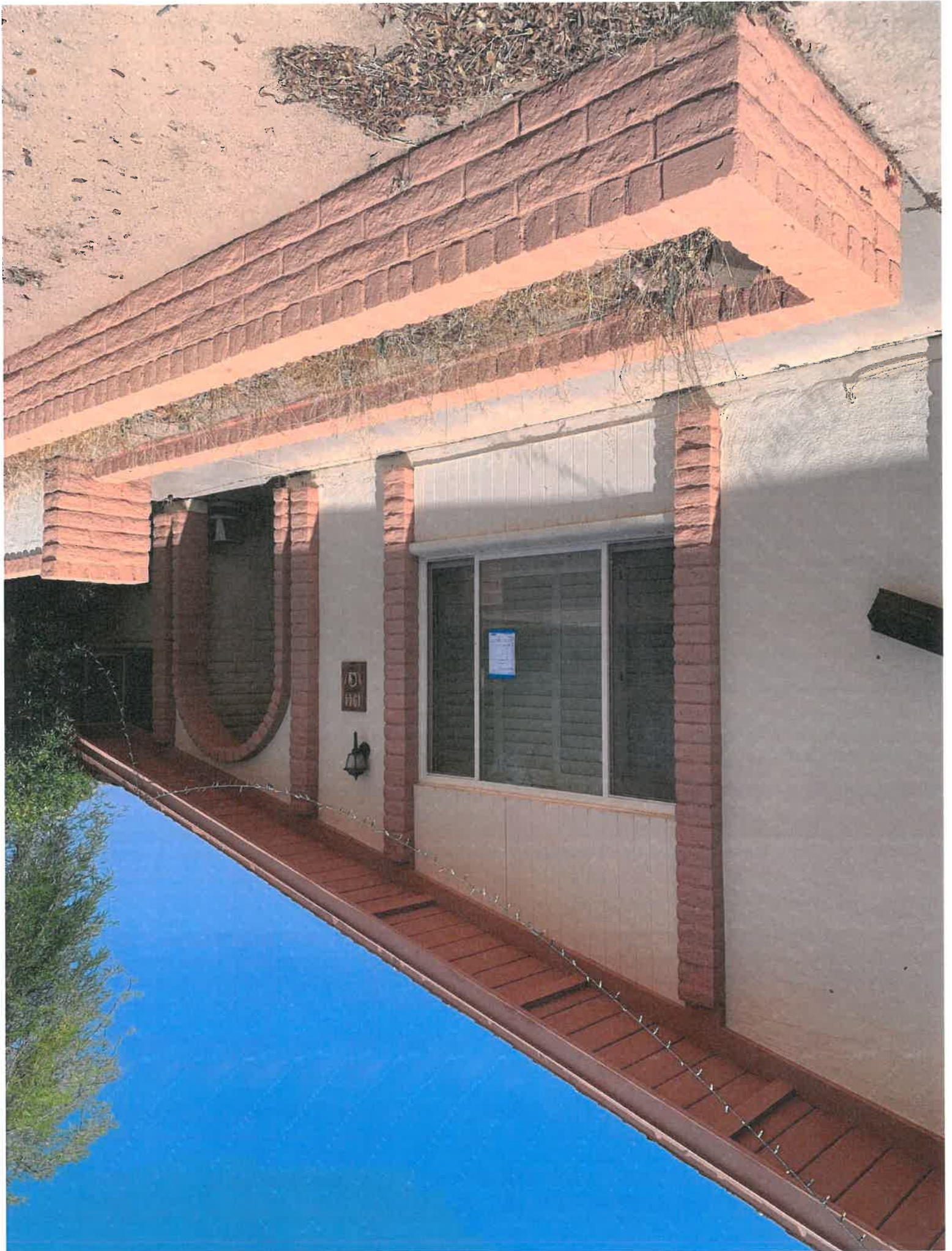




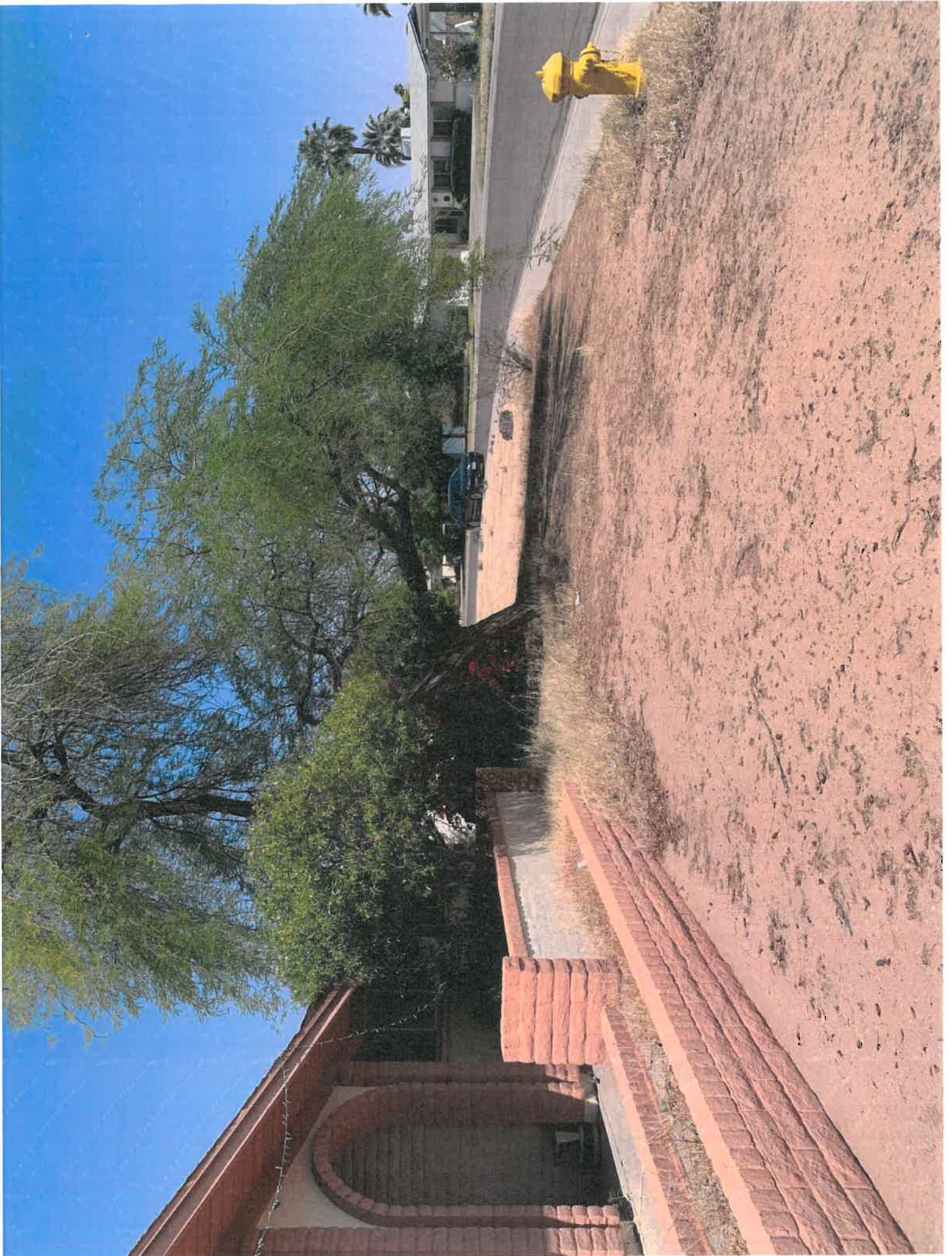














# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County,  
State of Arizona



Complaint Number <b>1702156</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
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number <b>CE220751</b>		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant Name (First, Middle, Last) <b>TIMOTHY L. MOULTON</b>							Juvenile
Residence address, City, State, Zip Code <b>1944 E MEADOW DR, TEMPE AZ 85282</b>							Telephone: (cell phone) <input type="checkbox"/>
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code							Business Phone No.
Vehicle Color				Year	Make	Model	Style
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month <b>04</b>	Day <b>27</b>	Year <b>2022</b>	Time <b>2:30</b>	<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 <b>1944 E MEADOW DR.</b>						<input checked="" type="checkbox"/> Tempe	City of Arizona		Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>TC 21-3 A</b>	ARS Violation: <b>CC 21-3, b.8 DETERIORATED LANDSCAPE</b>	<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 Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD					
<b>C</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD					
<b>D</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD					
<b>E</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code <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>5/11/2022</b>	Time: <b>Between 9AM &amp; 4PM</b>
	<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

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 &amp; POSTED TO PROPERTY</b>	<b>AS SIGNED</b>	<b>8042</b>
	<b>COMPLIANCE</b>	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 - \$2000 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.

