

CITY OF TEMPE HEARING OFFICER

Meeting Date: 10/19/2022

Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Wright Property located at 2124 S. Mill Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$5,890 for abatement request: landscape cleanup to include grass & weeds removal and trimming/removing dead palm fronds.

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 WRIGHT 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 CE222239: landscape cleanup to include grass & weeds removal and trimming/removing dead palm fronds.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Timothy R. Wright
City of Tempe – Code Compliance
R1-6, Single Family Residential
Hector Heredia

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, 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, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Wright Property located at 2124 S. Mill Avenue, in the R1-6 Single Family Residential district. This case was initiated 04/07/2022, 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 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

	1	PROJECT NAME	TIMOTHY R WR	IGHT	PROPER'	TY ABA	TEMENT	EXISTING ZONING		R1-6				
	PRO	JECT ADDRESS	2124 S MILL A	/E TE	MPE AZ 8	5282	SUITE(S)							
PR)JEC	T DESCRIPTION	1					PARCEL No(s)	-					
			HEARING OFFICE	ER : 10	0.19.22 / 0	E22223	9		1	33.20).075			
			NEODERTY OWNER WEST		N DECUID	D /EVAE	NE DOEL HANDADY OFFE BY AN			_				
	В	USINESS NAME		MATIO	N – REQUIRE	ADDRESS	T PRELIMINARY SITE PLAN	I REVIEW & SIGN	YPE K)					
-	0	CONTACT NAME				CITY		STATE	T	ZIP				
		EMAIL				PHONE 1		PHONE 2	-					
I he	reby	authorize th	e applicant below to proce	ss this	application v	with the C	tv of Tempe.							
			PROPERT	Y OWNE	R SIGNATURE		,		DATE	<u>·</u>				
	r atta	ch written state	ment authorizing the applicant t	o file the	application(s)	INFORMA	TION - REQUIRED							
CO	MPAN	Y / FIRM NAME	City of Tempe Cod			ADDRESS	21 E 6TH ST STE 2	208						
	С	ONTACT NAME			.	СПҮ	TEMPE	STATE	AZ	ZIP	85281			
		EMAIL				PHONE 1	480.350,5462	PHONE 2			00201			
/ he	reby	attest that ti			_	ocuments	are complete. I acknowledg	e that if the applica	ation is d	eemed	to be			
inco	mpl	ete it will be	returned to me without rev	iew, to	<i>be resubmit</i> t T SIGNATURE	ed with an	y missing Information.							
APPLICANT SIGNATURE X														
	BI	USINESS NAME		S INFO	RMATION -	REQUIRES ADDRESS	D FOR USE PERMITS & SIGN	v DPRs						
		ONTACT NAME						OTATE		710 !				
TYPE OF BUSINESS						CITY		STATE		ZIP				
nalmentes in						PHONE		EMAIL						
		PLICATION leck all that a	pply)	QTY	SPECIFIC F	REQUEST	for types)	FOR CITY US (Planning rec		ing nu	mbers)			
	A.		SITE PLAN REVIEW					SPR	SPR					
	₿.	ADMINISTRAT	IVE APPLICATIONS					ADM						
	C.	VARIANCES						VAR						
	D,	USE PERMITS	/ USE PERMIT STANDARDS					ZUP						
	E.	ZONING CODE	AMENDMENTS					ZOA	Z	ZON				
	F.	PLANNED ARI	EA DEVELOPMENT OVERLAYS					PAD	R	REC				
	G.	SUBDIVISION	CONDOMINIUM PLATS					SBD						
	Н.	DEVELOPMEN	T PLAN REVIEW					DPR	DPR					
	I.	APPEALS												
	J.	GENERAL PLA	AN AMENDMENTS					GPA						
	K.	ZONING VERIF	ICATION LETTERS					ZVL	ZVL					
	Ł.	ABATEMENTS						CE	C	CM				
	M.	SIGN TYPE K						GO	GO SE					
	, _		L NUMBER OF APPLICATIONS	0										
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	SPR	TRACKING #						TOTAL APPLICA	TION FEE	<u> </u>				
		3rd submittal, use Planning												
		mittal Form)						RECEIVED BY	TERME OT!		TAIC)			



DATE:

08.23.2022

TO:

Julie Scofield, Senior Code Inspector

FROM:

Hector Heredia, Code Inspector

SUBJECT:

CE222239: TIMOTHY R WRIGHT PROPERTY ABATEMENT FINDINGS

LOCATION: 2124 S MILL AVE TEMPE, AZ 85281

PARCEL:

133.20.075

OWNER:

TIMOTHY R WRIGHT 2124 S MILL AVE **TEMPE. AZ 85281**

FINDINGS:

04.07.2022: The Code Compliance Division received a complaint for an overgrown palm tree including dead palm fronds on the front yard including a deteriorated landscape. These concerns were then verified, and a first notice was mailed to the property owner.

04.18.2022: Anonymous complaints were received regarding the deteriorated state of the overgrown palm tree, dead fronds, and a deteriorated landscape.

04.20.2022: Management contacted Timothy Wright about a deteriorated property and properly updating violations on the notice.

04.26.2022: At the second inspection no corrective action had taken place and a final notice was mailed to the property owner with updated violations.

05.02.2022: Management spoke to Wright about possible updates that could not be verified.

05.10.2022: Work on the pending violations began but were not completed.

05.13.2022: Management waited for Wright to update current pending work schedules that could not be verified.

05.24.2022: Management spoke to Wright once again about providing possible updates that could not be verified. No corrective actions had taken place and the pending violations were continuing to worsen over time.

06.03.2022: At the time of inspection very little to no corrective action had taken place. I was instructed to issue a second final notice, which was mailed to the property owner.

06.21.2022: A first citation was issued after the property was not brought into compliance.

06.27.2022: Additional anonymous complaints were received regarding the deteriorated state of the overgrown palm tree, dead fronds, and a deteriorated landscape.

08.04.2022: A second citation was issued after the property was not brought into compliance.

08.23.2022: The abatement packet was turned in for the October 19th, 2022, Hearing Officer.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 2124 S Mill Ave Tempe Az 85281 due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. **TIMOTHY R WRIGHT** 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 to 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,

Hector Heredia Code Inspector

ACTION TAKEN:

NAME

DATE:

8/23/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08.23.2022 CASE # CE222239

TIMOTHY R WRIGHT 2124 S MILL AVE 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: 2124 S MILL AVE TEMPE, AZ 85281

PARCEL: 133.20.075

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 10.19.2022. 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:

Violation of City of Tempe Code:

21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or 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.

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 GRASS AND WEEDS FROM THE FRONT YARD AREAS INCLUDING RIGHT OF WAY. THIS INCLUDES ALL EXCESSIVLY OVERGROWN PALM FRONDS ON TREE OF THE FRONT YARD LANDSCAPE PERMANTELY.

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 \$5,890.00. 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: Hector Heredia Phone Number: 480.350.5462

E-mail: hector heredia@tempe.gov



August 22, 2022

City of Tempe Attn: Hector Heredia Code Inspector

RE: Clean-Up at 2124 S. Mill Ave.

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 2124 S. Mill Ave, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

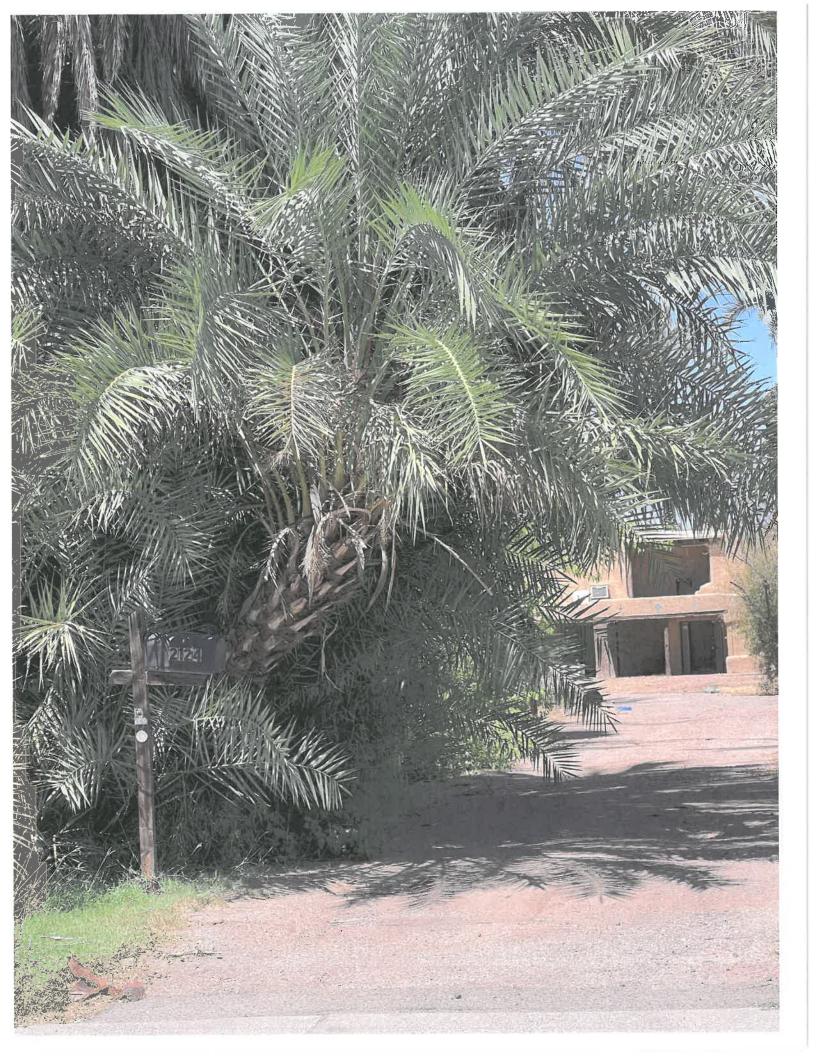
Scope of Work

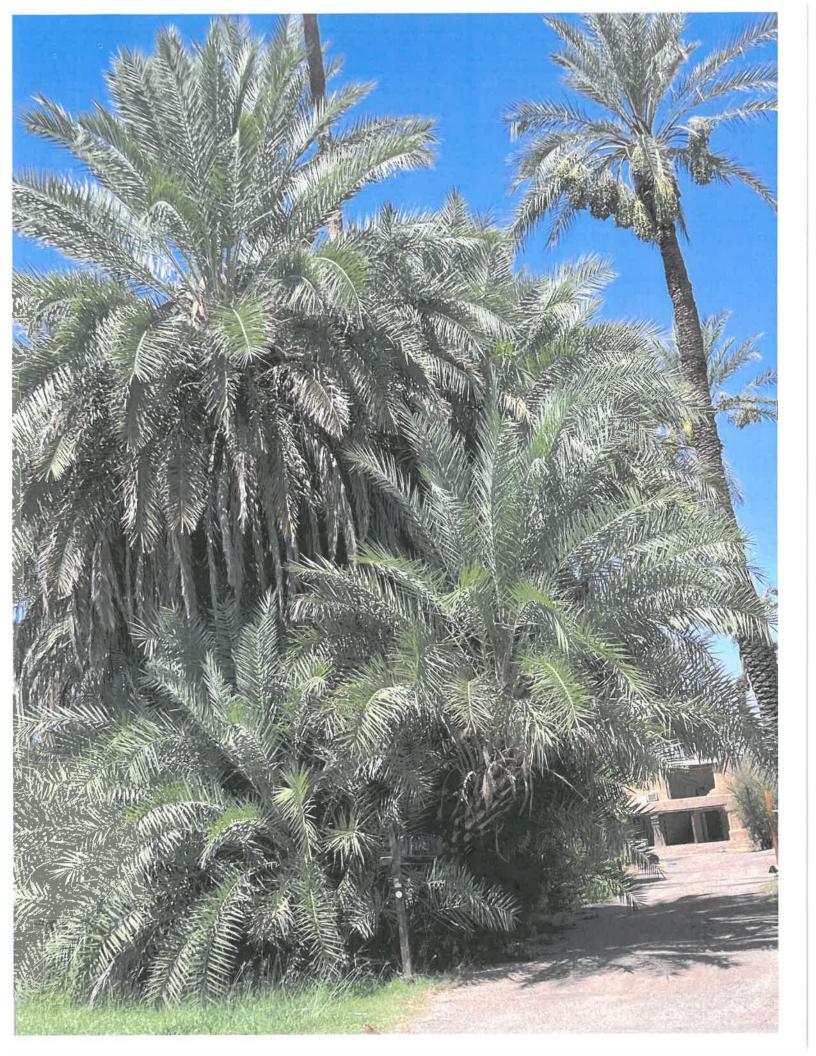
- Cut down weeds and tall grasses to ground level
- Trim large cluster of palm trees next to the mailbox
- Remove dead fronds and sidewalk obstructions
- Haul off debris
- PD presence on-site for duration of the visit

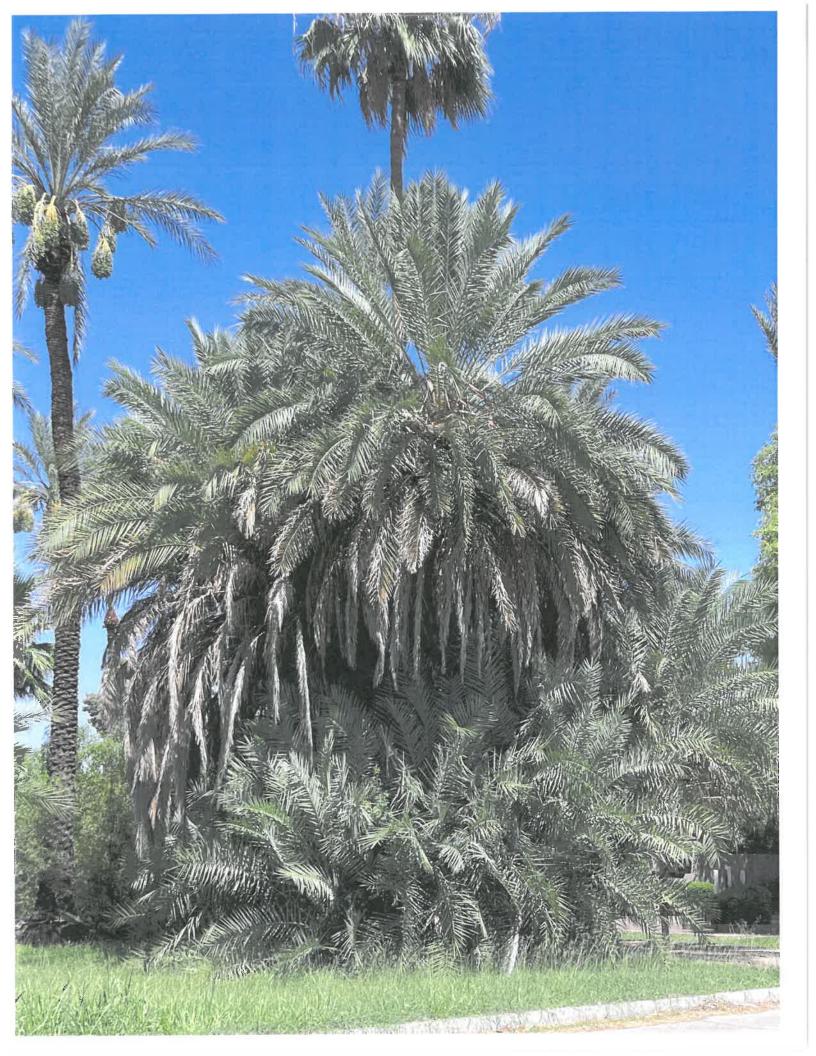
Total = \$5,890.00

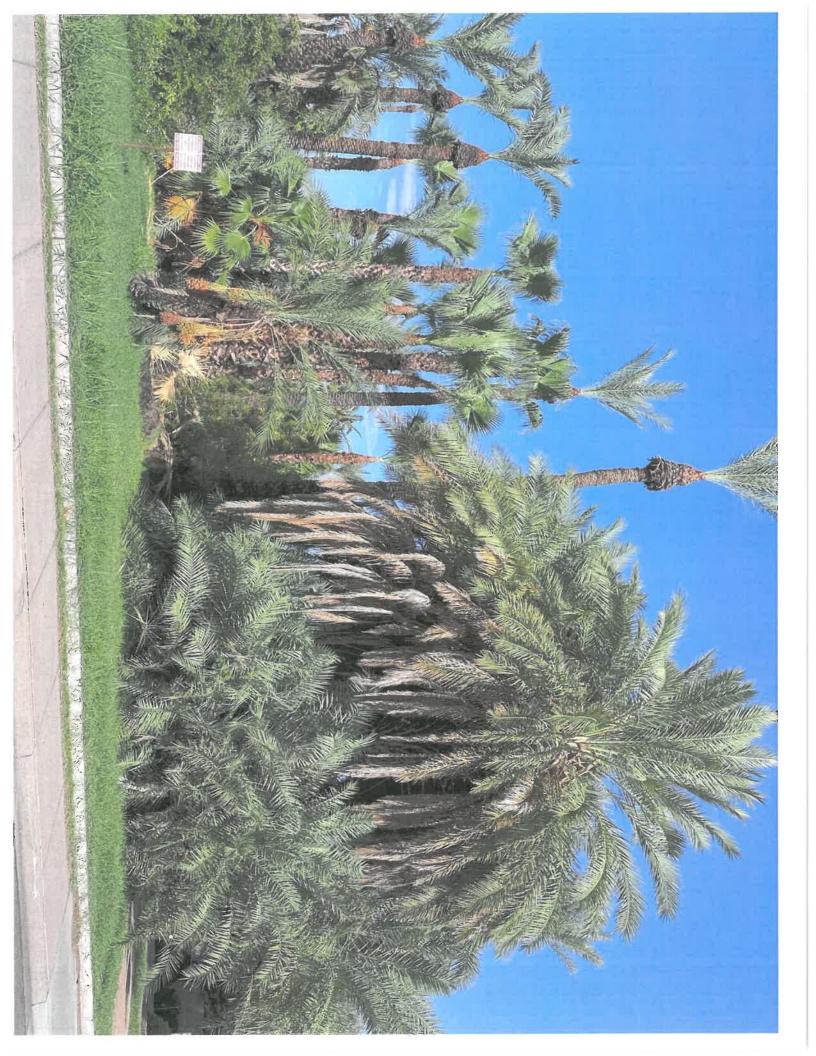
Respectfully,

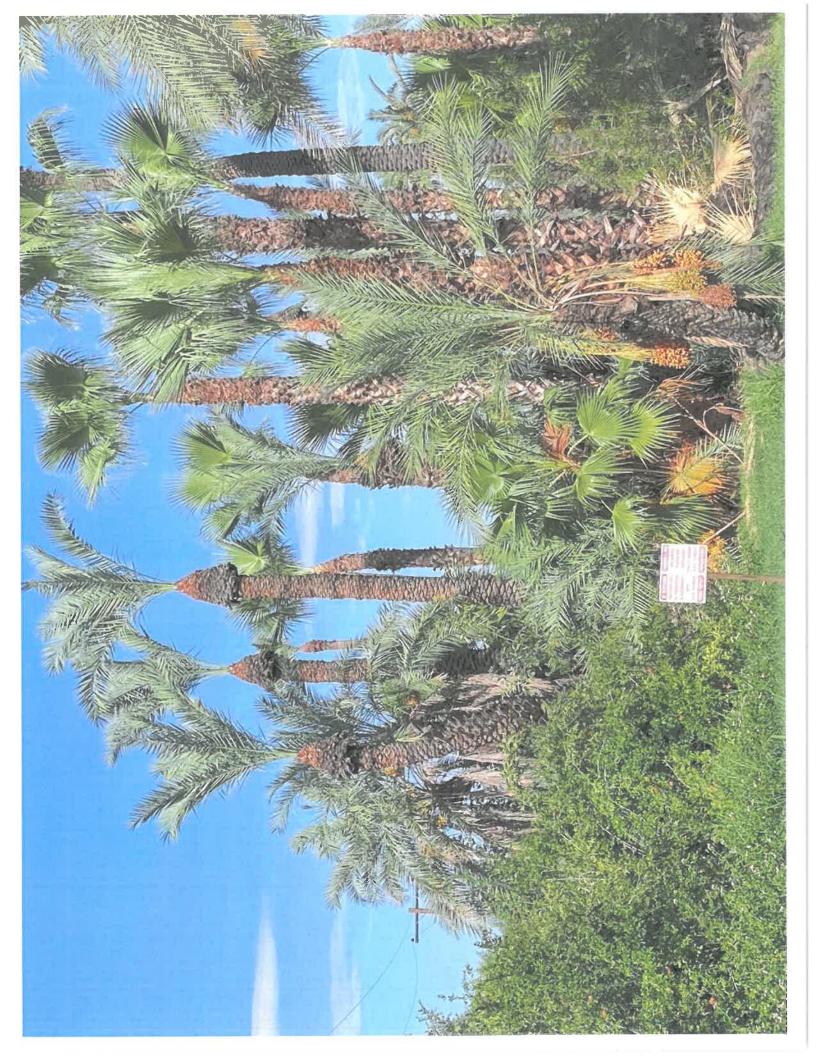
Jose Hernandez



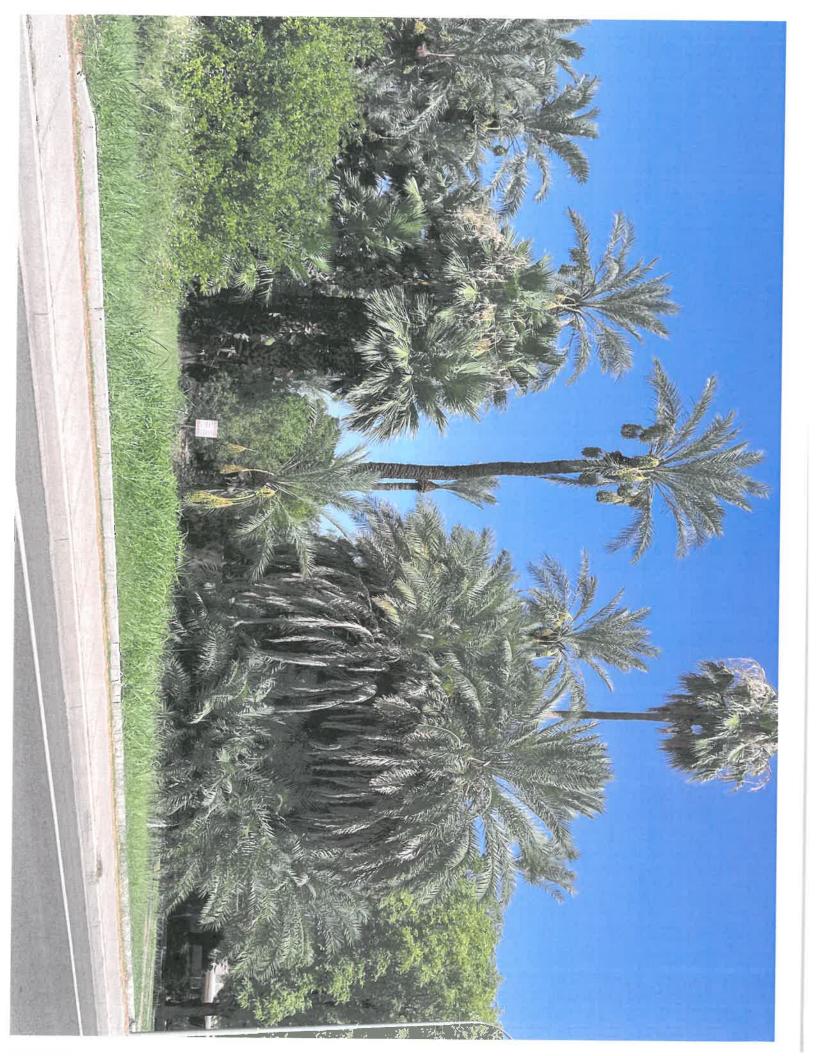


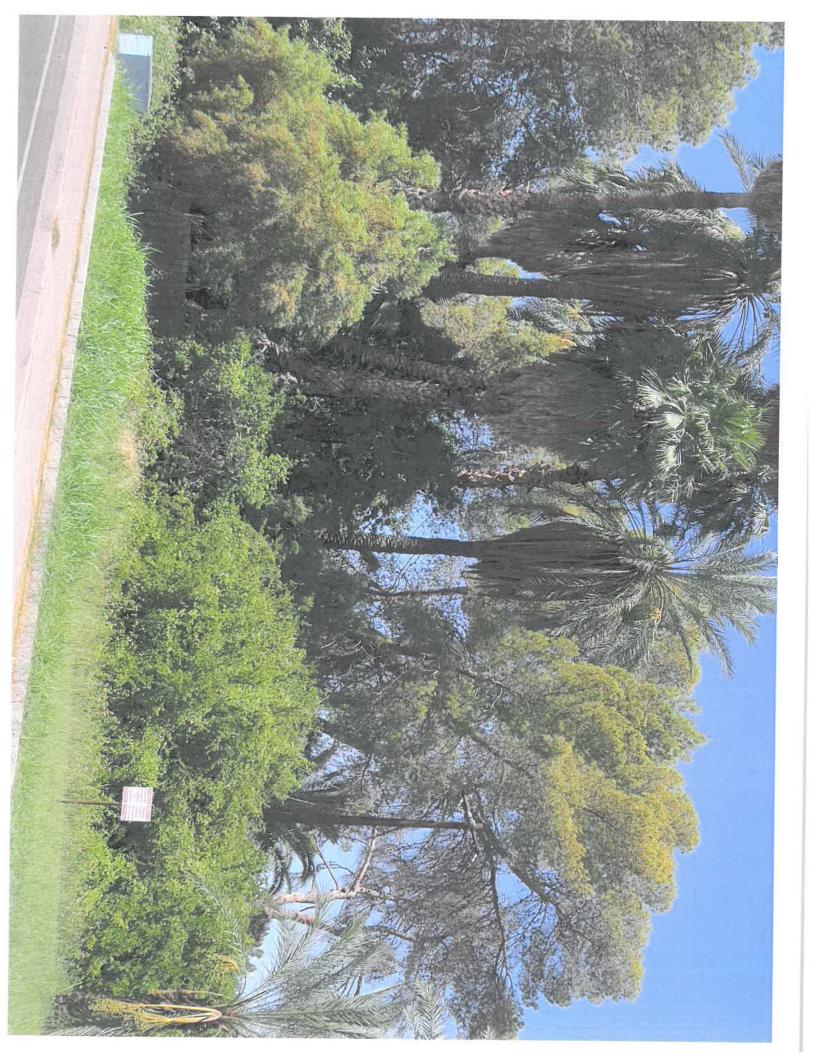














COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/07/2022

WRIGHT TIMOTHY R 741 W UNIVERSITY TEMPE, AZ 852810000

Case #: CE222239

Site Address: 2124 S MILL AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/07/2022 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
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm tree/s and their surrounding area. This includes all fronds that exceed height limits from the ground up or lowest living limb. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	4/21/2022
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls and fence lines as necessary. This includes over height through vegetation. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	4/21/2022
	This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.	

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

Hector Heredia Jr Code Inspector

Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@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

04/26/2022

WRIGHT TIMOTHY R 741 W UNIVERSITY TEMPE, AZ 852810000

Case #: CE222239

Site Address: 2124 S MILL AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/26/2022 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
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm tree/s and their surrounding area. This includes all fronds that exceed height limits from the ground up or lowest living limb. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	5/10/2022
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls and fence lines as necessary. This includes over height through vegetation. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	
CC 21-3.b.16	Please restore your pool water to a clear blue state. Please take the time to properly maintain the pool on a regular basis. Another option may be to drain the pool entirely but must always remain free of any debris. These are precaution that must be taken to eliminate a potential insect infestation or health hazard and to minimize a deteriorated state of appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	5/10/2022

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

Hector Heredia Jr Code Inspector Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@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

06/03/2022

WRIGHT TIMOTHY R 741 W UNIVERSITY TEMPE, AZ 852810000

Case #: CE222239

Section

Site Address: 2124 S MILL AVE, TEMPE, AZ 85282

Violation

This is a notice to inform you that this site was inspected on 06/03/2022 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.

	· iolation						
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PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER					
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CC 21-3.b.16	Please restore your pool water to a clear blue state. Please take the time to properly maintain the pool on a regular basis. Another option may be to drain the pool entirely but must always remain free of any debris. These are precaution that must be taken to eliminate a potential insect infestation or health hazard and to minimize a deteriorated state of appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	06/21/2022					
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Code Compliance: 480-350-4311 Email:Hector_Heredia@tempe.gov

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com	7025	19	Case	Number			Social Security Number					Military Serious Accident Fatality Physical 16 Passenger Vehicle					le H	ommercial az. Materia	
Drive	er's License N	la.					DLP St	ate	Class	M	Н	Endorsen N P	nents	Х	D	Incider	t Report No	mher	39
Inter	preter Require	d? OS	panish	D 0t	her Langi	Jage				1 101		14 1	1 1						
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Sex	Height	Weight	E	yes	Hai	7.1	Origin	Dah	of Birth		Res	trictions E	mail Ac	idress			4.1		
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V	ehicle	Color		Y	Sar	Make		N.	lodel .		Styl	P	Licer	nse Pla	te		State	Expiration	on Date
Regi	Registered owner & address, City, State, Zip Code Vehicle Identification Number																		
							The	e Unde	rsigned	Certifi	es Tha	ıt:							
On	Manth	Day	¥001	Z Time	4	AM PM	Spe	ed	Approx.	P	osted	R&P		Speed Rac	p	Laser	Device Pace		n of Travel
At	Location 2	45	N	111	Au	e						Te		528	92	Stat	e of Arizona	Area	Dist.
					7 7		The De	fendan	t Comm	itted th	e Foll	owing:					0.7112071		
	Section	C24	29		ARS	Violation	3.1	3.0	3 [)ē	Er	1015	to		Domes	stic ce Case	Crimina		ninal Traffic
Δ	Docket Num	ber			Disp. (Code	Date		e of Disposition:		Sanction		00	0		Civil Tra	Municipal C		
	MVD								-	-			ulanuarin bulat (sumalaray) er						
	Section:				ARS V	/iolation					·			Domestic Violence			Crimina	[] Crir	ninal Traffic
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COMPLAINT



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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