

**CITY OF TEMPE
HEARING OFFICER**

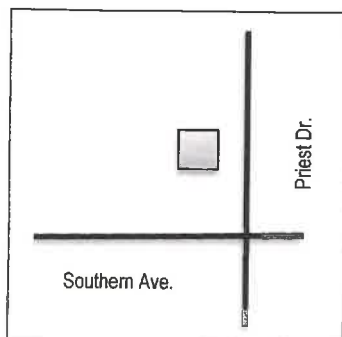
**Meeting Date: 10/19/2022
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the Davis Property located at 2923 S. Albert Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$5,311 for abatement request: landscape cleanup for entire property, remove junk, trash & debris from front, back and side yard areas.

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 DAVIS 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 CE222546 : landscape cleanup for entire property, remove junk, trash & debris from front, back and side yard areas.



Property Owner	John M. Davis
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Hector Heredia

P

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 Davis Property located at 2923 S. Albert Avenue, in the R1-6 Single Family Residential district. This case was initiated 04/21/2022, 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.

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	JOHN DAVIS PROPERTY ABATEMENT	EXISTING ZONING	R1.6	<input type="checkbox"/>
PROJECT ADDRESS	2923 S ALBERT AVE TEMPE AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	HEARING OFFICER : 10.19.2022 CE222546	PARCEL No(s)	123.57.009	<input type="checkbox"/>

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

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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 ST STE 208				
CONTACT NAME	Hector Heredia Code Inspector	CITY	TEMPE	STATE	AZ	ZIP	85281
EMAIL	hector_heredia@tempe.gov	PHONE 1	480.350.5462	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
<i>[Signature]</i>		
<i>[Date]</i>		

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

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 #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: 09.09.2022
TO: Julie Scofield, Senior Code Inspector
FROM: Hector Heredia, Code Inspector
SUBJECT: CE222546 : JOHN M DAVIS PROPERTY ABATEMENT FINDINGS

LOCATION: 2923 S ALBERT AVE TEMPE, AZ 85282

PARCEL: 123.57.009

OWNER: **DAVIS JOHN M**
2923 S ALBERT AVE
TEMPE, AZ 85282

FINDINGS:

04.21.2022: Code Compliance received anonymous complaints regarding junk / debris including a deteriorated landscape with over height on the front and back yard areas. These concerns were verified, and a first notice was mailed to the property owner.

05.09.2022: At the second inspection no corrective actions had taken place and a final notice was mailed to the property.

05.18.2022: Management received a call that Care7 and Tempe Neighbor's Helping Neighbors was now involved due to physical, mental, and financial hardships. An extension was granted for proper assessment of the owner and current conditions the property was in.

07.12.2022: Assistance and care by Care7 and Tempe Neighbor's Helping Neighbors continue to be offered to Mr. Davis.

08.05.2022: Work continues between Care7 / Tempe Neighbor's Helping Neighbors and Mr. Davis.

08.18.2022: All party's involved have stopped communication with Code Compliance. Mr. Davis has been reluctant to move forward with assistance and the necessary process to clear pending violations.

08.26.2022: After multiple failed attempts to reach City Agencies and Property Owner where no corrective actions had taken place, a final notice was mailed to the property.

09.09.2022: After failed attempts to reach the property owner, 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 **2923 S ALBERT AVE** due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.1 & 21-3.B.8. John M Davis 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 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: submitted
NAME Julia Scofield
DATE: 9/9/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09.09.2022

CASE # CE222546

**DAVIS JOHN M
2923 S ALBERT AVE
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: 2923 S ALBERT AVE TEMPE, AZ 85282

PARCEL: 123.57.009

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 Codes

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; 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

CC 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 ALL JUNK / DEBRIS FROM THE ENTIRE PROPERTY BACK / FRONT / FRONT SIDE YARD AREAS PERMANENTLY.**
- 2. REMOVE ALL OVER HEIGHT GRASS / WEEDS FROM THE ENTIRE PROPERTY AND RIGHT OF WAY AREAS PERMANENTLY.**

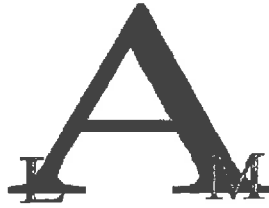
Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$5,311.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual 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



Artistic Land Management, Inc.

September 6, 2022

City of Tempe
Attn: Hector Heredia
Code Inspector

RE: Clean-Up at 2923 S. Albert Ave, Tempe, AZ 85282

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 2923 S. Albert Ave, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

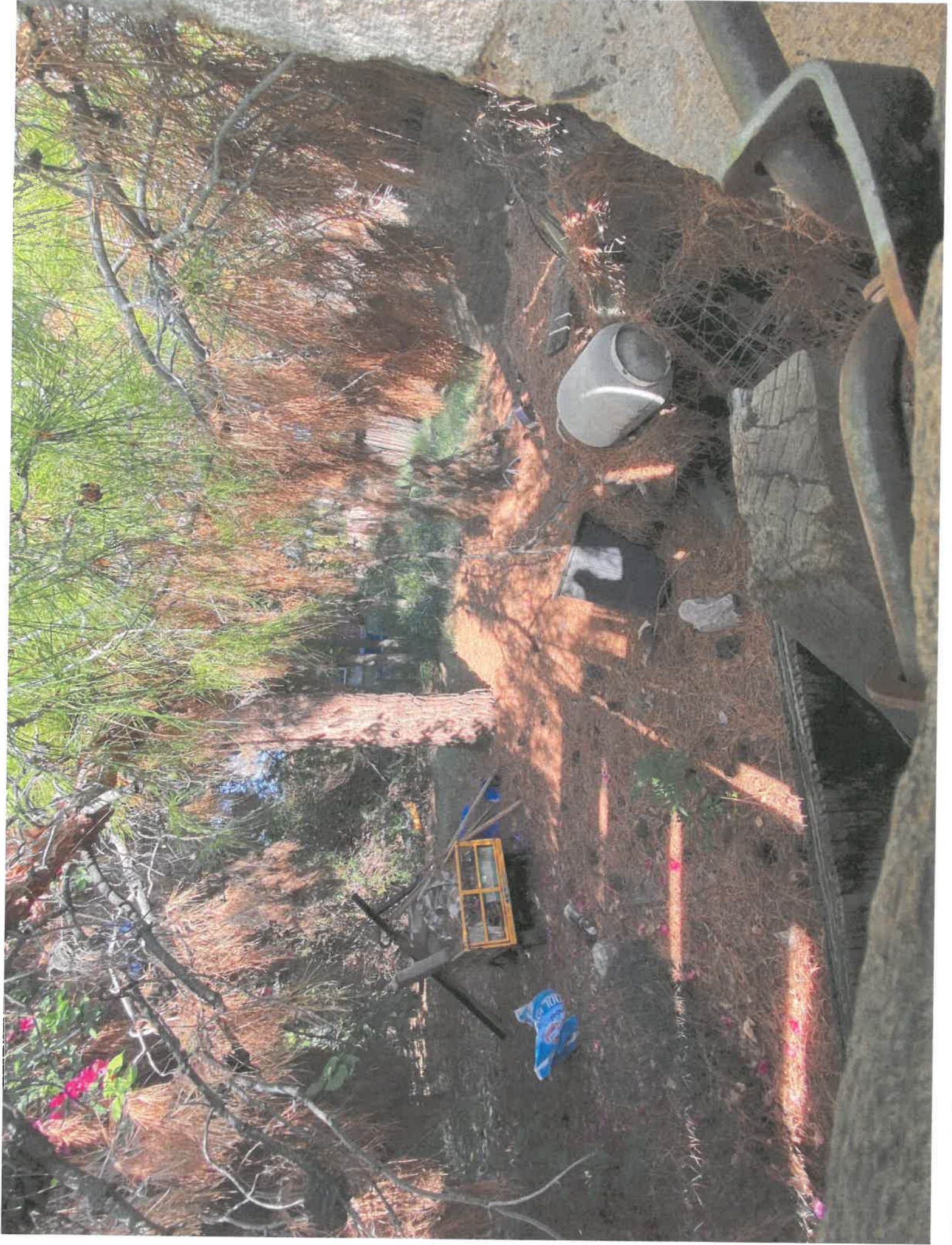
- Clean-up deteriorated and overgrown landscape throughout entire property (Front, Back, and Right of Way)
- Remove junk and debris from entire property (Front, Back, and Side yard)
- Police presence on-site for duration of the visit

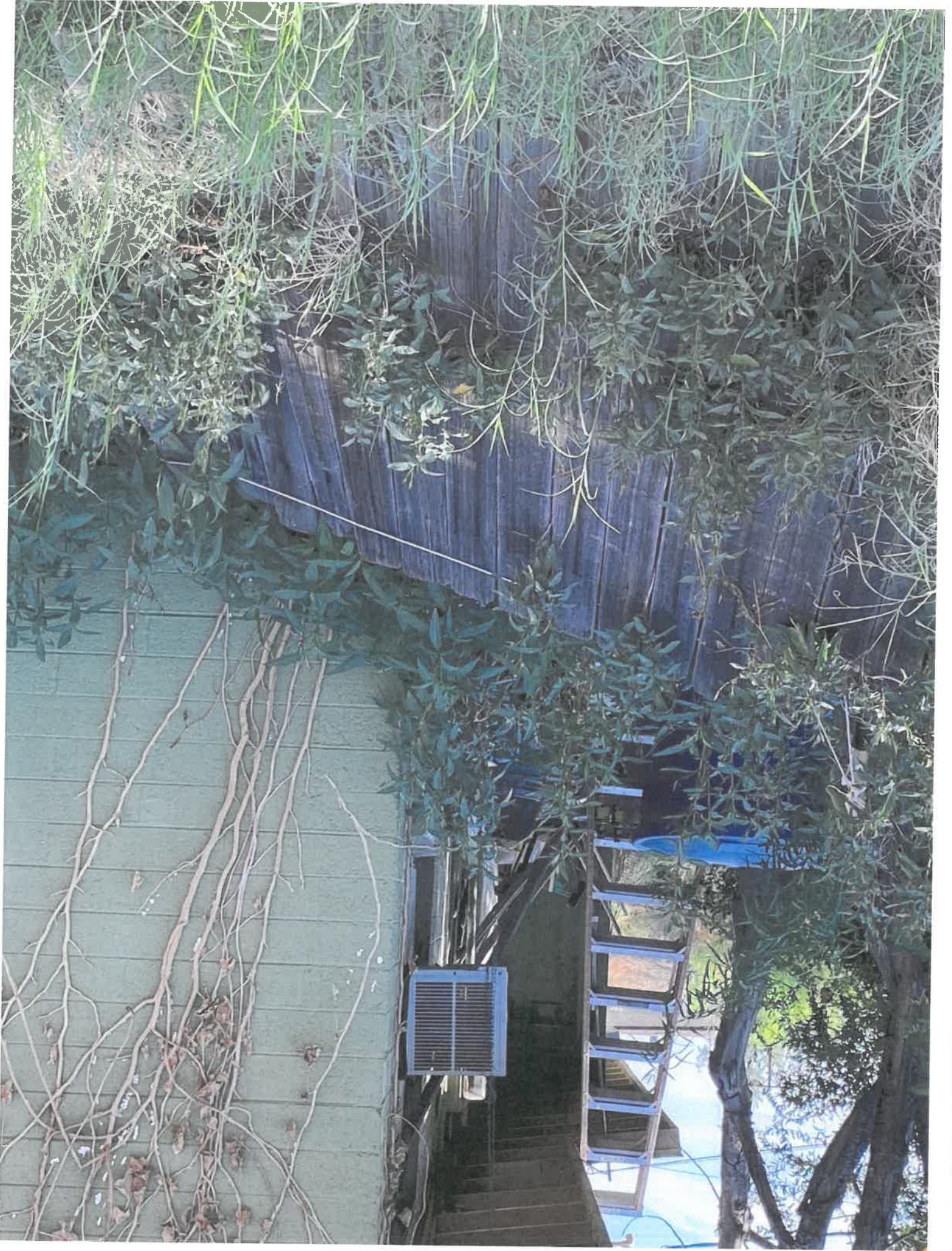
Total = \$5,311.00

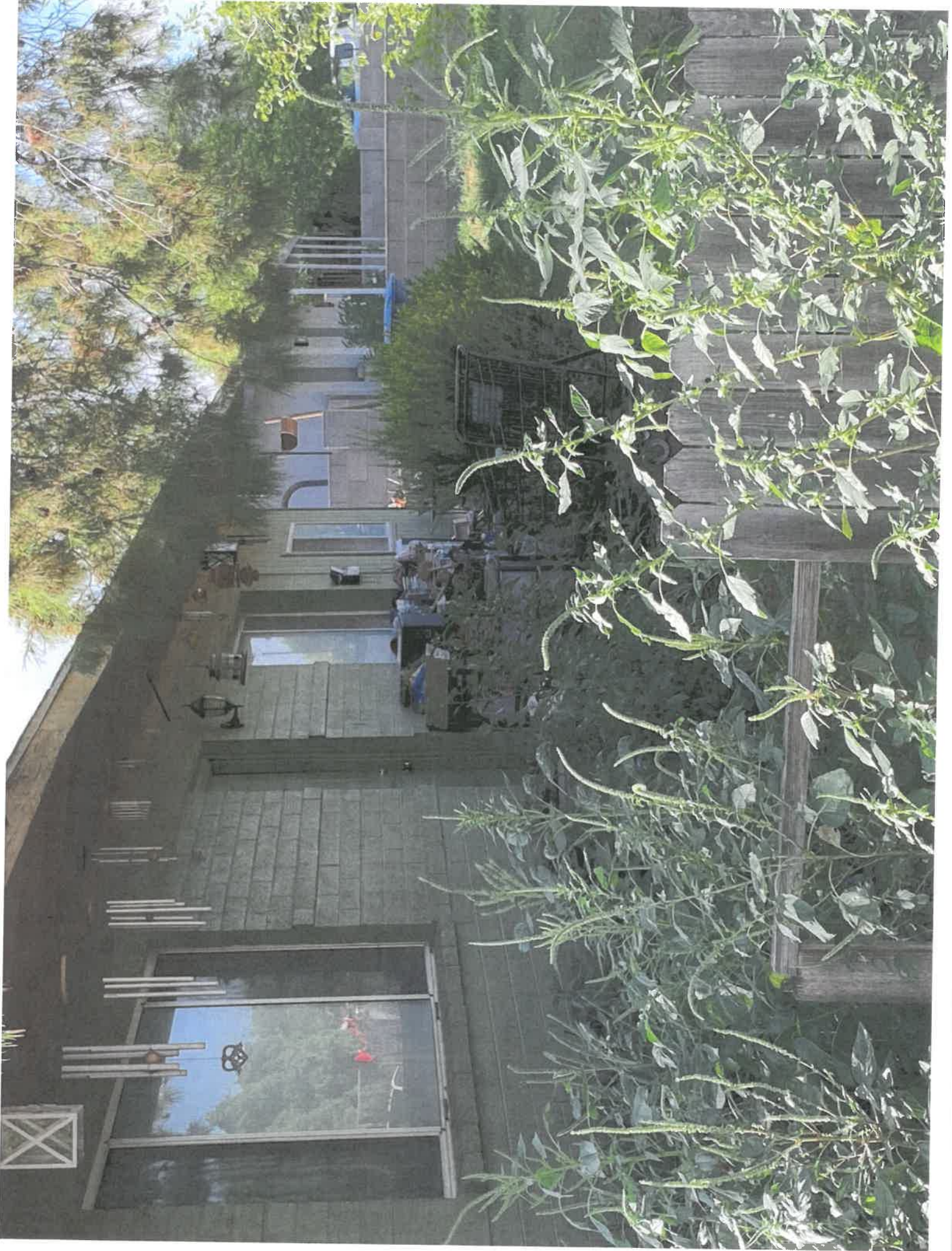
Respectfully,

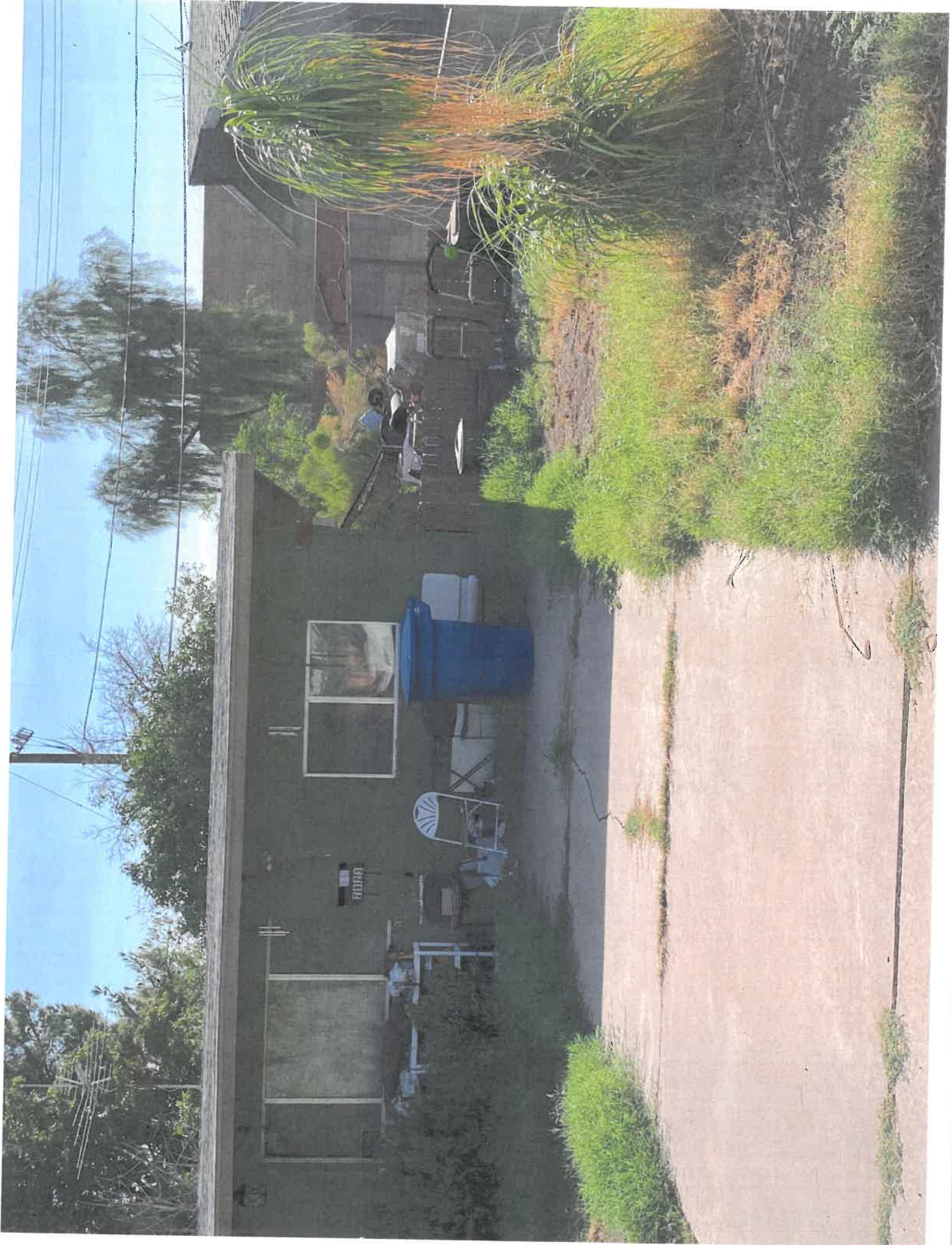
Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

04/21/2022

DAVIS JOHN M
 2923 S ALBERT AVE
 TEMPE, AZ 852823401

Case #: CE222546
 Site Address: 2923 S ALBERT AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/21/2022 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.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 THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your properties front yard including underneath carport / driveway as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated 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.	05/09/2022
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. 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.	05/09/2022

These issues must be addressed. If your property is out of compliance again in a twelve-month period for the same violation/s, reoccurring violation fees and citations can be issued without warning or further notice. Please contact me at your earliest convenience.

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

Héctor 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

05/09/2022

DAVIS JOHN M
2923 S ALBERT AVE
TEMPE, AZ 852823401

Case #: CE222546
Site Address: 2923 S ALBERT AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/09/2022 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.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 THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your properties front yard including underneath carport / driveway as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated 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.	5/23/2022
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. 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.	5/23/2022

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

08/26/2022

DAVIS JOHN M
 2923 S ALBERT AVE
 TEMPE, AZ 852823401

Case #: CE222546
 Site Address: 2923 S ALBERT AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/26/2022 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.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
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your entire property's back, front and front side yards including underneath carport / driveway as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated 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.	9/9/2022
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your entire property including any visible surrounding areas, up against property walls and fence lines as necessary. Make sure to address and maintain city right of way areas that you are responsible for. Properly discard all landscaping debris in appropriated dump bins or city dump sites. 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.	9/9/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's perimeter fencing to its original, damage free and standing state including free of all deterioration. Please consider using like materials from the surrounding area so it does not appear to be a deteriorated state or a potential hazard for any pedestrian. This means replacing any missing planks, chain links or bricks including deteriorated paint to unify the appearance of the restoration project. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated 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.	9/9/2022

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.