

CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/01/2022

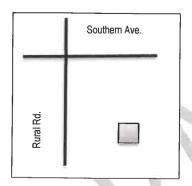
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Richardson Property located at 1242 E. Manhatton Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1,244 for abatement request: front yard landscape cleanup, remove unregistered and/or inoperable vehicles.

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 RICHARDSON 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 CE224075: front yard landscape cleanup, remove unregistered and/or inoperable vehicles.



Property Owner Applicant Zoning District: Code Compliance Inspector: Alex P. Richardson
City of Tempe – Code Compliance
R1-6, Single Family Residential
Melissa Ensing

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 Richardson Property located at 1242 E. Manhatton Drive, in the R1-6 Single Family Residential district. This case was initiated 07/11/2022, 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 NAME PROJE													
		PROJECT NAME	RICHARDSON PROPERT	Y ABAT	EMENT			EXISTING ZONING	R1-6				
	PRO.	JECT ADDRESS	1242 E MANHATTON DR.,	, TEMPI	E, AZ 85282			SUITE(S)					
PRO)JEC	T DESCRIPTION	ADATEMENT OF CE2240	75				PARCEL No(s)	133-54	-098			
			NOVEMBER 01, 2022										
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	C	ONTACT NAME	Alex P. Richardson			СПҮ	Tempe	STATE	AZ	ZIF	85282	_	
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DATE:

September 27, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Melissa Ensing, Code Inspector

SUBJECT:

CE224075, Alex P. Richardson Property Abatement

LOCATION: 1242 E. Manhatton Dr., Tempe, AZ 85282

PARCEL:

13354098

OWNER:

Alex P. Richardson

1242 E. Manhatton Dr. Tempe, AZ 85282

FINDINGS:

07/11/2022 Inspected property and observed deteriorated landscape with grass and weeds in the front and side yards gravel landscape. The house number was also not visible from the street. Notice to comply mailed to the owner.

07/25/2022 Inspected property and found the landscape had not been corrected and was still deteriorated. I did observe the house number mounted on the property. Final notice to comply was mailed to the owner.

08/08/2022 Posted pink compliance or contact placard on the door for the owner to comply or contact me by 08/11/2022.

08/12/2022 Inspected property and found the property further deteriorated. I also observed an unregistered Chevrolet cruz lawn parking on the gravel landscape in the front yard. I mailed a second final notice with the new violations added to the owner.

08/26/2022 Inspected property and observed further deterioration with grass and weeds in the gravel front and side yards, the vehicle was still lawn parking in the front yard and had not been registered. Owner failed to contact me. First Civil Citation issued. Mailed certified and regular mail.

09/12/2022 Owner failed to appear for court and has been sent to collections.

09/27/2022 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property 1242 E. Manhatton Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8, 21-3.B.4 and 21-3.B.3. Alex Richardson has been given ample time to come into compliance and maintain the property. The property owner has been issued 1 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,

Melissa Ensing Code Inspector

NAME

DATE:

ACTION TAKEN: Submit



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/27/2022 CASE #: CE224075

RICHARDSON ALEX P 1242 E MANHATTON 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: 1242 E MANHATTON DR TEMPE, AZ 85282

PARCEL: 13354098A

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 11/01/2022. 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 landscaping, visible from public property, that is substantially dead, damaged, or

characterize by uncontrolled growth, or presents a deteriorated appearance

CC 21-3.b.4 To permit outside of any single-family or multifamily dwelling or accessory building any

camper, vehicle or parts thereof in the front or side area of the building visible from the street

that is not on an improved area intended for parking

CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed

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 REMOVE GRASS AND WEEDS FROM FRONT YARD.

GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.

CC 21-3.b.4 REMOVE VEHICLE FROM THE FRONT YARD LANDSCAPE

CC 21-3.b.3 REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.

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 \$1244.00. 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: Melissa Ensing Phone Number: 480-858-2085 E-mail: Melissa_Ensing@tempe.gov



September 16, 2022

City of Tempe Attn: Melissa Ensing Code Compliance Inspector

RE: Clean-Up at 1242 E. Manhatton 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 1242 E. Manhatton Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

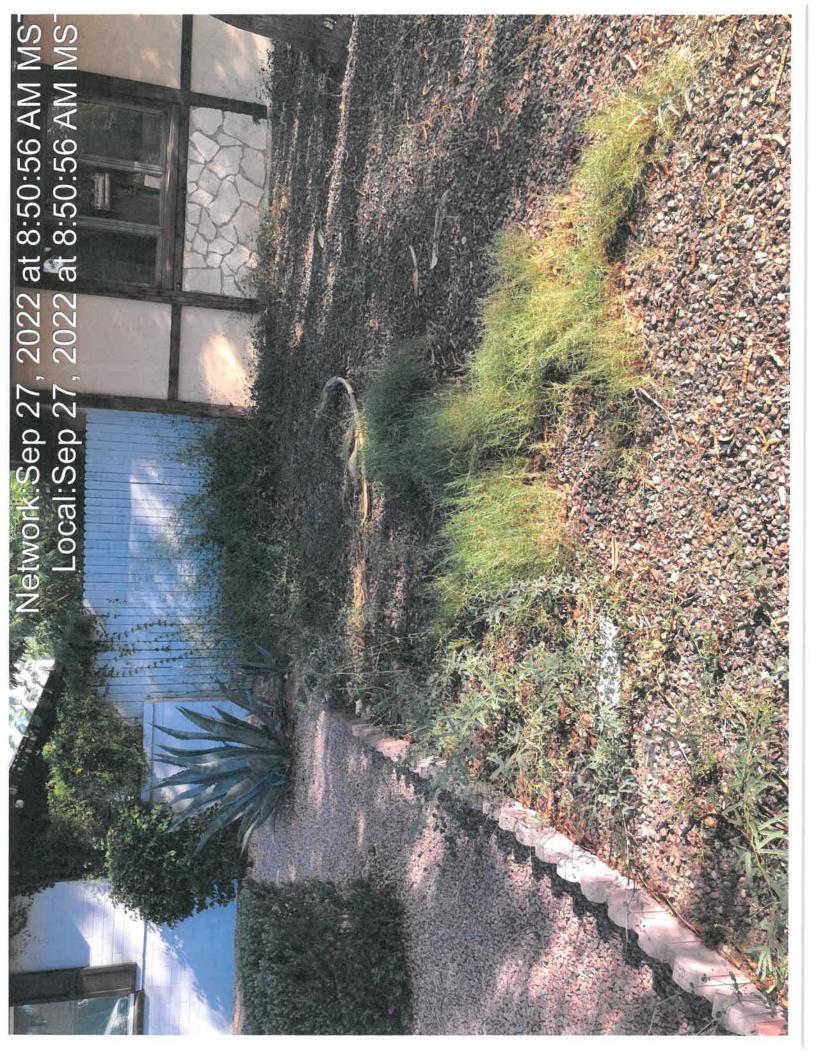
- Remove grass, weeds, and debris from gravel landscape in the front and side yards
- Remove unregistered vehicle from front yard landscape
- Haul off trash and debris
- Police presence on-site for duration of the visit

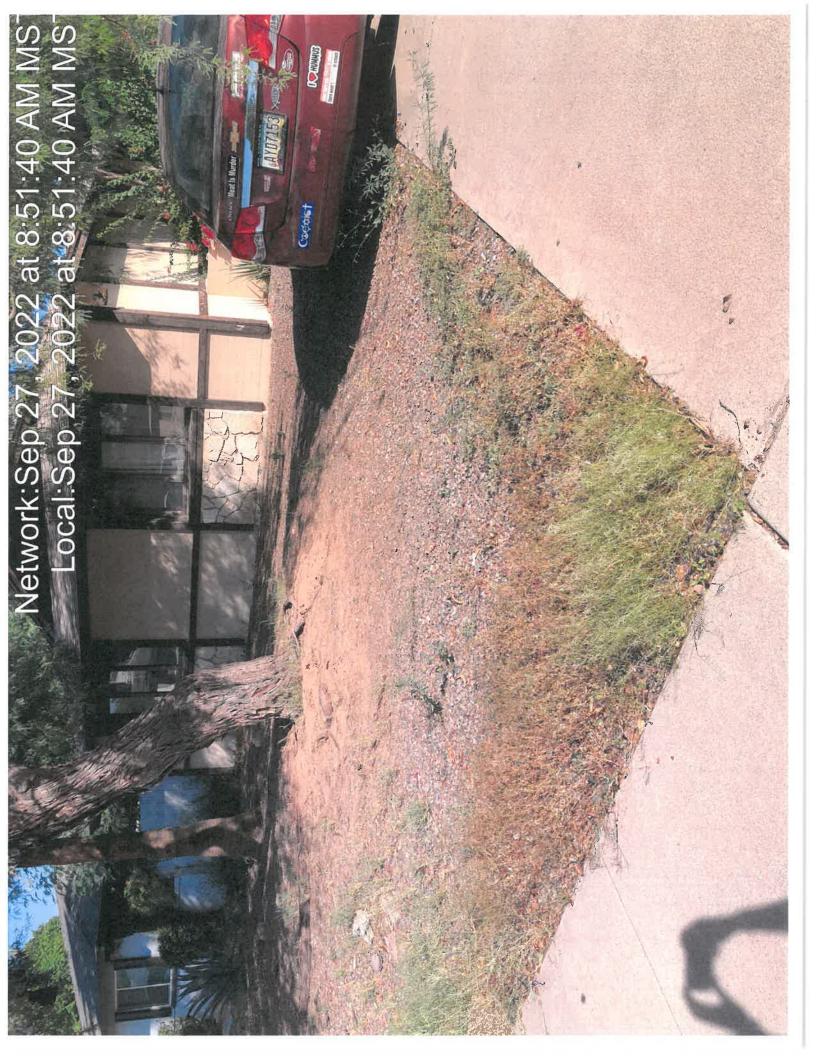
Total = \$1,244.00

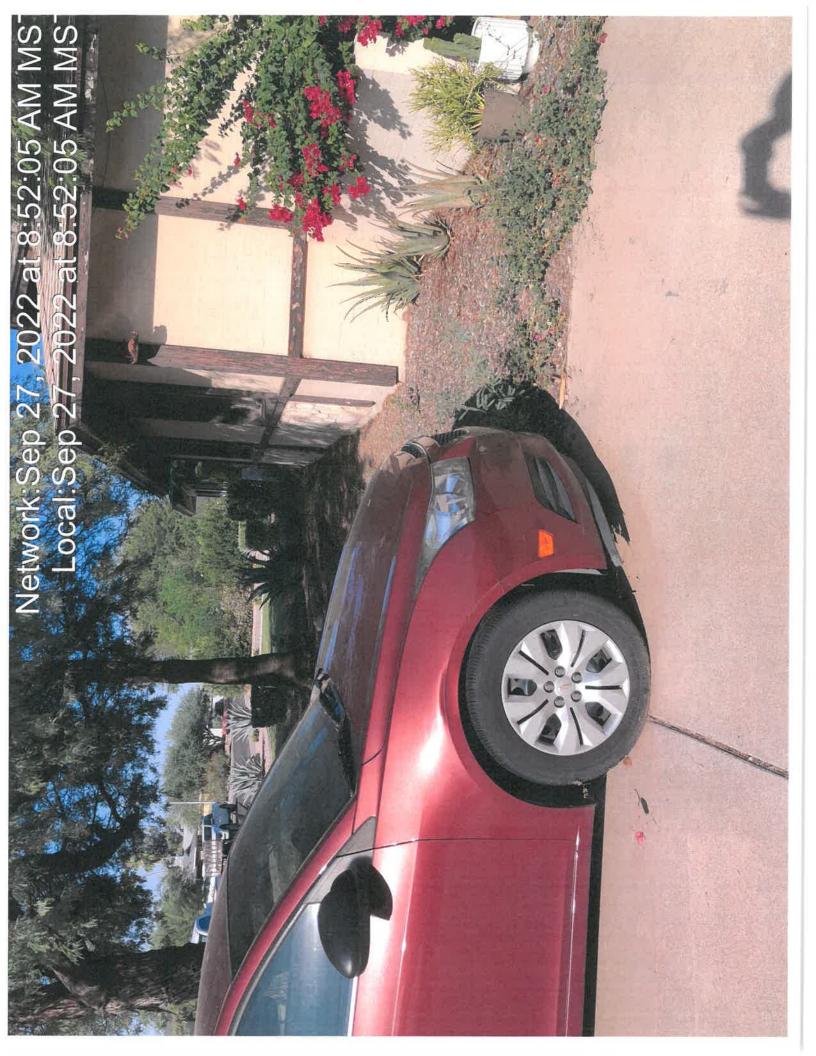
Respectfully,

Jose Hernandez

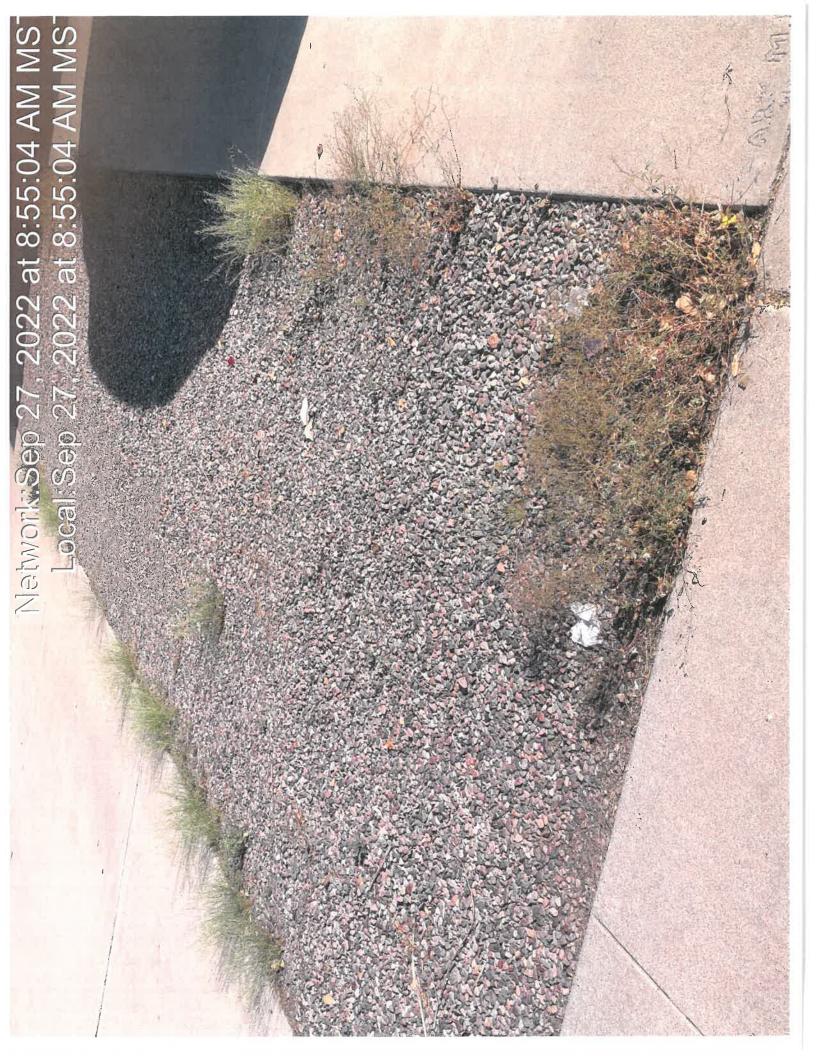














COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

07/11/2022

RICHARDSON ALEX P 1242 E MANHATTON DR TEMPE, AZ 85282

Case #: CE224075

Site Address: 1242 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/11/2022 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 landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are not visible at all times from public access areas to the dwelling

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT YARD.	7/25/2022
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	
CC 21-4.a.3	PLEASE MOUNT ADDRESS NUMBERS TO THE RESIDENCE.	7/25/2022

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

Melissa Ensing Code Inspector

Direct: 480-858-2085

Code Compliance: 480-350-4311 Email:Melissa_Ensing@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 (I): 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

07/25/2022

RICHARDSON ALEX P 1242 E MANHATTON DR TEMPE, AZ 85282

Case #: CE224075

Site Address: 1242 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/25/2022 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 landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

SITE REINSP ON OR PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION AFTER

CC 21-3.b.8

REMOVE GRASS AND WEEDS FROM FRONT YARD.

8/8/2022

GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED.

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

Melissa Ensing Code Inspector Direct: 480-858-2085

Code Compliance: 480-350-4311 Email:Melissa Ensing@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

08/12/2022

RICHARDSON ALEX P 1242 E MANHATTON DR TEMPE, AZ 85282

Case #: CE224075

Site Address: 1242 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/12/2022 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 landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed

PLEASE TAKE TI	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT YARD.	8/26/2022
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	
CC 21-3.b.4	REMOVE VEHICLE FROM THE FRONT YARD LANDSCAPE.	8/26/2022
CC 21-3.b.3	REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.	8/26/2022

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED.

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

Melissa Ensing Code Inspector Direct: 480-858-2085

Code Compliance: 480-350-4311 Email:Melissa Ensing@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.



Uncertified Arizona Motor Vehicle Record as of: 9/27/2022

Plate	Plate Type	Plate Status	VIN
AYD7153	Standard	Active	1G1PD5SH4C7380452
Year	Make	Model	Style
2012	Chevrolet	Cruze	Sedan 4 Dr
Factory List Price	Fuel Type	Odometer Reading	Odometer Code
16800	Gasoline	13	Actual
GVW	SAR Start	SAR End	SAR Weight
0			0

Registration Use	First Regi	stered	Expiration	Date Registration Renewed			
Regular	9/2012		08/15/20	21			
Title Number	State Issued	Title Is	sued Date	Title Indicator	Title Status		
ELTB014161072	AZ	6/10/20	14		Active		
Date of Sale	Received	Date					
De-Insure Start Da	ate De-Insure	End Date	Certifica Date	te Received	Reason		

No Permits Available

Owner(s)

7201538 Alex Patton Richardson 1242 E Manhatton Dr, Tempe, AZ 852825570

Mailing Address

1242 E Manhatton Dr, Tempe, AZ 852825570

Domicile Address

Lienholder(s)

Additional Information

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County . State of Arizona



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COMPLAINT

