

CITY OF TEMPE HEARING OFFICER

Meeting Date: 12/06/2022

Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Cepeda Property located at 1168 E. Alameda Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1,710 for abatement request: junk, trash & debris removal in driveway, 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 CEPEDA 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 CE220431: junk, trash & debris removal in driveway, front yard landscape cleanup.



Property Owner Applicant Zoning District: Code Compliance Inspector: Gilberto Cepeda 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 Cepeda Property located at 1168 E. Alameda Drive, in the R-6 Single Family Residential district. This case was initiated 01/19/2022, 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

(if 2nd or 3rd submittal, please use Planning

Resubmittal Form)

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



http://www.tempe.gov/planning All applications must be accompanied by the required plans, submittal materials, and correct fee(s) PROJECT INFORMATION – REQUIRED EXISTING **PROJECT NAME** CEPEDA PROPERTY ABATEMENT R1-6 ZONING **PROJECT ADDRESS** SUITE(S) 1168 E ALAMEDA DR TEMPE, AZ 85282 PARCEL No(s) PROJECT DESCRIPTION **ABATEMENT OF CE220431** 133-56-254 **DECEMBER 06, 2022** PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K **BUSINESS NAME ADDRESS** 9112 LUBEC ST CONTACT NAME STATE СПҮ GILBERTO CEPEDA DOWNEY CA 90240 **EMAIL** PHONE 1 PHONE 2 I hereby authorize the applicant below to process this application with the City of Tempe. PROPERTY OWNER SIGNATURE | X DATE or attach written statement authorizing the applicant to file the application(s) APPLICANT INFORMATION - REQUIRED **ADDRESS** COMPANY / FIRM NAME CITY OF TEMPE/CODE ENFORCEMENT 21 E. 6TH STREET, SUITE 208 **CONTACT NAME** CITY STATE ZIP MELISSA ENSING/CODE INSPECTOR **TEMPE** ΑZ 85281 PHONE 1 PHONE 2 **EMAIL** 480-858-2085 melissa_ensing@tempe.gov 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 02/2022 BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN **BUSINESS NAME ADDRESS** CONTACT NAME СПТҮ STATE ZIP TYPE OF BUSINESS PHONE **EMAIL** SPECIFIC REQUEST FOR CITY USE ONLY APPLICATION (Check all that apply) (Planning record tracking numbers) (See for types) PRELIMINARY SITE PLAN REVIEW SPR A. В. **ADMINISTRATIVE APPLICATIONS ADM** C. **VARIANCES** VAR ZUP D. **USE PERMITS / USE PERMIT STANDARDS** ZON П E. **ZONING CODE AMENDMENTS** ZOA REC F. PLANNED AREA DEVELOPMENT OVERLAYS PAD □ G. SUBDIVISION / CONDOMINIUM PLATS SBD REC Н. **DEVELOPMENT PLAN REVIEW DPR** П I. **APPEALS** П J. **GENERAL PLAN AMENDMENTS GPA** ZVL K. **ZONING VERIFICATION LETTERS ABATEMENTS** CE CM Ø L. M. SIGN TYPE K GO SE TOTAL NUMBER OF APPLICATIONS FOR CITY USE ONLY DS TRACKING# FILE APPLICATION WITH DATE RECEIVED (STAMP) **VALIDATION OF PAYMENT (STAMP)** CE / CM / IP TRACKING # PL TRACKING # SPR TRACKING # **TOTAL APPLICATION FEES**

RECEIVED BY INTAKE STAFF (INITIALS)



DATE:

November 2, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Melissa Ensing, Code Inspector

SUBJECT:

CE220431, Gilberto Cepeda Property Abatement

LOCATION:

1168 E. Alameda Dr., TEMPE, AZ 85282

PARCEL:

13356254

OWNER:

GILBERTO CEPEDA

9112 LUBEC ST.

DOWNEY, CA 90240

FINDINGS:

01/19/2022 I inspected property and observed deteriorated landscape. Grass and weeds growing in the gravel landscape. As well as trash and debris in the driveway. Notice to comply mailed to owner and tenant.

02/02/2022 Inspected property and found landscape to be deteriorated as well as the trash and debris in the driveway. Mailed notice to comply to owner and tenant.

02/16/2022 Inspected property and found landscape to be even more deteriorated as well as the trash and debris in the driveway. Mailed final notice to comply to owner and tenant.

03/02/2022 Posted notice to property to comply or contact me.

03/11/2022 Inspected property and found landscape to be deteriorated along with the trash and debris in the driveway. I discovered the property was not registered as a rental therefore I added this violation to the notice and mailed a final notice to comply to owner.

03/28/2022 Inspected property and observed further deterioration with grass and weeds in the gravel front landscape as well as trash and debris in the driveway. The property was also not registered as a rental. First Civil Citation issued to owner.

04/18/2022 Owner failed to appear for court and has been sent to collections.

05/23/2022 Owner contacted the court and paid the fines and fees for the First Civil

Citation. I inspected property and the violations had not been corrected. I gave the owner additional time due to paying the fines and fees.

06/01/2022 Inspected property and observed no improvement with the deteriorated landscape, trash and debris in the driveway, and the property was also not registered as a rental. Second Civil Citation issued to owner.

06/22/2022 Owner failed to appear for court for the second Civil Citation and has been sent to collections.

07/07/2022 I found a phone number for the owner and contacted him. Mr. Cepeda believed his tenants corrected the violations. I granted Mr. Cepeda an extension.

08/08/2022 I inspected property and observed some improvement with the landscape. Property was not registered as a rental property. I contacted Mr. Cepeda and spoke with him about the violations. He stated he was evicting the tenants and his son was correcting the violations. I granted him a final extension and told him if the violations were not corrected a 3rd citation would be issued.

08/23/2022 I inspected property and observed no improvement. I made another attempt to contact Mr. Cepeda before I issued a 3rd citation. I left him a detailed message to correct or contact me by 08/26/2022.

08/29/2022 Inspected property and observed no improvement the landscape was deteriorated, with trash and debris in the driveway, and the property was still not registered as a rental. Third Civil Citation issued to owner.

09/19/2022 Owner contacted the court and paid the fines and fees for the Second Civil Citation.

09/20/2022 Owner failed to appear for court for 3rd Civil Citation and has been sent to collections. I inspected property and the violations had not been corrected. Due to paying the first and second citations I monitored to see if violations would be corrected.

11/02/2022 Owner has not contacted me. The 3rd Civil Citation has not been paid and the property has not been corrected. 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 at 1168 E. Alameda Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 deteriorated landscape and 21-3.B.1 trash and debris. Mr. Cepeda has been given ample time to come into compliance and maintain the property. The property owner has been issued 3 civil citations and has failed to appear to court. Mr. Cepeda paid the first and second civil citations after they went to collections. Mr. Cepeda has stopped communication which shows he has no indication

that he 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

ACTION TAKEN:	Submit
NAME	Myin
DATE:	11/2/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/02/2022 CASE #: CE220431

CEPEDA GILBERTO/NANCY 9112 LUBEC ST DOWNEY, CA 90240

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

LOCATION: 1168 E ALAMEDA DR TEMPE, AZ 85282

PARCEL: 13356254

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 12/06/2022. 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.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

Any landscaping, visible from public property, that is substantially dead, damaged, or

characterize by uncontrolled growth, or presents a deteriorated appearance

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.1

REMOVE TRASH, DEBRIS, AND ANY MISC. ITEMS FROM DRIVEWAY.

CC 21-3.b.8

REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.

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 \$1710.00. 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



October 31, 2022

City of Tempe Attn: Melissa Ensing Code Compliance Inspector

RE: Clean-Up at 1168 E. Alameda 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 1168 E. Alameda Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

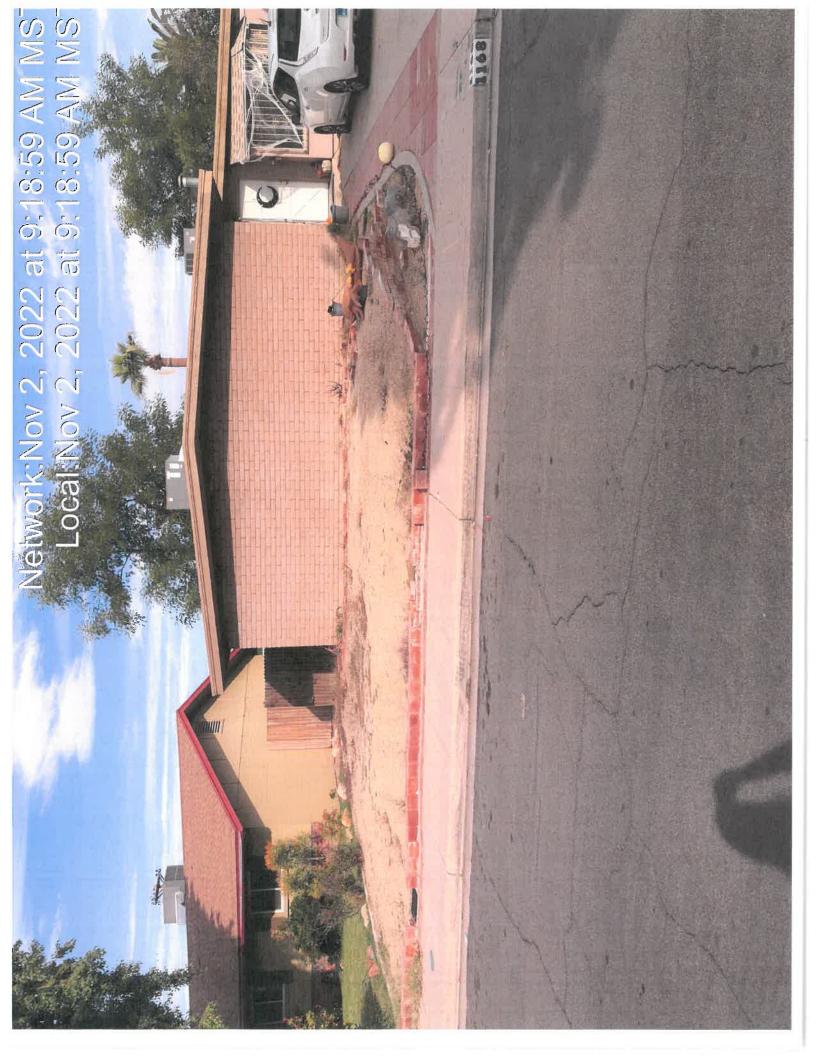
Front & Side Yard:

- Remove weeds, grass, and unwanted vegetation
- Spray post-emergent chemical where needed
- Remove trash under the driveway and front yard
- Police presence for the duration of the visit

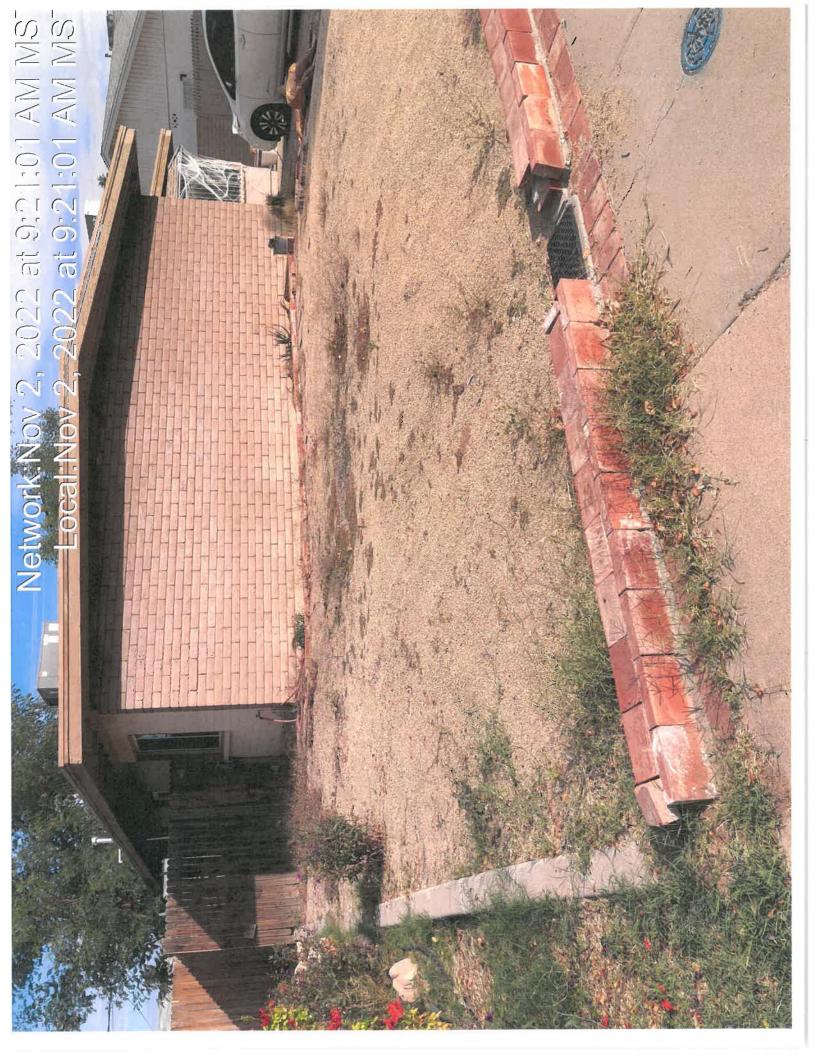
Total = \$1,710.00

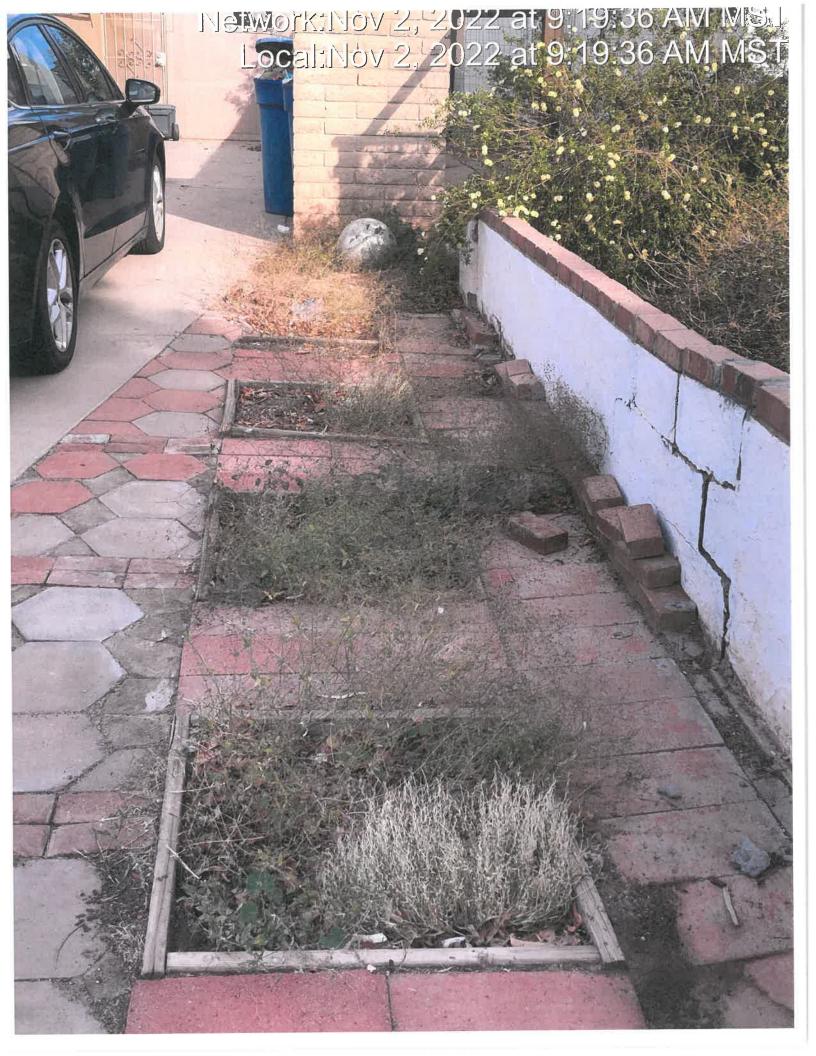
Respectfully,

Jose Hernandez













01/19/2022

CEPEDA GILBERTO/NANCY 9112 LUBEC ST DOWNEY, CA 90240

Case #: CE220431

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/19/2022 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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

SITE REINSP ON OR AFTER

2/2/2022

CC 21-3.b.1

PLEASE REMOVE TRASH, DEBRIS, TABLES, CONTAINERS, AND ANY MISC. ITEMS FROM DRIVEWAY.

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, 1sections 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.



01/19/2022

URBANA,AUBREY 1168 E ALAMEDA DR TEMPE, AZ 85282

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02/02/2022

CEPEDA GILBERTO/NANCY 9112 LUBEC ST DOWNEY, CA 90240

Case #: CE220431

Site Address: 1168 E ALAMEDA 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.

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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, TABLES, CONTAINERS, AND ANY MISC. ITEMS FROM DRIVEWAY.	2/16/2022
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.	2/16/2022

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

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REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.

Melissa Ensing Code Inspector

CC 21-3.b.8

Direct: 480-858-2085

Code Compliance: 480-350-4311 Email:Melissa_Ensing@tempe.gov 3/2/2022

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02/16/2022

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C 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
.C 21-3.D.6	

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, AND ANY MISC. ITEMS FROM DRIVEWAY.	3/2/2022
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.	3/2/2022

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Code Compliance: 480-350-4311 Email:Melissa_Ensing@tempe.gov CITE DEINED

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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.



03/14/2022

CEPEDA GILBERTO/NANCY 9112 LUBEC ST DOWNEY, CA 90240

Case #: CE220431

Site Address: 1168 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/11/2022 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.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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
CC 21-25	Residential rental property not registered or updated with the Maricopa County Assessor

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, AND ANY MISC. ITEMS FROM DRIVEWAY.	3/28/2022
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.	3/28/2022
CC 21-25	REGISTER THE ABOVE LISTED RENTAL PROPERTY WITH MARICOPA COUNTY. To register go to http://mcassessor.maricopa.gov (put in parcel number click enter, go to second dark blue bar from the top click on 'Register Rental', fill in information then submit. There will be a \$10 registration fee). Or you can fill our enclosed form and mail to Maricopa County with \$10 check or money order.	3/28/2022
	Verification will be conducted on or after the date to the right to confirm compliance. If the properties are brought into compliance with the code, you will not be subject to citations or fines for the violation(s). Failure to comply may result in a civil citation for each property.	

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**

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03/14/2022

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PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, AND ANY MISC. ITEMS FROM DRIVEWAY.	3/28/2022
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT YARD LANDSCAPE.	3/28/2022

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona

	Tempe
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COMPLAINT



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County . State of Arizona

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Comp	7026	30 Ca	se Number		Social Sec	urity Number		i.v	lilitary	Serio Phys Injury	ical	16 Passe	Fatality	Ha	mmercial z. Material
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COMPLAINT

