

CITY OF TEMPE HEARING OFFICER

Meeting Date: 12/06/2022

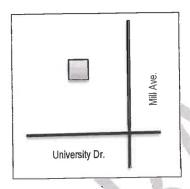
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the Gay Property located at 625 W. 3rd Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$18,648 for abatement request: junk, trash & debris removal in front and back yards, remove any inoperable and/or unregistered vehicles from property.

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 GAY 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 CE223306: front and back landscape cleanup, remove graffiti.



Property Owner Applicant Zoning District: Code Compliance Inspector: William Kenneth Gay
City of Tempe – Code Compliance
R1-6, Single Family Residential
Michelle Van Etten

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 Gay Property located at 625 W. 3rd Street, in the R-6 Single Family Residential district. This case was initiated 06/01/2022, 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

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



Part 1 of 2

	All applications must be	accon	panied by	the require	d plans, submittal mate	erials, an	d correct fee(s)		CIII	IPC.
	U.	F	PROJECT II	NFORMATI	ON - REQUIRED		EVICTING			
PROJECT NAME	William Kenneth Gay, Prope	rty Abat	ement				ZONING R1-6			
PROJECT ADDRESS	625 W 3rd St., Tempe, AZ 8	5281					SUITE(S)			
PROJECT DESCRIPTION	Abatement of CE223306 December 06, 2022						PARCEL No(s)	o(s) 124-31-016		
	·						WEIN & OLGAL T	VDE IV		
PE BUSINESS NAME	OPERTY OWNER INFORM	ATION -	– REQUIRE	D (EXCEP	F PRELIMINARY SITE P	LAN REV	NEW & SIGN I	YPE K)		
CONTACT NAME				CITY			STATE	AZ	ZIP 85	281
	William Kenneth Gay			PHONE 1	Tempe	_	PHONE 2		1 100	
EMAIL										
I hereby authorize the	applicant below to process		pplication v SIGNATURE		y of Tempe.			DATE		
or attach written stater	PROPERTY nent authorizing the applicant to	file the a	pplication(s)							
		A	PPLICANT	INFORMA ADDRESS	TION – REQUIRED					
COMPANY / FIRM NAME	City of Tempe Code Enforce	ement			21 E 6th St. Ste 208				- I was	
CONTACT NAME	Michelle Van Etten, Code In	spector		CITY	Tempe		STATE	AZ	ZIP 85	281
EMAIL	michelle_vanetten@tempe.ç	gov		PHONE 1	480-350-2895		PHONE 2			
I hereby attest that th	is application is accurate a	nd the	submitted o	locuments	are complete. I acknow	rledge th	at if the applica	tion is	deemed to) be
incomplete it will be r	eturned to me without revie	PLICANT	SIGNATURE	X \	William Commission	~ (t	t~	DATE 1	0/31/22	2
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TYPE OF BUSINESS				PHONE			EMAIL			
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(if 2 nd or 3 nd submittal, please use Planning							RECEIVED BY	INTAKE	STAFF (INIT	IALS)
Resubmittal Form)							INCOLITED DI		(1141)	



DATE:

October 31, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CE223306, 625 W 3rd St, Tempe - Abatement

LOCATION: 625 W 3rd St, Tempe, AZ. 85281

PARCEL:

124-31-016

OWNER:

William Kenneth Gay

625 W 3rd St.

Tempe, AZ. 85281

FINDINGS:

On 06/01/2022 I inspected the property located at 625 W 3rd St. after receiving a complaint of trash and debris in the front and rear yard areas. Upon inspecting the property, I found that there was a large amount of trash and debris items in the rear yard area and issued a correction notice.

On 07/05/2022 I reinspected the property and found that the violation had not been corrected. I issued a second and "final" notice to the homeowner.

On 07/25/2022 I spoke with the homeowner, Mr. Gay who said that he had been trying to work on the issue but needed additional time. I granted him an extension in order for him to correct the violation.

On 08/08/2022 I reinspected the property and found that it was not in compliance. I spoke with Mr. Gay that day, and he wanted additional time to remove the trash and debris from the front yard. I did not feel that there was a significant enough change in the condition of the property considering the amount of time he had to do so, and I did not grant another extension. I issued Mr. Gay a citation.

On 09/16/2022 I attended a civil court hearing with Mr. Gay who was contesting the citation. He was found to be responsible for the violation / citation and agreed to set up a payment plan with the courts. Mr. Gay never did so, and the matter was subsequently sent to collections by the Tempe City Court.

I have inspected the property several times since then, and there has been little to no improvement. On 10/31/2022 I inspected the property once again and found that it is still in violation. I posted a notice of intent to abate on the property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 625 W 3rd St, Tempe due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1, Trash and Debris, City Code 21-3.B.4, "Lawn Parking," and City Code 21-3.B.3, Unregistered-Inoperable Vehicle(s). The owner was given ample time to come into compliance and maintain the property. The listed owner was issued a civil citation for which he was found responsible, but has failed to pay the fines. There is no indication that the property will be brought into compliance in the near future. 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,

Michelle Van Etten Code Inspector

ACTION TAKEN: 506mit

NAME

DATE: 10/31/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/31/2022 CASE # CE223306

WILLIAM KENNETH GAY 625 W 3RD St. 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: 625 W 3RD St., Tempe AZ 85281

PARCEL: 124-31-016

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 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 areas, including exterior areas under any roof not enclosed by the walls, doors, or windows of any building.

CC 21-3.b.4 To permit outside any single family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side of the building visible from the street that is not on an improved area intended for parking.

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

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 TRASH AND DEBRIS ITEMS FROM THE FRONT AND BACK YARDS (INCLUDING LARGE APPLIANCES, METAL PIECES, METAL SCRAPS, WOOD PIECES, WOOD SCRAPS, STORAGE BOXES, CARDBOARD BOXES, WATER HEATERS, SMALL APPLIANCES, HOUSEHOLD ITEMS, TIRES AND MISC. OTHER ITEMS.)
- 2. REMOVE ANY VEHICLES AND/OR TRAILERS FROM THE LANDSCAPE AREAS OF THE FRONT YARD. NO TRAILERS MAY BE STORED / PARKED IN THE FRONT YARD SETBACK.
- 3. REGISTER WITH ARIZONA MVD AND MAKE OPERABLE ALL VEHICLES ON THE PROPERTY.

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 \$18,648.00. 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: Michelle Van Etten

Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



October 24, 2022

City of Tempe Attn: Michelle Van Etten Code Inspector

RE: Clean-Up at 625 W. 3rd St.

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 625 W. 3rd St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove trash and debris from the front and backyard
- Remove inoperable/unregistered vehicles
- Cut overheight grass and remove weeds from the front yard area
- Police presence on-site for duration of the visit

Total = \$18,648.00

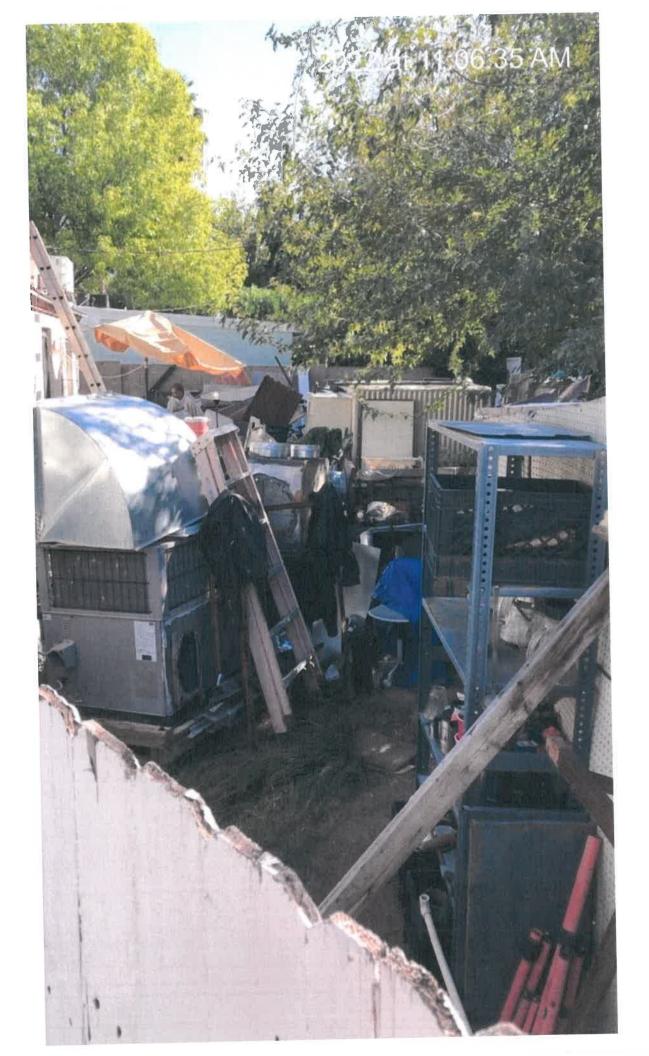
Respectfully,

Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

06/01/2022

GAY, WILLIAM KENNETH 625 W 3RD ST TEMPE, AZ 85281

Case #: CE223306

Site Address: 625 W 3RD ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/01/2022 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 un enclosed by the walls, doors or windows of any building	der any roof not	
DI CACE TAVE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER	
PLEASE TAKE	THE FOLLOWING CONNECTION OF THE DACK VARD	7/1/2022	
CC 21-3.b.1	PLEASE REMOVE THE "TRASH AND DEBRIS" ITEMS IN THE BACK YARD (INCLUDING REFRIGERATORS OR SIMILAR, METAL PIECES, WATER	77172022	

(INCLUDING REFRIGERATORS OR SIMILAR, METAL PIECES, WATER

HEATERS, STORAGE BOXES, AND OTHER MISC ITEMS) ONLY

COMMONLY USED ITEMS SUCH AS EXTERIOR PATIO FURNITURE, BBQ,

ETC. ARE ALLOWED

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

Michelle Van Etten **Code Inspector**

Direct: 480-350-2895

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

07/05/2022

GAY, WILLIAM KENNETH 625 W 3RD ST TEMPE, AZ 85281

Case #: CE223306

Site Address: 625 W 3RD ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 07/05/2022 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 ar enclosed by the walls, doors or windows of any building							
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER						
CC 21-3.b.1	PLEASE REMOVE THE "TRASH AND DEBRIS" ITEMS IN THE BACK YARD (INCLUDING REFRIGERATORS OR SIMILAR, METAL PIECES, WATER HEATERS, STORAGE BOXES, AND OTHER MISC ITEMS) ONLY COMMONLY USED ITEMS SUCH AS EXTERIOR PATIO FURNITURE, BBQ, ETC. ARE ALLOWED	7/26/2022						
CORRI	ECTIVE 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.

Michelle Van Etten Code Inspector Direct: 480-350-2895

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

10/17/2022

GAY, WILLIAM KENNETH 625 W 3RD ST TEMPE, AZ 85281

Case #: CE223306

Site Address: 625 W 3RD ST, TEMPE, AZ 85281

THE FRONT LAWN.)

This is a notice to inform you that this site was inspected on 10/17/2022 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.4	To permit outside of any single-family or multifamily dwelling or accessory building any vehicle or parts thereof in the front or side area of the building visible from the street the an improved area intended for parking						
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed						
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged by uncontrolled growth, or presents a deteriorated appearance	, or characterize					
DI EASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER					
CC 21-3.b.1	PLEASE REMOVE THE "TRASH AND DEBRIS" ITEMS IN THE BACK YARD (INCLUDING REFRIGERATORS OR SIMILAR, METAL PIECES, APPLIANCES, WATER HEATERS, STORAGE BOXES, BOXES, MISC. HOUSEHOLD ITEMS, TIRES, WHEEL RIMS, AND OTHER MISC ITEMS) ONLY COMMONLY USED ITEMS SUCH AS EXTERIOR PATIO FURNITURE, BBQ, ETC. ARE ALLOWED PLEASE ALSO REMOVE ALL "TRASH AND DEBRIS" ITEMS FROM THE FRONT YARD AREA. (INCLUDES LARGE APPLIANCES, TIRES, WHEEL RIMS, CHAIN LINK FENCING, STORAGE TUBS, AND MISC. OTHER ITEMS. INCLUDES ITEMS IN THE FRONT YARD AREA, BOTH ON OR OFF OF THE TRAILER IN THE FRONT DRIVEWAY AREA)	10/31/2022					
CC 21-3.b.4	DO NOT PARK ANY VEHICLES IN THE LANDSCAPE AREAS OF THE FRONT YARD OR ALLOW OTHERS TO DO SO. ALL VEHICLES MUST BE PARKED IN THE DRIVEWAY OR AREA CONTIGUOUS TO THE DRIVEWAY AND IN ACCORDANCE WITH THE LISTED CITY CODE. (INCLUDES SILVER/GRAY VAN WITH NO PLATES)	10/31/2022					
CC 21-3.b.3	REGISTER AND / OR MAKE OPERABLE, ALL VEHICLES ON THE PROPERTY. VEHICLES IN THE FRONT DRIVEWAY AREA MUST BE OPERABLE AND / OR APPEAR OPERABLE AND BE REGISTERED WITH AZMVD. (INCLUDES THE SILVER/GRAY VAN, NO PLATES, CURRENTLY PARKED IN	10/31/2022					

GRASS LANDSCAPE AREAS.

CORRECTIVE ACTION MUST BE COMPLETED BY THE DATE INDICATED OR CITATIONS WILL BE ISSUED AND / OR ABATEMENT PROCEEDINGS WILL BE INITIATED

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

Michelle Van Etten Code Inspector Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle_vanetten@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, 2nd occurrence \$500 per violation, 2nd occurrence \$100 per violation, 3rd occurrence \$700 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. |Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. |Section 21-25: \$1,050 per violation. |Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. |The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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	liscense / driving privileges until you comply or reach your 18th birthday. Initials Date issued if not violation date													

COMPLAINT

