
**CITY OF TEMPE
HEARING OFFICER**

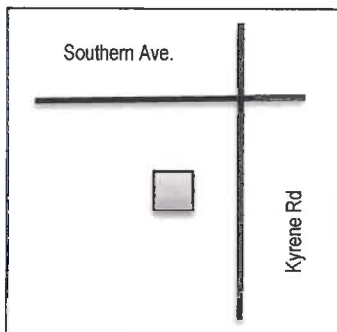
**Meeting Date: 01/17/2023
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Moore Property located at 438 W. Hermosa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3195 for abatement request: front yard landscape cleanup, remove trash, litter & debris from all yard areas, remove dead fronds from palm trees on 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 MOORE 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 CE225066 : front yard landscape cleanup, remove trash, litter & debris from all yard areas, remove dead fronds from palm trees on property.



Property Owner:
Applicant:
Zoning District:
Code Compliance
Inspector:

Marilyn C. Moore Trust
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 Moore Property located at 438 W. Hermosa Drive, in the R1-6 Single Family Residential district. This case was initiated 08/31/2022, 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	MARILYN MOORE PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	438 W HERMOSA DR TEMPE AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	HEARING OFFICER: 01.17.2023 CE225066	PARCEL No(s)	123.46.093 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	moore Marilyn CTR	ADDRESS	7342 E Laguna Azul Ave
CONTACT NAME	clo Marilyn Moore	CITY	Mesa
EMAIL		PHONE 1	
		STATE	AZ
		ZIP	85209
		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			
COMPANY / FIRM NAME	City of Tempe Code Compliance	ADDRESS	21 E 6TH ST STE 208
CONTACT NAME	Hector Heredia Code Inspector	CITY	TEMPE
EMAIL	hector_heredia@tempe.gov	PHONE 1	480.350.5462
		STATE	AZ
		ZIP	85281
		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	2/5/22
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	
		STATE	
		ZIP	
		EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning Application 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: 12.15.2022
TO: Julie Scofield, Senior Code Inspector
FROM: Hector Heredia, Code Inspector
SUBJECT: CE225066 : MOORE MARILYN C PROPERTY ABATEMENT FINDINGS

LOCATION: 438 W HERMOSA DR, TEMPE, AZ 85282

PARCEL: 123.46.093

OWNER: MOORE MARILYN C TR
7342 E LAGUNA AZUL AVE
MESA, AZ 85209

FINDINGS:

08.31.2022: An Anonymous complaint was received regarding junk / debris across the front / back yard areas including a deteriorated landscape / dead palm fronds on tree/s and putrid odors under garage. This was verified and a first notice was mailed to the property owner.

09.13.2022: At the second inspection no corrective actions had taken place and a final notice was mailed to the property.

09.27.2022: At the final inspection no corrective actions had taken place or contact initiated and a final warning was post on property. A final extension was granted via flier posted on the property. The final warning included a final correction date to avoid further actions or penalty.

10.11.2022: At this inspection no corrective actions had taken place nor communication initiated. Additionally, anonymous complaints were received regarding the deteriorated state of the overgrown palm tree and dead fronds. A first citation was issued after the property was not brought into compliance.

11.14.2022: After multiple failed attempts to reach the owner and citation, direction was taken from management. Due to the lack of communication with the property owner/s and a rapidly deteriorating property the abatement was initiated.

12.15.2022: All elements were gathered, and the abatement packet was completed. The location will be set for the January 17th, 2023 Hearing Officer Agenda.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at **438 W HERMOSA DR** due to property owner's failure to bring property into compliance with Tempe City Codes **CC 21-3.b.1 & CC 21-3.B.8. MOORE MARILYN C** 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: _____



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12.15.2022
CASE # CE225066

**MOORE MARILYN C TR
7342 E LAGUNA AZUL AVE
MESA, AZ 85209**

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

**LOCATION: 438 W HERMOSA DR, TEMPE, AZ 85282
PARCEL: 123.46.093**

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 01/17/2023. 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

CC 21-3.b.1

A nuisance includes any one (1) or more of the following conditions: 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 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 YOUR ENTIRE PROPERTY BACK TO FRONT.**
- 2. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT YARD LANDSCAPE.**
- 3. REMOVE ALL DEAD PALM FRONDS FROM PALM TREES INCLUDING DEAD TREE LIMBS / STUMP**

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 **\$3,195.00**. 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.

December 7, 2022

City of Tempe
Attn: Hector Heredia
Code Inspector

RE: Clean-Up at 438 W. Hermosa 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 438 W. Hermosa Dr, 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 in the front and backyard areas, including dead tree and dead palm fronds on trees
- Remove junk and debris from front and backyard areas
- Dispose of removed items off-site

Total: \$3,195.00

- Police presence on-site for duration of the visit

8 Hours X \$77/Hour = \$616.00

Respectfully,

Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

08/30/2022

MOORE MARILYN C TR
 ATTN: PROPERTY OWNER / MOORE MARILYN C TR
 7342 E LAGUNA AZUL AVE
 MESA, AZ 85209

Case #: CE225066
 Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/30/2022 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard
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 21-4.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.1	Please remove all the trash, litter, debris, and stored items from your entire property's front / back yard areas 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.	9/13/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's 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	9/13/2022

arrangements to address such issues.

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.	9/13/2022
CC 21-3.b.8	Please water your property's front and back yards vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. This also includes eliminating grass and weeds through the gravel. Make sure to address and maintain city right of way areas that you are responsible for. Please completely address and remove all the dead palm fronds from your palm tree and its surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please, also, remove the dead tree in the back yard. Please utilize dumpsite 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.	9/13/2022
CC 21-4.a.3	Please display address numbers on your home so they are easily visible for public access. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself. Lastly, please differentiate your address number color from the rest of the property so they are easily visible for public access.	9/13/2022

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
CORRECTION NOTICE

08/30/2022

MOORE MARILYN C TR
438 W HERMOSA DR
TEMPE, AZ 85282-0000

Case #: CE225066
Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/30/2022 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard
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 21-4.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.1	Please remove all the trash, litter, debris, and stored items from your entire property's front / back yard areas 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.	9/13/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's 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.	9/13/2022

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.	9/13/2022
CC 21-3.b.8	Please water your property's front and back yards vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. This also includes eliminating grass and weeds through the gravel. Make sure to address and maintain city right of way areas that you are responsible for. Please completely address and remove all the dead palm fronds from your palm tree and its surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please, also, remove the dead tree in the back yard. Please utilize dumpsite 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.	9/13/2022
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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

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/13/2022

MOORE MARILYN C TR
ATTN: PROPERTY OWNER / MOORE MARILYN C TR
7342 E LAGUNA AZUL AVE
MESA, AZ 85209

Case #: CE225066
Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

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CC 21-4.a.3	Please display address numbers on your home so they are easily visible for public access. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself. Lastly, please differentiate your address number color from the rest of the property so they are easily visible for public access. 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.	9/27/2022

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

09/13/2022

MOORE MARILYN C TR
 438 W HERMOSA DR
 TEMPE, AZ 85282-0000

Case #: CE225066
 Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/13/2022 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard
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 21-4.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.1	Please remove all the trash, litter, debris, and stored items from your entire property's front / back yard areas 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.	9/27/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's 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.	9/27/2022

- | | | |
|---------------|---|-----------|
| 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. | 9/27/2022 |
| CC 21-3.b.8 | Please water your property's front and back yards vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. This also includes eliminating grass and weeds through the gravel. Make sure to address and maintain city right of way areas that you are responsible for. Please completely address and remove all the dead palm fronds from your palm tree and its surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please, also, remove the dead tree in the back yard. Please utilize dumpsite 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. | 9/27/2022 |
| CC 21-4.a.3 | Please display address numbers on your home so they are easily visible for public access. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself. Lastly, please differentiate your address number color from the rest of the property so they are easily visible for public access. | 9/27/2022 |

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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702690	Case Number	Social Security Number	Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number CE25066		
Interpreter Required? <input checked="" type="checkbox"/> Spanish <input type="checkbox"/> Other Language							Juvenile
Defendant Name (First, Middle, Last) Marilyn C Moore							Juvenile
Residence Address, City, State, Zip Code 7342 E Laguna Ave						Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code Mesa AZ 85209						Business Phone No. ()	
Vehicle		Color	Year	Make	Model	Style	License Plate
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month	Day	Year	Time	Speed	Approx.	Posted	R & P	Speed Measurement Device	Direction of Travel	
	10	11	22	8:48 AM					<input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		
At	Location 438 W Hermosa Dr							Temp	State of Arizona	Area	Dist.
								0528			

The Defendant Committed the Following:

A	Section	ARS Violation	Disp. Code	Date of Disposition	Sanction	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	CC2139			Junk / Debris		<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section	ARS Violation	Disp. Code	Date of Disposition	Sanction	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	CC2139			Deteriorated fence		<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section	ARS Violation	Disp. Code	Date of Disposition	Sanction	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	CC2139			Deteriorated landscape		<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section	ARS Violation	Disp. Code	Date of Disposition	Sanction	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	CC2149			Missing Address #		<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section	ARS Violation	Disp. Code	Date of Disposition	Sanction	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number						<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

You must appear on the date and time indicated at:	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor Date: 10/27/22 Time: Between 9AM & 4PM
	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM _____ PM
	<input type="checkbox"/> Court: _____ Date: _____ Time: _____ AM _____ PM Court No. _____
Court Address, City, State, Zip Code	

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
X <u>Certified Mail</u>	Complainant <u>[Signature]</u>	PSN <u>[Signature]</u>

Comments: **Juvenile Notification:** Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____

First citation \$1000 Date issued if not violation date **10/1/22**

COMPLAINT

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.

