
**CITY OF TEMPE
HEARING OFFICER**

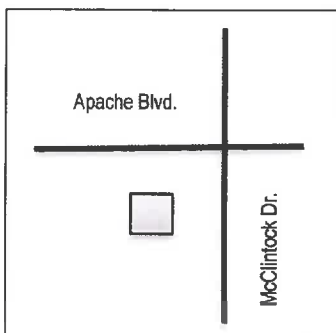
**Meeting Date: 11/05/2019
Agenda Item: 8**

ACTION: Request approval to abate public nuisance items at the Van Egmond Property located at 1620 E. Williams Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2895.00 for abatement request, remove deteriorated/overgrown bushes in front yard, remove dead palm fronds on tree in back yard.

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 VAN EGMOND 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 CE190735: remove deteriorated/overgrown bushes in front yard, remove dead palm fronds on tree in back yard.



Property Owner	Warren Van Egmond
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Hector Heredia, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Van Egmond Property located at 1620 E. Williams Street, in the R1-6, Single Family Residential district. This case was initiated 01/31/2019, 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

Project Submittal Application

City of Tempe
 Community Development Department
 31 E. 5th Street, Garden Level, Tempe, AZ 85281
 (480) 350-4311 Fax: (480) 350-8677
 Planning Fax: (480) 350-8872
www.tempe.gov



Project Information - Required

Project Name: Warren Van Egmond Property Abatement

Project Address: 1620 E Wilkins St Tempe Az 85281 Suite No.:

Proposed Use of Building/Suite: Existing Zoning: R1-6

Legal Description: Attached Hudson Manor I Parcel No.: 133.07.060

Description of Work/Request: Hearing Officer 11.05.19 CE190735

Valuation (for building plan review only):

Applicant Information - Required

Company or Firm Name: City of Tempe: Code Compliance Telephone 1: () 4803505163 Ext: _____

Applicant's Name: Hector Heredia: Code Insp. Telephone 2: () Ext: _____

Applicant's Street Address: 21 E 6th St. Ste: 208 Fax: ()

City: Tempe State: Az Zip: 85281 Email Address(es):

Applicant Signature: Hector Heredia Date: 09.26.19

For City Use Only

Planning	Fees	Building	Engineering	Submitted Materials:
<input type="checkbox"/> Recordation <input type="checkbox"/> SPR <input type="checkbox"/> PL Dev Plan Review <input type="checkbox"/> Sign Permit <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amend <input type="checkbox"/> Zoning Amend <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Subdivision/Condo <input type="checkbox"/> PAD Overlay <input type="checkbox"/> Legal Posting Signs <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Abatement <input type="checkbox"/> Shared Parking <input type="checkbox"/> CCR Review <input type="checkbox"/> Continuance <input type="checkbox"/> Appeal <input type="checkbox"/> Other _____ Fire <input type="checkbox"/> Tanks <input type="checkbox"/> AFES (O/H) <input type="checkbox"/> Spray Paint Booth <input type="checkbox"/> Special Extinguishing <input type="checkbox"/> Fire Alarm <input type="checkbox"/> Kitchen Hood System <input type="checkbox"/> Rack Storage <input type="checkbox"/> Hazmat <input type="checkbox"/> Other _____		<input type="checkbox"/> New Building <input type="checkbox"/> Com Add/Alt <input type="checkbox"/> TI <input type="checkbox"/> MF <input type="checkbox"/> NRes <input type="checkbox"/> Res Remodel/Add <input type="checkbox"/> Pool <input type="checkbox"/> Demo <input type="checkbox"/> Grading Only <input type="checkbox"/> Phased Constr <input type="checkbox"/> Phased Constr w/UG MEP <input type="checkbox"/> Structural Frame <input type="checkbox"/> MEP Only <input type="checkbox"/> Mobile Home <input type="checkbox"/> Factory Built Bldg <input type="checkbox"/> Deferred submittal <input type="checkbox"/> Revision <input type="checkbox"/> New Standard <input type="checkbox"/> Permits based on Standard #	<input type="checkbox"/> Engineering <input type="checkbox"/> Revision Tracking Nos.: DS _____ BP _____ RA _____ FR _____ RAF _____ EN _____ RAE _____ PL _____ SPR _____ SGN _____ GO _____ GOB _____ SE _____ ZP _____ MCA Code: _____ File With: _____ Received By: _____	<input type="checkbox"/> Building <input type="checkbox"/> Planning <input type="checkbox"/> Engineering <input type="checkbox"/> Fire <input type="checkbox"/> Signs <input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Structural Calcs <input type="checkbox"/> Truss Calcs <input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Parking Analysis <input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Soils Report <input type="checkbox"/> Report <input type="checkbox"/> Materials <input type="checkbox"/> Color Board <input type="checkbox"/> Haz Mat Form <input type="checkbox"/> Other: _____ Total Valuation: _____ Total Submittal Fees: _____ Validation: _____ Date Stamp: _____

DATE: 09/26/2019

SUBJECT: WARREN VAN EGMOND: PROPERTY ABATEMENT

LOCATION: 1620 E WILLIAMS ST TEMPE AZ, 85281

LEGAL: Book 133, Map 07, Parcel 060, as recorded with the Maricopa County Assessor

OWNER: WARREN VAN EGMOND
1620 E WILLIAMS ST
TEMPE AZ, 85281

FINDINGS:

01.31.2019: An anonymous complaint was received regarding a deteriorated front yard landscape including an over grown / dead palm fronds on tree in the back yard visible from several public access points. Upon inspection of the property the violations were verified, and a first notice was sent to the property owner.

02.14.2019: Upon inspection of the property for progress I noticed that nothing was accomplished, and a final notice was issued.

03.08.2019: An extension was requested by Mr. Egmond and subsequently granted, a thirty days period, by Administration Jeff Tamulevich.

03.28.2019: Minor progress was accomplished but not enough to close the case and a final extension, for three weeks, was granted before penalties were to be issued if violations were not corrected.

04.30.2019: Another extension was granted until May 3rd to complete the corrective period before citation for non-compliance will be issued.

05.31.2019: Twenty- eight days later passed the final extension a citation was issued for failure to comply with our request outlined in corrective notices.

07.11.2019: Mr. Van Egmond was found responsible for the violations by our court system.

08.14.2019: A third final notice was issued, with clarified instructions as requested by the property owner including a shortened extension to clear the case without further consequence.

09.27.2019: No corrective actions have been taken to clear the property of pending violations. Due to a combined failed effort to bring the property into compliance and adequately communicate corrective actions, plans or measures has prompted for the abatement process to be initiated. The paperwork will be submitted for the November 5th, 2019 Hearing Officer.

RECOMMENDATIONS:

The owner of this property **Warren Van Egmond** has made no attempt to bring the property into compliance. Due to the continual lack of maintenance a 180-day open abatement is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN: Submitt
NAME [Signature]
DATE: 9 27 19



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/26/2019

TO: WARREN VAN EGMOND
1620 E WILLIAMS 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:

LEGAL: Book 133, Map 07, Parcel 060, as recorded with the Maricopa County Assessor.

LOCATION: 1620 E WILLIAMS ST TEMPE AZ, 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 11.05.2019. 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:

VIOLATIONS:

CC 21-3.b.8 - Dead or dry palm fronds

CC 21-3.b.8 - Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated appearance

CC 21-3.b.8 - Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. 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 \$2895.00. 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) 350-8372.

Code Enforcement Officer: **Hector Heredia**

Phone Number 480-350-5462



October 4, 2019

City of Tempe
Attn: Hector Heredia
Code Inspector

RE: Revised Clean up – 1620 E Williams Street

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 1620 E Williams Street in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of dead palm fronds on the tree in the back yard
- Removal of deteriorated/overgrown bushes, strictly in the front yard
- P.D. presence on site for duration of visit
- Haul away and disposal of debris

Total = \$2,895.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

01/30/2019

VAN EGMOND WARREN
1620 E WILLIAMS
TEMPE, AZ 85281

Case #: CE190735
Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 01/30/2019 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	Dead or dry palm fronds
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th
ZDC 4-602.B.7	Non-permitted parking of recreational vehicles

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city pumping 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.	02/14/2019
CC 21-3.b.8	Please water your front yard 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. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls and fence lines as necessary. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	
ZDC 4-602.B.7	Please remove your Camper from the front yard setback to the designated parking location or to an appropriate storage facility. If not familiar with the regulations regarding the front and side yard setback, please familiarize yourself with the City of Tempe Zoning Codes and Chapter 21 Nuisances Codes for clarification of the violation. Or please remove your Camper to a more discrete location permanently.	

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: 480-350-8372
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 \$75.00 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

02/14/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 02/14/2019 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	Dead or dry palm fronds
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city pumping 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.	2/28/2019
CC 21-3.b.8	Please water your front yard 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. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls and fence lines as necessary. Discard all landscaping debris appropriately and in designated bins or city dump sites.	
<p>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.</p>		

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: 480-350-8372
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 \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
FINAL CORRECTION NOTICE

05/03/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/03/2019 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	Dead or dry palm fronds
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th
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CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and the surrounding area located in the back yard visible from public access points. 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.	5/17/2019
CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state where necessary or in a deteriorated state. Please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Discard all landscaping debris appropriately and in designated bins or city dump sites.	
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls and fence lines as necessary. 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.	

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: 480-350-8372
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 \$75.00 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

08/14/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/14/2019 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
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CC 21-3.b.8	Please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry, dead or deteriorated. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls, fence lines as necessary and in between vegetation. 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.	

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 second citation will be issued with steeper penalties. 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
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Civil and Criminal Penalties

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