
**CITY OF TEMPE
HEARING OFFICER**

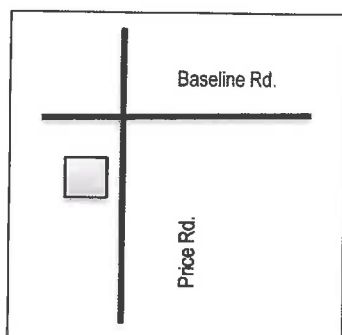
**Meeting Date: 02/04/2020
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Lynch Property located at 5321 S. Siesta Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$602.00 for abatement request: landscape cleanup and removal of unregistered vehicles from the 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 LYNCH 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 CE195927: landscape cleanup and removal of unregistered vehicles from the property.



Property Owner	Kelly R. Lynch
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Julie Scofield, 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 Lynch Property located at 5321 S. Siesta Lane, in the R1-6, Single Family Residential district. This case was initiated 09/10/2019, 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

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	Lynch Property Abatement	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	5321 S. Siesta Ln. Tempe, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE195927 Hearing is February 4th 2020	PARCEL No(s)	305-01-406	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME		ADDRESS	5321 S. Siesta Ln.		
CONTACT NAME	Kelly Lynch	CITY	Tempe	STATE	AZ
EMAIL		PHONE 1		ZIP	85283
		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	Community Development COT	ADDRESS	21 E. 6th St.		
CONTACT NAME	Julie Scofield	CITY	Tempe	STATE	AZ
EMAIL	julie_scofield@tempe.gov	PHONE 1	480-350-8951	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	12/13/19
<i>Julie Scofield</i>			

BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRS

BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		STATE	
		PHONE	
		EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning 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: 12/13/2019
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield
SUBJECT: Lynch Property Abatement

LOCATION: 5321 S. Siesta Ln. Tempe, AZ 85283

PARCEL: 305-01-406

OWNER: Kelly R. Lynch
5321 S. Siesta Ln.
Tempe, AZ 85283

FINDINGS:

- 09/10/2019 Complaint came into Neighborhood Enhancement (CE195927) for this property regarding deteriorated landscape. Inspected the property and found the front yard to have weeds growing in a dirt landscape. There are also two vehicles in the driveway that are displaying expired plates and tags. Mailed a notice to the owner regarding the violations.
- 09/26/2019 Re-inspected the property. The landscape had been taken care of at this time, but the vehicles were still in violation. Mailed a final notice.
- 10/10/2019 Received another complaint for the landscape in the front and side of the property.
- 10/18/2019 There has been no change to the property regarding the vehicles. The landscape is once again in violation. A pink hanger was hung on the door asking for compliance or contact by 10/22/19 to avoid possible citation(s).
- 10/23/2019 Issued a citation (#1701910) for the landscape and unregistered vehicles. Pictures of the property were taken at this time.
- 12/05/2019 There is one unregistered vehicle parked on the driveway of the property and the landscape is in the same condition. The owner of the property failed to appear for the citation, and it ended up going to collections. Received an abatement bid in the amount of \$602.00. This bid would cover the cost of the towing of the vehicle and the landscape be taken care of.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 5321 S. Siesta Ln. The property is owned by Kelly Lynch. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. Would also like to request a 180-day open abatement in the event the property comes into violation in the future.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submit
Michael J. [Signature]
12-15-19

CASE # CE195927



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

12/13/2019

Kelly Lynch
5321 S. Siesta Ln.
Tempe, AZ 85283

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

Legal: KNOELL TEMPE
Location: 5321 S. SIESTA LN. TEMPE, AZ 85283
Parcel: 305-01-406

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **02/04/2020**. 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 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like 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.

Violation of City of Tempe Code 21-3-B-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.

1. **CUT ALL OVER HEIGHT GRASS/WEEDS FROM THE FRONT AND SIDES OF THE PROPERTY.**
2. **REMOVE UNREGISTERED VEHICLE FROM THE FRONT OF THE PROPERTY.**

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 **\$602.00**. 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 Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 12/2/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 5321 S SIESTA LN

1 LANDSCAPE FRONT YARD	\$250.00
2 ESTAMATED DUMP FEES	\$10.00
3 TOWING OF VEHICLE	\$135.00
4 SECURITY BY TEMPE POLICE	\$207.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$602.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1701910		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 CE195927	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant		Name (First, Middle, Last) Kelly R. Lynch										Juvenile	
Residence Address, City, State, Zip Code 5321 S. Siesta Ln, Tempe AZ 85283												Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address					
Business Address, City, State, Zip Code												Business Phone No.	
Vehicle		Color	Year	Make	Model	Style	License Plate	State	Expiration Date				
Registered owner & address, City, State, Zip Code								Vehicle Identification Number					

The Undersigned Certifies That:

On	Month 10	Day 23	Year 19	Time <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace			Direction of Travel	
At	Location 5321 S. Siesta Ln							<input checked="" type="checkbox"/> Tempe	85283			Area	Dist.

The Defendant Committed the Following:

A	Section:	21-3-B-8	ARS Violation: CC Deteriorated Landscape	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
MVD						
B	Section:	21-3-B-3	ARS Violation: CC UNRegistered Vehicles	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
MVD						
C	Section:		ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
MVD						
D	Section:		ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
MVD						
E	Section:		ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
MVD						

You must appear on the date and time indicated at:

Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 11/06/19	Time: Between 9AM & 4PM	
	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> Court: Court Address, City, State, Zip Code	Date: _____	Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	Court No. _____

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 Mailed	Complainant Julia Seefeld	PSN 8022

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 _____

1st citation
A = \$200
B = \$200

Total = \$400.00

Date issued if not violation date _____

COMPLAINT



1701910



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

09/10/19

LYNCH KELLY R/TINA L
5321 S SIESTA LN
TEMPE, AZ 85283-2429

Case#: CE195927
Site Address: 5321 S SIESTA LN. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 09/24/2019

This is a notice to inform you that this site was inspected on 09/10/2019 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.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like 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.

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Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
2. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REMOVE THE UNREGISTERED VEHICLES FROM THE FRONT OF THE PROPERTY. OR PROPERLY REGISTER WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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).



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/26/19

LYNCH KELLY R/TINA L
5321 S SIESTA LN
TEMPE, AZ 85283-2429

Case#: CE195927
Site Address: 5321 S SIESTA LN. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 10/10/2019

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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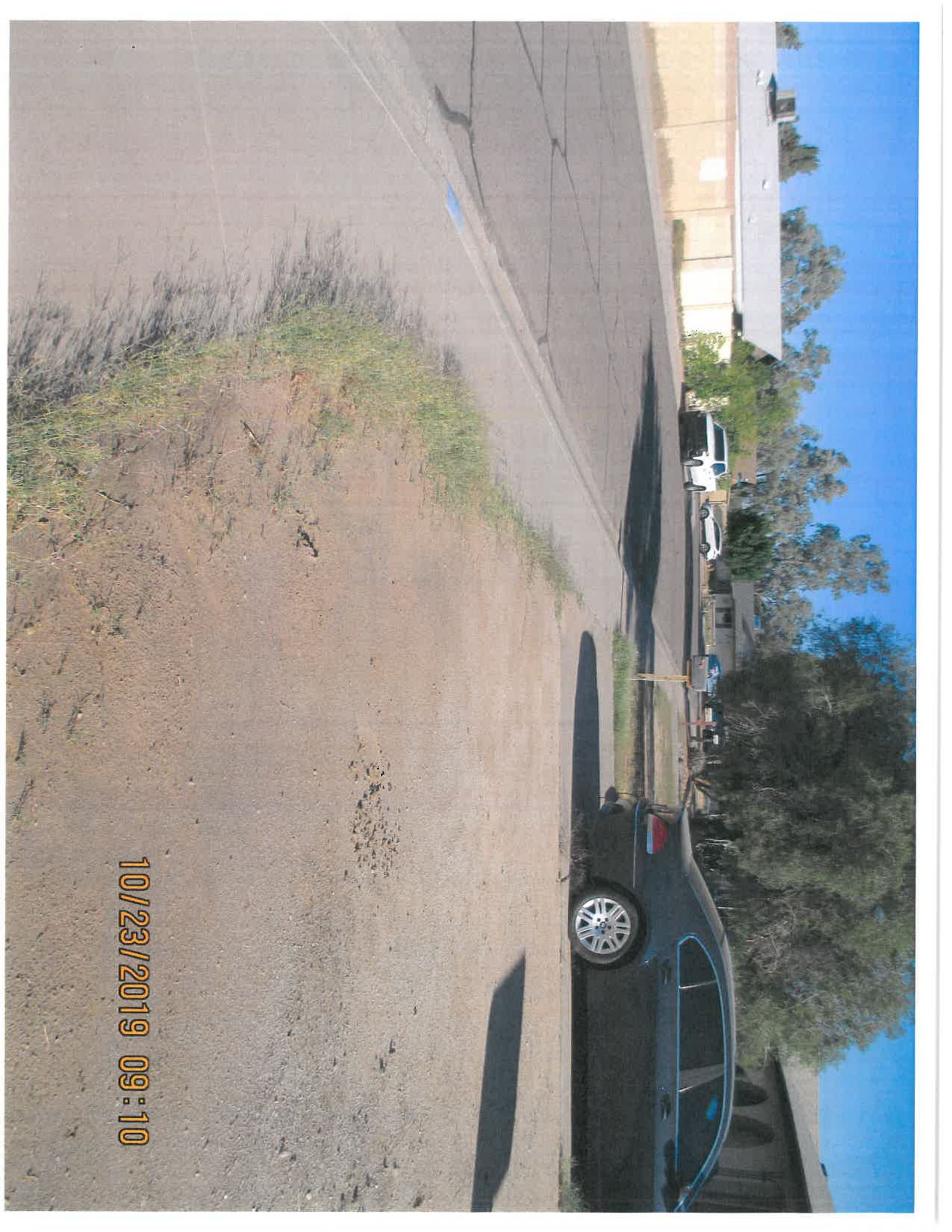
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10/23/2019 09:11

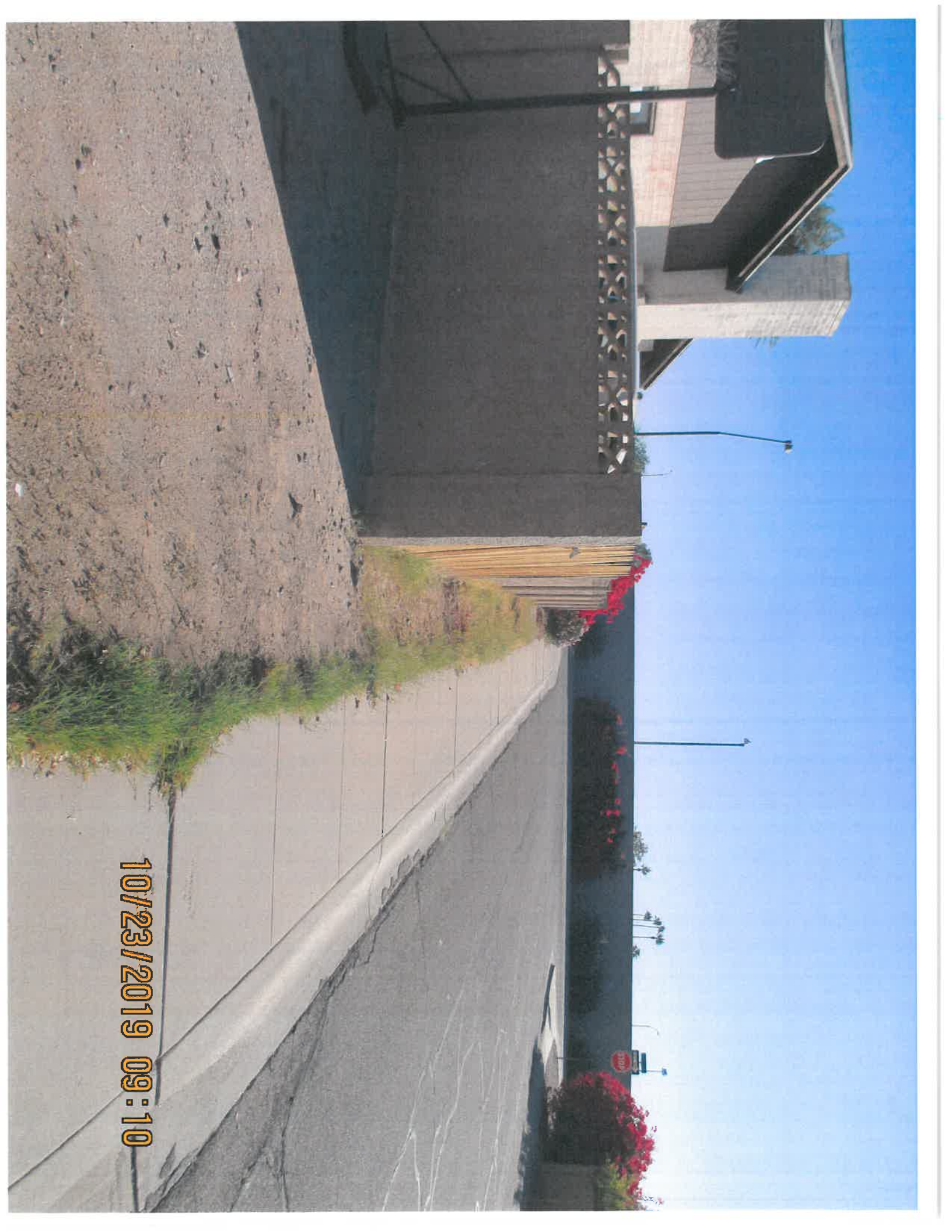


10/23/2019 09:11



10/23/2019 09:10

10/23/2019 09:10





CHEVROLET

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PV85008

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10/23/2019 09:10