

**CITY OF TEMPE
HEARING OFFICER**

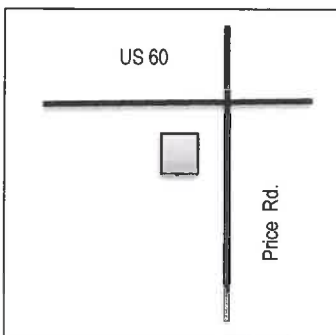
**Meeting Date: 09/15/2020
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Mercer Property located at 2112 E. Fremont Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1158.00 for abatement request: Remove junk, trash, debris and stored items from property; remove unregistered vehicle 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 MERCER 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 CE202303: Remove junk, trash, debris and stored items from property; remove unregistered vehicle from property.



Property Owner: Diane Mercer
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 Mercer Property located at 2112 E. Fremont Drive, in the R1-6, Single Family Residential district. This case was initiated 04/07/20, 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	Mercer Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2112 E. Fremont Dr. Tempe, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE202303 Hearing is September 15th, 2020	PARCEL No(s)	133-35-091 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	2112 E. Fremont Dr.		
CONTACT NAME	Diane Mercer	CITY	Tempe	STATE	AZ ZIP 85282
EMAIL		PHONE 1		PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE	
or attach written statement authorizing the applicant to file the application(s)			

APPLICANT INFORMATION – REQUIRED					
COMPANY / FIRM NAME	Community Development	ADDRESS	21 E. 6th St.		
CONTACT NAME	Julie Scofield	CITY	Tempe	STATE	AZ ZIP 85281
EMAIL	julie_scofield@tempe.gov	PHONE 1	480-350-8951	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 <i>Julie Scofield</i>	DATE	7/29/2020
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs					
BUSINESS NAME		ADDRESS		STATE	ZIP
CONTACT NAME		CITY			
TYPE OF BUSINESS		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: July 29th ,2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Julie Scofield, Code Inspector
SUBJECT: CE202303, Mercer Property Abatement

LOCATION: 2112 E. FREMONT DR. TEMPE, AZ 85282

LEGAL: CONTINENTAL EAST

PARCEL: 133-35-091

OWNER: DIANE MERCER
112 E. FREMONT DR.
TEMPE, AZ 85282

FINDINGS:

04/07/2020 The Code Compliance Division received a complaint for junk, trash, and debris, lawn parking, and unregistered vehicles for this property. Inspected the property. There are items on the outside of the property and in the back of the vehicles and trailer. There are unregistered vehicles on the property. Mailed a notice to the owner for the violations.

04/23/2020 Inspected the property. There has been no change to the condition of the property and remains in violation. Mailing a final notice.

05/20/2020 Attempted to call the phone number associated with the water bill but the phone has been disconnected.

05/26/2020 Went to the property to re-inspect. The property is still in violation. Was going to hang a pink hanger on the door to ask for compliance or contact by June 1st, but a man by the name of Gabe showed up at the property. I explained what needed to be done and gave him until June 1st. I handed him the pink hanger.

06/02/2020 Inspected the property. There still has not been any progress on the vehicles or the items being stored in the front. Issued a citation for both violations. Pictures were taken to show the condition of the property.

07/14/2020 Received an online complaint for deteriorated landscape, junk/trash/debris, and inoperable or unregistered vehicles.

07/21/2020 Went to the property to take pictures of the property. Gabe once again showed up. He said it would be done by next day.

07/22/2020 Requesting bids for the cleanup of the property and unregistered vehicle. The citation has not been paid.

07/29/2020 Turning in the paperwork for the abatement hearing that is to be held September 15th, 2020.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2112 E. Fremont Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8 and 21-3. B.3. Diane Mercer has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents 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,

Julie Scofield
Code Inspector II

ACTION TAKEN: Subm. 1
NAME: Julie Scofield
DATE: 7/29/20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/29/2020
Case #: CE202303

**MERCER DIANE C
2112 E FREMONT
TEMPE, AZ 85282**

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

Location: 2112 E FREMONT DR TEMPE, AZ 85282
Parcel: 13335091

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **9/15/2020** located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas
- CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed

If the violations have not been corrected within thirty (30) 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:

- CC 21-3.b.1 Please remove trash, litter and debris from property in the front and sides. Including items stored in the back of vehicles and or trailers.
- CC 21-3.b.3 Please register or remove unregistered vehicle(s) from the front and or sides of 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 **\$1158.00**. 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 of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480)350-4311.

Code Inspector: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov



**NOTICE OF INTENT TO ABATE PUBLIC NUISANCE
REVISED**

Date: 08/11/2020
Case #: CE202303

**MERCER DIANE C
OR TIFFANY MERCER
2112 E FREMONT
TEMPE, AZ 85282**

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

Location: 2112 E FREMONT DR TEMPE, AZ 85282
Parcel: 13335091

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **9/15/2020** located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas
- CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed

If the violations have not been corrected within thirty (30) 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:

- CC 21-3.b.1 Please remove trash, litter and debris from property in the front and sides. Including items stored in the back of vehicles and or trailers. Remove all items stored in the back yard.
- CC 21-3.b.3 Please register or remove unregistered vehicle(s) from the front and or sides of 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 **\$1800.00**. 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 of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480)350-4311.

Code Inspector: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov



**NOTICE OF INTENT TO ABATE PUBLIC NUISANCE
REVISED**

Date: 08/11/2020
Case #: CE202303

**MERCER DIANE C
OR TIFFANY MERCER
2112 E FREMONT
TEMPE, AZ 85282**

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

Location: 2112 E FREMONT DR TEMPE, AZ 85282
Parcel: 13335091

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **9/15/2020** located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas
- CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed

If the violations have not been corrected within thirty (30) 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:

- CC 21-3.b.1 Please remove trash, litter and debris from property in the front and sides. Including items stored in the back of vehicles and or trailers. Remove all items stored in the back yard.
- CC 21-3.b.3 Please register or remove unregistered vehicle(s) from the front and or sides of 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 **\$3878.00**. 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 of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480)350-4311.

Code Inspector: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov



Artistic Land Management, Inc.

July 28, 2020

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Cleanup – 2112 E Fremont Drive

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 2112 E Fremont Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

1. Clean up junk and debris from the front and side yards
2. Removal of unregistered vehicles
3. P.D. presence on site during abatement

Total = \$950.00

Respectfully,

Jose Hernandez

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: 7/27/20

PROPOSAL

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

ADDRESS: 2112 E FREMONT DR

1	REMOVAL OF JUNK AND DEBRIS IN FRONY AND SIDE YARDS	\$500.00
2	ESTAMATED DUMP FEES	\$50.00
3	SECURITY BY TEMPE POLICE	\$276.00
4	TOWING OF 4 VEHICLES	\$540.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<u>\$1,366.00</u>

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



August 18, 2020

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Revised Cleanup – 2112 E Fremont Drive

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 2112 E Fremont Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

1. Clean up junk and debris from the front, back and side yards
2. Removal of unregistered vehicles
3. Removal of stored items in backyard
4. P.D. presence on site during abatement

Total = \$3,878.00

Respectfully,

Jose Hernandez

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702120	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number CE202303

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **Diane C Mercer** Juvenile

Residence Address, City, State, Zip Code **2112 E. Fremont Dr. Tempe AZ 85282** Telephone: (cell phone)

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 **06/02/2020 824 AM** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At **2112 E Fremont Dr** Tempe **85282** State of Arizona Area Dist.

The Defendant Committed the Following:

A	Section: 21-3-B-1	ARS Violation: Junk, Trash, Debris	<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				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section: 21-3-B-3	ARS Violation: 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				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
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				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
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				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
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				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

You must appear on the date and time indicated at:

Tempe Municipal Court
140 E. 5th Street
Tempe, AZ 85281
Court No. 0753

Traffic Court Suite 150, 1st Floor Date: **6/17/2020** Time: Between 9AM & 4PM

Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM

Court: _____ Date: _____ Time: _____ AM PM Court No. _____

Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.

Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

x Mailed

Victim? Victim Notified?

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.

Pulu Scofield 8022
Complainant PSN

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 Total \$400.00
A = \$200.00
B = \$200.00

Date issued if not violation date _____

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



COMPLAINT



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

04/07/2020

MERCER DIANE C
2112 E FREMONT DR
TEMPE, AZ 85282-7430

Case#: CE202303
Site Address: 2112 E FREMONT DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/22/2020

This is a notice to inform you that this site was inspected on 04/07/2020 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-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; 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.

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE THE ITEMS FROM THE FRONT AND OR SIDES OF THE PROPERTY. ITEMS INCLUDE AUTO PARTS, METAL, CRATES, TRASH, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.
2. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.

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**

04/23/2020

MERCER DIANE C
2112 E FREMONT DR
TEMPE, AZ 85282-7430

Case#: CE202303
Site Address: 2112 E FREMONT DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 05/08/2020

This is a notice to inform you that this site was inspected on 04/23/2020 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-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; 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.

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE THE ITEMS FROM THE FRONT AND OR SIDES OF THE PROPERTY. ITEMS INCLUDE AUTO PARTS, METAL, CRATES, TRASH, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.
2. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.

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

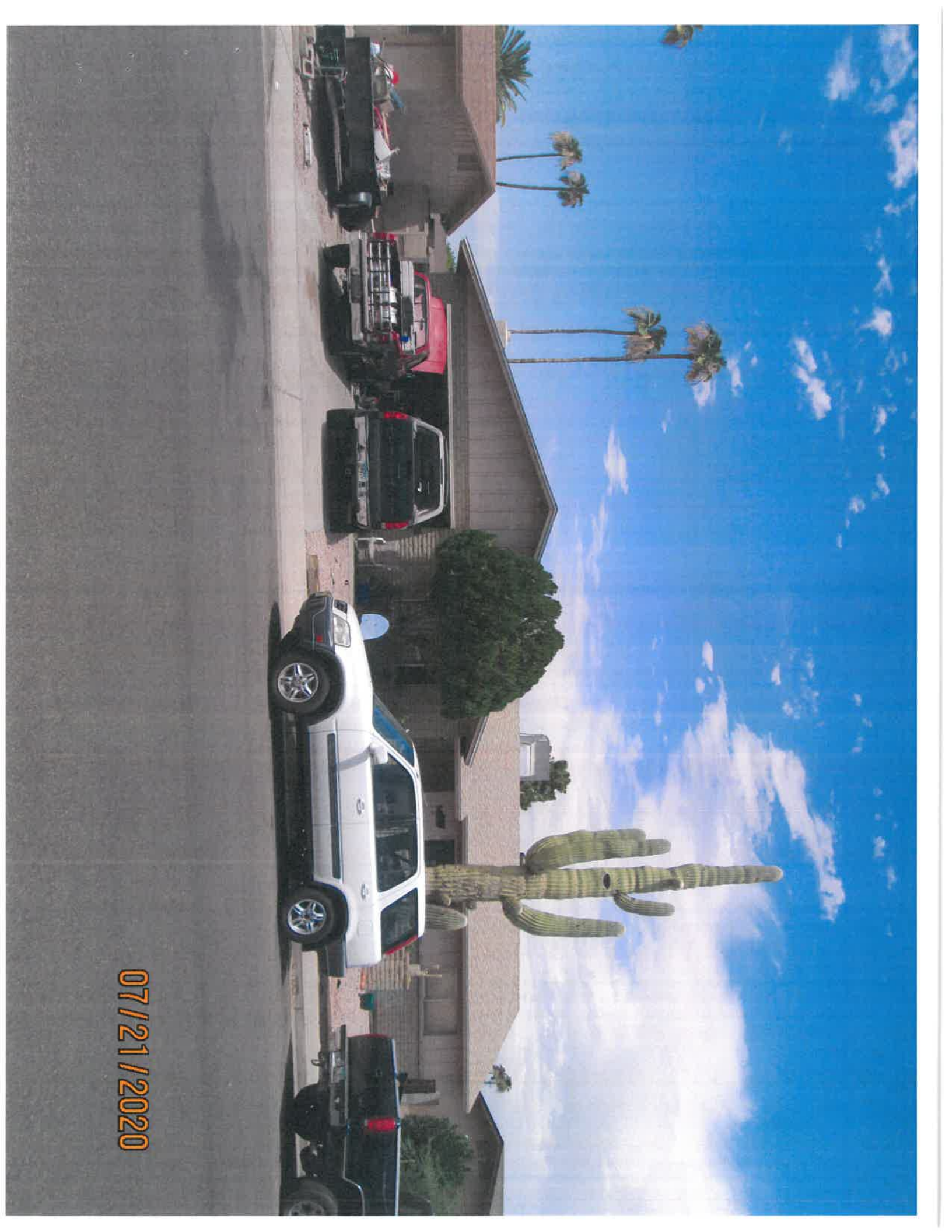
Julie Scofield
Code Inspector II
E-Mail

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

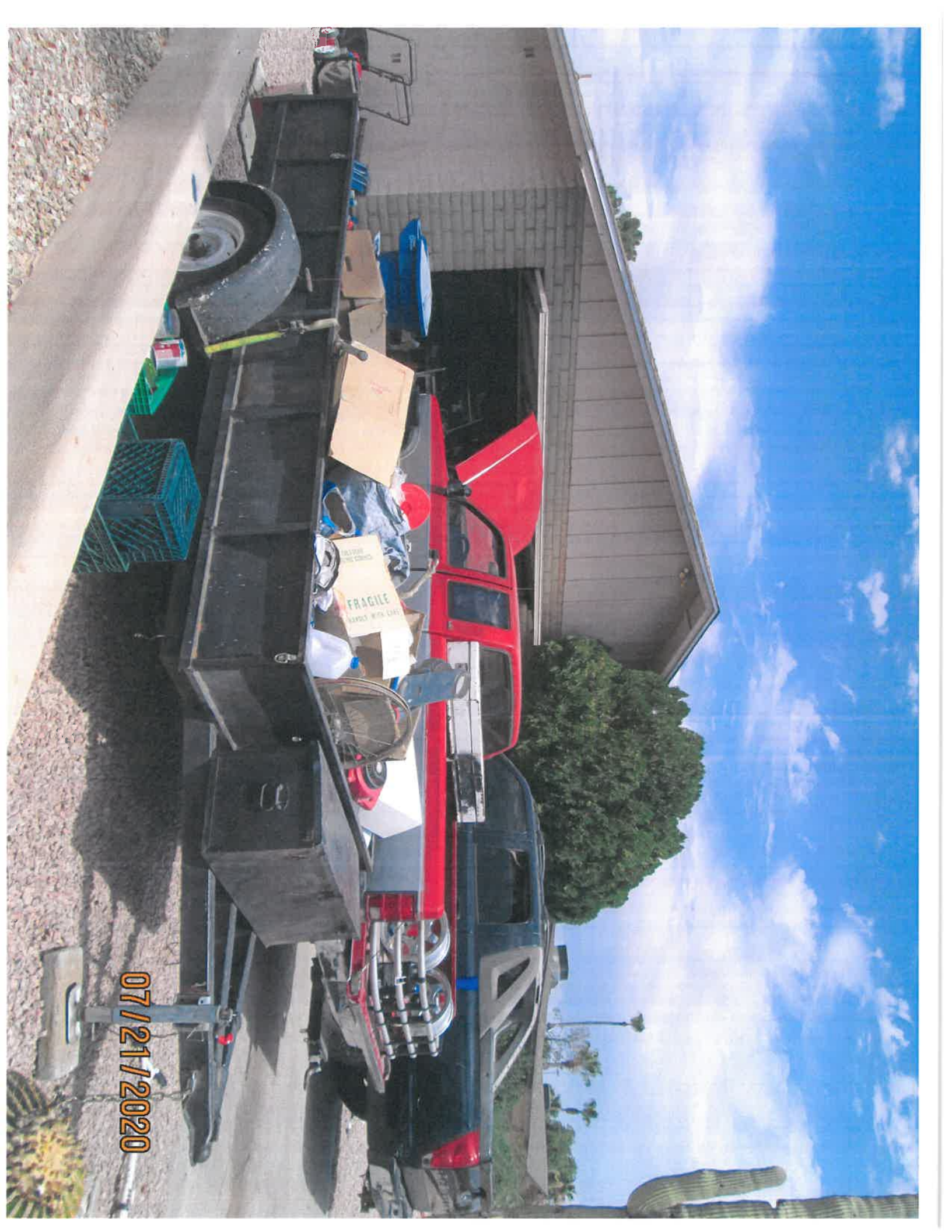
Civil and Criminal Penalties

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).



07/21/2020



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