
**CITY OF TEMPE
HEARING OFFICER**

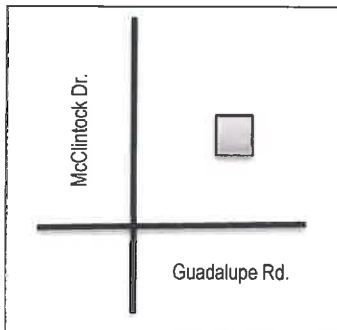
**Meeting Date: 02/16/2021
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Weary Property located at 1939 E. Apollo Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1569.00 for abatement request: landscape cleanup including dead tree removal.

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 WEARY 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 CE205131: landscape cleanup including dead tree removal.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Jessica Weary
City of Tempe – Code Compliance
R1-7 Single Family Residential
Julie Scofield - Code Inspector

ATTACHMENTS: Supporting Attachment

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

Department Director: Jeff Tamulevich, Code Compliance Administrator

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 Weary Property located at 1939 E. Apollo Avenue, in the R1-7, Single Family Residential district. This case was initiated 08/06/20, 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	Weary Property Abatement	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	1939 E. Apollo Ave. Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE205131 Hearing is February 16th, 2021	PARCEL No(s)	301-01-098 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME	Jessica Weary	ADDRESS	1939 E. Apollo Ave		
CONTACT NAME		CITY	Tempe	STATE	AZ ZIP 85283
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	1/4/21
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs					
BUSINESS NAME		ADDRESS			
CONTACT NAME		CITY		STATE	ZIP
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: January 6th, 2021
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Julie Scofield, Code Inspector
SUBJECT: CE205131, Weary Property Abatement

LOCATION: 1939 E. APOLLO DR. TEMPE, AZ 85283

LEGAL: CONTINENTAL EAST UNIT 6

PARCEL: 301-01-098

OWNER: JESSICA WEARY
1939 E. APOLLO AVE
TEMPE, AZ 85283

FINDINGS:

08/06/2020 The Code Compliance Division received a complaint for this property for deteriorated landscape, lawn parking, and unregistered vehicles. Inspected the property, there is multiple dead trees in the back yard of the property, over height grass and weeds in the front yard, vehicles parked in the grass on the west side of the property, and unregistered vehicles in the driveway. A notice was mailed to the owner of the property.

08/21/2020 Inspected the property and found no change to the property. A final notice was mailed.

08/27/2020 Received a phone message from a woman named Michelle, who said she was the owner's mom. Called her and she said that Jessica was "Indisposed" that she did not know what date she needed to have everything done. She gave me Ms. Wearys phone number. I called and left a message for Jessica Weary. She did not answer, so I left a message. I told her the date to have everything done. Also advised her that if she needed more time to call me back. Left my contact information for her on the message.

09/11/2020 Mailed a final notice for the landscape and dead trees in the front and back of the property.

10/14/2020 A pink hanger was hung on the front door requesting compliance or contact by 10/20/2020.

10/22/2020 Inspected the property. There has been no change to the condition of the landscape. There has been no contact from the property owner. A citation was issued for the landscape. Pictures were taken to show the condition of the property.

11/03/2020 The property owner set up a court date for December 3rd, at 8 a.m.

12/03/2020 The property owner showed up to court but said she was not feeling good and requested an extension. The judge granted the extension till December 17th.

12/17/2020 The court hearing took place. The defendant (property owner) was found responsible. Requesting bids to have the property abated.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 1939 E. Apollo Ave. The property owner has failed to bring the property into compliance with Tempe City Code 21-3-b.8, and they have been given ample time. The property represents an eyesore and health and safety issue 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.

Respectfully submitted,

Julie Scofield
Code Inspector II

ACTION TAKEN:

NAME

DATE:

Emergency
[Signature]
11 6 21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 01/06/2021
Case #: CE205131

JESSICA WEARY
1939 E APOLLO AVE
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:

Location: 1939 E APOLLO AVE TEMPE, AZ 85283
Parcel: 301-01-098

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 02/16/2021 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.8 Dead trees or parts including stumps. Over height grass or weeds.

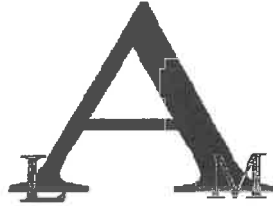
If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

CC 21-3.b.8 Cut down to ground level or remove any dead trees or vegetation in the back yard of the property. Cut all over height grass and or weeds in the front and or back 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 \$1569.00. 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.

December 23, 2020

City of Tempe
Attn: Julie Scofield
Code Inspector II

RE: Cleanup – 1939 E. Apollo Ave.

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 1939 E Apollo Ave, Tempe, AZ 85283. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Cut down dead trees and vegetation in the front and backyards
- Haul-off debris
- PD presence for the duration of the visit

Total = \$1,569.00

Respectfully,

Jose Hernandez



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Client: City of Tempe Code Compliance
Property: 1939 E Apollo Ave
Tempe , AZ 85283

Operator: LUKE

Estimator: LB
Company: EVDS

Business: (480) 540-6611
E-mail: luke@evds.co

Type of Estimate: <NONE>

Date Entered: 12/28/2020

Date Assigned:

Price List: AZPH8X_DEC20

Labor Efficiency: Restoration/Service/Remodel

Estimate: 20-1981-STRU



East Valley Disaster Services

East Valley Disaster Services, Inc.
 257 W. Broadway
 Mesa, AZ 85210
 (480) 833-4538 (Office & 24 Hour Emergency)
 Info@evds.co
 EIN: 86-0721883 / ROC: B License #097838

20-1981-STRU

Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
Nuisance Abatement Services	1.00 EA	0.00	4,500.00	0.00	4,500.00
NOTE: Abatement includes;					
1) Trim dead branches from date palm in front yard to eliminate fire hazard & haul off.					
2) Trim overgrown palm in back yard hanging over wall and haul off.					
3) Cut down and haul off 4 dead trees in back yard.					
4) Cut dead catclaw from off of wall hanging into alleyway and haul off.					
5) Line trim dead grass from front yard, rake, blow and haul off.					
6) Cut dead Lantana from front corner of house and haul off.					
7) Security from Tempe Police Department.					
Totals: Exterior				0.00	4,500.00
Total: Nuisance Abatement Services				0.00	4,500.00
Line Item Totals: 20-1981-STRU				0.00	4,500.00



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Summary

Line Item Total	4,500.00
Replacement Cost Value	\$4,500.00
Net Claim	\$4,500.00

LB

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702243		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.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D				Incident Report Number CE205131					
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													Juvenile	
Defendant		Name (First, Middle, Last) Jessica Weary										Telephone: (cell phone) <input type="checkbox"/>		
Residence Address, City, State, Zip Code 1939 E Apollo Ave. Tempe, AZ 85283												Business Phone No. ()		
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	Day	Year	Time	<input type="checkbox"/> AM <input checked="" 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 1939 E Apollo Ave.								<input checked="" type="checkbox"/> Tempe	85282		State of Arizona	Area	Dist.
The Defendant Committed the Following:														
A	Section: TCC 21-3A		ARS Violation: CC Deteriorated Landscape 21-3-B-8	<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	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense						
MVD														
B	Section: TCC 21-3A		ARS Violation: CC 21-3-B-3 Unregistered Vehicle	<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	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense						
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	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense						
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	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense						
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	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense						
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: 11/5/2020	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:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM	Court No.										
Court Address, City, State, Zip Code														
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.														
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.														
x Mailed & Cert														
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 _____	<p style="text-align: center;">1st citation A = \$200.00 B = \$200.00</p> <p style="text-align: center;">total \$400.00</p> <p style="text-align: right;">Date issued if not violation date _____</p>													

COMPLAINT



1702243

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.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08/06/2020

WEARY JESSICA
1939 E. APOLLO AVE.
TEMPE, AZ 85283

Case#: CE205131
Site Address: 1939 E. APOLLO AVE. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 08/21/2020 (FOR OVERHEIGHT GRASS, LAWN PARKING, AND UNREGISTERED VEHICLES) 09/05/2020 (FOR THE DEAD TREES/DEAD LIMBS IN BACK YARD)

This is a notice to inform you that this site was inspected on 08/06/2020 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-4

To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall:

- a. Be contiguous to, parallel with, and share an access point with, the required driveway;
- b. Have a consistent length and width, but not necessarily the same dimensions of the parking area or required driveway;
- c. Be no greater than thirty-five percent (35%) of the front and side areas visible from the street;
- d. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and
- e. Be maintained free of all vegetation, including, but not limited to grasses, trees and bushes.

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.

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE DO NOT PARK OR ALLOW ANYONE TO PARK IN THE LANDSCAPING AREA OF THE FRONT AND OR SIDE OF THE PROPERTY. ADDITIONAL PARKING MUST MEET REQUIREMENTS OF 21-3-B-4. THIS INCLUDES THE WEST SIDE OF THE PROPERTY.
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.
3. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND OR SIDES OF THE PROPERTY.
4. CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE(S) FROM THE BACK YARD OF THE PROPERTY. OR TRIM OFF DEAD PORTIONS THEREOF.

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**

08/21/2020

WEARY JESSICA
1939 E. APOLLO AVE.
TEMPE, AZ 85283

Case#: CE205131
Site Address: 1939 E. APOLLO AVE. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 09/08/2020

This is a notice to inform you that this site was inspected on 08/21/2020 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.

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- a. Be contiguous to, parallel with, and share an access point with, the required driveway;
- b. Have a consistent length and width, but not necessarily the same dimensions of the parking area or required driveway;
- c. Be no greater than thirty-five percent (35%) of the front and side areas visible from the street;
- d. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and
- e. Be maintained free of all vegetation, including, but not limited to grasses, trees and bushes.

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.

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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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE DO NOT PARK OR ALLOW ANYONE TO PARK IN THE LANDSCAPING AREA OF THE FRONT AND OR SIDE OF THE PROPERTY. ADDITIONAL PARKING MUST MEET REQUIREMENTS OF 21-3-B-4. THIS INCLUDES THE WEST SIDE OF THE PROPERTY.
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.
3. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND OR SIDES OF THE PROPERTY.
4. CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE(S) FROM THE BACK YARD OF THE PROPERTY. OR TRIM OFF DEAD PORTIONS THEREOF.

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
REVISED FINAL CORRECTION NOTICE**

09/11/2020

WEARY JESSICA
1939 E. APOLLO AVE.
TEMPE, AZ 85283

Case#: CE205131
Site Address: 1939 E. APOLLO AVE. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 10/12/2020

This is a notice to inform you that this site was inspected on 09/11/2020 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-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.

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. 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.
2. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE FRONT AND OR SIDES OF THE PROPERTY. THIS INCLUDES AROUND TREES, VEGETATION, MISCELLANEOUS ITEMS.
3. CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE(S) FROM THE BACK YARD OF THE PROPERTY. OR TRIM OFF DEAD PORTIONS THEREOF.

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
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U.S. Postal Service
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Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

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\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here
10/22/20

Postage *Jessira Weary*

\$ _____

Total Postage and Fees

\$ *1939 E Apollo Ave*

Ce205131

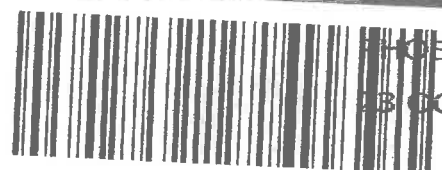
Sent To *Tempe az 85283*

Street and Apt. No., or P.O. Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

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10/23/2020
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*Jessica Weary
1939 E. Apollo Ave
Tempe az 85283*

NOV 17 2020

City of Tempe
Community Development
Code Compliance
P.O. Box 5002, Mail Stop 03-2
Tempe, Arizona 85280

RETURN SERVICE REQUESTED

*M/C
10/24/20*



9921879318420

85283-2904 JNC
85283-5882

NIXIE 858 DE 1 891

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 85280500202 *2014-017



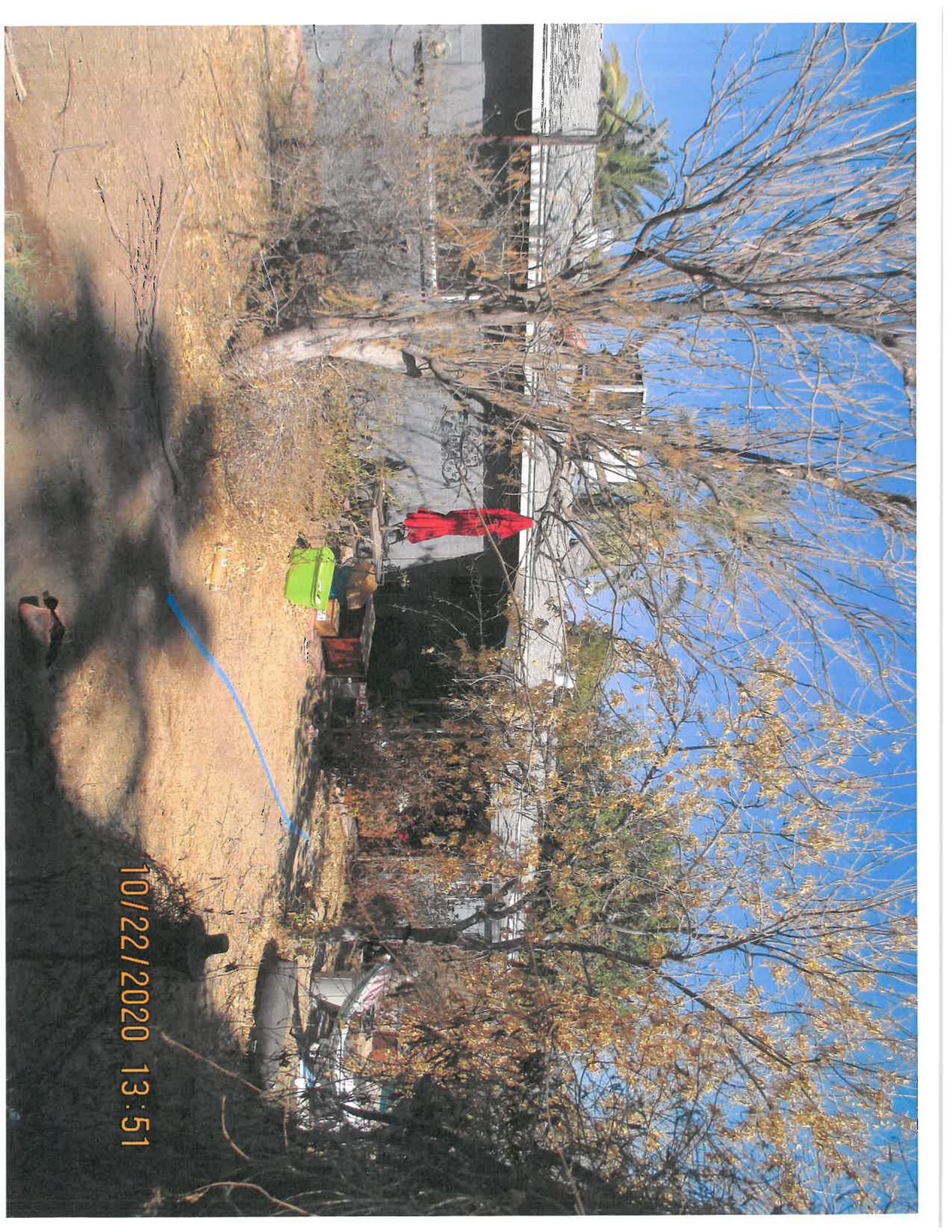
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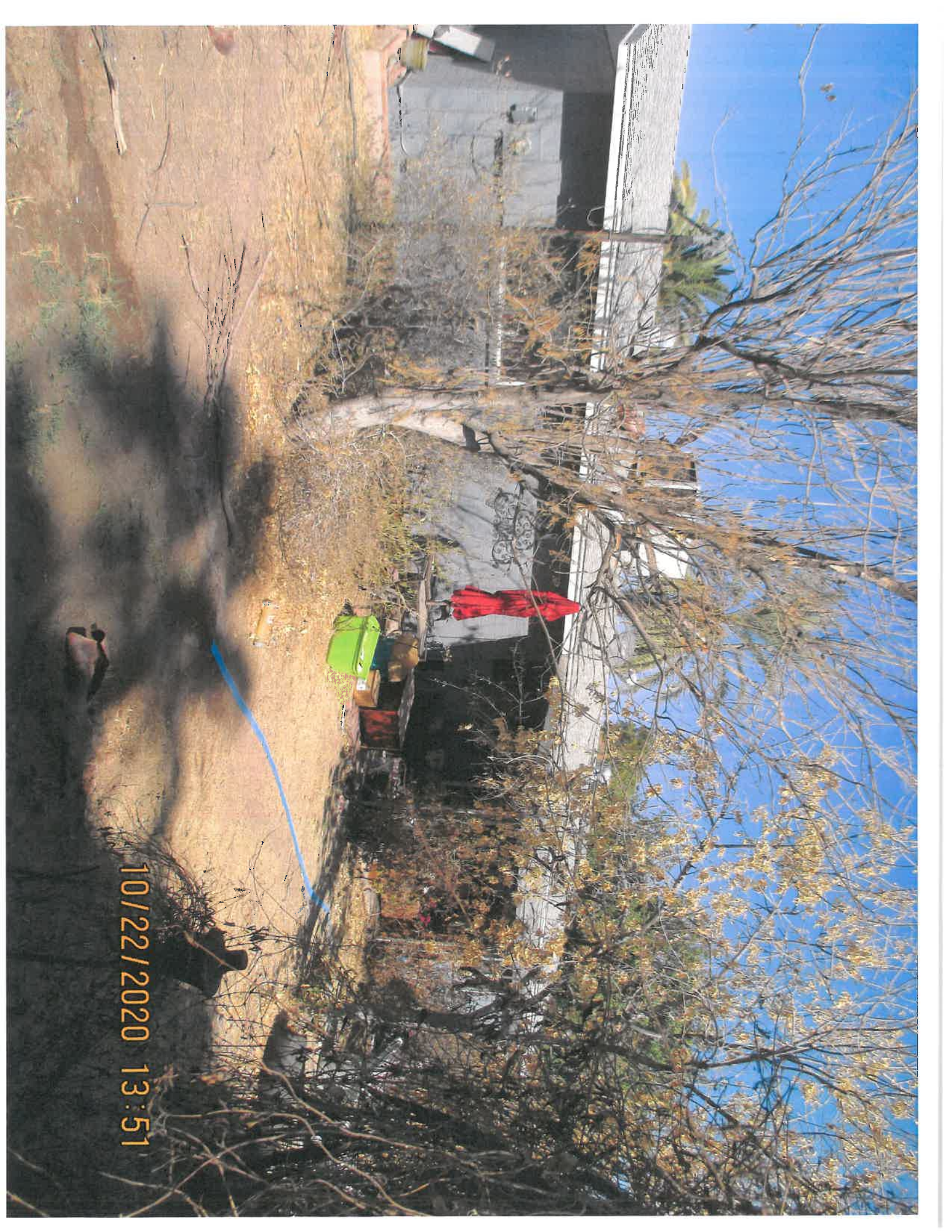
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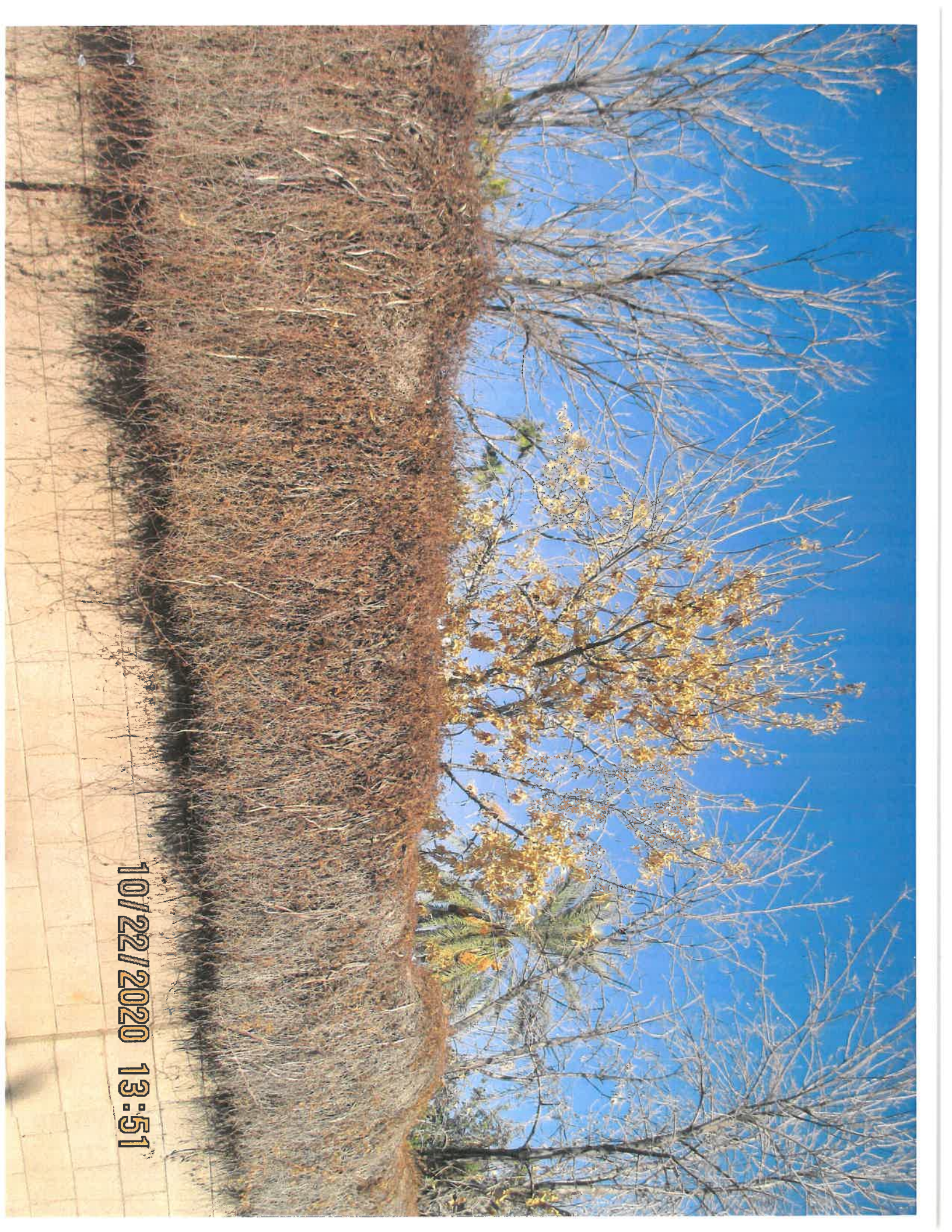
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