

## CITY OF TEMPE HEARING OFFICER

Meeting Date: 03/16/2021

Agenda Item: 7

<u>ACTION</u>: Request approval to abate public nuisance items at the Davis Property located at 1917 E. El Parque Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$545.00 for abatement request: remove stored items from carport.

**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 DAVIS 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 CE204568: remove stored items from carport.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Michael Davis
City of Tempe – Code Compliance
R1-6 - Single Family Residential
Michael Glab - 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 Davis Property located at 1917 E. El Parque Drive, in the R1-6, Single Family Residential district. This case was initiated 07/10/20, 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.

# **Planning** Application Part 1 of 2

City of Tempe
Community Development Department
31 East 5<sup>th</sup> 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	accom	panied by th	e require	d plans, submittal mat	erials, and correct fee(s	)	11166
DDO IECT NAME		F	PROJECT INF	ORMATI	ON – REQUIRED	EXISTING	R1-6	
PROJECT NAME	DAVIS ABATEMENT					ZONING SUITE(S)	K1-0	
PROJECT ADDRESS	1917 E EL PARQUE DR., TE	EMPE, A	AZ 85282			PARCEL No(s)		
PROJECT DESCRIPTION	PALMCROFT MANOR UNIT ABATEMENT OF CE204568 MARCH 16, 2021	3					133-51-022	
	PROPERTY OWNER I	NFORM	IATION - RE	QUIRED (	EXCEPT PRELIMINAR	Y SITE PLAN REVIEW)		
BUSINESS NAME				ADDRESS		OT A TE	17	ID.
CONTACT NAME				CITY		STATE		P
EMAIL				PHONE 1		PHONE 2		
I hereby authorize the	applicant below to process	s this a	pplication wit	th the City	y of Tempe.			
	PROPERTY	OWNER	SIGNATURE X				DATE	
or attach written state	ment authorizing the applicant to	tile the a A	PPLICANT IN	NFORMAT	TION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE / CODE C	_		ADDRESS	21 E 6TH ST SUITE 20	8		
CONTACT NAME				CITY	TEMPE	STATE	AZ Z	85281-3681
EMAIL	michael_glab@tempe.gov			PHONE 1	(480) 350-5461	PHONE 2		
I horoby attact that th	is application is accurate a	nd the	submitted do	cuments	are complete. I acknow	vledge that if the applic	ation is deer	ned to be
incomplete it will be	returned to me without revie	PLICANT	SIGNATURE X	-IM	del I N		DATE 2/11/	
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CONTACT NAME						EMAIL		
TYPE OF BUSINESS		_		PHONE			l	
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DATE:

02/11/2021

SUBJECT:

**DAVIS Abatement** 

LOCATION:

1917 E EL PARQUE DR., TEMPE, AZ 85282

**LEGAL:** 

LOT 122, BOOK 96, PAGE 010, as recorded with the Maricopa County

Assessor

OWNER:

**MICHAEL DAVIS** 

1917 E EL PARQUE DR TEMPE, AZ 85282

#### **FINDINGS**:

On 07/10/20, I visited the property and confirmed there was a junk/debris violation present, as stored items were visible inside the carport, on top of a vehicle, as well as outside the carport, on the east side of the parcel. I sent a violation notice to the property owner, requesting the violation be remedied.

On 07/27/20, I visited the property and confirmed the junk/debris violation remained. I sent a second violation notice to the property owner, requesting the violation be remedied.

On 08/07/20, I spoke with Mr. Davis via telephone. He requested an extension, which I granted.

On 08/18/20, I received a voicemail from Mr. Davis, requesting an additional extension.

On 09/09/20, I received an additional voicemail from Mr. Davis, requesting a third extension.

On 09/16/20, I spoke with Mr. Davis via telephone. He requested an extension until 09/28, which was granted.

On 10/08/20, I visited the property and confirmed that stored items, junk/debris, remained present inside, as well as east of, the carport. I posted a notice to front of the structure.

On 11/05/20, I visited the property and confirmed the stored items/debris remained, so I issued a citation and posted it to the front of the structure.

On 11/25/20, I spoke with Ms. Davis, in person on the property, to which she advised me that the stored items belonged to her husband, who was disabled, leaving her to make decisions. She stated items had been placed in a pile for charitable pickup.

On 02/12/2021, I visited the property and posted a notice of intent to abate to the front of the structure.

### RECOMMENDATIONS:

The owner(s) of this property, MICHAEL DAVIS, have/has made little to no attempt to bring the property into compliance. MICHAEL DAVIS have/has not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period 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,

MICHAEL GLAB Code Inspector City of Tempe

**ACTION TAKEN:** 

NAME

DATE:



#### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 02/11/2021 Case #: CE204568

MICHAEL DAVIS 1917 E EL PARQUE DR 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: 1917 E PALMDALE DR., TEMPE, AZ 85282

Parcel: 133-51-022

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 03/16/2021 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5<sup>th</sup> Street, Tempe. 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 Junk/debris

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 the stored items from the carport. Please store items inside the residence, a shed or off-site storage.

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 \$ 545.00. 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: Michael Glab Phone Number: 480-350-5461 E-mail: Michael Glab@tempe.gov



#### COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE **CORRECTION NOTICE**

07/13/2020

MICHAEL DAVIS 1917 E EL PARQUE DR TEMPE, AZ 85282

Case #: CE204568

Site Address: 1917 E EL PARQUE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/10/2020 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.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; 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;
PLEASE TAKE	SITE REINSP ON OR THE FOLLOWING CORRECTIVE ACTION AFTER

Please remove trash, litter, debris, junk and/or stored items from the exterior of the property (e.g. carport; east side of carport landscape, etc.) 07/27/2020

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

Michael Glab **Code Inspector** 

CC 21-3.b.1

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email: Michael Glab@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 (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines.| Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

07/27/2020

MICHAEL DAVIS 1917 E EL PARQUE DR TEMPE, AZ 85282

Case #: CE204568

Section

Site Address: 1917 E EL PARQUE DR, TEMPE, AZ 85282

**Violation** 

This is a notice to inform you that this site was inspected on 07/27/2020 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.

••••		
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under enclosed by the walls, doors or windows of any building; including, but not limited contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, at inoperable, worn out or discarded appliances or other household items; lumber, scr other metal not neatly piled, or anything whatsoever that is or may become a hazar and safety, or that may harbor insect, rodent or vermin infestation. This subsection deemed to include items kept in covered bins or metal receptacles approved by the Officer or this Code or any other ordinance of the City;	to, areas that uto parts; unused, ap iron, tin and d to public health shall not be
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	08/10/2020	

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael Glab@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, 3rd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 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. | 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 POST TO STRUCTURE

10/06/2020

MICHAEL DAVIS 1917 E EL PARQUE DR TEMPE, AZ 85282

Case #: CE204568

Site Address: 1917 E EL PARQUE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/02/2020 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.

Section	Violation			
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under enclosed by the walls, doors or windows of any building; including, but not limited contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, at inoperable, worn out or discarded appliances or other household items; lumber, sor other metal not neatly piled, or anything whatsoever that is or may become a hazar and safety, or that may harbor insect, rodent or vermin infestation. This subsection deemed to include items kept in covered bins or metal receptacles approved by the Officer or this Code or any other ordinance of the City;	to, areas that uto parts; unused, rap iron, tin and rd to public health shall not be		
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER		
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION  CC 21-3.b.1  Please remove trash, litter, debris, junk and/or stored items from the exterior of the property (e.g. carport; east side of carport landscape, etc.)				

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael\_Glab@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.

## **Arizona Traffic Ticket and Complaint**

City of Tempe Maricopa County, State of Arizona



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If the defendant falls 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.



Case No: 20-023083-4 Title: CITY OF TEMPE vs MICHAEL DEAN DAVIS

DAVIS, MICHAEL DEAN

1917 E EL PARQUE DR TEMPE, AZ 85282

Case Status: Filed: 11/6/2020 Closed Stayed Balance Owing: Case Balance Owing: \$0.00 \$0.00 **TPC Amount Due:** TPC Due Date:

User	Amount Judge	ι -				
			REGISTER OF ACTION			
						# Citations:
11/17/2020	IMPOSED	11/6/2020	20 LITTER OR DEBRIS-COVERED EXTERIOR A	11/04/2020	21-3B1	1702263A
						0.00
Disp Date	Disposition	Filed	Violation Date Description	Violation Da	Code	Cite Number Code

11/17/2020 11/17/2020 11/6/2020 11/6/2020 11/19/2020 11/17/2020 Date # Actions: 6 Cite Number 1702263 A 1702263 A 1702263 A Action FINE AND APPLICABLE FEES IMPOSED FINES AND FEES PAID 11 - PLEAD GUILTY/RESP - SENT IMPOSED CIVIL ARRAIGNMENT NLT 11/18/2020 ATTC FILED CLOSED CASE FILE PURGE DATE SET TO 11/19/2025 \$200.00 \$200.00 즛 즛 MEW SYS SYS MEW SYS SYS



rptCMS\_11025



Line Item Totals: 21-1001-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

#### 21-1001-STRU

#### Exterior

E	xterior				
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
Nuisance Abatement Services	1.00 EA	0.00	545.00	0.00	545.00
NOTE: Abatement includes;					
<ol> <li>Remove stored items, junk</li> <li>Haul off of items listed.</li> <li>Security from Tempe Police</li> </ol>		om the carport and ea	ast side of the front of the	home.	
Totals: Exterior				0.00	545.0
The Table 21 1001 STDII		<del></del>		0.00	545.0







Feb 11, 2021 10:10:22 AN Tempe