

**CITY OF TEMPE  
HEARING OFFICER**

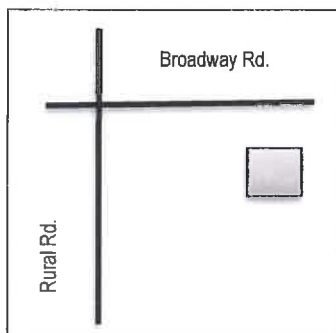
**Meeting Date: 10/05/2021  
Agenda Item: 4**

**ACTION:** Request approval to abate public nuisance items at the McCabe Property located at 1301 E. Broadmor Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$731 for abatement request: landscape cleanup.

**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 MCCABE 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 CE210921: landscape cleanup.



Property Owner: James & Patricia A. McCabe  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Ashley Nichols

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 McCabe Property located at 1301 E. Broadmor Drive, in the R1-6, Single Family Residential district. This case was initiated 02/16/2021, 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

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 accompanied by the required plans, submittal materials, and correct fee(s)

### PROJECT INFORMATION – REQUIRED

PROJECT NAME	MCCABE PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	1301 E BROADMOR DR, TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	HUGHES ACRES 7 ABATEMENT CE210921 OCTOBER 5TH, 2021	PARCEL No(s)	133-31-136	<input type="checkbox"/>

### PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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	CITY OF TEMPE / CODE ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208				
CONTACT NAME	ASHLEY NICHOLS / CODE INSPECTOR	CITY	TEMPE	STATE	AZ	ZIP	85281-3681
EMAIL	ASHLEY_NICHOLS@TEMPE.GOV	PHONE 1	(480) 858-2085	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	9/3/2021
<i>Ashley Nichol</i>			

### BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

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

<input checked="" type="checkbox"/>	APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see <a href="#">planning &amp; zoning fee schedule</a> 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. SUBDIVISIONS / CONDOMINIUMS			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
TOTAL NUMBER OF APPLICATIONS		0			

### FOR CITY USE ONLY

DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**



**DATE:** September 3<sup>rd</sup>, 2021  
**TO:** Jack Scofield, Senior Code Inspector  
**FROM:** Ashley Nichols, Code Inspector  
**SUBJECT:** CE210921, McCabe Property Abatement

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**LOCATION:** 1301 E BROADMOR DR, TEMPE, AZ 85282

**PARCEL:** 133-31-136

**OWNER:** JAMES / PATRICIA A MCCABE  
1301 E BROADMOR DR  
TEMPE, AZ 85282

**FINDINGS:**

02/16/2021 The Code Compliance Division received a complaint for a deteriorated landscape and graffiti.

02/16/2021 Inspector Samuel Baptiste conducted an inspection of the property and observed grass and weeds growing in the gravel landscape, trash and debris around the front of the property, and graffiti on the west side wall. A notice to comply was mailed to the property owner.

02/17/2021 The Code Compliance Division received an additional complaint for graffiti.

03/01/2021 Inspector Samuel Baptiste conducted another inspection of the property and noted that no improvements had been made and the condition of the property remained the same. A second notice to comply was mailed to the property owner.

03/15/2021 Inspector Samuel Baptiste conducted another inspection of the property and noted that the graffiti had been removed from the west side wall, but no other improvements had been made in the condition of the property. A final notice to comply was mailed to the property owner.

03/29/2021 Inspector Samuel Baptiste conducted another inspection of the property and noted that work had begun on the removal of the grass and weeds from the gravel landscaping. The property was monitored.

05/04/2021 Inspector Ashley Nichols took over the case from Inspector Samuel Baptiste. Another inspection was conducted on the property and found that the trash

and debris had been removed from around the front of the property but there were still grass and weeds remaining in the gravel landscaping. A final notice to comply was mailed to the property owner.

05/20/2021 The property was reinspected and found to be in the same condition.

06/01/2021 The Code Compliance Division received an additional complaint for a deteriorated landscape.

06/03/2021 The property was reinspected and there had been no improvements made. A Civil Citation was issued to the property owner.

06/23/2021 The property was reinspected and found to be in the same condition. A check of court records showed the owner failed to appear on his citation and was given an extension by the courts.

07/08/2021 The property was reinspected and found to be in the same condition. A check of court records showed the owner failed to appear on his citation and his case was sent to collections.

07/12/2021 A bid request was sent for the cleanup of the property.

07/20/2021 Another inspection was conducted on the property, and it was observed that work had begun on removing the grass and weeds from the gravel landscaping. The property was monitored.

08/03/2021 Another inspection was conducted on the property, and it was observed that work was still being done on the landscaping. The property was monitored.

08/24/2021 The property was reinspected and found to be in worse condition with no further improvements having been made.

09/03/2021 Submitted the abatement packet and posted the notice of intent to abate to the property.

### **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1301 E Broadmor Dr., due to the property owner's failure to bring the property into compliance with Tempe City Code 21-3.B.8. Mr. McCabe has been given ample time to come into compliance and maintain the property. The property owner was issued a civil citation and failed to appear for court. There have been no further indications that the property owner will bring the property into compliance. The property represents a health hazard and is an eyesore to the community.

Without the intervention of the 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.

Respectfully submitted,

Ashley Nichols  
Code Inspector  
City of Tempe

ACTION TAKEN: Submit

NAME: *Ashley Nichols*

DATE: 9/7/21



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/03/2021  
CASE #: CE210921

**JAMES / PATRICIA A MCCABE**  
**1301 E BROADMOR 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:** 1301 E BROADMOR DR, TEMPE, AZ 85282  
**PARCEL:** 133-31-136

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 10/05/2021. 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**                      Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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

**CC 21-3.b.8**                      Please remove all of the grass and/or weeds from the gravel landscaping of the property. Gravel landscaping must remain free and clear of all grass and weeds.

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 \$730.48. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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.**

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**Code Inspector: Ashley Nichols**  
**Phone Number: 480-858-2085**  
**E-mail: Ashley\_Nichols@tempe.gov**



## East Valley Disaster Services

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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 / Nuisance Abatement Services  
Property: 1301 East Broadmor Drive  
Tempe, AZ 85282

Operator: SKIP

Estimator: Skip Yaw  
Company: EVDS

Business: (480) 833-4538  
E-mail: Skip@evds.co

Type of Estimate: Nuisance Abatement Services

Date Entered: 7/14/2021

Date Assigned:

Price List: AZPH8X\_JUL21

Labor Efficiency: Restoration/Service/Remodel

Estimate: 21-1588-NUISANCE





## 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

### 21-1588-NUISANCE

#### Nuisance Abatement Services

##### Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	707.00	23.48	730.48
<b>NOTE: Abatement services includes;</b>					
1) Cut/remove overgrown weeds and grass in gravel landscape in front and side yard.					
2) Apply a pre-emergent solution to the affected areas.					
3) Haul off and disposal of yard waste.					
4) Security provided by the City of Tempe Police Department.					
<b>Totals: Exterior</b>				<b>23.48</b>	<b>730.48</b>
<b>Total: Nuisance Abatement Services</b>				<b>23.48</b>	<b>730.48</b>
<b>Line Item Totals: 21-1588-NUISANCE</b>				<b>23.48</b>	<b>730.48</b>



## East Valley Disaster Services

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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	707.00
Material Sales Tax	23.48
<b>Replacement Cost Value</b>	<b>\$730.48</b>
<b>Net Claim</b>	<b>\$730.48</b>

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Skip Yaw



## East Valley Disaster Services

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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

- 1 1-1301 East Broadmor Drive (1)  
Date Taken: 7/9/2021



- 2 2-1301 East Broadmor Drive (2)  
Date Taken: 7/9/2021





## East Valley Disaster Services

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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

- 3 3-1301 East Broadmor Drive (3)  
Date Taken: 7/9/2021



- 4 4-1301 East Broadmor Drive (4)  
Date Taken: 7/9/2021





09/02/2021 14:49



09/02/2021 14:49



09/02/2021 14:49

09/02/2021 14:50







09/02/2021 14:50



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

02/16/2021

JAMES / PATRICIA A MCCABE  
1301 E BROADMOR DR  
TEMPE, AZ 85282

Case #: CE210921  
Site Address: 1301 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/16/2021 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	SITE REINSP ON OR AFTER
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property	
CC 21-3. b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
CC 21-3. b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		
Sec.22-105.	Please remove graffiti from property.	3/2/2021
CC 21-3. b.8	Please remove all weeds/grass from gravel landscape areas. All gravel landscaping must be maintained and free of weeds/grass.	3/2/2021
CC 21-3. b.8	Please remove all dead/deteriorated landscaping.	3/2/2021

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

**Sammy Baptiste**  
Code Inspector

**Direct: 480-350-5463**  
**Code Compliance: 480-350-4311**  
**Email: Samuel\_Baptiste@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).  
**Civil and Criminal Penalties**

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



COMMUNITY DEVELOPMENT DEPARTMENT  
 CODE COMPLIANCE  
 2<sup>ND</sup> CORRECTION NOTICE

03/01/2021

JAMES / PATRICIA A MCCABE  
 1301 E BROADMOR DR  
 TEMPE, AZ 85282

Case #: CE210921  
 Site Address: 1301 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/01/2021 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	
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property	
CC 21-3. b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
CC 21-3. b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
Sec.22-105.	Please remove graffiti from property.	3/15/2021
CC 21-3. b.8	Please remove all weeds/grass from gravel landscape areas. All gravel landscaping must be maintained and free of weeds/grass.	3/15/2021
CC 21-3. b.8	Please remove all dead/deteriorated landscaping.	3/15/2021

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

**Sammy Baptiste**  
 Code Inspector

**Direct: 480-350-5463**  
**Code Compliance: 480-350-4311**  
**Email: Samuel\_Baptiste@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

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



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

03/15/2021

JAMES / PATRICIA A MCCABE  
1301 E BROADMOR DR  
TEMPE, AZ 85282

Case #: CE210921  
Site Address: 1301 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/15/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3. b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
CC 21-3. b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance
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

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3. b.8	Please remove all weeds/grass from gravel landscape areas. All gravel landscaping must be maintained and free of weeds/grass.	3/29/2021
CC 21-3. b.8	Please remove all dead/deteriorated landscaping. Install/fill dirt patch areas with acceptable landscaping material.	3/29/2021
CC 21-3. b.1	Please remove trash, litter, and debris from property.	3/29/2021

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

**Sammy Baptiste**  
Code Inspector

**Direct: 480-350-5463**  
**Code Compliance: 480-350-4311**  
**Email: Samuel\_Baptiste@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

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



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

05/04/2021

JAMES / PATRICIA A MCCABE  
1301 E BROADMOR DR  
TEMPE, AZ 85282

Case #: CE210921  
Site Address: 1301 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/04/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please <b>remove</b> the grass and/or weeds from the gravel landscaping of the property. Gravel landscaping must remain free and clear of all grass and weeds.	<b>05/18/2021</b>
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**IF NOT IN COMPLIANCE BY 05/18/2021, A \$200 CITATION WILL BE ISSUED.**

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

**Ashley Nichols**  
Code Inspector

**Direct: 480-858-2085**  
**Code Compliance: 480-350-4311**  
**Email: Ashley\_Nichols@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



Complaint Number <b>1702217</b>	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 <b>CE 210921</b>		

Interpreter Required?  Spanish  Other Language

**Defendant** Name (First, Middle, Last) **James McCabe** Juvenile

Residence Address, City, State, Zip Code **1301 E Broadmor 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 03 21 3:30  AM  PM **Speed** Approx. Posted R & P Speed Measurement Device  Radar  Laser  Pace Direction of Travel

At Location **1301 E Broadmor Dr**  Temp **85282** State of Arizona Area Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>21-3.2</b> ARS Violation: <b>21-3.6.8 Deteriorated Landscape</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number Disposition: Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>B</b>	Section: ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number Disposition: Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>C</b>	Section: ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number Disposition: Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>D</b>	Section: ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number Disposition: Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>E</b>	Section: ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number Disposition: Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense

**You must appear on the date and time indicated at:**

Traffic Court Suite 150, 1st Floor Date: **06/22/21** 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.

**Ashley Nichols** **8049**  
Complainant PSN

Comments: **1st citation \$200**

**06/04/2021**  
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.



1702217

COMPLAINT

**Case No: 21-012503-4 Title: CITY OF TEMPE vs JAMES MCCABE**

MCCABE, JAMES  
 1301 E BROADMOR DRIVE  
 TEMPE, AZ 85282

**Case Status:** Inactive **Case Balance Owing:** \$294.30 **TPC Due Date:**  
**Filed:** 6/10/2021 **Stayed Balance Owing:** \$0.00 **TPC Amount Due:**

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1702217A	21-3B8	06/03/2021	LANDSCAPING-DEAD, DAMAGED, UNCONTROL	6/10/2021	58 - FAIL TO APPEAR	7/6/2021

# Citations: 1

**REGISTER OF ACTION**

Date	Cite Number	Action	Amount	Judge	User
6/10/2021		ATTC FILED			LGB
6/10/2021		FIRST CITATION - \$200.00			LGB
6/10/2021	1702217 A	CIVIL ARRAIGNMENT NLT 6/22/2021			LGB
6/23/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2021			SYS
7/7/2021	1702217 A	DEFAULT FEE IMPOSED	\$50.00		SYS
7/7/2021	1702217 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
7/7/2021	1702217 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
7/7/2021	1702217 A	FTA DEFAULT			SYS
7/7/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		

# Actions: 9