

# Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 10

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Laux Property located at 1965 East Lodge Drive.

**DOCUMENT NAME:** 20101103cdr103 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **LAUX PROPERTY (PL100282 /ABT10026 / CE101267)** (Jack Scofield, Inspector; Margaret Laux, property owner) located at 1965 East Lodge Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Ryan Levesque, Senior Planner (480-858-2393)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

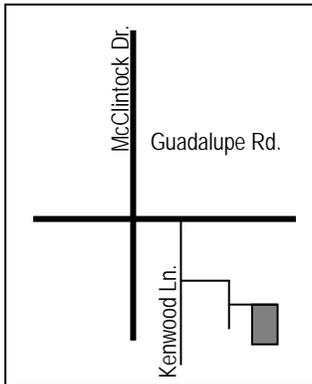
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**FISCAL NOTE:** \$653.00 for abatement request, including the removal of weeds & debris, & draining pool.

**RECOMMENDATION:** Staff – Approval of Abatement Proceedings

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Laux Property located at 1965 East Lodge Drive in the R1-6, Single Family Residential District. 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 CE101267: Litter or trash-covered exterior areas; Landscape substantially dead, damaged, or uncontrolled growth.

**180 DAY OPEN ABATEMENT REQUEST:**

The property has had numerous complaints in the past months. Due to the history of recidivism of the property owner and seven months of attempts to have the site remediated by the property owner, staff is requesting a 180-day open abatement to prevent repeated property neglect and neighborhood decline.

**PAGES:**

1. List of Attachments
2. Comments; History & Facts/Description

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-14. Code Compliance Report & Photographs

**COMMENTS:**

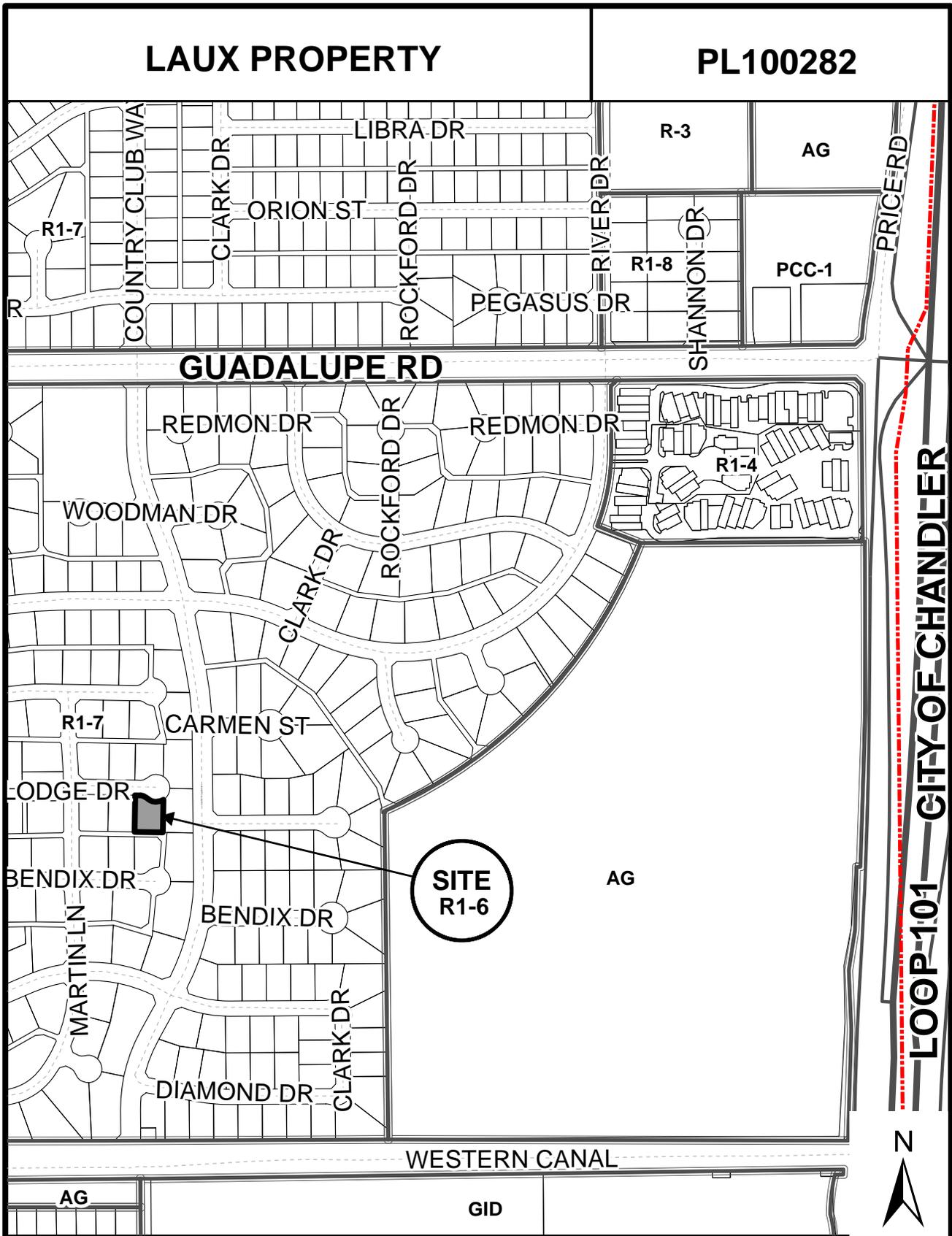
Code Compliance is requesting approval to abate the Laux Property located at 1965 East Lodge Drive in the R1-6, Single Family Residential District. This case was initiated on April 12, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Ms. Margaret Laux, regarding violations of the Tempe City Code for Litter or trash-covered exterior areas; Landscape substantially dead, damaged, or uncontrolled growth.

Ms. Laux has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to removing trash, litter and landscape debris; remove dead plants and grass/weeds from gravel area on front and side yard.

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 the 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.



**Location Map**



**LAUX PROPERTY (PL100282)**

**DATE:** September 2, 2010  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Jack Scofield, Code Inspector  
**SUBJECT:** CE101267, Laux Residence Abatement

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**LOCATION:** 1965 E LODGE DR TEMPE, AZ 85283  
**LEGAL:** CAMELOT VILLAGE UNIT THREE PER MCR 191-20  
**PARCEL:** 301-49-179  
**OWNER:** LAUX MARGARET P  
1965 E LODGE DR  
TEMPE, AZ 85283

**FINDINGS:**

4/12/2010 The Code Compliance Division received a complaint concerning deteriorated landscape.

4/13/2010 Inspector Don Alexander inspected the property and found grass and weeds in the gravel areas of the front and side yards. Notice to comply posted to property.

4/28/2010 Inspector Don Alexander mailed notice to comply to property owner.

5/17/2010 The Code Compliance Division received an additional complaint concerning deteriorated landscape.

6/18/2010 Inspector Don Alexander posted notice to comply on property

7/6/2010 Case re-assigned to me. Inspected property and found trash and debris in the front and side yards. Also, grass and weeds growing in the gravel areas of the front and side yards. Notice to comply mailed to property owner.

7/21/2010 Final notice to comply mailed to property owner.

8/16/2010 Violations not corrected, Citation issued.

8/30/2010 Property owner failed to appear for court date to address citation.

8/31/2010 Found the rear yard gate missing with an unsecured green pool.

9/2/2010 Emergency abatement performed to drain and secure the pool.

9/2/2010 Posted notice of intent to abate to property and mailed copy to property owner.

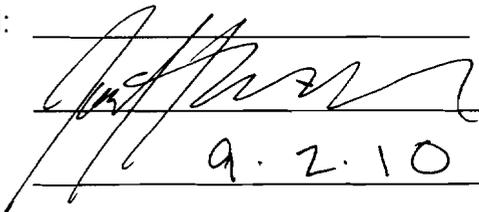
**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1965 E. Lodge Dr., due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8 and 21-3.B.16. Ms. Laux has been given ample time to come into compliance and maintain the property. Ms. Laux has failed to appear for court to address the citation issued for this violation. There has been no indication Ms. Laux will come into compliance. The property represents a health hazard and 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 Development Services 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,

Jack Scofield  
Code Inspector II

ACTION TAKEN: \_\_\_\_\_  
NAME:  \_\_\_\_\_  
DATE: 9.2.10 \_\_\_\_\_



**DEVELOPMENT SERVICES DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

07-07-2010

LAUX MARGARET P  
1965 E LODGE DR  
TEMPE AZ 85283-4213

Case#: CE101267  
Site Address: 1965 E LODGE DR

**SITE REINSPECTION ON OR AFTER: 07/21/2010**

This is a notice to inform you that this site was inspected on 07/06/2010 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.1	Please remove trash, litter, and landscape debris from property
CC 21-3.b.8	Please remove dead bushes and plants. Please remove grass and weeds from gravel area of front and side yard landscape

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

**Jack Scofield  
Code Inspector II**

**Direct: 480-350-8967  
Code Compliance: (480)350-8372  
Email: jack\_scofield@tempe.gov**

**Civil and Criminal Penalties**

<p>City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation   Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation   Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation.   Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs.   Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines.   Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 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.</p>
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SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE

**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-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.



DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

07-21-2010

LAUX MARGARET P
1965 E LODGE DR
TEMPE AZ 85283-4213

Case#: CE101267
Site Address: 1965 E LODGE DR

SITE REINSPECTION ON OR AFTER: 08/04/2010

This is a notice to inform you that this site was inspected on 07/21/2010 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.

Table with 2 columns: SECTION and VIOLATION. Rows include CC 21-3.b.1 (Filthy, littered, debris or trash-covered exterior areas) and CC 21-3.b.8 (Landscaping that is substantially dead damaged or characterized by uncontrolled growth).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Table with 2 columns: SECTION and VIOLATION. Rows include CC 21-3.b.1 (Please remove trash, litter, and landscape debris from property) and CC 21-3.b.8 (Please remove dead bushes and plants. Please remove grass and weeds from gravel area of front, rear, and side yard landscape).

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

Jack Scofield
Code Inspector II

Direct: 480-350-8967
Code Compliance: (480)350-8372
Email: jack\_scofield@tempe.gov

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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.

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1442758</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.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D			Incident Report Number <b>CE101267</b>				
Defendant Name (First, Middle, Last) <b>Margaret Pamela Lawx</b>												Juvenile
Residence Address, City, State, Zip Code <b>1965 E Lodge Dr. Tempe, AZ 85283</b>										Residence Phone No. ( )		
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions					
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 <b>08</b>	Day <b>16</b>	Year <b>2010</b>	Time <b>1000</b>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location <b>1965 E Lodge Dr</b>						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>21-3 B1</b>	ARS CC	Violation: <b>Trash and Debris</b>	<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>B</b>	Section: <b>21-3 B8</b>	ARS CC	Violation: <b>Deteriorated Landscape</b>	<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>C</b>	Section:	ARS CC	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						
<b>D</b>	Section:	ARS CC	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						
<b>E</b>	Section:	ARS CC	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						

<b>You must appear on the date and time indicated at:</b>	<b>Tempe Municipal Court</b> 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: <b>8-30-2010</b>	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.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
<b>X</b>	<i>[Signature]</i> Complainant	<b>70003</b> PSN

Comments: **1st Violation \$340.00**

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 \_\_\_\_\_

Date issued if not violation date \_\_\_\_\_

COMPLAINT



1442758

CASE # CE101267



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/02/2010

**LAUX MARGARET  
1965 E LODGE DR  
TEMPE, AZ 85283**

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

**Legal:** CAMELOT VILLAGE UNIT THREE PER MCR 191-20  
**Location:** 1965 E LODGE DR TEMPE, AZ 85283  
**Parcel:** 301-49-179

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This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **10/05/2010**. 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:

- **REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF FRONT AND REAR YARDS**
- **REMOVE TRASH AND DEBRIS FROM FRONT AND REAR YARDS**

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

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$528.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480) 350-8372.**

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**Code Inspector: Jack Scofield**  
**Phone Number: (480)350-8967**  
**E-mail: jack\_scofield@tempe.gov**

JACK HARRINGTON  
3831 W AVALON  
PHOENIX, AZ. 85019  
TEL: (602) 446-2630  
FAX: (602) 347-5487  
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: JACK  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAL PLUS 0 PAGE(S)

DATE: 8-17-2010      TIME: \_\_\_\_\_A.M. 2:25 \_\_\_\_\_P.M.

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # TO8-092-02

ADDRESS: 1965 E. LODGE      TEMPE, AZ.

- |  |                 |
|--|-----------------|
| 1. REMOVE WEEDS & DEBRIS FROM FRONT& BACK YARDS<br>24 M.H. @ \$22.00/HR. | \$528.00        |
| 2. DRAIN POOL  | <u>\$125.00</u> |
| TOTAL COST FOR ABOVE ITEMS   | \$653.00        |

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_



