

Staff Summary Report



Hearing Officer Hearing Date: September 1, 2009

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **MCCABE RESIDENCE** located at 1301 East Broadmor Drive.

DOCUMENT NAME: 20090901dsng03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **MCCABE RESIDENCE ABATEMENT (PL090276/ABT09018)** (James & Patricia McCabe, property owner) Complaint 088114 located at 1301 East Broadmor Drive in the R1-6, Single Family Residential District.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

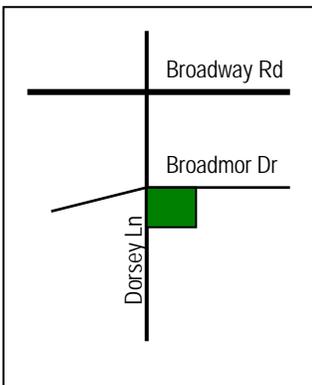
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **MCCABE RESIDENCE ABATEMENT (PL090276/ABT09018)** (James & Patricia McCabe, property owner) Complaint 088114 located at 1301 East Broadmor Drive in the R1-6, Single Family Residential District. This residence is located south of Broadway Road on the southeast corner of Broadmor Drive and Dorsey Lane. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-15. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **MCCABE RESIDENCE ABATEMENT (PL090276/ABT09018)** (James & Patricia McCabe, property owner) Complaint 088114 located at 1301 East Broadmor Drive in the R1-6, Single Family Residential District. This residence is located south of Broadway Road on the southeast corner of Broadmor Drive and Dorsey Lane. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

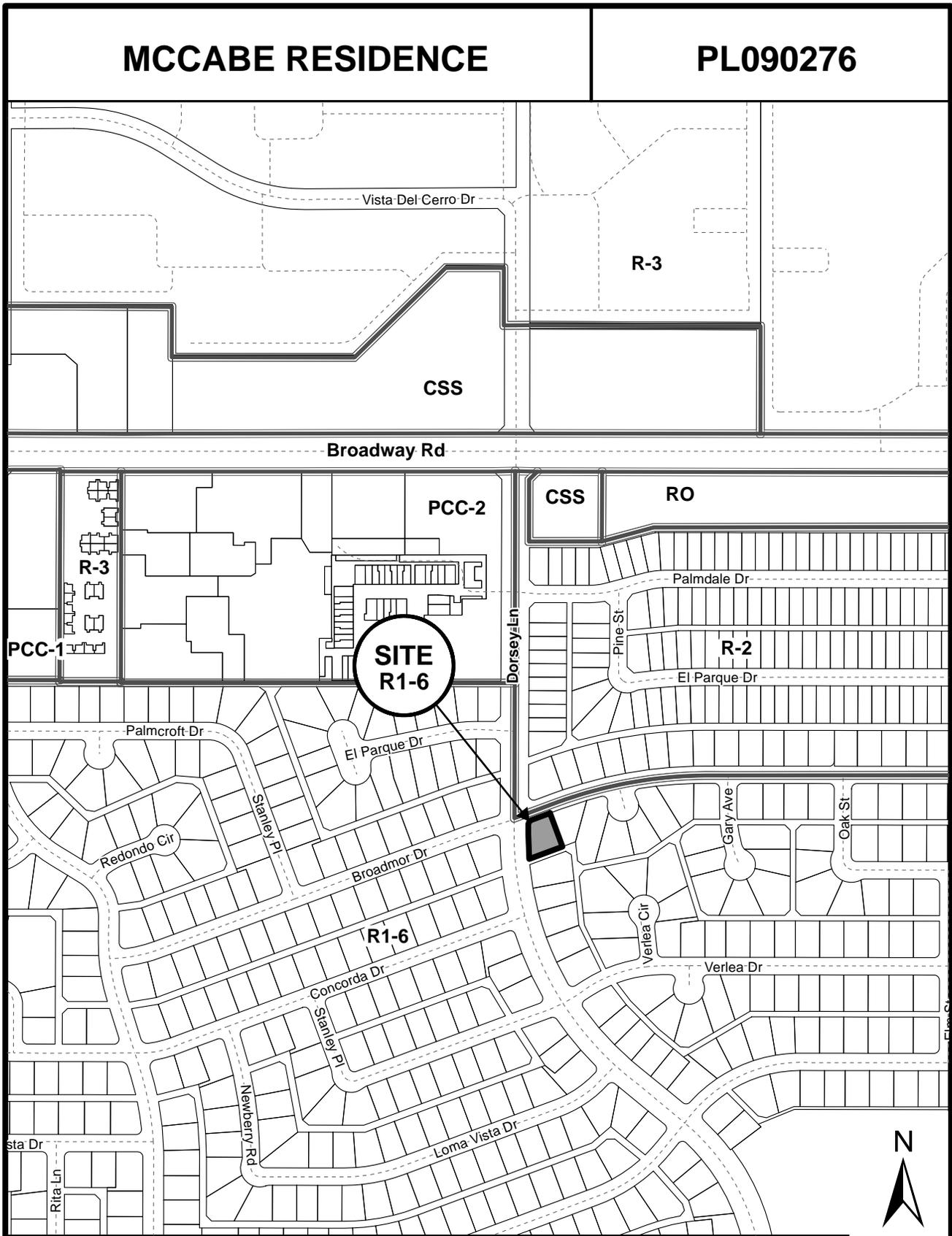
Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

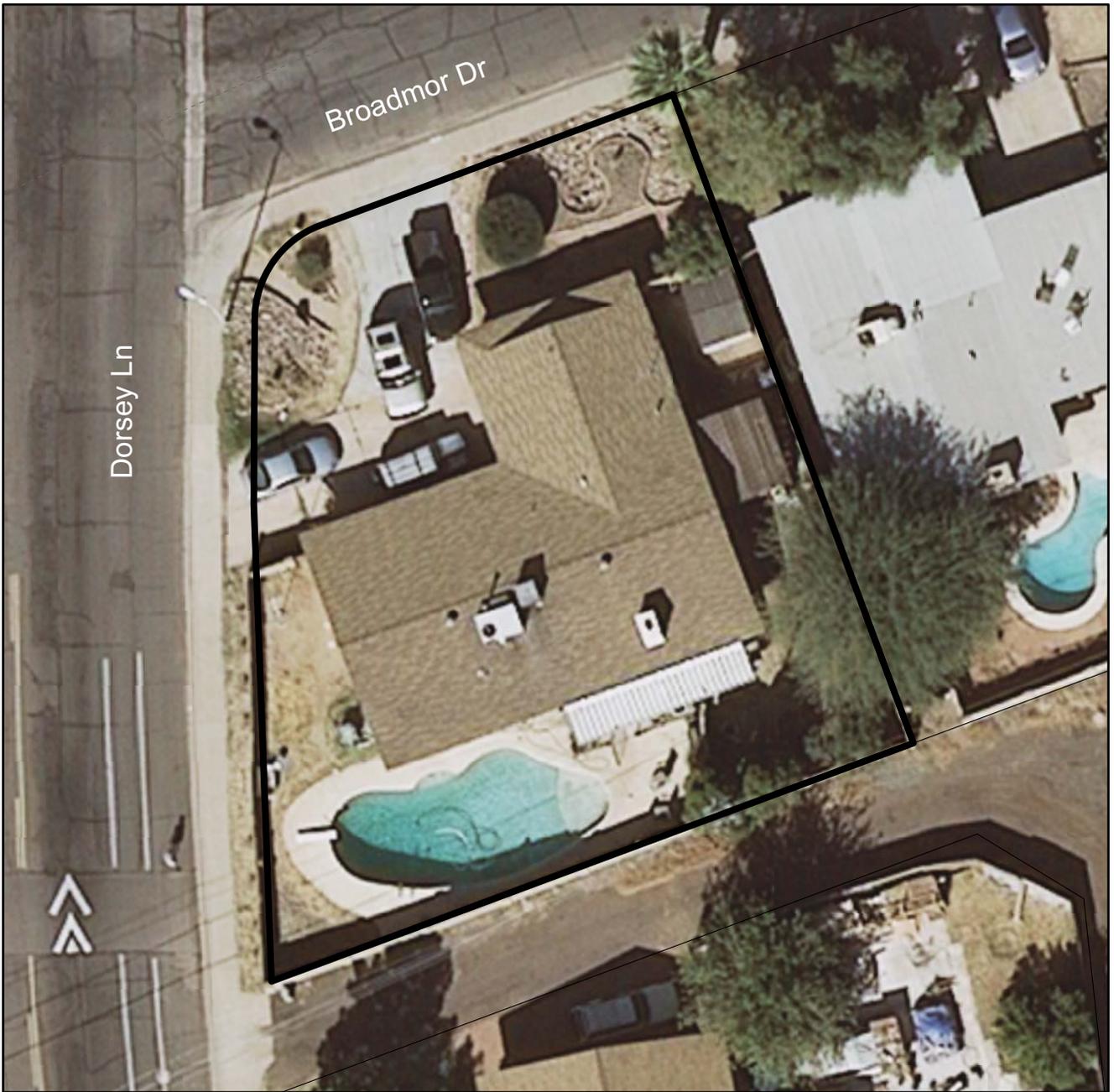
DESCRIPTION: Owner – James & Patricia McCabe
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 8,745 s.f. / .20 acres
Building area – 2,368 s.f.
Year of construction – 1969

MCCABE RESIDENCE

PL090276



Location Map



MCCABE RESIDENCE (PL090276)

DATE: 07/27/09
TO: Jan Koehn, Administrator
FROM: Julie Scofield
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE088114

LOCATION: 1301 E. Broadmor Dr. Tempe, AZ 85282
LEGAL: Book 133, Map 31, Parcel 136, as recorded with the Maricopa County Assessor
OWNER: James/Patricia McCabe
1301 E. Broadmor Dr.
Tempe, AZ 85282

FINDINGS:

- 12/02/08 The Neighborhood Enhancement Department received a complaint on the above property for deteriorated landscaping. The property was inspected. Violation included uncontrolled growth of grass and weeds growing throughout the gravel/rock landscaping in the front and side yard. A notice to comply was mailed to the property owners, James and Patricia McCabe.
- 12/17/08 The property was re-inspected. There has been no change in the condition of the property. Another notice was mailed to the property owners.
- 02/09/09 The property was re-inspected. There has been no change in the condition of the property. A final notice was mailed to the property owner.
- 03/02/09 The property was re-inspected. There is an unregistered vehicle in the driveway. There has been no change in the landscaping. Found another address for the owners. A notice was mailed to both addresses to request compliance.
- 03/16/09 The property was re-inspected. There has been no change in the condition of the property. A final notice was mailed, again to both addresses.
- 04/22/09 A conversation took place on the phone with Patricia McCabe. She said the unregistered cars should be gone within one (1) week. The violations with the landscape were also discussed and the code explained.
- 05/11/09 The property was re-inspected. Citation # 1413531 was issued for the landscaping and unregistered vehicles. Pictures were taken.
- 06/16/09 The property was re-inspected. There has been no change in the condition of the property. A second citation #1413539 was issued for the landscaping and unregistered vehicle. Pictures were taken.
- 07/14/09 An estimate from contractor Jack Harrington was requested for the abatement of the deteriorated landscaping and towing of unregistered vehicle.
- 07/21/09 The estimate was received for the abatement in the amount of \$511.00
- 07/27/09 The application for the abatement was submitted for the hearing date of 9/1/09.

RECOMMENDATIONS:

I recommend the approval for abatement at 1301 E. Broadmor Dr. Tempe, AZ 85282 which is owned by James and Patricia McCabe. The McCabe's have been given ample time and opportunities to come into compliance and has failed to take corrective action. There has been no indication in The McCabe's actions that they plan to correct and maintain the property.

Respectfully submitted,
Julie Scofield

ACTION TAKEN: Referred for hearing
NAME Jan Koehn
DATE: 7/30/09



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Neighborhood Enhancement Department

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/29/09

TO: **James/Patricia McCabe**
1301 E. Broadmor Dr.
Tempe, AZ 85282

James/Patricia McCabe
8 Deepwater Ave.
Massapequa, NY 11758

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

LEGAL: Book 133, Map 31 Parcel 136, as recorded with the Maricopa County Assessor.

LOCATION: 1301 E. Broadmor Dr. Tempe, AZ 85282

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 9/01/09. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by cleaning up the landscaping and towing an unregistered vehicle. TCC 21-3-B-8 which prohibits landscaping that is dead, over height, damaged, or presents a deteriorated or slum-like appearance and TCC 21-3-B-3 which prohibits inoperable or unregistered vehicles to be outside with no enclosures.

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 \$511.00 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.

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

JACK HARRINGTON
6828 N. 25TH DR. # B
PHOENIX, AZ. 85017
TEL: (602) 446-2630
FAX: (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: Julie Scofield

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS _0_ PAGE(S)

DATE: 07-15-09 TIME: ___ A.M. **12:33 P.M.**

PROPOSAL

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

ADDRESS: 1301 E. BROADMOR DR. Tempe AZ.

1. TOW VEHICLE	\$135.00
2. LANDSCAPING FRONT YARD ONLY 8 HRS @ \$22./HR	\$176.00
3. POLICE OFFICER – 4 HRS @ \$50./HR	\$200.00
 TOTAL	 \$511.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

NOTE: WE CAN EMAIL THE PROPOSALS TO YOU IF YOU PROVIDE YOUR EMAIL FOR US.

CASE #CE088114



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 12/3/08

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

This notice to comply is to inform you that on 12/2/08, the property located at 1301 E. BROADMOR DR. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 12/16/08 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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;

Sec. 21-43. Notice to comply.

(d) Additional notice; notice not required. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

Please take the following corrective action by: 12/16/08

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE FRONT AND SIDES OF THE GRAVEL LANDSCAPING.
2. PLEASE MAINTAIN THE LANDSCAPING.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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 cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

REPEATED VIOLATION(S) FOR DETERIORATED LANDSCAPING

Please note that if grass or weeds over gravel is observed or a complaint is received within the next twelve (12) months, a CITATION will be issued without any further notice(s).

CASE #CE088114



**City of Tempe Code Compliance Division
Final Notice to Comply: Article I. Nuisances**

Mailed on Date: 12/18/08

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

This notice to comply is to inform you that on 12/17/08, the property located at 1301 E. BROADMOR DR. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 12/31/08 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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;

Sec. 21-43. Notice to comply.

(d) Additional notice; notice not required. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

Please take the following corrective action by: 12/31/08

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE FRONT AND SIDES OF THE GRAVEL/ROCK LANDSCAPING.
2. PLEASE REMOVE THE GRASS GROWING THROUGH THE DRIVEWAY CRACKS.
3. PLEASE MAINTAIN THE LANDSCAPING.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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 cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: JULIE SCOFIELD

Phone Number: 480-350-8951

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REPEATED VIOLATION(S) FOR DETERIORATED LANDSCAPING

Please note that if grass or weeds over gravel is observed or a complaint is received within the next twelve (12) months, a CITATION will be issued without any further notice(s).

CASE #CE088114



**City of Tempe Code Compliance Division
Final Notice to Comply: Article I. Nuisances**

Mailed on Date: 2/10/09

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

This notice to comply is to inform you that on 2/9/09, the property located at 1301 E. BROADMOR DR. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 2/24/09 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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;

Sec. 21-43. Notice to comply.

(d) Additional notice; notice not required. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

Please take the following corrective action by: 2/24/09

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE FRONT AND SIDES OF THE GRAVEL/ROCK LANDSCAPING.
2. PLEASE REMOVE THE GRASS GROWING THROUGH THE DRIVEWAY CRACKS.
3. PLEASE MAINTAIN THE LANDSCAPING.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

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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 cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

REPEATED VIOLATION(S) FOR DETERIORATED LANDSCAPING

Please note that if grass or weeds over gravel is observed or a complaint is received within the next twelve (12) months, a CITATION will be issued without any further notice(s).



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 3/3/09

**JAMES/PATRICIA MCCABE
8 DEEPWATER AVE.
MASSAPEQUA, NY 11758**

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

This notice to comply is to inform you that on 3/2/09, the property located at 1301 E. BROADMOR DR. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 3/16/09 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Violation of the Tempe City Code, Chapter 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;

Sec. 21-43. Notice to comply.

(d) Additional notice; notice not required. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional

notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.

Please take the following corrective action by: 3/16/09

Required Correction(s):

1. **IN ORDER FOR VEHICLES TO BE LEFT OUT IN THE OPEN, THEY MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY CURRENT TAGS FOR THE VEHICLE WITH PLATE OF (450MYN).**
2. **IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.**
3. **PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL/ROCK LANDSCAPING IN THE FRONT AND SIDE OF THE PROPERTY.**
4. **PLEASE MAINTAIN THE PROPERTY.**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

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Code Inspector: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

CASE #CE088114



**City of Tempe Code Compliance Division
Final Notice to Comply: Article I. Nuisances**

Mailed on Date: 3/17/09

**JAMES/PATRICIA MCCABE
8 DEEPWATER AVE.
MASSAPEQUA, NY 11758**

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

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- 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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Please take the following corrective action by: 3/31/09

Required Correction(s):

1. IN ORDER FOR VEHICLES TO BE LEFT OUT IN THE OPEN, THEY MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY CURRENT TAGS FOR THE VEHICLE WITH PLATE OF (450MYN).
2. IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.
3. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL/ROCK LANDSCAPING IN THE FRONT AND SIDE OF THE PROPERTY.
4. PLEASE MAINTAIN THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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 cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: JULIE SCOFIELD

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