

Staff Summary Report



Hearing Officer Hearing Date: 3/01/11

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Paiz Property located at 4432 South Juniper Street.

DOCUMENT NAME: 20110301cdsl03 **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 **PAIZ PROPERTY (PL110029/ABT11002/CE104212)** (Jack Scofield, Inspector; Christopher Paiz & Emiko Chin, property owners) located at 4432 South Juniper Street in the R1-6, Single Family Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

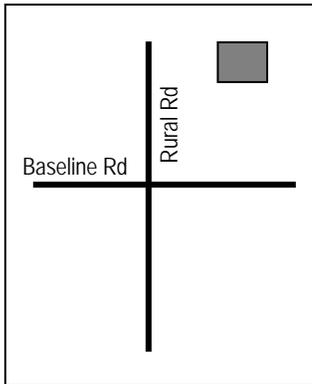
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$ 330.00 for abatement request, including the removal of trash/debris, weeds from landscape

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Paiz Property located at 4432 South Juniper Street 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 CE104212: removal of trash and debris, clean up of weeds from landscape.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-12. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Paiz Property located at 4432 South Juniper Street in the R1-6, Single Family Residential District. This case was initiated on 11/29/10 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners, Christopher Paiz & Emiko Chin, regarding violations of the Tempe City Code for excessive trash, debris and weeds

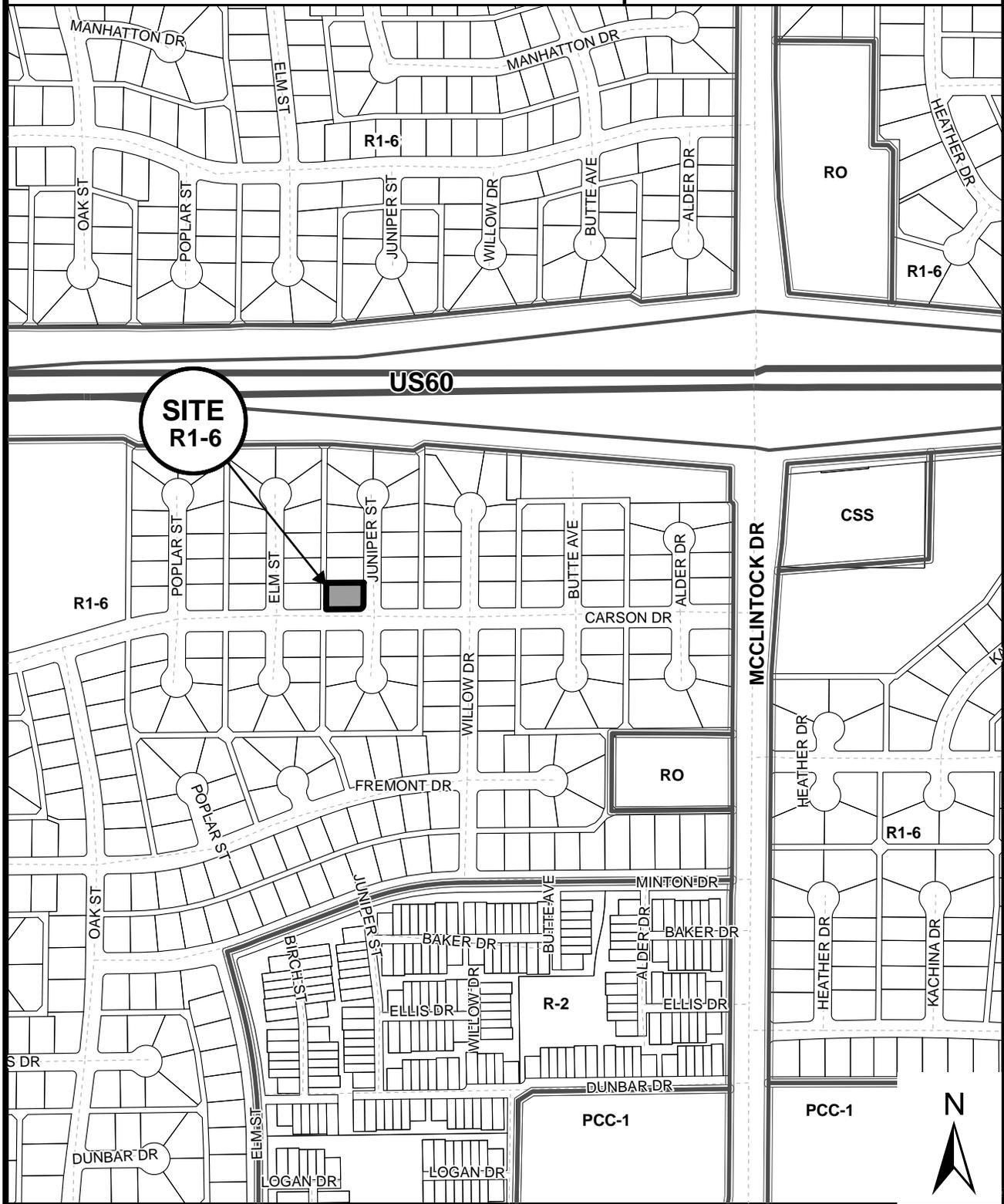
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

PAIZ PROPERTY

PL110029



Location Map



PAIZ PROPERTY (PL110029)

DATE: January 27, 2011
TO: Michael Spencer, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CE104212, Paiz Property Abatement

LOCATION: 4432 S JUNIPER ST TEMPE, AZ 85282

LEGAL: TEMPE GARDENS UNIT SEVEN

PARCEL: 133-39-037

OWNER: PAIZ CHRISTOPHER/ CHIN EMIKO S
56 DANRIDGE CT
ANTIOCH, CA 94509

FINDINGS:

11/29/10 The Code Compliance Division received a complaint concerning trash, debris, and deteriorated landscape in the front and side yards.

12/2/2010 Inspected property and found a large amount of trash and debris in the front and side yards. Also found grass and weeds growing in the gravel areas of the front and side yards. Notice to comply mailed to property owner.

12/16/10 The Code Compliance Division received an additional complaint concerning trash, debris, and deteriorated landscape in the front and side yards.

12/20/2010 Final notice to comply mailed to property owner.

1/5/2011 Civil citation issued.

1/13/2011 The Code Compliance Division received an additional complaint concerning trash, debris, and deteriorated landscape.

1/13/2011 Received phone call from owner Christopher Paiz advising that he will be paying the citation and correcting all violations by the 1/26/2011.

1/26/2011 Property failed to appear for court.

1/27/2011 Posted notice of intent to abate to property and mailed copy to property owner.

PREVIOUS COMPLAINT HISTORY:

3/17/2009 CE091965 Deteriorated landscape.
8/20/2009 CE094866 Lawn parking.
9/8/2009 CE095114 Unsecured Pool.
1/8/2010 CE100031 Trash and debris, deteriorated landscape, and unsecured pool.
7/9/2010 CE102480 Trash and debris, and deteriorated landscape.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 4432 S Juniper St, due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.1 and 21-3.B.8. The property owner has been given ample time to come into compliance and maintain the property. The property owner has failed to appear for court concerning these violations. There has been no indication that the property owner will bring the property 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 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 from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: Submit
NAME: [Signature]
DATE: 1-27-17



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

12/2/10

PAIZ CHRISTOPHER/ CHIN EMIKO S
56 DANRIDGE CT
ANTIOCH, CA 94509-5612

Case#: CE104212
Site Address: 4432 E JUNIPER ST TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 12/20/2010

This is a notice to inform you that this site was inspected on 12/2/10 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. PLEASE REMOVE TRASH, DEBRIS, AND FALLEN PALM FRONDS FROM THE FRONT AND SIDE YARDS.**
- 2. PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARDS. .**

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov**

Civil and Criminal Penalties

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 \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 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 \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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**

12/20/10

PAIZ CHRISTOPHER/ CHIN EMIKO S
56 DANRIDGE CT
ANTIOCH, CA 94509-5612

Case#: CE104212
Site Address: 4432 E JUNIPER ST TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 01/05/2011

This is a notice to inform you that this site was inspected on 12/20/10 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov**

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1442768		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 CE104212		
Defendant		Name (First, Middle, Last) Christopher Paiz								Juvenile		
Residence Address, City, State, Zip Code 56 Darridge Ct. Antioch, CA 94509										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 01	Day 05	Year 2011	Time 1030	<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 4432 E Juniper St.							<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona		Area	Dist.	
The Defendant Committed the Following:												
A	Section: 21-3 B 1		ARS CC	Violation: Trash covered exterior area				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD		
B	Section: 21-3 B 8		ARS CC	Violation: Deteriorated Landscape				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD		
C	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD		
D	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD		
E	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD		
You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 01-26-2011		Time: Between 9AM & 4PM					
	<input type="checkbox"/> Court:		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		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.						
X						Complainant <i>[Signature]</i>			70003 PSN			
Comments: Juvenile Notification: 1st violation \$170 x 2 = \$340.00												
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



1442768

CASE # CE104212



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/27/11

**PAIZ CHRISTOPHER/ CHIN EMIKO S
56 DANRIDGE CT
ANTIOCH, CA 94509**

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

Legal: TEMPE GARDENS UNIT SEVEN
Location: 4432 S JUNIPER ST TEMPE, AZ 85282
Parcel: 133-39-037

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **03/01/2011**. 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 TRASH AND DEBRIS FROM FRONT AND SIDE YARDS**
- **REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE 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 **\$330.00**. 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 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 TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 1-27-11

PROPOSAL

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

ADDRESS: 4432 S. JUNIPER ST. TEMPE, AZ.

1. REMOVE WEEDS & DEBRIS FROM FRONT& SIDE YARD
15 M.H. @ \$22.00/HR. \$330.00

TOTAL COST FOR ABOVE ITEMS \$330.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

