

Staff Summary Report



Hearing Officer Hearing Date: 8/02/11

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Ramirez Property located at 9222 South Heather Drive.

DOCUMENT NAME: 20110802cdng04 **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 **RAMIREZ PROPERTY (PL110255 /ABT11028 /CE111533)** (Jack Scofield, Inspector; Ivann Ramirez, property owner) located at 9222 South Heather Drive in the R1-7, Single Family Residential District.

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

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

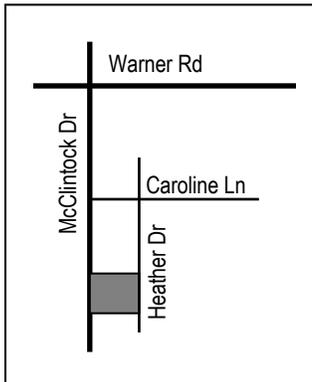
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$972.00 for abatement request, including landscape cleanup, tree removal and trimming of dead fronds from palm trees.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Ramirez Property located at 9222 South Heather Drive in the R1-7, 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 CE111533: deteriorated landscape, dead tree, and excessive palm fronds from palm trees.

Due to the history of recidivism of the property owner and several 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
- 3-12. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Ramirez Property located at 9222 South Heather Drive in the R1-7, Single Family Residential District. This case was initiated May 2011 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape.

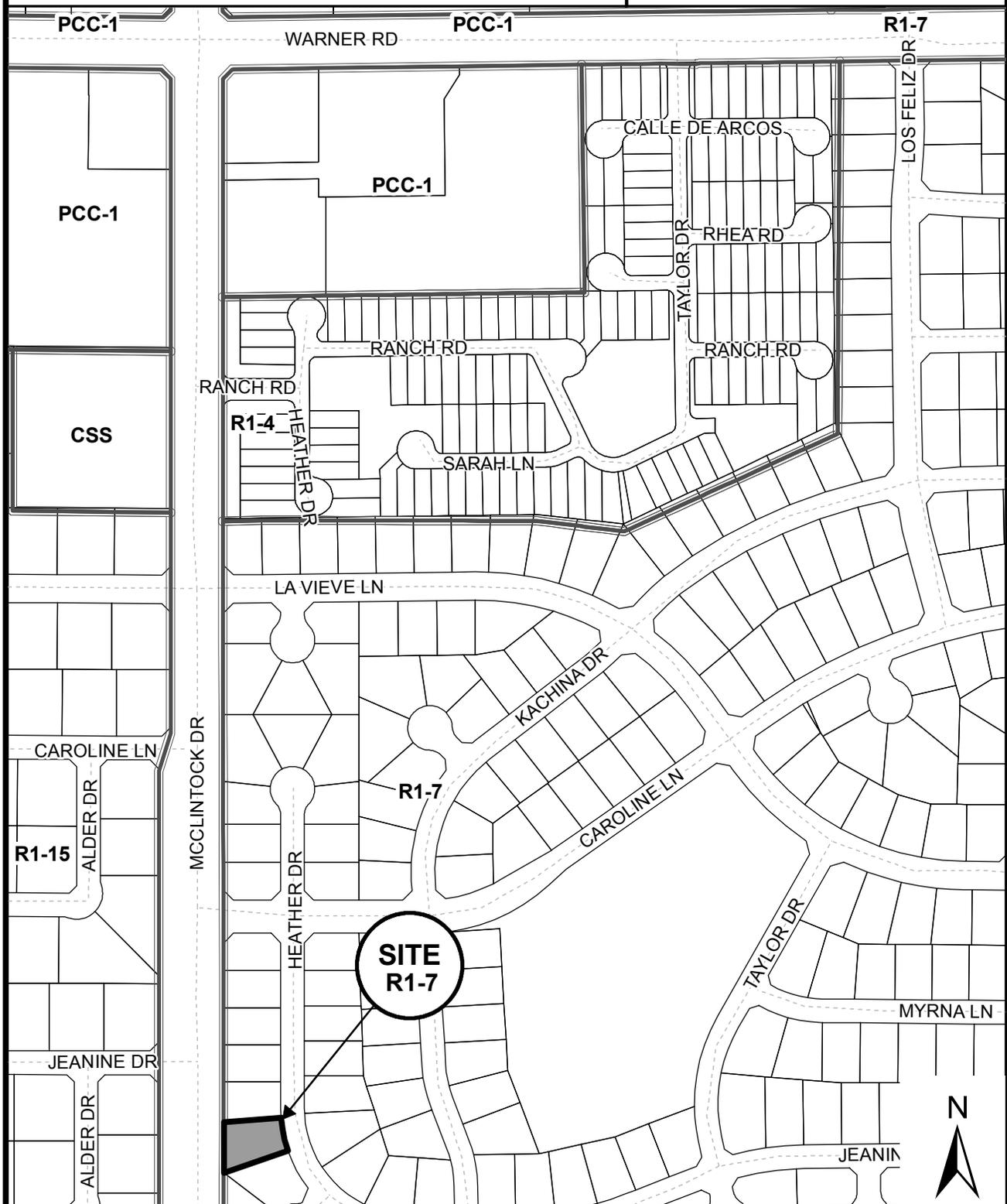
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism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

HISTORY & FACTS:

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

RAMIREZ PROPERTY

PL110255



Location Map



RAMIREZ PROPERTY (PL110255)

DATE: June 30, 2011
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE11655, Ramirez Property Abatement

LOCATION: 9222 S HEATHER DR TEMPE, AZ 85283

LEGAL: ALTA MIRA UNIT 1 MCR 231-23

PARCEL: 301-63-271

OWNER: RAMIREZ IVANN
9222 S HEATHER DR
TEMPE, AZ 85284

FINDINGS:

5/3/2011 The Code Compliance Division received a complaint concerning deteriorated landscape in the front and side yards.

5/4/2011 Inspected property and found trash and debris in the front and side yards, grass and weeds growing in the gravel areas of the front and side yards, large dead portions of the trees, and excessive palm fronds. Notice to comply mailed to property owner.

5/06/2011 The Code Compliance Division received an additional complaint concerning deteriorated landscape in the front and side yards and construction equipment in the drive.

5/9/2011 Inspected property and found construction equipment in the driveway. Mailed notice to comply to owner to address all violations.

6/7/2011 Placed pink door hanger on property advising owner that a citation would be issued on 6/9/2011 if not corrected.

6/9/11 Civil citation issued.

6/24/2011 Property failed to appear for court.

6/30/2011 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 2135 E Oxford Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Ms. Ramirez 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: 6.30.11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

5/4/11

RAMIREZ IVANN
9222 S HEATHER DR
TEMPE, AZ 85284

Case#: CE111533
Site Address: 9222 S HEATHER DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 05/18/2011

This is a notice to inform you that this site was inspected on 5/4/11 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 AND LANDSCAPE DEBRIS FROM THE FRONT AND SIDE YARDS.**
- 2. PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**
- 3. PLEASE REMOVE OR TRIM EXCESSIVE PALM FRONDS FROM PALM TREES.**
- 4. PLEASE REMOVE OR TRIM DEAD PORTIONS OF ALL TREES AND BUSHES ON THE PROPERTY.**

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
CORRECTION NOTICE**

5/9/11

RAMIREZ IVANN
9222 S HEATHER DR
TEMPE, AZ 85284

Case#: CE111533
Site Address: 9222 S HEATHER DR TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 05/23/2011

This is a notice to inform you that this site was inspected on 5/9/11 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-5

The storing or leaving of any machinery or equipment designed for or used by contractors or builders for commercial purposes, except where permitted by the city zoning regulations

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 AND LANDSCAPE DEBRIS FROM THE FRONT AND SIDE YARDS.**
- 2. PLEASE REMOVE TRACTOR AND TRACTOR ATTACHMENTS FROM PROPERTY.**
- 3. PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**
- 4. PLEASE REMOVE OR TRIM EXCESSIVE PALM FRONDS FROM PALM TREES.**
- 5. PLEASE REMOVE OR TRIM DEAD PORTIONS OF ALL TREES AND BUSHES ON THE PROPERTY.**

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 1442804 | | 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 CE111533 | | | | | |
| Defendant | | Name (First, Middle, Last) Trann Ramirez | | | | | | | | | | Juvenile | | | | | |
| Residence Address, City, State, Zip Code 9222 S. Heather Dr. Tempe, AZ 85284 | | | | | | | | | | | | 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 06 | Day 09 | Year 2011 | Time 0900 | <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 9222 S. Heather Dr. | | | | | | | | <input checked="" type="checkbox"/> Tempe | | State of Arizona | | | Area | Dist. |

The Defendant Committed the Following:

| | | | | | | | | |
|----------|--------------------------------|--|---|--|---|--|--|--|
| A | Section: CC 21-3 B 1 | | ARS Violation: Trash covered exterior areas | | <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 | Section: CC 21-3 B 8 | | ARS Violation: Deteriorated Landscape | | <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 | | | | | | | | |
| C | Section: | | ARS 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 | | | | | | | | |
| D | Section: | | ARS 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 | | | | | | | | |
| E | Section: | | ARS 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 | | | | | | | | |

| | | | | | | | | |
|---|--|--|---|--|-------------------------|--|---|--|
| 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: 06/23/2011 | | Time: Between 9AM & 4PM | |
| | | | <input type="checkbox"/> Criminal Court Suite 200, 2nd Floor | | Date: _____ | | Time: _____ | |
| | <input type="checkbox"/> Court: | | Date: | | Time: | | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 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: 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 _____ | | 1st Violation Charge A = \$170.00 Charge B = \$170.00 Total = \$340.00 | | | |
| Date issued if not violation date _____ | | | | | |

COMPLAINT



1442804

CASE # CE111533



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 6/30/11

**RAMIREZ IVANN
9222 S HEATHER DR
TEMPE, AZ 85284**

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

Legal: ALTA MIRA UNIT 1 MCR 231-23
Location: 9222 S HEATHERDR TEMPE, AZ 85283
Parcel: 301-63-271

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **08/02/2011**. 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:

1. **TRASH AND LANDSCAPE DRBRIS FROM THE FRONT AND SIDE YARDS.**
2. **REMOVE OR TRIM EXCESSIVE PALM FRONDS FROM PALM TREES.**
3. **REMOVE OR TRIM DEAD PORTIONS OF ALL TREES AND BUSHES ON THE PROPERTY.**

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 **\$972.00**. 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 SCOFIELD
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 6-30-11

PROPOSAL

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

ADDRESS: 9222 S HEATHER TEMPE, AZ.

| | |
|---|-----------------|
| 1. CLEAN FRONT ONLY REMOVAL ONE DEADTREE AND TRIMING DEAD OUT FTOM OTHER PLUS TRIM 2 PLAM TREE IN FRONT 36 M.H. @ \$22.00/HR. | \$792.00 |
| 2. 5 LOADS @ \$40/LOAD | 200.00 ----- |
| TOTAL COST FOR JOB | \$972.00 |

THANK YOU

ACCEPTANCE

JACK HARRINGTON

