

Staff Summary Report



Hearing Officer Hearing Date: 8/02/11

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Chavez Property located at 5639 South Outrigger Road.

DOCUMENT NAME: 20110802cdng02 **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 **CHAVEZ PROPERTY (PL110246 /ABT11026 /CE111818)** (Jack Scofield, Inspector; Paul Chavez, property owner) located at 5639 South Outrigger Road in the R-2, Multi-Family Residential District.

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

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

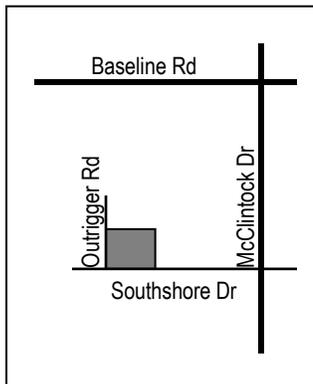
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$125.00 for abatement request, including restore pool water to a clean and clear state.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Chavez Property located at 5639 South Outrigger Road in the R-2, Multi-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 CE111818: deteriorated, green pool

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
- 3-9. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Chavez Property located at 5639 South Outrigger Road in the R-2, Multi-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.

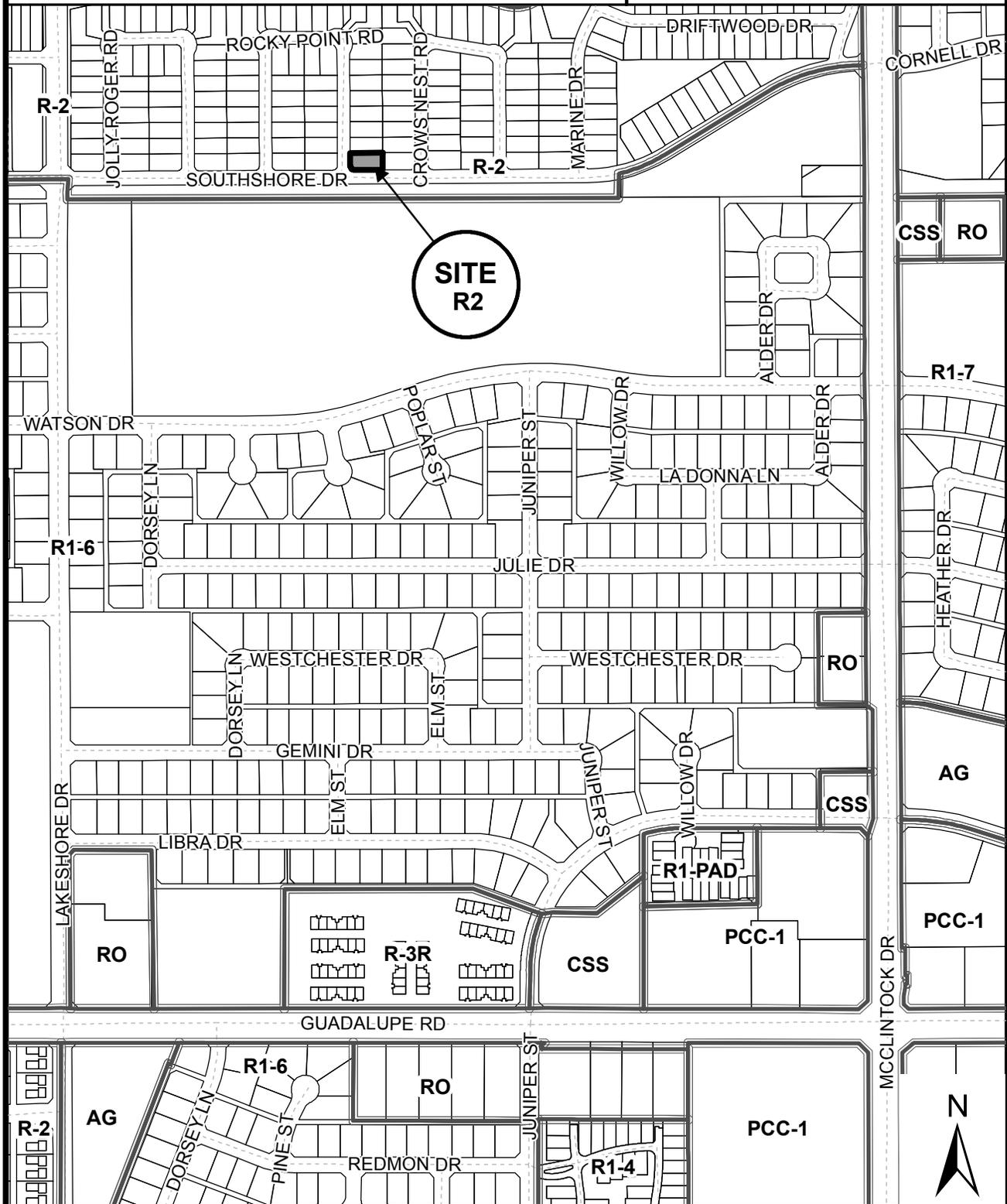
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism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

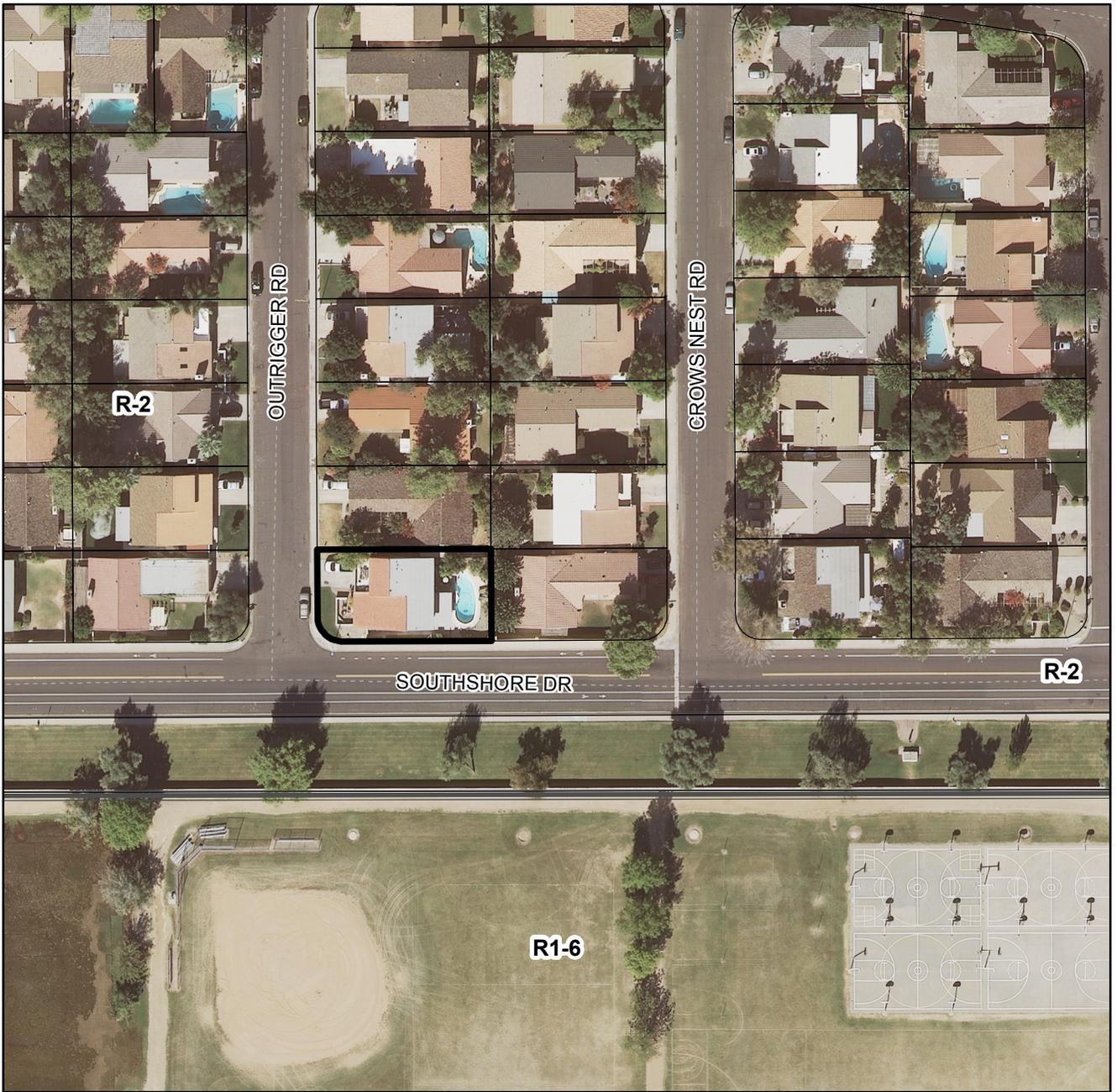
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

CHAVEZ PROPERTY

PL110246



Location Map



CHAVEZ PROPERTY (110246)

DATE: June 27, 2011
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE111818, Chavez Property Abatement

LOCATION: 5639 S OUTRIGGER RD TEMPE, AZ 85283

LEGAL: THE LAKES TRACT F-2

PARCEL: 301-02-415

OWNER: CHAVEZ PAUL
11389 NORTH 122ND STREET
SCOTTSDALE, AZ 85259

FINDINGS:

5/23/2011 The Code Compliance Division received a complaint concerning deteriorated pool.

5/24/2011 Inspected property and found a deteriorated pool with green stagnant water. Notice to comply mailed to property owner.

6/7/2011 Final notice to comply mailed to property owner.

6/20/2011 The Code Compliance Division received two additional complaints concerning a deteriorated pool.

6/27/2011 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 5639 S. Outrigger Rd. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.16. Mr. Chavez has been given ample time to come into compliance and maintain the property. 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: 6.27.11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

5/24/11

CHAVEZ PAUL
11389 NORTH 122ND STREET
SCOTTSDALE, AZ 85259

Case#: CE111818
Site Address: 5639 S OUTRIGGER RD TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/07/2011

This is a notice to inform you that this site was inspected on 5/24/11 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-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. PLEASE RESTORE POOL WATER TO A CLEAN AND CLEAR STATE.**

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**

6/7/11

CHAVEZ PAUL
11389 NORTH 122ND STREET
SCOTTSDALE, AZ 85259

Case#: CE111818
Site Address: 5639 S OUTRIGGER RD TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/21/2011

This is a notice to inform you that this site was inspected on 6/7/11 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-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. PLEASE RESTORE POOL WATER TO A CLEAN AND CLEAR STATE.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$370.00 CITATION WILL BE ISSUED.

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.

CASE # CE111818



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 6/27/11

**CHAVEZ PAUL
11389 NORTH 122ND STREET
SCOTTSDALE, AZ 85259**

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

Legal: THE LAKES TRACT F-2
Location: 5639 S OUTRIGGER RD TEMPE, AZ 85283
Parcel: 301-02-415

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. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE.

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 **\$125.00**. 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: 6-24-11

PROPOSAL

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

ADDRESS: 5639 S OUTRIGGER RD TEMPE, AZ.

1. PUMP POOL	125.00
TOTAL COST FOR JOB	\$ 125.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

