

# Staff Summary Report



Hearing Officer Hearing Date: December 15, 2009

Agenda Item Number: 21

**SUBJECT:** Public hearing for a request by City of Tempe Code Compliance to abate public nuisance items at the **ORRAS RESIDENCE** located at 26 West Erie Drive.

**DOCUMENT NAME:** 20091215dsjb02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by City of Tempe Code Compliance to abate public nuisance items in violation of the Tempe City Code for the **ORRAS RESIDENCE (PL090428 /ABT09038 /CE087014)** (Jamie Orras, property owner) located at 26 West Erie Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Jody Benson, Code Compliance Inspector (480-350-8671)

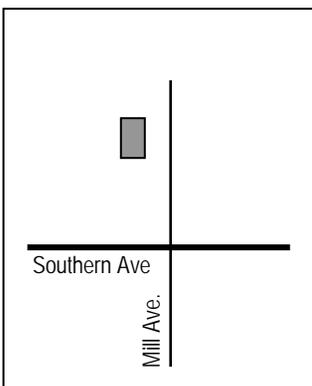
**REVIEWED BY:** Decima Sever, Development Services Liaison (480-350-8920)

A handwritten signature in black ink, appearing to read 'D. Sever'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**ADDITIONAL INFO:** Code Compliance is requesting approval to abate the **ORRAS RESIDENCE** at 26 West Erie Drive. The property is generally located north of Southern Avenue, west of Mill Avenue. 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 CE087014: grass and weeds in the front gravel, front and side yards; junk and debris in the front and side yards.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-20. Neighborhood Enhancement Report

**COMMENTS:**

Code Compliance is requesting approval to abate the Orras Residence located at 26 West Erie Drive in the R1-6, Single Family Residential District. The case was initiated on September 30, 2008 following which Code Compliance attempted to obtain compliance through several months of correspondence with the property owner, Jamie I. Orras, regarding violations of the Tempe City Code for deteriorated landscaping, inoperable/unregistered vehicle(s) and excessive outdoor storage/junk and debris.

This property owner has a history of violating Tempe City Code in regards to deteriorated landscaping. There have been five (5) prior complaints dating back to 2001, some taking several months to resolve. Code compliance staff has contacted the property owner multiple times about what improvements need to be made to bring the property into compliance. The owner has been issued multiple citations by Code Compliance and has failed to appear in court for those citations.

Jamie I. Orras has allowed the property to fall back into violation. There is uncontrolled growth of grass and weeds in the gravel front and side yard landscapes. There are also several excessive storage items/junk and debris (automobile transmission, stacks of shingles, work tables and other miscellaneous items) stored in the driveway and side yard. The property owner has taken no steps towards maintaining the property free of violations.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Development Services Hearing Officer approve the abatement of this public nuisance in accordance with section 21-53 of the Tempe City Code. It is further requested that the Hearing Officer approve additional abatements as deemed necessary by Code Compliance for a period not to exceed one hundred eighty (180) days from this abatement order.

**HISTORY & FACTS:**

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

# ORRAS RESIDENCE

# PL090428



## Location Map



**ORRAS RESIDENCE (PL090428)**

**DATE:** November 5, 2009  
**TO:** Mike Spencer Sr. Code Inspector  
**FROM:** Jody Benson, Code Inspector  
**SUBJECT:** Request for Authorization to Abate Complaint CE087014

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**COMPLAINT:** CE087014

**LOCATION:** 26 W. Erie Drive, Tempe, AZ 85282

**LEGAL:** Lot three hundred twelve (312), NU-VISTA UNIT 5, according to the Plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded Book 93 of maps, Page 17.

**OWNER:** Jamie I. Orras  
26 W. Erie Drive,  
Tempe, AZ 85282

**FINDINGS:**

- 09/30/08 Found grass and weeds in the gravel and an unregistered green Chevy truck with AZ temp tag# PY30065 (expired 04/03/08) parked in the improved area on w/s of driveway. Sent notice to correct.
- 01/07/09 Found the case had been closed by mistake and the property is still in violation with grass and weeds in the gravel and an unregistered green Chevy truck with AZ temporary tag# PY30065 (expired 04/03/08) parked in the driveway. Sent notice to correct.
- 01/29/09 No change. Sent notice to correct.
- 03/12/09 Some of the growth was removed, however more is coming back. Sent final notice to correct.
- 04/14/09 Took photos and issued citations for deteriorated landscape and inoperable unregistered vehicle.
- 05/05/09 Discovered that the homeowner failed to appear on the citation. Will re-inspect the property.
- 05/26/09 Took photos and issued a second citation.
- 09/08/09 After finding no information in the court database from approximately mid-June 2009 I contacted the courts and was advised that the new system does not generate the Failure to Appear.

- 09/15/09 The truck is gone and much of the grass and weeds were removed. There is a transmission in driveway and a stack of shingles as well as two tool tables are in the side yard. Sent notice to correct.
- 10/21/09 No change.
- 10/26/09 Requested abatement estimate from Jack Harrington authorized abatement contractor for the City of Tempe.
- 10/28/09 Received abatement estimate for \$1062.00.
- 10/29/09 Sent and posted notice to abate for the 12-15-09 hearing. Found the truck returned and the temporary tag expired 10/22/09.
- 11/02/09 The truck now has a current Arizona Historical plate.
- 11/05/09 Submitted request for abatement hearing on 12-15-09.

**COMPLAINT HISTORY**

The following history reflects all valid complaints on this property since Jamie I. Orras established ownership of 26 W. Erie Drive in February 2001.

- CE0114319**      **11/28/01 through 12/17/01** Complaint for people living in a motor home in the driveway and inoperable and unregistered vehicle. In compliance in less than one month. Shawn Daffara was the inspector
- CE034168**      **10/28/03 through 03/29/04** Complaint for lawn parking and deteriorated landscape. In compliance in five months. Susan Franchuk was the inspector.
- CE043406**      **09/24/04 through 11/30/04** Complaint for deteriorated landscape and inoperable vehicle. In compliance in two months. Kirk Erickson was the inspector.
- CE060544**      **02/02/06 through 01/25/07** Complaint for deteriorated landscape, deteriorated roof, lawn parking, and accessory structure in the front yard setback. A citation was issued and the owner failed to appear in court. In compliance in just under 14 months. Kirk Erickson was the inspector.
- CE075856**      **10/10/07 through 03/28/08** Complaint for deteriorated landscape. Two citations were issued and the owner failed to appear in court. In compliance in just over five months. Kristen Battafarno was the

inspector.

**RECOMMENDATIONS:**

Jamie I. Orras. has an extensive history with violating Tempe City Code in regards to allowing the landscape to deteriorate. There have been five (5) prior complaints dating back to 2001 for the same violations; some have taken more than months to resolve. Jamie I. Orras. has been contacted multiple times and has been given what improvements need to be made by previous inspectors and myself. Jamie I. Orras has been issued multiple citations by code compliance and has failed to appear in court for those citations. Jamie I. Orras has allowed the landscape to fall back into violation. He continues to take no steps towards maintaining the property free of violations without notice from City of Tempe Neighborhood Enhancement and has clearly demonstrated a disregard toward the neighborhood and 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.

Jamie I. Orras is the listed legal owner of the residence, as recorded by the Maricopa County Assessor's Office.

Respectfully submitted,  
Jody Benson #16559  
City of Tempe Code Inspector I/II

ACTION TAKEN: submit  
NAME Jody Benson  
DATE: 11-5-09

CASE # CE087014



**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement**

Notice Delivered to:

**JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282**

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This notice to comply is to inform you that on **09/29/08**, the property located at **26 W. ERIE DRIVE, TEMPE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I and Article II, of the Tempe City Code. A re-inspection will be conducted on **10/15/08** 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.

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;

Tempe City Code, Chapter 21-43(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 to avoid a citation for each violation.

**Required Correction(s):**

- 1. PLEASE REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL FRONT AND SIDE YARD LANDSCAPE. GRAVEL MUST BE MAINTAINED FREE OF UNCONTROLLED GROWTH OF GRASS AND WEEDS.**

**2. PLEASE REGISTER OR REMOVE THE GREEN CHEVY TRUCK (EXPIRED 04/08) THAT IS  
PARKED WEST OF THE DRIVEWAY.**

***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.***

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Civil and Criminal Penalties

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

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

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**

CASE # CE087014A



**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement**

**FINAL NOTICE**

**Notice Delivered to:**

**JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282**

---

This notice to comply is to inform you that on **01/07/09**, the property located at **26 W. ERIE DRIVE, TEMPE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I and Article II, of the Tempe City Code. A re-inspection will be conducted on **01/26/09** 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.

**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;

**Tempe City Code, Chapter 21-43(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.

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2. **PLEASE REGISTER OR REMOVE THE GREEN CHEVY TRUCK (EXPIRED 04/08) THAT IS PARKED WEST OF THE DRIVEWAY.**

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Civil and Criminal Penalties

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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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**



CASE # CE087014B

**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement**

**FINAL NOTICE**

Notice Delivered to:

**JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282**

This notice to comply is to inform you that on **01/29/09**, the property located at **26 W. ERIE DRIVE, TEMPE** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I and Article II, of the Tempe City Code. A re-inspection will be conducted on **02/16/09** 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-8

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Required Correction(s):

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2. **PLEASE REGISTER OR REMOVE THE GREEN CHEVY TRUCK (EXPIRED 04/08) THAT IS PARKED IN THE DRIVEWAY.**

***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.***

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Civil and Criminal Penalties

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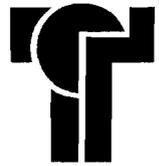
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**Code Inspector: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**



CASE # CE087014C

**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement**

**FINAL NOTICE**

**Notice Delivered to:**

**JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282**

---

This notice to comply is to inform you that on 03/12/09, the property located at 26 W. ERIE DRIVE, TEMPE was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I and Article II, of the Tempe City Code. A re-inspection will be conducted on 03/26/09 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).

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**Required Correction(s):**

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- 2. PLEASE REGISTER OR REMOVE THE GREEN CHEVY TRUCK (EXPIRED 04/08) THAT IS PARKED IN THE DRIVEWAY. (TO AVOID A CITATION)**

***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.***

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Civil and Criminal Penalties

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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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**



CASE # CE087014D

City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement

**FINAL NOTICE**

Notice Delivered to:

JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282

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Please take the following corrective action to avoid CRIMINAL FILING(S) AND ABATEMENT PROCEDINGS for each violation.

Required Correction(s):

1. TO AVOID CRIMINAL FILING(S) AND ABATEMENT PROCEDINGS PLEASE REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL FRONT AND SIDE YARD LANDSCAPE. GRAVEL MUST BE MAINTAINED FREE OF UNCONTROLLED GROWTH OF GRASS AND WEEDS (ALL PROGRESS HAS BEEN NOTED).
2. TO AVOID CRIMINAL FILING(S) AND ABATEMENT PROCEDINGS PLEASE REMOVE ALL EXCESSIVE STORAGE ITEMS/JUNK AND DEBRIS (STACK OF SHINGLES, AUTOMOTIVE TRANSMISSION, TOOL BENCH/TABLES, AND ALLOTHER MISCELLANEOUS ITEMS) THAT ARE CURRENTLY STORED IN THE DRIVEWAY AND WEST SIDEYARD.
  - a. THESE ITEMS MAY BE STORED NEATLY BEHIND A FENCE PER 21-3(C).
3. THIS IS YOUR FINAL NOTICE PRIOR TO CRIMINAL FILING(S) AND ABATEMENT PROCEDINGS.

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.

Violation of the Tempe City Code, Chapter 21-3-b-1

It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance. A nuisance includes any one or more of the following conditions:

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.

Tempe City Code, Chapter 21-3-c

Nothing in subsections (1) through (5) of this section shall be deemed to apply to safe and neat outdoor accessory storage, use or repair of items customarily associated with the lawful use of such property in the city, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the storage, use or repair, 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.

**Tempe City Code, Chapter 21-43(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.

***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.***

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**Civil and Criminal Penalties**

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

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

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**

CASE # CE087014



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/29/09

TO: JAMIE I. ORRAS  
26 W. ERIE DRIVE  
TEMPE, AZ 85282

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

LEGAL DESCRIPTION: LOT THREE HUNDRED TWELVE (312), NU-VISTA 5, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED BOOK 93 OF MAPS, PAGE 17.

LOCATION: 26 W. Erie Drive, Tempe, AZ 85282

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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 12/15/09. 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:

**Removal of grass and weeds in the gravel front and side yard landscape.**

**Removal of excessive storage items/junk debris in 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 \$792.00. 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: Jody Benson**

**Phone Number: (480)350-8671**

**E-mail: jody\_benson@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: JODY BENSON  
FIRM: CITY OF TEMPE CODE COMPLIANCE

EMAILED TO JODY\_BENSON@TEMPE.GOV

DATE: 10-28-09            TIME: 9:30 A.M.

**PROPOSAL**

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

ADDRESS: 26 W. Erie Dr.        TEMPE, AZ.

REMOVE GRASS AND WEEDS FROM FRONT GRAVEL FRONT AND SIDE YARDS  
REMOVE JUNK AND DEBRIS IN THE FRONT AND SIDE YARDS

16 MAN HRS @ \$22./HR	\$352.00
1 – LOAD TO DUMP	\$40.00
POLICE OFFICE 8 HRS @ \$50./HR	<u>\$400.00</u>
TOTAL	\$792.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

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