

# Staff Summary Report



Hearing Officer Hearing Date: 02/21/12

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 Paolucci Property located at 730 East Cavalier Drive.

**DOCUMENT NAME:** 20120221cdsl03 **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 **PAOLUCCI PROPERTY (PL120013 /ABT12002 /CE114175)** (Michael Spencer, Inspector; Emma Paolucci, property owner) located at 730 East Cavalier Drive 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) *SEA*

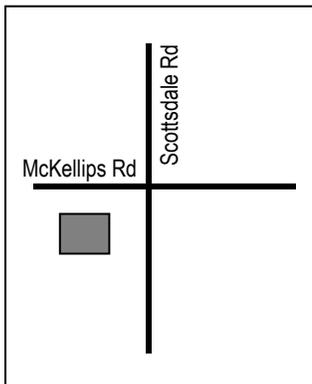
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** \$620.00 for abatement request, over height grass & weeds, trash & debris

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

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Paolucci Property located at 730 East Cavalier Drive 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 CE114175: over height grass & weeds, trash & debris

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

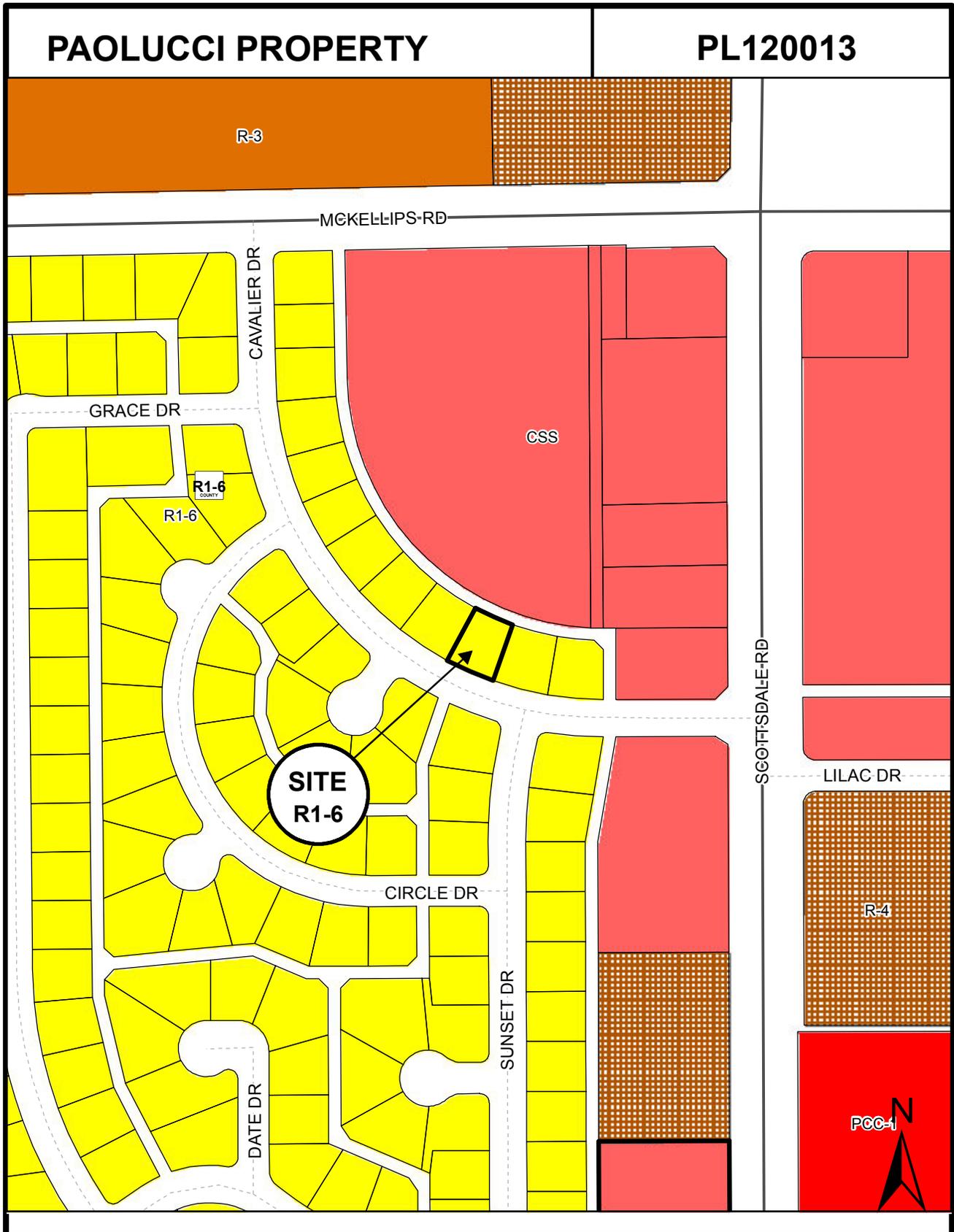
**COMMENTS:**

Code Compliance is requesting approval to abate the Paolucci Property located at 730 East Cavalier Drive in the R1-6, Single Family Residential District. This case was initiated 06/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code.

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.



**Location Map**



**PAOLUCCI PROPERTY (PL120013)**

**DATE:** 01/19/2012

**SUBJECT:** Emma C Paolucci Property Abatement

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**LOCATION:** 730 E Cavalier DR

**LEGAL:** Book 132, Map 71, Parcel 103, as recorded with the Maricopa County Assessor

**OWNER:** Emma C Paolucci  
828 E Marapai Rd  
Prescott, AZ 86303

**FINDINGS:**

06/23/2011 Property was inspected and found to have over height weeds on the front, north and south side yards. Notice was mailed to the owner.

07/06/2011 No change in the condition of the landscape. Final Notice was mailed to the owner.

07/21/2011 No change in the condition of the landscape. Photos were taken of the property and a citation was issued.

08/09/2011 Emma C Paolucci failed to appear on the citation. No change in the condition of the landscape.

09/02/2011 Bid was received with a cost of \$620.00 dollars. Abatement notice posted to the property and sent to the owner.

09/30/2011 Property was cleaned to the minimum standards. Abatement request was canceled.

12/21/2011 New complaint was received concerning the property landscape.

12/22/2011 Property was inspected and found to have over height grass and weeds on the front yard landscape. Notice was sent to the owner.

01/12/2012 No change in the condition of the property. Due to relapse of the landscape and failure of the owner to maintain the property the abatement request will be reinstated.

**RECOMMENDATIONS:**

The owner of this property Emma C Paolucci has made minimum attempts to bring the property into compliance but does not maintain the property on a regular basis. Emma C Paolucci failed to appear on the last citation issued and does not respond to notices. Mrs. Paolucci will only make contact after receiving a notice of intent to abate. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code. The Code Compliance Office also requests a 180 day open abatement on this property.

Respectfully submitted,

Michael Spencer  
Senior Code Inspector  
City of Tempe

ACTION TAKEN:

NAME

DATE:

Subject  
Michael Spencer  
1-19-12



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

06-23-2011

PAOLUCCI, EMMA C  
828 E MARAPAI RD  
PRESCOTT, AZ 86303

Case#: CE112166  
Site Address: 730 E CAVALIER DR

**SITE REINSPECTION ON OR AFTER: 07/06/2011**

This is a notice to inform you that this site was inspected on 06/23/2011 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.

<b><u>SECTION</u></b>	<b><u>VIOLATION</u></b>
<b>CC 21-3.b.8</b>	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

**CC 21-3.b.8** Please remove over height grass and weeds from the front and west side yards.

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

**Michael Spencer**  
**Senior Code Inspector**

**Direct: 480-350-8075**  
**Code Compliance: (480)350-8372**

**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**

07-06-2011

PAOLUCCI, EMMA C  
828 E MARAPAI RD  
PRESCOTT, AZ 86303

Case#: CE112166  
Site Address: 730 E CAVALIER DR

**SITE REINSPECTION ON OR AFTER: 07/21/2011**

This is a notice to inform you that this site was inspected on 07/06/2011 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.

<u>SECTION</u>	<u>VIOLATION</u>
<b>CC 21-3.b.8</b>	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

**CC 21-3.b.8** Please remove over height grass and weeds from the front and west side yards.

**IF NOT IN COMPLIANCE BY 07/21/2011 A \$170.00 DOLLAR CITATION WILL BE ISSUED.**

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

**Michael Spencer**  
**Senior Code Inspector**

**Direct: 480-350-8075**  
**Code Compliance: (480)350-8372**

**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**

12-22-2011

PAOLUCCI, EMMA C  
828 E MARAPAI RD  
PRESCOTT, AZ 86303

Case#: CE114175  
Site Address: 730 E CAVALIER DR

**SITE REINSPECTION ON OR AFTER: 01/12/2012**

This is a notice to inform you that this site was inspected on 12/22/2011 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please remove over height grass and weeds from the front, west side yard, and driveway of the residence. Cleanup up and dispose of trash and debris that has accumulated on the property.
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michael Spencer**  
Senior Code Inspector

**Direct: 480-350-8075**  
**Code Compliance: (480)350-8372**

**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.

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1442681</b>	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 <b>CE112166</b>			
<b>Defendant</b>		Name (First, Middle, Last) <b>EMMA C PAOLUCCI</b>					Juvenile	
Residence Address, City, State, Zip Code <b>828 E MARAPAI RD PRESCOTT AZ 86303</b>							Residence Phone No.	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	
Business Address, City, State, Zip Code							Business Phone No.	
<b>Vehicle</b>	Color	Year	Make	Model	Style	License Plate	State	
Registered owner & address, City, State, Zip Code						Vehicle Identification Number		

The Undersigned Certifies That:

On	Month <b>7</b>	Day <b>21</b>	Year <b>2011</b>	Time <b>10:00</b>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<b>Speed</b>	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location <b>730 E CAVALIER DR</b>								<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona	Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>CC 213 B8</b>	ARS Violation: <b>CC Deteriorated Landscape</b>	<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>B</b>	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					
<b>C</b>	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					
<b>D</b>	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					
<b>E</b>	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					

<b>You must appear on the date and time indicated at:</b>	<b>Tempe Municipal Court</b> 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: <b>8-4-2011</b>	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 Address, City, State, Zip Code		Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM

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.	
<b>x Mailed</b>	Complainant <b>COLE</b>	PSN <b>8014</b>

Comments: **1st VIOLATION \$170.00 DOLLAR CITATION**

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 \_\_\_\_\_

Date issued if not violation date \_\_\_\_\_

COMPLAINT



1442681



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

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/19/2012

TO: EMMA C PAOLUCCI  
828 E MARAPAI RD  
PRESCOTT, AZ 86303

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

**LEGAL: Book 132, Map 71, Parcel 103, as recorded with the Maricopa County Assessor.**

**LOCATION: 730 E CAVALIER DR**

**This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 02/21/2012. 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:**

**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;**

**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 \$620.00. 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: Michael Spencer

Phone Number 480-350-8075

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:

NAMEMICHAEL SPENCER  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS  0  PAGE(S)

DATE: 8-6-11

**PROPOSAL**

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

ADDRESS: 730 E CALVIER TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT YARD 15 MH @ 22/H	\$330.00
2. POLICE OFFICER 5 HOUR	290.00
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TOTAL COST FOR JOB	\$620.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_



