
**CITY OF TEMPE
HEARING OFFICER**

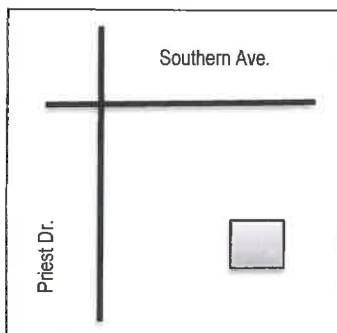
**Meeting Date: 10/19/2021
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the Nieto Property located at 721 W. Hermosa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$780 for abatement request: front yard and right-of-way landscape cleanup.

RECOMMENDATION: Staff – Approval of abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the NIETO PROPERTY. 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 CE212337: front yard and right-of-way landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Robert E. Nieto
City of Tempe – Code Compliance
R1-6, Single Family Residential
Hector Heredia

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Shelly Seyler, Interim Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Nieto Property located at 721 W. Hermosa Drive, in the R1-6, Single Family Residential district. This case was initiated 4/13/2021, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner 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 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.

ABATEMENT

DATE: 09/13/2021

SUBJECT: ROBERT E NIETO : PROPERTY ABATEMENT

LOCATION: 721 W HERMOSA DR, TEMPE AZ 85282

LEGAL: Book 123, Map 47, Parcel 086, as recorded with the Maricopa County Assessor

OWNER: ROBERT E NIETO
721 W HERMOSA DR
TEMPE AZ 85282

FINDINGS:

04/13/2021: We received an anonymous complaint regarding a deteriorated landscape with over height grass and weeds growing through the front yard gravel. This was verified and a first notice was issued.

04/28/2021: At the second inspection no corrective action had taken place and a final notice was issued.

05/03/2021: We received an anonymous complaint regarding a deteriorated landscape including over height through gravel on the front yard.

05/12/2021: A pink flier was left at the property as a final effort to reach a responsible party and outlining corrective action as well as a deadline.

06/02/2021: After multiple failed attempts to reach a responsible party a citation was issued due to lack of action and communication.

07/09/2021: Our Court System has also had a difficult time locating the property owner and based on lack of communication the abatement process was initiated.

07/12/2021: 05/03/2021: We continued to receive anonymous complaints regarding a deteriorated landscape including over height through gravel on the front yard.

08/02/2021: 05/03/2021: We continued to receive anonymous complaints regarding a deteriorated landscape including over height through gravel on the front yard.

08/30/2021: 05/03/2021: We continued to receive anonymous complaints regarding a deteriorated landscape including over height through gravel on the front yard.

09/13/2021: The abatement packet was turned in for the October 19th, 2021, Hearing Officer.

RECOMMENDATIONS:

The owner of this property ROBERT E NIETO has made no attempt to bring the property into compliance. 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.

Respectfully submitted,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN: Submt

NAME 

DATE: 9/16/21



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: 09/13/2021

TO: ROBERT E NIETO
721 W HERMOSA DR
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: Book 123, Map 47, Parcel 086, as recorded with the Maricopa County Assessor.

LOCATION: 721 W HERMOSA DR, TEMPE AZ 85282

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 10.19.2021. 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:

VIOLATIONS:

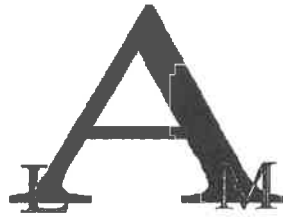
CC 21-3.b.8 - Landscaping that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

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 \$780.00. 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: Hector Heredia

Phone Number 480-350-5462



Artistic Land Management, Inc.

August 25, 2021

City of Tempe
Attn: Hector Heredia
Code Inspector II

RE: Clean-Up at 721 W. Hermosa Dr.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 721 W. Hermosa Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Clean-up deteriorated landscape in front yard gravel and right-of-way areas

Total = \$780.00

Respectfully,

Jose Hernandez









COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

04/14/2021

NIETO ROBERT E
721 W HERMOSA DR
TEMPE, AZ 85282

Case #: CE212337
Site Address: 721 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/14/2021 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.

Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. This also includes eliminating grass and weeds through the gravel. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	4/28/2021
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email: Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).
Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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

04/28/2021

NIETO ROBERT E
721 W HERMOSA DR
TEMPE, AZ 85282

Case #: CE212337
Site Address: 721 W HERMOSA DR, TEMPE, AZ 85282

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Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. This also includes eliminating grass and weeds through the gravel. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.</p> <p>This is the final attempt to reach you regarding the above noted. This issue must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violation in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.</p>	5/12/2021

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email: Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

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ARIZONA TRAFFIC
Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702138	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	<input type="checkbox"/> 16 Passenger Vehicle	Incident Report Number CE212337	

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **Robert E Nieto** Juvenile

Residence Address, City, State, Zip Code **721 W Hermosa Dr Tempe AZ 85282** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

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 06 07 2021 Time AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At 721 W Hermosa Dr Tempe AZ 85282 Tempe State of Arizona Area Dist.

The Defendant Committed the Following:
Section: CC 21391 Violation: CC 213.6.8 Detouring Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

Docket Number Disp. Code: Date of Disposition: Sanction: Landscaping

MVD

Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

Docket Number Disp. Code: Date of Disposition: Sanction:

MVD

Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

Docket Number Disp. Code: Date of Disposition: Sanction:

MVD

Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

Docket Number Disp. Code: Date of Disposition: Sanction:

MVD

You must appear on the date and time indicated at:

Tempe Municipal Court
140 E. 5th Street
Tempe, AZ 85281
Court No. 0753

Traffic Court Suite 150, 1st Floor Date: 062221 Time: Between 9AM & 4PM
 Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM

Criminal: Without admitting guilt, I promise to appear as directed hereon.
Civil: Without admitting responsibility, I acknowledge receipt of this complaint.
X Certified Mail

Victim? Victim Notified?
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.
Robert Nieto ROE
Complainant 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 _____
First Citation
\$200.00
060821
Date issued if not violation date

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1702138

COMPLAINT

721 W HERMOSA DR X

Show search results for 721 W HERM...



Feature Information

(1 of 1) [Clear](#)

123-47-086

Owner Information

Owner Name: NIETO ROBERT E
 Property Address: 721 W HERMOSA DR TEMPE 85282
 Mailing Address: 721 W HERMOSA DR TEMPE AZ 85282
 Deed Number: 110415388
 Sale Date: 03/1/2011
 Sale Price: \$110,000

Property Information

Lat/Long: 33.388248, -111.949811
 S/T/R: 33 1N 4E
 Jurisdiction: TEMPE
 Zoning: R1-6
 PUC: 0131
 Lot Size (sq ft): 7,305
 MCR #: 193-33
 Subdivision: SOUTHERN PALMS UNIT 3
 Lot #: 306
 Floor: 1
 Construction Year: 1978
 Living Space (sq ft): 1,188

Valuation Information

Tax Year: 2022 2021
 FCV: \$224,200 \$206,200
 LPV: \$131,938 \$125,655
 Legal Class: 3.1 3.1

Navigation icons: Home, Location, Measure, Print, Refresh, Close

Zoom to

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