

CITY OF TEMPE HEARING OFFICER

Meeting Date: 10/3/2023

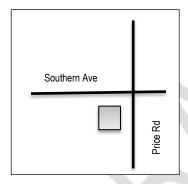
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the Sun and Moon LLC Property located 3350 S Price Rd. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$35,500.00 for abatement request: removal of junk/debris, outdoor storage, unregistered trailers and vehicles.

RECOMMENDATION: Staff – Approval of 180-day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the SUN AND MOON LLC. 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 CM220912: Removing junk/debris, outdoor storage, unregistered trailers and vehicles from the property



Property Owner Applicant Zoning District: Code Compliance Inspector: Sun and Moon LLC
City of Tempe – Code Compliance
PCC-1, Planned Commercial Center District
Marvin White

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Shawn Daffara, CPTED Coordinator Reviewed by: Drew Yocom, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Sun and Moon LLC Property located 3350 S. Price Rd, in the PCC-1. Planned Commercial Center District. This case was initiated 08/31/23, 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 a 180-day open 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.

Planning Application Submittal Form

Part 1 of 2

City of Tempe
Community Development Department
31 East 5th Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677
Planning Fax (480) 350-8872
http://www.tempe.gov/planning



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All applications must be accompanied by the required plans, submittal materials, and correct fee(s) PROJECT INFORMATION - REQUIRED PROJECT NAME SUN AND MOON, L.L.C. / RAYMOND EMBRY EXISTING PCC-1 ZONING PROJECT ADDRESS 3350 S. P, RD. TEMPE, AZ. 85282 SUITE(S) PROJECT DESCRIPTION Abatement of case # CM220912 hearing date 10-3-23 PARCEL No(s) 133-36-002H PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K) **BUSINESS NAME** SUN AND MOON, L.L.C. **ADDRESS** 6515 S. Rural Rd. # 201 CONTACT NAME CITY Raymond Embry STATE Tempe, Α7 85283 EMAIL PHONE 1 raymond.embry@embryhealth.com PHONE 2 480-573-2907 I hereby authorize the applicant below to process this application with the City of Tempe. PROPERTY OWNER SIGNATURE | X DATE or attach written statement authorizing the applicant to file the application(s) APPLICANT INFORMATION - REQUIRED COMPANY / FIRM NAME City of Tempe Code enforcement **ADDRESS** 21 E. 6TH ST. CONTACT NAME Marvin White / Code inspector Tempe, STATE A7 85281 EMAIL PHONE 1 marvin_white@tempe.gov PHONE 2 480-350-8966 I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with apy missing information APPLICANT SIGNATURE X DATE 8/22/23 BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRS **BUSINESS NAME ADDRESS CONTACT NAME** CITY STATE ZIP TYPE OF BUSINESS PHONE **EMAIL** APPLICATION SPECIFIC REQUEST FOR CITY USE ONLY (Check all that apply) (Planning record tracking numbers) for types) PRELIMINARY SITE PLAN REVIEW B. \Box **ADMINISTRATIVE APPLICATIONS** ADM C. П **VARIANCES** VAR D. **USE PERMITS / USE PERMIT STANDARDS** ZUP ZONING CODE AMENDMENTS E. ZOA ZON F. PLANNED AREA DEVELOPMENT OVERLAYS PAD REC SUBDIVISION / CONDOMINIUM PLATS G. SBD REC H. **DEVELOPMENT PLAN REVIEW** DPR l. **APPEALS** J. **GENERAL PLAN AMENDMENTS GPA ZONING VERIFICATION LETTERS** K. ZVL Ø L. **ABATEMENTS** CE CM M. SIGN TYPE K GO SE **TOTAL NUMBER OF APPLICATIONS** 0 FOR CITY USE ONLY DS TRACKING# **FILE APPLICATION WITH** DATE RECEIVED (STAMP) VALIDATION OF PAYMENT (STAMP) PL TRACKING # CE / CM / IP TRACKING # **SPR TRACKING #** (if 2nd or 3rd submittal, **TOTAL APPLICATION FEES** please use Planning Resubmittal Form) RECEIVED BY INTAKE STAFF (INITIALS)

DATE:

August 22, 2023

TO:

Jack Scofield, Senior Code Inspector

FROM:

Marvin White, Code Inspector

SUBJECT:

CM220912 Sun and Moon, L.L.C. / Raymond Embry

LOCATION: 3350 S. Price Rd. Tempe, AZ 85282

LEGAL:

Book, Map, Parcel, as recorded with the Maricopa County Assessor

OWNER:

Sun and Moon, L.L.C. / Raymond Embry

6515 S. Rural Rd. # 201 Tempe, AZ. 85283

FINDINGS:

08-31-23 Visited site and noticed outdoor storage of trailers, vehicles, recreational vehicles and containers photos taken violation letter

mailed to the business and property owner.

06-15-22 Visted site and no change noticed contacted the property manager a message was left to call me.

06-21-22 Received email info from the property manager he advised me he needed more time to comply.

06-29-22 Visited site and no change noticed contacted the property manager a message was left to call me.

07-07-22 Visited site and noticed remaining outdoor storage and additional banners being displayed without permit second violation letter

mailed to the business and property owner.

07-20-22 Visited site and no change noticed contacted the property manager a message was left to call me.

08-03-22 Visted site and no change noticed contacted the property manager a message was left to contact me.

09-28-22 Visited site and noticed remaining and additional outdoor storage dead and missing landscape material final violation letter

mailed certified to the business and property owner.

12-09-22 Visited site and no change noticed.

01-05-23 Visited site and noticed remaining and additional outdoor storage of excessive portable signs contacted employee on site to

have the property manager call me.

01-11-23 Received a call from the attorney for the business and property owner she advised me that her client needed more time to comply.

01-19-23 Received email info from the planning department that the attorney for the business and property owner wanted to know the

requirements for installing a masonry screening wall.

01-30-23 Visited site and noticed remaining outdoor storage banners being displayed without permit and dead and missing landscape

material and damaged wall.

02-16-23 Received email info from the attorney for the business and property owner that no submittal will be made for a screening wall

for the property.

03-02-23 Visited site and noticed remaining outdoor storage and dead and missing landscape material and repaired wall.

03-10-23 Visited site and noticed remaining outdoor storage and additional overgrown weeds and debris contacted the property manager

a message was left to call me.

03-22-23 Received email info from the property manager he advised me he needed

03-22-23 Visited and noticed remaining outdoor storage dead and missing landscape material overgrown weeds and debris.

04-05-23 Visited site and noticed remaining outdoor storage and dead and missing landscape material but overgrown weeds and debris removed.

04-12-23 Received email info from the property manager he advised me he needed

04-18-23 Received email info from the property manager he advised me he needed

04-28-23 Visited site and noticed remaining outdoor storage banners being displayed without permit and dead and missing landscape

material and debris. Contacted the attorney for the business and property owner she advised me that the owner is having

financial difficulties and needed more time to comply.

05-19-23 Visited site and noticed remaining outdoor storage and banners being displayed without permit dead and missing landscape

material. A revised final violation letter mailed certified to the business and property owner Raymond Embry.

06-12-23 Visited site and noticed remaining and additional outdoor storage banners being displayed without permit and dead and missing

landscape material first citation issued and mailed certified to the business and property owner Raymond Embry.

06-13-23 Final revised violation letter that was mailed certified to the business and property owner Raymond Embry returned unclaimed.

Contacted the owner Raymond Embry by phone a message was left with his receptionist to contact me about the property

located at 3350 S. Price Rd. The property is in violation and a citation has been issued for outdoor storage and banners being

displayed without permit dead and missing landscape material. Received a call from the assistant to the owner Raymond Embry

she advised me that the outdoor storage will be removed by the end of the week. A copy of the citation was emailed to her.

06-14-23 Visited site and posted the citation to the property and a photo was taken.

06-27-23 Visited site and noticed remaining outdoor storage and banners being displayed without permit and dead and missing landscape

material. A second citation was issued and posted to the property.

07-14-23 Visted site and noticed banners being displayed without permit removed but noticed remaining outdoor storage and dead and

missing landscape material.

07-20-23 Visted site and noticed remaining outdoor storage dead and missing landscape material and additional trash and debris a third

citation was issued and a final violation letter was mailed and emailed to the business and property owner Raymond Embry.

07-31-23 Received email info from the business and property owner Raymond Embry. He advised me that he was not properly served

the citation that was issued to him because it was not mailed to the statutory agent to be delivered to him.

08-01-23 Visted site and noticed remaining outdoor storage dead and missing landscape material trash and debris. A fourth citation was

mailed to the statutory agent National Registered Agents, Inc. and also mailed and emailed to the owner Raymond Embry and

posted to the property.

08-15-23 Visited site and noticed remaining outdoor storage dead and missing landscape material trash and debris.

08-22-23 Visited site and noticed remaining outdoor storage dead and missing landscape material trash and debris photos taken. Business

and property owner Raymond Embry has failed to appear in court or pay pending fines. Notice of intent to abate mailed to

Raymond Embry and his statutory agent National Registered Agents, Inc. and posted to the property.

PREVIOUS COMPLAINT HISTORY:

See Attached

RECOMMENDATIONS:

I recommend that the property owner Sun and Moon, L.L.C. / Raymond Embry bring the property into compliance with Tempe City Codes. The outdoor storage of trailers, vehicles, equipment, items trash, dead, landscape material and debris has become blighted and a detriment to the neighborhood.

Thank you,

Marvin White Code Inspector II

ACTION TAKEN:	Svt	boit
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NAME

DATE:

8/24/23

CASE # CM220912



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:

08/22/2023

SUN AND MOON, L.L.C. ATTN: RAYMOND EMBRY 6515 S. RURAL RD. # 201 TEMPE, AZ. 85283

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

Legal:

BOOK, MAP, PARCEL, AS RECORDED WITH THE MARICOPA COUNTY ASSESSOR.

Location:

3350 S. PRICE RD. 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 10/03/2023. 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:

REMOVE ALL OUTDOOR STORAGE OF TRAILERS, VEHICLES, EQUIPMENT, ITEMS, TRASH

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 \$35,500.00 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

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: MARVIN WHITE Phone Number: (480)350-8966 E-mail: marvin_white@tempe.gov



August 17, 2023

City of Tempe Attn: Marvin White Code Compliance Inspector

RE: Clean-Up at 3350 S. Price Rd.

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 3350 S. Price Rd, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove all the items that are stored on the exterior of the building
- Police presence on-site for the duration of the service

Total = \$35,500.00

Respectfully,

Jose Hernandez



05/31/22

CORRECTION NOTICE

EMBRY HEALTH ATTN: OWNER 3350 S. PRICE RD. TEMPE, AZ. 85282

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 06/14/22

This is a notice to inform you that this site was inspected on 05/31/22 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

SECTION

VIOLATION

ZDC 4-706.F

Outdoor storage of vehicles, trailers and containers in parking lot area without 8' screening wall and gate.

SECTION ZDC 4-706.F PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Remove outdoor storage of all vehicles, trailers and containers in parking lot area without 8'

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

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



05/31/22

CORRECTION NOTICE

SUN AND MOON, L.L.C. ATTN: OWNER 3370 N. HAYDEN RD. # 123-215 PHOENIX. AZ. 85251

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 06/14/22

This is a notice to inform you that this site was inspected on 05/31/22 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.

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VIOLATION

ZDC 4-706.F

Outdoor storage of vehicles, trailers and containers in parking lot area without 8' screening wall

SECTION ZDC 4-706.F PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Remove outdoor storage of all vehicles, trailers and containers in parking lot area without 8' screening wall and gate.

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

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CORRECTION NOTICE

05/31/22

SUN AND MOON, L.L.C. ATTN: OWNER 4717 E. HILTON RD. # 250 PHOENIX, AZ. 85034

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 06/14/22

This is a notice to inform you that this site was inspected on 05/31/22 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

ZDC 4-706.F

Outdoor storage of vehicles, trailers and containers in parking lot area without 8' screening wall

SECTION ZDC 4-706.F

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Remove outdoor storage of all vehicles, trailers and containers in parking lot area without 8'

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

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SECOND CORRECTION NOTICE

07/07/22

SUN AND MOON, L.L.C. ATTN: OWNER 3370 N. HAYDEN RD. # 123-215 PHOENIX, AZ. 85251

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 07/18/22

This is a notice to inform you that this site was inspected on 07/07/22 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**

ZDC 4-706.F Outdoor storage of vehicles, trailers and containers in parking lot area without 8' screening wall

ZDC 4-903.B.K Display of banners sign type k without permit.

SECTION PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

ZDC 4-706.F Remove outdoor storage of all vehicles, trailers and containers in parking lot area without 8'

screening wall and gate immediately to avoid further enforcement action.

ZDC 4-903.B.K Remove all banners sign type k or obtain permit.

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 4nd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-30, 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3nd occurrence \$700 per violation | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 21-37; Section 21-38, Subsection (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurance \$550 in addition to other fines, 2nd occurance \$1,050 in addition to other fines, 3rd occurance, \$1,550 in addition to other fines.| Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurance \$170 per violation, 2rd occurance \$420 per violation, 3rd occurance \$820 per violation. | The City has the 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



SECOND CORRECTION NOTICE

07/07/22

EMBRY HEALTH ATTN: MIGUEL A. JARILLO PEDRAZA 3350 S. PRICE RD. TEMPE, AZ, 85282

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 07/18/22

This is a notice to inform you that this site was inspected on 07/07/22 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

ZDC 4-706.F

Outdoor storage of vehicles, trailers and containers in parking lot area without 8' screening wall

ZDC 4-903.B.K

Display of banners sign type k without permit.

SECTION

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ZDC 4-706.F

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screening wall and gate immediately to avoid further enforcement action.

ZDC 4-903.B.K

Remove all banners sign type k or obtain permit.

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

Marvin White Code Inspector II

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Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

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FINAL CORRECTION NOTICE

09/28/22

APOLLO HEALTH CARE & DIAGNOSTICS / EMBRY HEALTH / SUN AND MOON, L.L.C. ATTN: OWNER 3370 N. HAYDEN RD. # 123-215 PHOENIX. AZ. 85251

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 10/27/22

This is a notice to inform you that this site was inspected on 09/28/22 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 ZDC 4-706.F	VIOLATION Outdoor storage of vehicles and trailers in parking lot area and items and equipment in landscape areas and obstructing sidewalls area in (
ZDC 4-903.B.K	Display of banners sign type k without permit

SECTION ZDC 4-706.F	PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION Remove outdoor storage of all vehicles and trailers and in parking lot area and items and equipment in landscape areas and about the first and in parking lot area and items and
ZDC 4-903.B.K ZDC 4-102.E.2	wall and gate immediately or a citation will be issued

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3nd 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, 3nd occurrence \$700 per violation | Sections 21-31, 21-32, 21-33, 21-35, 9-16 and 20; Sections 2-34, 21-37; Section 21-38, Subsection (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3nd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$50 in addition to other fines, 2nd occurrance \$1,050 in addition to other fines, 3nd occurance, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurance \$170 per violation, 2nd occurance \$420 per violation, 3nd occurance \$820 per violation. | The City has the 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.



FINAL CORRECTION NOTICE

09/28/22

SUN AND MOON, L.L.C. / EMBRY HEALTH ATTN: OWNER 8825 N. 23RD AVE. # 100 PHOENIX. AZ. 85021

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 10/27/22

This is a notice to inform you that this site was inspected on 09/28/22 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 ZDC 4-706.F	VIOLATION Outdoor storage of vehicles and trailers in parking lot area and items and equipment in
ZDC 4-903.B.K	Display of banners sign type k without permit

SECTION ZDC 4-706.F	PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION Remove outdoor storage of all vehicles and trailers and in parking lot area and items and
ZDC 4-903.B.K ZDC 4-102.E.2	equipment in landscape areas and obstructing sidewalk areas in front without 8' screening wall and gate immediately or a citation will be issued. Remove all banners sign type k or obtain permit immediately or a citation will be issued. Maintain site in conformance with plans approved by the City and replace all dead trees and shrubs with like species tree size 24" to 36" box with 1-1/2" caliper diameter trunk double staked and grind down all stumps to ground level immediately or a citation will be issued.

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 2nd 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, 3nd occurrence \$700 per violation | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 21-37; Section 21-38, Subsection (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3nd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrance \$1,050 in addition to other fines, 3nd occurrance \$1,050 in addition to other fines, 2nd occurrance \$1,050 in addition to other fines, 2nd occurrance \$420 per violation, 3nd occurrance \$820 per violation. | Zoning and Development Code: 1st occurrance \$170 per violation, 2nd occurrance \$420 per violation, 3nd occurrance \$820 per violation. | The City has the 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.



FINAL CORRECTION NOTICE

09/28/22

EMBRY HEALTH ATTN: OWNER 3350 S. PRICE RD. TEMPE, AZ. 85281

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 10/27/22

This is a notice to inform you that this site was inspected on 09/28/22 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 ZDC 4-706.F	VIOLATION Outdoor storage of vehicles and trailers in parking lot area and items and equipment in landscape areas and obstructing sidewalls are a land trailers.
ZDC 4-903.B.K	Display of banners sign type k without permit

SECTION	PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION
ZDC 4-706.F	Remove outdoor storage of all vehicles and trailers and in park

parking lot area and items and equipment in landscape areas and obstructing sidewalk areas in front without 8' screening wall and gate immediately or a citation will be issued.

ZDC 4-903.B.K

Remove all banners sign type k or obtain permit immediately or a citation will be issued. Maintain site in conformance with plans approved by the City and replace all dead trees and ZDC 4-102.E.2 shrubs with like species tree size 24" to 36" box with 1-1/2" caliper diameter trunk double staked and grind down all stumps to ground level immediately or a citation will be issued.

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (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 | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 21-37; Section 21-38, Subsection (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurance \$550 in addition to other fines, 2nd occurance \$1,050 in addition to other fines, 3rd occurance, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurance \$170 per violation, 2nd occurance \$420 per violation, 3rd occurance \$820 per violation. | The City has the 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



REVISED FINAL CORRECTION NOTICE

05/19/23

EMBRY AESTHETICS / SUN AND MOON, L.L.C. ATTN: RAYMOND EMBRY 6515 S. RURAL RD. # 201 TEMPE, AZ. 85283

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 06/02/23

This is a notice to inform you that this site was inspected on 05/19/23 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

SECTION ZDC 4-706.F	VIOLATION Outdoor storage of vehicles and trailers in parking lot area and items and equipment in landscape areas and obstructing sidewalk groups in franch village.
ZDC 4-903.B.K	Display of banners sign type k without parmit

SECTION ZDC 4-706.F	PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION
2DG 4-100.F	Remove outdoor storage of all vehicles and built

Remove outdoor storage of all vehicles and trailers in parking lot area and items and

equipment in landscape areas and in front of building obstructing sidewalk areas without 8'

screening wall and gate immediately or a citation will be issued.

ZDC 4-903.B.K Remove all banners sign type k or obtain permit immediately or a citation will be issued. ZDC 4-102.E.2

Maintain site in conformance with plans approved by the City and replace all dead shrubs and missing trees with like species minimum tree size 24" to 36" box with 1-1/2" caliper diameter trunk double staked and grind down all stumps to ground level immediately or a citation will be

issued.

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

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FINAL CORRECTION NOTICE

07/20/23

EMBRY AESTHETICS / SUN AND MOON, L.L.C. ATTN: RAYMOND EMBRY 6515 S. RURAL RD. # 201 TEMPE, AZ. 85283

Case #: CM220912

Site Address: 3350 S. PRICE RD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 08/03/23

This is a notice to inform you that this site was inspected on 07/20/23 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.1

Site not maintained trash and debris not enclosed by walls, doors or windows of any building.

SECTION CC 21-3.B.1 PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Maintain site and remove all trash and debris not enclosed by walls, doors or widows of any building immediately or the site will be abated and lien placed.

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

Marvin White Code Inspector II

Direct: 480-350-8966

Code Compliance: 480-350-8372 Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3nd 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, 3nd occurrence \$700 per violation | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 21-37; Section 21-38, Subsection (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3nd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrance \$1,050 in addition to other fines, 3nd occurrance, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrance \$170 per violation, 2nd occurrance \$420 per violation, 3nd occurrance \$820 per violation. | The City has the 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 these Codes.

City of Tempe Maricopa County State of Arizona



Col	mplaint Number Case Number	Social Security Number	Military Serious Accident Fatality Commercia								
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	erpreter Required?		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1								
_	Defendant Name (First, Middle, Last)	MAHO MOON	PAYMOND EMBRY Juvenile								
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Sex	Height Weight Eyes Hair	Origin Date of Birth	Restrictions Email Address								
Bus	iness Address, City, State, Zip Code	RUPALRO. #20	PATMING EMBRY BUSINESS Phone No.								
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4	pistered owner & address, City, State, Zip Code		The state of the s								
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At	3350 S. PRICE P.	O. TEMPE 42.85	Area Dist.								
		The Defendant Committed th	e Following:								
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Υo	u must Tempe Municipal Court	Traffic Court	1 01 20								
	pear on Tempe, AZ 85281	Suite 150, 1st Floor Date:	6 - 26 - 23 Time: Between 9AM & 4PM								
	e date Court No. 0753	Criminal Court Suite 200, 2nd Floor Date:	Time: AM DPM								
	d time court:		Date: Time: AM Court No.								
1110	at: Court Address, City, State, Zip Code		LPM								
Crim	inal: Without admitting guilt, I promise to appear	er as directed hereon	Victim? ☐ Victim Notified? ☐								
Civil	: Without admitting responsibility, I acknowledge	edge receipt of this complaint.	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								
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			Complainant PSN								
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COMPLAINT

If the defendant falls 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.



City of Tempe Maricopa County State of Arizona

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COMPLAINT

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.



City of Tempe Maricopa County State of Arizona

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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.



COMPLAINT

City of Tempe Maricopa County

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COMPLAINT

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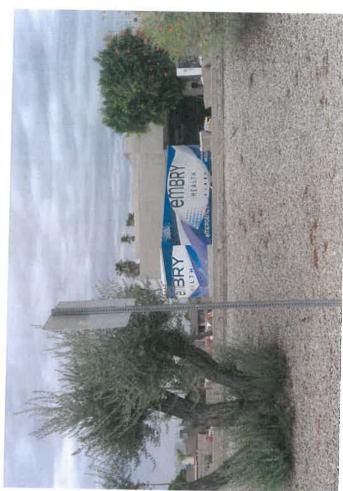


























































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