

ORDINANCE G-6477

AN ORDINANCE AMENDING ORDINANCE G-6453  
REGULATING THE LICENSING OF STRUCTURED SOBER  
LIVING HOMES RELATING TO PENALTIES AND  
ENFORCEMENT.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY  
OF PHOENIX as follows:

SECTION 1. That Ordinance G-6453 regulating the licensing of structured  
sober living homes adopted by the City Council on April 18, 2018 relating to penalties  
and enforcement is hereby amended to read:

ARTICLE XV. STRUCTURED SOBER LIVING HOMES

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**SEC. 10-190. PENALTIES AND ENFORCEMENT.**

~~WHENEVER IN THIS ARTICLE ANY ACT IS PROHIBITED OR  
DECLARED TO BE UNLAWFUL, OR WHEREVER IN THIS ARTICLE THE  
DOING OF ANY ACT IS REQUIRED OR THE FAILURE TO DO ANY ACT IS  
DECLARED TO BE UNLAWFUL, THE VIOLATION OF ANY SUCH PROVISION  
OF THIS ARTICLE IS A CLASS ONE (1) MISDEMEANOR. EACH DAY ANY  
SUCH VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.  
REVOCATION OR SUSPENSION OF A LICENSE OR PERMIT DOES NOT  
CONSTITUTE A DEFENSE AGAINST PROSECUTION.~~

(A) THE REMEDIES HEREIN ARE CUMULATIVE AND THE CITY  
MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.

(B) 1) ANY OWNER OR MANAGER, WHO CAUSES, PERMITS,  
FACILITATES, OR AIDS OR ABETS ANY VIOLATION OF ANY PROVISION OF  
THE ORDINANCE OR WHO FAILS TO PERFORM ANY ACT OR DUTY  
REQUIRED BY THE ORDINANCE IS SUBJECT TO A CIVIL SANCTION OF

NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS. ANY OWNER OR RESPONSIBLE PARTY WHO COMMITS A SECOND VIOLATION OF THE ORDINANCE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A PRIOR VIOLATION OF THE ORDINANCE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS. ANY OWNER OR RESPONSIBLE PARTY WHO COMMITS A THIRD VIOLATION OF THE ORDINANCE WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF A VIOLATION OF THE ORDINANCE SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN FIVE HUNDRED DOLLARS.

2) THE THIRTY-SIX-MONTH PERIOD PROVISION OF SUBSECTION B(1) OF THIS SECTION SHALL BE CALCULATED BY THE DATES THE VIOLATIONS WERE COMMITTED. THE OWNER OR RESPONSIBLE PARTY SHALL RECEIVE THE ENHANCED CIVIL SANCTION UPON A FINDING OF RESPONSIBILITY FOR ANY VIOLATION OF THE ORDINANCE WHICH WAS COMMITTED WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF ANOTHER VIOLATION FOR WHICH THE OWNER OR RESPONSIBLE PARTY WAS CONVICTED OR FOUND RESPONSIBLE, IRRESPECTIVE OF THE ORDER IN WHICH THE VIOLATIONS OCCURRED OR WHETHER THE PRIOR VIOLATION WAS CIVIL OR CRIMINAL.

(C) 1) ANY OWNER, MANAGER, RESPONSIBLE PARTY, OR OTHER PERSON HAVING CONTROL OVER A STRUCTURED SOBER LIVING HOME WHO CAUSES, PERMITS, FACILITATES, OR AIDS OR ABETS ANY VIOLATION OF ANY PROVISION OF THE ORDINANCE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THE ORDINANCE IS GUILTY OF A CLASS 1 MISDEMEANOR.

2) ANY PERSON CONVICTED OF A VIOLATION OF THE ORDINANCE SHALL BE SENTENCED TO A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS. ANY PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THE ORDINANCE COMMITTED WITHIN THIRTY-SIX MONTHS OF A PRIOR VIOLATION OF THE ORDINANCE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS. ANY PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF THE ORDINANCE COMMITTED WITHIN THIRTY-SIX MONTHS OF A PRIOR VIOLATION OF THE ORDINANCE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS.

3) THE THIRTY-SIX-MONTH PERIOD PROVISION OF SUBSECTION C.(2) OF THIS SECTION SHALL BE CALCULATED BY THE

DATES THE VIOLATIONS WERE COMMITTED. THE OWNER OR RESPONSIBLE PARTY SHALL RECEIVE THE ENHANCED FINE UPON A CONVICTION OF ANY VIOLATION OF THE ORDINANCE WHICH WAS COMMITTED WITHIN THIRTY-SIX MONTHS OF THE COMMISSION OF ANOTHER VIOLATION FOR WHICH THE OWNER OR RESPONSIBLE PARTY WAS FOUND RESPONSIBLE OR CONVICTED, IRRESPECTIVE OF THE ORDER IN WHICH THE VIOLATIONS OCCURRED OR WHETHER THE PRIOR VIOLATION WAS CIVIL OR CRIMINAL.

(D) EACH DAY ANY VIOLATION OF ANY PROVISION OF THE ORDINANCE OR THE FAILURE TO PERFORM ANY ACT OR DUTY REQUIRED BY THE ORDINANCE EXISTS SHALL CONSTITUTE A SEPARATE VIOLATION OR OFFENSE.

(E) THE OWNER OF RECORD, AS RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE RECORDS, OF THE PROPERTY UPON WHICH A VIOLATION OF THIS ORDINANCE EXISTS MAY BE PRESUMED TO BE A PERSON HAVING LAWFUL CONTROL OVER ANY BUILDING, STRUCTURE OR PARCEL OF LAND. IF MORE THAN ONE PERSON SHALL BE RECORDED AS THE OWNER OF THE PROPERTY, SAID PERSONS MAY BE JOINTLY AND SEVERALLY PRESUMED TO BE PERSONS HAVING LAWFUL CONTROL OVER THE BUILDING, STRUCTURE OR PARCEL OF LAND. THIS PRESUMPTION SHALL NOT PREVENT ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AGAINST ANY PERSON SPECIFIED IN SUBSECTION C OF THIS SECTION.

SECTION 2. That the City Manager, or his designee, is authorized to make any additional technical corrections as necessary to conform Ordinance G-6453 with this Ordinance.

PASSED by the Council of the City of Phoenix this 27th day of June, 2018.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ Acting City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

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