

ORDINANCE G-XXXX

AN ORDINANCE AMENDING CHAPTER 10 OF THE PHOENIX CITY CODE BY ADDING ARTICLE XV AND AMENDING CHAPTER 19 OF THE PHOENIX CITY CODE TO REGULATE THE LICENSING OF STRUCTURED SOBER LIVING HOMES.

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

SECTION 1. There are a number of structured sober living homes located within the City of Phoenix and it is in the interests of the health, safety, and welfare of the individual residents living in these homes as well as the local neighbors to provide certain minimum standards and regulations for structured sober living homes, and to provide standards for the operators of such homes.

SECTION 2. Chapter 10, Phoenix City Code, is amended by adding Article XV, to read:

ARTICLE XV. STRUCTURED SOBER LIVING HOMES

SEC. 10-175. DEFINITIONS.

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) APPLICANT MEANS THE OWNER(S) OF A STRUCTURED SOBER LIVING HOME, INCLUDING EACH INDIVIDUAL MEMBER OF THE OWNERSHIP IF THE OWNER IS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER CORPORATE ENTITY, AS WELL AS THE MANAGER(S) OF A STRUCTURED SOBER LIVING HOME.

(B) BEHAVIORAL HEALTH SERVICES MEANS SERVICES THAT PERTAIN TO MENTAL HEALTH AND SUBSTANCE USE DISORDERS AND THAT ARE EITHER:

1) PERFORMED BY OR UNDER THE SUPERVISION OF A PROFESSIONAL WHO IS LICENSED PURSUANT TO ARIZONA REVISED STATUTES TITLE 32 AND WHOSE SCOPE OF PRACTICE ALLOWS FOR THE PROVISION OF THESE SERVICES; OR

2) PERFORMED ON BEHALF OF PATIENTS BY BEHAVIORAL STAFF AS PRESCRIBED BY RULE.

(C) LICENSEE MEANS A PERSON IN WHOSE NAME A STRUCTURED SOBER LIVING HOME LICENSE HAS BEEN ISSUED, AS WELL AS THE INDIVIDUAL OR INDIVIDUALS LICENSED AS THE MANAGER OF A STRUCTURED SOBER LIVING HOME.

(D) OWNER MEANS THE INDIVIDUAL OR CORPORATE ENTITY RESPONSIBLE FOR OPERATING A STRUCTURED SOBER LIVING HOME AND INCLUDES EACH INDIVIDUAL MEMBER OF THE OWNERSHIP IF THE OWNER IS A CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

(E) PERSON MEANS AN INDIVIDUAL, PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY.

(F) QUALIFIED MANAGER MEANS A PERSON THAT MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

- 1) IS CPR CERTIFIED AND THE CERTIFICATION IS CURRENT.
- 2) HOLDS A CURRENT STRUCTURED SOBER LIVING HOME MANAGER LICENSE ISSUED BY THE CITY OF PHOENIX.
- 3) HOLDS A HIGH SCHOOL DIPLOMA OR GED.
- 4) IS AT LEAST 21 YEARS OF AGE.

(G) STRUCTURED SOBER LIVING HOME MEANS ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND PROVIDES STRUCTURED ACTIVITIES THAT ARE

DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE HOME. IT DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY DWELLING.

SEC. 10-176. LICENSE REQUIRED.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE A STRUCTURED SOBER LIVING HOME WITHOUT A VALID LICENSE ISSUED BY THE CITY OF PHOENIX.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ACT AS A MANAGER OF A STRUCTURED SOBER LIVING HOME WITHOUT A VALID LICENSE ISSUED BY THE CITY OF PHOENIX.

(C) EVERY APPLICANT FOR A STRUCTURED SOBER LIVING HOME LICENSE AND STRUCTURED SOBER LIVING HOME MANAGER LICENSE SHALL FILE AN APPLICATION FOR A LICENSE ON A FORM PRESCRIBED AND PROVIDED BY THE CITY CLERK. EACH APPLICANT SHALL BE QUALIFIED ACCORDING TO THE PROVISIONS OF THIS ARTICLE.

(D) THE LICENSE, IF GRANTED, SHALL STATE ON ITS FACE THE APPLICANT'S NAME, THE NUMBER OF THE LICENSE ISSUED TO THAT APPLICANT, AND THE EXPIRATION DATE. IF THE LICENSE IS FOR A STRUCTURED SOBER LIVING HOME, IT SHALL ALSO INCLUDE THE STRUCTURED SOBER LIVING HOME ADDRESS. IF THE LICENSE IS FOR A STRUCTURED SOBER LIVING HOME MANAGER, IT SHALL ALSO CONTAIN A PHOTOGRAPH OF THE LICENSEE.

(E) THE STRUCTURED SOBER LIVING HOME LICENSE SHALL BE POSTED IN A CONSPICUOUS PLACE AT OR NEAR THE ENTRANCE OF THE STRUCTURED SOBER LIVING HOME SO THAT IT MAY BE READ AT ANY TIME. A QUALIFIED MANAGER SHALL KEEP THE MANAGER LICENSE ON HIS OR HER PERSON OR ON THE PREMISES WHERE THE LICENSEE IS THEN WORKING, AND SHALL PRODUCE SUCH LICENSE FOR INSPECTION UPON REQUEST BY A LAW ENFORCEMENT OFFICER OR OTHER AUTHORIZED CITY OFFICIAL.

SEC. 10-177. OWNER APPLICATION.

(A) INFORMATION REQUIRED. A STRUCTURED SOBER LIVING HOME LICENSE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION ON A FORM PRESCRIBED AND PROVIDED BY THE CITY CLERK:

1) THE NAME UNDER WHICH THE STRUCTURED SOBER LIVING HOME WILL BE DOING BUSINESS (IF ANY) AND THE FULL STREET ADDRESS, EMAIL ADDRESS (IF ANY) AND PHONE NUMBER OF THE STRUCTURED SOBER LIVING HOME.

2) THE FULL TRUE NAME AND ANY OTHER NAMES USED BY THE APPLICANT IN THE PRECEDING FIVE (5) YEARS.

3) THE PHYSICAL DESCRIPTION, DATE AND PLACE OF BIRTH OF THE APPLICANT.

4) THE APPLICANT'S CURRENT RESIDENTIAL ADDRESS, MAILING ADDRESS, EMAIL ADDRESS (IF ANY) AND TELEPHONE NUMBER.

5) IF THE APPLICANT IS A CORPORATE ENTITY, THE NAMES AND RESIDENTIAL ADDRESSES OF ALL OFFICERS, MEMBERS, GENERAL PARTNERS AND/OR DIRECTORS AND ANY INDIVIDUALS WITH A CONTROLLING INTEREST IN THE CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER FICTITIOUS ENTITY.

6) IF THE APPLICANT IS A CORPORATE ENTITY, THE NAME AND ADDRESS OF THE STATUTORY AGENT OR OTHER AGENT AUTHORIZED TO RECEIVE MAIL AND SERVICE OF PROCESS.

7) THE NAME OF ISSUING JURISDICTION AND THE EFFECTIVE DATES OF ANY LICENSE OR PERMIT ISSUED TO THE APPLICANT THAT RELATES TO OPERATING A STRUCTURED SOBER LIVING HOME, AND WHETHER ANY SUCH LICENSE OR PERMIT HAS BEEN DENIED, REVOKED OR SUSPENDED AND, IF SO, IDENTIFYING AND DESCRIBING THE REASON OR REASONS THEREFORE.

8) IDENTIFYING WHETHER THE APPLICANT HAS EVER ENTERED INTO A CONSENT AGREEMENT WITH THE CITY CLERK UNDER THIS ARTICLE, AND IF SO, THE DATE OF THE AGREEMENT.

9) ALL CRIMINAL CHARGES, COMPLAINTS, OR INDICTMENTS AGAINST THE APPLICANT IN THE PRECEDING FIVE (5) YEARS WHICH RESULTED IN A CONVICTION OR A PLEA OF GUILTY OR NO CONTEST FOR ANY OFFENSE DESCRIBED IN SECTION 10-180 (A)(8) OF THIS ARTICLE AND COMMITTED IN THIS STATE, OR ANY OFFENSE COMMITTED OUTSIDE THIS STATE WHICH IF COMMITTED IN THIS STATE WOULD CONSTITUTE AN OFFENSE DESCRIBED IN SECTION 10-180 (A)(8).

10) AFFIRMATION BY THE OWNER THAT ONLY RESIDENTS (OTHER THAN THE OWNER OR MANAGERS) WHO HAVE THE DISABILITY OF ADDICTION TO DRUGS AND/OR ALCOHOL AS DEFINED BY STATE AND FEDERAL LAW AND WHO ARE IN RECOVERY ARE ELIGIBLE TO RESIDE AT THE STRUCTURED SOBER LIVING HOME AND THE HOME WILL NOT ADMIT PERSONS WHO POSE A DIRECT THREAT TO THE HEALTH AND SAFETY OF OTHERS.

11) IF THE PROPERTY OWNER IS NOT THE SAME PERSON AS THE STRUCTURED SOBER LIVING HOME OWNER, THE NAME, STREET

ADDRESS, EMAIL ADDRESS (IF ANY) AND TELEPHONE NUMBER OF THE PROPERTY OWNER.

(B) DOCUMENTATION REQUIRED. THE APPLICANT FOR A STRUCTURED SOBER LIVING HOME LICENSE SHALL SUBMIT THE FOLLOWING DOCUMENTATION WITH THE APPLICATION TO THE CITY CLERK:

1) IF THE APPLICANT IS A CORPORATE ENTITY, A COPY OF THE ARTICLES OF INCORPORATION, CERTIFICATE OF LIMITED PARTNERSHIP OR OTHER ORGANIZATIONAL DOCUMENT, AND ANY AMENDMENTS THERETO. IF A FOREIGN CORPORATE ENTITY, A COPY OF AUTHORITY TO TRANSACT BUSINESS ISSUED BY THE ARIZONA CORPORATION COMMISSION.

2) A CLEARLY LEGIBLE FLOOR PLAN ON AN 8 ½ BY 11 SHEET OF PAPER OF THE STRUCTURED SOBER LIVING HOME THAT INCLUDES THE TOTAL SQUARE FOOTAGE OF THE HOME, THE LAYOUT, LOCATION, DIMENSIONS AND SQUARE FOOTAGE OF EACH BEDROOM, THE NUMBER OF BEDS IN EACH BEDROOM AND THE MAXIMUM NUMBER OF RESIDENTS PROPOSED TO OCCUPY THE HOME NOW AND IN THE FUTURE.

3) A COPY OF THE GENERAL LIABILITY INSURANCE POLICY ON THE PROPERTY SHOWING THE STRUCTURED SOBER LIVING HOME OWNER'S NAME AND THE STRUCTURED SOBER LIVING HOME ADDRESS AS COVERED.

4) A COPY OF THE STRUCTURED SOBER LIVING HOME'S RULES AND REGULATIONS, AND WRITTEN PROCEDURES FOR HANDLING RESIDENT INTAKE, MEALS, RELAPSE, AND DISCHARGE.

5) A COPY OF THE STRUCTURED SOBER LIVING HOME'S GOOD NEIGHBOR POLICY.

6) WRITTEN PROOF OF AGE FOR THE APPLICANT, IN THE FORM OF A CURRENT DRIVER'S LICENSE WITH PICTURE, OR OTHER CURRENT PICTURE IDENTIFICATION DOCUMENT ISSUED BY A GOVERNMENTAL AGENCY.

7) WRITTEN PROOF OF LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO A.R.S. § 41-1080.

8) ONE (1) SET OF THE APPLICANT'S COMPLETE FINGERPRINTS.

9) IF THE PROPERTY OWNER IS NOT THE SAME PERSON AS THE STRUCTURED SOBER LIVING HOME OWNER, A COPY OF THE LEASE OR AUTHORIZATION TO OCCUPY THAT STATES THAT THE PROPERTY WILL BE USED AS A STRUCTURED SOBER LIVING HOME AND EVIDENCE THAT THE PROPERTY IS REGISTERED AS A RENTAL PROPERTY WITH THE MARICOPA COUNTY ASSESSOR.

10) THE FEES PRESCRIBED IN SECTION 10-181.

THE INFORMATION AND DOCUMENTATION PROVIDED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBSECTION SHALL BE SUPPLEMENTED IN WRITING TO THE CITY CLERK AT LEAST TEN (10) CALENDAR DAYS PRIOR TO ANY CHANGE OF CIRCUMSTANCES WHICH WOULD RENDER THE INFORMATION AND/OR DOCUMENTATION ORIGINALLY SUBMITTED FALSE OR INCOMPLETE.

SEC. 10-178. MANAGER APPLICATION.

(A) INFORMATION REQUIRED. A STRUCTURED SOBER LIVING HOME MANAGER LICENSE APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION ON A FORM PRESCRIBED AND PROVIDED BY THE CITY CLERK:

1) THE FULL TRUE NAME AND ANY OTHER NAMES USED BY THE APPLICANT IN THE PRECEDING FIVE (5) YEARS.

2) THE PHYSICAL DESCRIPTION, DATE AND PLACE OF BIRTH OF THE APPLICANT.

3) THE APPLICANT'S CURRENT RESIDENTIAL ADDRESS, MAILING ADDRESS, EMAIL ADDRESS (IF ANY) AND TELEPHONE NUMBER.

4) THE NAME OF ISSUING JURISDICTION AND THE EFFECTIVE DATES OF ANY LICENSE OR PERMIT ISSUED TO THE APPLICANT THAT RELATES TO MANAGING OR OPERATING A STRUCTURED SOBER LIVING HOME, AND WHETHER ANY SUCH LICENSE OR PERMIT HAS BEEN DENIED, REVOKED OR SUSPENDED AND, IF SO, IDENTIFYING AND DESCRIBING THE REASON OR REASONS THEREFORE.

5) IDENTIFYING WHETHER THE APPLICANT HAS EVER ENTERED INTO A CONSENT AGREEMENT WITH THE CITY CLERK UNDER THIS ARTICLE, AND IF SO, THE DATE OF THE AGREEMENT.

6) ALL CRIMINAL CHARGES, COMPLAINTS, OR INDICTMENTS IN THE PRECEDING FIVE (5) YEARS WHICH RESULTED IN A CONVICTION OR A PLEA OF GUILTY OR NO CONTEST FOR ANY OFFENSE DESCRIBED IN SECTION 10-180 (A)(8) OF THIS ARTICLE AND COMMITTED IN THIS STATE, OR ANY OFFENSE COMMITTED OUTSIDE THIS STATE WHICH IF COMMITTED IN THIS STATE WOULD CONSTITUTE AN OFFENSE DESCRIBED IN SECTION 10-180 (A)(8).

(B) DOCUMENTATION REQUIRED. THE APPLICANT FOR A STRUCTURED SOBER LIVING HOME MANAGER LICENSE SHALL SUBMIT THE FOLLOWING DOCUMENTATION WITH THE APPLICATION TO THE CITY CLERK:

1) WRITTEN PROOF OF AGE OF THE APPLICANT, IN THE FORM OF A CURRENT DRIVER'S LICENSE WITH PICTURE, OR OTHER CURRENT PICTURE IDENTIFICATION DOCUMENT ISSUED BY A GOVERNMENTAL AGENCY.

2) WRITTEN PROOF OF LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO A.R.S. § 41-1080.

3) A DIGITAL PHOTOGRAPH OF THE APPLICANT TAKEN BY THE CITY CLERK AND ONE (1) SET OF THE APPLICANT'S COMPLETE FINGERPRINTS.

4) A COPY OF THE APPLICANT'S HIGH SCHOOL DIPLOMA OR GED.

5) A COPY OF THE APPLICANT'S CPR CERTIFICATION.

6) THE FEE PRESCRIBED IN SECTION 10-181.

THE INFORMATION AND DOCUMENTATION PROVIDED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBSECTION SHALL BE SUPPLEMENTED IN WRITING TO THE CITY CLERK AT LEAST TEN (10) CALENDAR DAYS PRIOR TO ANY CHANGE OF CIRCUMSTANCES WHICH WOULD RENDER THE INFORMATION AN/OR DOCUMENTATION ORIGINALLY SUBMITTED FALSE OR INCOMPLETE.

SEC. 10-179. MINIMUM OPERATION AND SUPERVISION STANDARDS.

STRUCTURED SOBER LIVING HOMES ARE SUBJECT TO THE FOLLOWING MINIMUM STANDARDS:

(A) AN OWNER AND/OR QUALIFIED MANAGER SHALL DEVELOP AND MAINTAIN THE FOLLOWING WRITTEN DOCUMENTS AND ITEMS ON THE PREMISES AND MAKE THEM AVAILABLE FOR CITY INSPECTION, UPON REQUEST:

1) A GOOD NEIGHBOR POLICY.

2) EVACUATION MAPS AND PROCEDURES.

3) PROCEDURES FOR HANDLING RESIDENT INTAKE, MEALS, DISCHARGE, AND RELAPSE.

4) A SIGN-IN AND SIGN-OUT SHEET FOR ALL RESIDENTS AND REGISTERED GUESTS.

5) HOME RULES AND REGULATIONS THAT AT A MINIMUM STATE EACH OF THE FOLLOWING:

(I) PROHIBIT THE USE OF ALCOHOL.

- (II) PROHIBIT THE USE OF NON-PRESCRIPTION DRUGS.
 - (III) PROHIBIT THEFT.
 - (IV) REQUIRE CIGARETTES BE DISPOSED OF IN THE HOME'S DESIGNATED DISPOSAL CONTAINERS.
 - (V) THE RESIDENT'S RIGHTS AND GRIEVANCE PROCEDURES.
 - (VI) REQUIRE THE REGULAR PARTICIPATION BY RESIDENTS IN SELF-HELP MEETINGS AND TO PROVIDE PROOF OF ATTENDANCE TO THOSE MEETINGS TO THE STRUCTURED SOBER LIVING HOME OWNER OR QUALIFIED MANAGER WITHIN 24 HOURS OF ATTENDANCE.
 - (VII) REQUIRE RESIDENTS TO SEEK EMPLOYMENT, OR BE EMPLOYED OR PROVIDE VOLUNTEER SERVICES FOR AT LEAST 3 HOURS PER DAY.
 - (VIII) REQUIRE RESIDENTS TO BE SUBJECT TO RANDOM DRUG AND ALCOHOL TESTING.
- (B) COPIES OF EACH OF THE FOLLOWING DOCUMENTS MUST BE POSTED IN A CONSPICUOUS LOCATION IN THE HOME:
- 1) GOOD NEIGHBOR POLICY.
 - 2) HOME RULES AND REGULATIONS.
 - 3) MEAL SCHEDULE AND/OR WRITTEN PROCEDURES THAT ENSURE RESIDENTS HAVE KNOWLEDGE OF AND ACCESS TO MEALS.
 - 4) EVACUATION MAPS AND PROCEDURES.
 - 5) EMERGENCY CONTACT INFORMATION FOR RESIDENTS TO CONTACT THE OWNER OR QUALIFIED MANAGER(S).
- (C) THE OWNER SHALL ONLY HIRE A QUALIFIED MANAGER(S) AND AT LEAST ONE (1) QUALIFIED MANAGER MUST BE ON THE PREMISES AT ALL TIMES.
- (D) AN OWNER AND/OR QUALIFIED MANAGER SHALL:
- 1) DRUG TEST (URINE AND BREATHALYZER) EACH PROSPECTIVE NEW RESIDENT DURING THE INTAKE PROCESS TO ENSURE THE INDIVIDUAL IS FREE OF DRUGS AND ALCOHOL BEFORE BEING ADMITTED AS A RESIDENT OF THE HOME.

2) CONDUCT RANDOM DRUG TESTS (URINE AND BREATHALYZER) ON ALL RESIDENTS AT LEAST ONCE PER QUARTER, MAINTAIN A LOG OF ALL COMPLETED DRUG TESTS OF RESIDENTS WITH THE DATE TESTED, AND MAKE SUCH LOGS AVAILABLE FOR CITY INSPECTION, UPON REQUEST.

3) PROVIDE EACH NEW RESIDENT WITH A COPY OF THE HOME'S RULES AND REGULATIONS, GOOD NEIGHBOR POLICY, MEAL SCHEDULE AND/OR INFORMATION ABOUT HOW TO ACCESS MEALS, LOCATION OF THE FIRST AID KIT AND CIGARETTE DISPOSAL CONTAINERS, EVACUATION MAPS AND PROCEDURES, AND EMERGENCY CONTACT INFORMATION FOR THE OWNER AND QUALIFIED MANAGER(S).

4) RETAIN ALL RESIDENT'S PROOF OF ATTENDANCE AT SELF-HELP MEETINGS ON PREMISES AND MAKE THEM AVAILABLE FOR CITY INSPECTION FOR A LEAST THREE MONTHS FROM THE DATE OF ATTENDANCE.

5) CONDUCT A SAFETY SELF-ASSESSMENT CHECKLIST FOR THE HOME AT LEAST ONCE PER QUARTER, ON A FORM PRESCRIBED BY THE CITY CLERK AND MAINTAIN A COPY OF EACH COMPLETED SAFETY SELF-ASSESSMENT CHECKLIST ON THE PREMISES FOR AT LEAST ONE (1) YEAR FROM THE DATE OF ASSESSMENT AND MAKE AVAILABLE FOR CITY INSPECTION, UPON REQUEST. THE SAFETY SELF-ASSESSMENT CHECKLIST SHALL BE SIGNED AND DATED ON THE DATE THE ASSESSMENT WAS CONDUCTED AND SHALL INCLUDE AT A MINIMUM CONFIRMATION THAT THE PROPERTY SATISFIED THE STANDARDS IN SECTION 10-179(F) AT THE TIME THE ASSESSMENT WAS CONDUCTED.

(E) THE OWNER MUST MAINTAIN GENERAL LIABILITY INSURANCE COVERAGE ON THE PROPERTY SO LONG AS A STRUCTURED SOBER LIVING HOME IS OPERATED AND/OR LICENSED ON THE PROPERTY.

(F) THE PROPERTY MUST COMPLY WITH THE FOLLOWING MINIMUM HEALTH AND SAFETY PROPERTY STANDARDS:

- 1) PARKING REQUIREMENTS.
- 2) ALL DOORS, WINDOWS AND ALL RELATED HARDWARE IN GOOD OPERATING CONDITION.
- 3) ALL STAIRS, PORCHES, HANDRAILINGS IN SAFE AND STRUCTURALLY SOUND CONDITION.
- 4) ALL ELECTRICAL FACILITIES MAINTAINED HAZARD FREE AND IN A STATE OF GOOD REPAIR.
- 5) THERE ARE FUNCTIONING SMOKE DETECTORS IN EACH SLEEPING ROOM.

6) THERE IS AT LEAST ONE FUNCTIONING CARBON MONOXIDE DETECTOR IN THE HOME.

7) THERE IS AT LEAST ONE FUNCTIONING FIRE EXTINGUISHER IN PLAIN SITE IN THE KITCHEN OR DINING AREA.

8) THE STREET ADDRESS IS CLEARLY MARKED AND VISIBLE FROM THE STREET.

9) PROVIDE DESIGNATED CIGARETTE DISPOSAL CONTAINERS FOR RESIDENTS TO USE.

10) MAINTAIN A FULLY STOCKED FIRST AID KIT THAT IS EASILY ACCESSIBLE TO ALL RESIDENTS.

11) AT LEAST ONE WINDOW AND ONE DOOR IN ALL SLEEPING ROOMS ARE OPERABLE AND ALLOW FOR SAFE AND RAPID EGRESS.

12) MAINTAIN INTERIOR OF DWELLING FREE FROM ANY UNSAFE OR UNSANITARY ACCUMULATION OF GARBAGE, FOOD WASTE, TRASH, OR DEBRIS.

13) MAINTAIN DWELLING FREE FROM THE PRESENCE OF INSECT AND RODENT INFESTATION.

14) COMPLY WITH OCCUPANCY STANDARDS AS OUTLINED IN EXISTING CITY CODE.

15) EACH SINK, LAVATORY, BATHTUB OR SHOWER IS EQUIPPED WITH WATER FROM AN APPROVED WATER SUPPLY IN AMOUNTS AND PRESSURE NECESSARY FOR PROPER OPERATION AND CONSISTING OF RUNNING COLD AND HEATED WATER.

16) EVERY PLUMBING FIXTURE, WATER AND WASTE PIPE, GAS SUPPLY PIPE AND CONNECTION IS PROPERLY INSTALLED AND MAINTAINED IN GOOD, SANITARY WORKING CONDITION.

17) MAINTAIN EVERY INTERIOR WALL, DOOR, CABINET, APPURTENANCE, CEILING AND FLOOR IN A SAFE AND STRUCTURALLY SOUND CONDITION.

18) MAINTAIN MAJOR APPLIANCES IN AN OPERABLE AND HAZARD FREE CONDITION.

19) MAINTAIN HEATING, COOLING AND VENTILATION SYSTEMS IN A STATE OF GOOD REPAIR.

**SEC. 10-180. ISSUANCE OF A STRUCTURED SOBER LIVING HOME
LICENSE AND STRUCTURED SOBER LIVING HOME
MANAGER LICENSE.**

(A) THE CITY CLERK SHALL PROCESS AND INVESTIGATE THE APPLICATION AND BACKGROUND OF AN APPLICANT. THE CITY CLERK SHALL APPROVE THE ISSUANCE OF OR RENEWAL OF A STRUCTURED SOBER LIVING HOME LICENSE OR STRUCTURED SOBER LIVING HOME MANAGER LICENSE UNLESS ONE OR MORE OF THE FOLLOWING IS FOUND TO BE TRUE:

1) AN APPLICANT IS UNDER TWENTY-ONE (21) YEARS OF AGE.

2) IN THE CASE OF A STRUCTURED SOBER LIVING HOME LICENSE APPLICATION, AN APPLICANT IS DELINQUENT IN THE PAYMENT TO THE CITY OF TAXES, FEES, FINES, OR PENALTIES ASSESSED AGAINST OR IMPOSED UPON THE APPLICANT IN RELATION TO A STRUCTURED SOBER LIVING HOME LICENSE OR ARISING OUT OF ANY OTHER BUSINESS ACTIVITY OWNED OR OPERATED BY THE APPLICANT.

3) AN APPLICANT HAS FAILED TO PROVIDE INFORMATION OR DOCUMENTATION REQUIRED BY THIS ARTICLE OR HAS FALSELY ANSWERED A QUESTION OR REQUEST FOR INFORMATION ON THE APPLICATION FORM.

4) AN APPLICANT HAS BEEN FOUND TO HAVE VIOLATED A PROVISION OF THIS ARTICLE, OTHER THAN AN OFFENSE OF OPERATING A STRUCTURED SOBER LIVING HOME WITHOUT A LICENSE, WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THE APPLICATION. THE FACT THAT A CONVICTION IS BEING APPEALED SHALL NOT PROHIBIT A DENIAL.

5) IN THE CASE OF A STRUCTURED SOBER LIVING HOME LICENSE APPLICATION, THE STRUCTURED SOBER LIVING HOME FAILED THE PROPERTY INSPECTION REQUIRED BY SEC. 10-182.

6) THE LICENSE APPLICATION FEE REQUIRED BY THIS ARTICLE HAS NOT BEEN PAID.

7) THE APPLICANT IS IN VIOLATION OF OR IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE OR IN THE CASE OF A STRUCTURED SOBER LIVING HOME LICENSE APPLICATION,

THE HOME IS IN VIOLATION OF OR IS NOT IN COMPLIANCE WITH ANY APPLICABLE PROVISIONS OF THE PHOENIX ZONING, BUILDING OR PROPERTY MAINTENANCE CODE AND ORDINANCES.

8) AN APPLICANT HAS BEEN CONVICTED OF OR PLEAD *NOLO CONTENDERE* TO ANY OF THE FOLLOWING OFFENSES WITHIN FIVE (5) YEARS OF THE DATE OF APPLICATION FOR THE LICENSE:

(I) ANY SEX OFFENSE FOR WHICH THE PERSON IS REQUIRED TO REGISTER AS A SEX OFFENDER.

(II) ANY ARSON OFFENSE.

(III) ANY VIOLENT FELONY THAT INVOLVED DOING BODILY HARM TO ANOTHER PERSON.

(IV) ANY FELONY FRAUD (OR SIMILAR).

9) AN APPLICANT IS ON PAROLE OR FORMAL PROBATION SUPERVISION ON THE DATE OF THE SUBMITTAL OF THE APPLICATION FOR THIS LICENSE OR ANY TIME THEREAFTER.

10) AN APPLICANT HAS VIOLATED A CONSENT AGREEMENT ENTERED INTO WITH THE CITY CLERK UNDER THIS ARTICLE WITHIN THE PREVIOUS FIVE (5) YEARS.

11) AN APPLICANT HAS HAD A LICENSE OR PERMIT RELATED TO OWNING, OPERATING OR ACTING AS A MANAGER OF A STRUCTURED SOBER LIVING HOME DENIED, REVOKED, OR SUSPENDED IN ANOTHER JURISDICTION WITHIN THE PREVIOUS FIVE (5) YEARS.

12) AN APPLICANT, IF A CORPORATE ENTITY, IS NOT REGISTERED AND IN GOOD STANDING WITH THE ARIZONA CORPORATION COMMISSION.

(B) THE FACT THAT A CONVICTION IS BEING APPEALED SHALL NOT PROHIBIT THE DISQUALIFICATION OF THE APPLICANT.

(C) AN APPLICANT WHO HAS BEEN CONVICTED OF AN OFFENSE LISTED IN PARAGRAPH (A)(8) OF THIS SECTION MAY QUALIFY FOR A STRUCTURED SOBER LIVING HOME LICENSE OR STRUCTURED SOBER

LIVING HOME MANAGER LICENSE ONLY WHEN THE TIME PERIOD REQUIRED BY PARAGRAPH (A)(8) OF THIS SECTION HAS ELAPSED.

(D) IF THE APPLICATION IS FOR A STRUCTURED SOBER LIVING HOME MANAGER LICENSE, THE APPLICANT MUST HAVE ATTAINED A HIGH SCHOOL DIPLOMA OR GED AND MUST ALSO BE CERTIFIED IN CPR BEFORE ANY LICENSE CAN BE ISSUED.

SEC. 10-181. FEES.

(A) THE INITIAL NONREFUNDABLE APPLICATION FEE FOR A STRUCTURED SOBER LIVING HOME LICENSE IS \$_____. THE INITIAL NONREFUNDABLE APPLICATION FEE FOR A STRUCTURED SOBER LIVING HOME MANAGER LICENSE IS \$_____.

(B) THE ANNUAL NONREFUNDABLE RENEWAL FEE FOR A STRUCTURED SOBER LIVING HOME LICENSE IS \$_____. THE ANNUAL NONREFUNDABLE RENEWAL FEE FOR A STRUCTURED SOBER LIVING HOME MANAGER LICENSE IS \$_____.

(C) THE CITY CLERK SHALL REDUCE THE APPLICATION FEE FOR A STRUCTURED SOBER LIVING HOME LICENSE APPLICATION TO \$_____ FOR EACH LICENSE APPLICATION FILED ON THE SAME DAY, FOR THE SAME OWNER AND FOR WHICH A BACKGROUND CHECK IS NOT REQUIRED.

(D) IN ADDITION TO THE APPLICATION FEE REQUIRED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SECTION, AN APPLICANT SHALL PAY THE CITY CLERK THE FEE ESTABLISHED BY THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR THE PROCESSING OF FINGERPRINTS. THIS FEE SHALL BE PAID FOR EACH INDIVIDUAL AFTER THE FIRST REQUIRED TO SUBMIT FINGERPRINTS PURSUANT TO SECTION 10-177 OF THIS ARTICLE.

SEC. 10-182. INSPECTION.

(A) AN APPLICANT OR LICENSEE SHALL PERMIT LAW ENFORCEMENT OFFICERS, AND ANY OTHER FEDERAL, STATE, COUNTY OR CITY AGENCY IN THE PERFORMANCE OF ANY FUNCTION CONNECTED WITH THE ENFORCEMENT OF THIS ARTICLE, NORMALLY AND REGULARLY CONDUCTED BY SUCH AGENCY, TO INSPECT THE PREMISES OF A STRUCTURED SOBER LIVING HOME FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THIS ARTICLE.

(B) IT SHALL BE UNLAWFUL FOR A LICENSEE OR A MANAGER OF A STRUCTURED SOBER LIVING HOME TO REFUSE TO PERMIT A LAW ENFORCEMENT OFFICER OR ANY AGENCY ENUMERATED IN SUBSECTION A OF THIS SECTION TO INSPECT THE PREMISES.

(C) AS PART OF THE LICENSE APPLICATION PROCESS AND PRIOR TO THE ISSUANCE OF ANY LICENSE BY THE CITY CLERK TO OPERATE A STRUCTURED SOBER LIVING HOME, THE PROPERTY MUST PASS INSPECTION BY THE CITY. IN ORDER TO PASS INSPECTION, THE PROPERTY MUST SATISFY THE REQUIREMENTS OF SECTION 10-179 OF THIS ARTICLE.

(D) THE OWNER OF THE STRUCTURED SOBER LIVING HOME WILL BE NOTIFIED IN WRITING OF THE RESULTS OF THE INSPECTION. IF THE PROPERTY FAILS INSPECTION, THE OWNER SHALL CURE ANY IDENTIFIED DEFECTS. AFTER THE IDENTIFIED DEFECTS ARE CORRECTED, THE OWNER SHALL SUBSEQUENTLY CONTACT THE CITY TO SCHEDULE A FOLLOW UP INSPECTION. THE CITY CLERK MAY APPROVE A WRITTEN REQUEST FOR MORE TIME SUBMITTED BY THE OWNER FOR THE PURPOSE OF CURING ANY INSPECTION DEFICIENCIES.

(E) A LICENSED STRUCTURED SOBER LIVING HOME MUST PASS AN ANNUAL PROPERTY INSPECTION CONDUCTED BY THE CITY AS PART OF THE ANNUAL RENEWAL PROCESS.

SEC. 10-183. CRIMINAL HISTORY REVIEW; FINGERPRINTS.

THE CITY CLERK MAY RECEIVE AND REVIEW THE CRIMINAL HISTORY RECORD INFORMATION, INCLUDING CONVICTION AND NON-CONVICTION DATA, OF LICENSE APPLICANTS FOR THE PURPOSE OF EVALUATING THE FITNESS OF THE APPLICANTS, LICENSEES, CONTROLLING PERSONS AND MANAGERS IN CONNECTION WITH THE ISSUANCE, RENEWAL, SUSPENSION OR REVOCATION OF A LICENSE OR THE ADDITION OR CHANGE OF A CONTROLLING PERSON OR A MANAGER. SUCH INFORMATION SHALL BE USED ONLY FOR THE PURPOSE OF SUCH EVALUATION OR FOR THE PURPOSE OF SUPPORTING OR DEFENDING A DENIAL, NON-RENEWAL, SUSPENSION OR REVOCATION IN ANY ADMINISTRATIVE OR JUDICIAL REVIEW OF THE CITY CLERK'S ACTION. AN APPLICANT FOR A STRUCTURED SOBER LIVING HOME LICENSE AND AN APPLICANT FOR A STRUCTURED SOBER LIVING HOME MANAGERS LICENSE SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE PHOENIX CITY CLERK. THE FINGERPRINTS SHALL BE SUBMITTED TO THE ARIZONA DEPARTMENT OF PUBLIC

SAFETY TO OBTAIN A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK PURSUANT TO PUBLIC LAW 92-544 AND A.R.S. § 41-1750. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FBI.

SEC. 10-184. EXPIRATION OF LICENSE; RENEWAL.

EACH LICENSE SHALL EXPIRE TWELVE (12) MONTHS FROM THE DATE FIRST ISSUED BY THE CITY CLERK AND MAY BE RENEWED ONLY BY MAKING APPLICATION AS PROVIDED IN SECTIONS 10-177 AND 10-178 RESPECTIVELY, PAYING THE RENEWAL FEE REQUIRED BY SECTION 10-181 AND FOR A STRUCTURED SOBER LIVING HOME LICENSE, BY ALSO PASSING A PROPERTY INSPECTION AS REQUIRED IN SECTION 10-182. AN APPLICATION FOR RENEWAL SHOULD BE MADE AT LEAST NINETY (90) DAYS BEFORE THE EXPIRATION DATE. IF MADE LESS THAN NINETY (90) DAYS BEFORE THE EXPIRATION DATE, THE EXPIRATION OF THE LICENSE WILL NOT BE AFFECTED.

SEC. 10-185. SUSPENSION.

(A) THE CITY CLERK MAY SUSPEND A STRUCTURED SOBER LIVING HOME LICENSE FOR A PERIOD NOT TO EXCEED THIRTY (30) DAYS IF THE CITY CLERK DETERMINES THAT THE LICENSEE HAS:

- 1) VIOLATED OR IS NOT IN COMPLIANCE WITH ANY SECTION OF THIS ARTICLE OR ANY APPLICABLE PROVISIONS OF THE PHOENIX ZONING, BUILDING, OR PROPERTY MAINTENANCE CODE OR ORDINANCES.
- 2) BEEN ON THE PREMISES OF THE STRUCTURED SOBER LIVING HOME WHILE IN AN INTOXICATED OR DISORDERLY CONDITION.

SEC. 10-186. REVOCATION.

(A) THE CITY CLERK MAY REVOKE A STRUCTURED SOBER LIVING HOME LICENSE IF A CAUSE OF SUSPENSION IDENTIFIED IN SECTION 10-185 REOCCURS AND THE LICENSE HAS BEEN SUSPENDED WITHIN THE PRECEDING TWELVE (12) MONTHS.

(B) THE CITY CLERK MAY REVOKE A STRUCTURED SOBER LIVING HOME LICENSE IF THE CITY CLERK DETERMINES THAT:

- 1) A LICENSEE GAVE FALSE OR MISLEADING INFORMATION IN THE APPLICATION.

2) A LICENSEE HAS KNOWINGLY ALLOWED POSSESSION, USE, OR SALE OF CONTROLLED SUBSTANCES ON THE PREMISES.

3) A LICENSEE VIOLATED OR IS NOT IN COMPLIANCE WITH ANY SECTION OF THIS ARTICLE OR ANY APPLICABLE PROVISIONS OF THE PHOENIX ZONING, BUILDING, OR PROPERTY MAINTENANCE CODE OR ORDINANCES.

4) A LICENSEE OR MANAGER HAS KNOWINGLY OPERATED A STRUCTURED SOBER LIVING HOME DURING A PERIOD OF TIME WHEN THE LICENSEE'S LICENSE WAS SUSPENDED.

5) A LICENSEE HAS BEEN CONVICTED OF AN OFFENSE LISTED IN SECTION 10-180(A)(8) FOR WHICH THE TIME PERIOD REQUIRED IN SECTION 10-180(A)(8) HAS NOT ELAPSED.

6) A LICENSEE IS DELINQUENT IN PAYMENT TO THE CITY OF TAXES OR FEES RELATED TO THE STRUCTURED SOBER LIVING HOME LICENSE OR ARISING OUT OF ANY OTHER BUSINESS ACTIVITY OWNED OR OPERATED BY THE LICENSEE.

7) THE LICENSEE HAS VIOLATED A CONSENT AGREEMENT ENTERED INTO WITH THE CITY CLERK UNDER THIS ARTICLE WITHIN THE PREVIOUS FIVE (5) YEARS.

8) THE LICENSEE HAS HAD A LICENSE OR PERMIT RELATED TO OWNING, OPERATING OR MANAGING A STRUCTURED SOBER LIVING HOME DENIED, REVOKED OR SUSPENDED IN ANOTHER JURISDICTION WITH THE PREVIOUS FIVE (5) YEARS.

9) A LICENSEE REFUSED TO ALLOW AN INSPECTION OF THE STRUCTURED SOBER LIVING HOME AS REQUIRED UNDER SECTION 10-182 OF THIS ARTICLE.

(C) THE FACT THAT A CONVICTION IS BEING APPEALED SHALL NOT PROHIBIT OR IMPEDE THE CITY CLERK'S ABILITY TO REVOKE A LICENSE.

(D) WHEN THE CITY CLERK REVOKES A LICENSE, THE REVOCATION SHALL CONTINUE FOR ONE (1) YEAR AND THE LICENSEE SHALL NOT BE ISSUED A STRUCTURED SOBER LIVING HOME LICENSE FOR ONE (1) YEAR FROM THE DATE REVOCATION BECOMES EFFECTIVE.

IF, SUBSEQUENT TO REVOCATION, THE CITY CLERK FINDS THAT THE BASIS FOR THE REVOCATION HAS BEEN CORRECTED OR ABATED, THE APPLICANT MAY BE GRANTED A LICENSE IF AT LEAST NINETY (90) DAYS HAVE ELAPSED SINCE THE DATE THE REVOCATION BECAME EFFECTIVE. IF THE LICENSE WAS REVOKED UNDER SUBSECTION (B)(5) OF THIS SECTION, AN APPLICANT MAY NOT BE GRANTED ANOTHER LICENSE UNTIL THE APPROPRIATE NUMBER OF YEARS REQUIRED UNDER SECTION 10-180(A)(8) HAS ELAPSED.

SEC. 10-187. CONSENT AGREEMENT.

(A) THE CITY CLERK, EITHER BEFORE OR AFTER THE ISSUANCE OF A NOTICE OF SUSPENSION OR REVOCATION, MAY PROVIDE FOR THE INFORMAL DISPOSITION OF ANY CONTESTED MATTER BY CONSENT AGREEMENT.

(B) THE CONSENT AGREEMENT MAY IMPOSE REQUIREMENTS ON THE LICENSEE THAT EXCEED THE REQUIREMENTS OF THIS CHAPTER.

(C) A NOTICE OF REVOCATION ISSUED PURSUANT TO THIS SECTION MAY BE APPEALED BY WAY OF SPECIAL ACTION OR AVAILABLE REMEDY TO THE SUPERIOR COURT.

(D) A VIOLATION OF A CONSENT AGREEMENT SHALL BE CONSIDERED A VIOLATION OF THIS CHAPTER.

SEC. 10-188. HEARING; JUDICIAL REVIEW.

IF THE CITY CLERK DETERMINES THAT GROUNDS EXIST FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE UNDER THIS ARTICLE, THE CITY CLERK SHALL NOTIFY THE APPLICANT OR LICENSEE IN WRITING OF THE INTENT TO DENY, SUSPEND, OR REVOKE, INCLUDING A SUMMARY OF THE GROUNDS THEREFOR. THE NOTIFICATION SHALL BE BY CERTIFIED MAIL TO THE MAILING ADDRESS ON FILE WITH THE CITY CLERK. AN APPLICANT OR LICENSEE MAY APPEAL THE DENIAL, SUSPENSION OR REVOCATION OF THE LICENSE TO THE LICENSE APPEALS BOARD PURSUANT TO THE PROVISIONS OF CHAPTER 19 ARTICLE II OF THE PHOENIX CITY CODE.

SEC. 10-189. TRANSFER OF LICENSE.

A LICENSE MAY NOT BE TRANSFERRED FROM PERSON TO PERSON. IN ADDITION, A STRUCTURED SOBER LIVING HOME LICENSE

MAY NOT BE TRANSFERRED OR USED AT ANOTHER LOCATION OTHER THAN THE LOCATION ORIGINALLY LICENSED.

SEC. 10-190. PENALTIES AND ENFORCEMENT.

WHENEVER IN THIS ARTICLE ANY ACT IS PROHIBITED OR DECLARED TO BE UNLAWFUL, AND 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 SHALL CONSTITUTE A SEPARATE OFFENSE. REVOCATION OR SUSPENSION OF A LICENSE OR PERMIT SHALL NOT BE A DEFENSE AGAINST PROSECUTION.

SEC. 10-191. INJUNCTION.

THE OPERATION OF A STRUCTURED SOBER LIVING HOME WITHOUT A VALID LICENSE IN VIOLATION OF THIS ARTICLE SHALL CONSTITUTE A NUISANCE AND A PERSON WHO OPERATES OR CAUSES TO BE OPERATED SUCH A HOME SHALL BE SUBJECT TO A SUIT FOR INJUNCTIVE RELIEF.

SEC. 10-192. APPLICABILITY OF ORDINANCE TO EXISTING BUSINESSES.

THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE ACTIVITIES OF ALL PERSONS AND STRUCTURED SOBER LIVING HOMES DESCRIBED HEREIN, WHETHER SUCH HOME WERE ESTABLISHED OR COMMENCED BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION 3. Chapter 19, Article II, Phoenix City Code, is amended to read:

SEC. 19-12. Creation; membership; terms; duties.

(D) The decisions of the Board shall be based upon the requirements and regulations as stated in this Chapter; Articles, I, II and III of Chapter 7, Articles I, III, IV, V, VI, and VII AND XV of Chapter 10; Division 2, Article III of Chapter 2; and Article II of Chapter 31 of this Code.

SEC. 19-13. Appeals Procedure.

(A) When the designated or authorized City Official, as listed in this Chapter; Articles I, II and III of Chapter 7; ALL Articles ~~I, III, IV, V, VI, and VII~~ of Chapter 10; Division 2, Article III of Chapter 2; and Article II of Chapter 31 of this Code, shall issue an order of denial, nonrenewal, suspension or revocation by sending notice thereof to the applicant or license by certified mail or by hand delivery, the applicant or licensee may appeal said notice of denial, nonrenewal, revocation or suspension to the License Appeal Board with ten days of receipt of said notice.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be effective _____, 2018.

PASSED by the Council of the City of Phoenix this ____ day of _____, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ Acting City Attorney

REVIEWED BY:

_____ City Manager

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DRAFT