

ORDINANCE G-5295

AN ORDINANCE AMENDING CHAPTER 18 OF THE
PHOENIX CITY CODE BY ADDING AN ARTICLE
CREATING A DOMESTIC PARTNERSHIP REGISTRY FOR
CITY OF PHOENIX RESIDENTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX AS
FOLLOWS:

SECTION 1. That Chapter 18 of the Phoenix Code is hereby amended by
adding Article IX, Registered Domestic Partnerships, to read as follows:

ARTICLE IX. REGISTERED DOMESTIC PARTNERSHIPS

SEC. 18-400. PURPOSE.

THE PURPOSE OF THIS ARTICLE IS TO CREATE A WAY TO RECOGNIZE
COMMITTED RELATIONSHIPS.

SEC. 18-401. DEFINITION; DOMESTIC PARTNERSHIP.

IN THIS ARTICLE, *DOMESTIC PARTNERSHIP* MEANS TWO INDIVIDUALS
THAT HAVE FILED A DECLARATION OF DOMESTIC PARTNERSHIP WITH THE
CITY AFFIRMING THAT THEY MEET ALL OF THE FOLLOWING QUALIFICATIONS:

1. BOTH INDIVIDUALS RESIDE WITHIN THE CITY.
2. BOTH INDIVIDUALS CURRENTLY SHARE A COMMON RESIDENCE.
3. BOTH INDIVIDUALS ARE IN A COMMITTED RELATIONSHIP AND
SHARE RESPONSIBILITY FOR EACH OTHER'S COMMON WELFARE.

4. NEITHER INDIVIDUAL IS MARRIED TO ANY THIRD PARTY.
5. NEITHER INDIVIDUAL IS PART OF AN EXISTING DOMESTIC PARTNERSHIP OR CIVIL UNION WITH ANY THIRD PARTY.
6. EACH INDIVIDUAL IS COMPETENT TO ENTER INTO A CONTRACT.
7. EACH INDIVIDUAL IS EIGHTEEN YEARS OF AGE OR OLDER.
8. THE INDIVIDUALS ARE NOT RELATED TO ONE ANOTHER BY BLOOD CLOSER THAN WOULD BAR MARRIAGE IN THE STATE OF ARIZONA.

SEC. 18-402. DECLARATION OF DOMESTIC PARTNERSHIP; FILING LOCATION; PROHIBITION.

- A. TWO INDIVIDUALS SEEKING TO BECOME DOMESTIC PARTNERS MUST COMPLETE AND FILE A DECLARATION OF DOMESTIC PARTNERSHIP IN PERSON WITH THE CITY CLERK DEPARTMENT.
- B. NO INDIVIDUAL WHO HAS PREVIOUSLY FILED A DECLARATION OF DOMESTIC PARTNERSHIP IN THE CITY MAY FILE A NEW DECLARATION OF DOMESTIC PARTNERSHIP UNTIL A NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP HAS BEEN FILED WITH THE CITY. HOWEVER, THIS PROHIBITION SHALL NOT APPLY IF THE PREVIOUS DOMESTIC PARTNERSHIP ENDED BECAUSE ONE OF THE DOMESTIC PARTNERS IS DECEASED.

SEC. 18-403. DOMESTIC PARTNERSHIPS; TERMINATION; EFFECTIVE DATE; NOTICE TO THIRD PARTIES; FAILURE TO GIVE NOTICE.

- A. A DOMESTIC PARTNERSHIP ENDS WHEN:
 1. ONE OF THE DOMESTIC PARTNERS DIES; OR
 2. A NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP HAS BEEN FILED BY ONE OR BOTH DOMESTIC PARTNERS WITH THE CITY.
- B. IF ONE OR MORE OF THE FACTS AFFIRMED IN THE DECLARATION OF DOMESTIC PARTNERSHIP NO LONGER EXISTS, ONE OR BOTH PARTIES TO A DOMESTIC PARTNERSHIP SHALL FILE A NOTARIZED NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP WITH THE CITY CLERK DEPARTMENT. IT SHALL BE THE FILING PARTNER'S RESPONSIBILITY TO PROVIDE A COPY OF THE NOTICE OF TERMINATION TO THE NON-FILING PARTY. HOWEVER, THIS NOTICE REQUIREMENT SHALL NOT APPLY IF THE TERMINATION IS DUE TO THE DEATH OF ONE OF THE DOMESTIC PARTNERS.

C. TERMINATION OF A DOMESTIC PARTNERSHIP SHALL BE EFFECTIVE UPON FILING OF THE NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP WITH THE CITY BY ONE OR BOTH PARTNERS, OR ON THE DATE OF THE DEATH OF ONE OF THE DOMESTIC PARTNERS.

D. FOLLOWING THE TERMINATION OF A DOMESTIC PARTNERSHIP, EACH FORMER DOMESTIC PARTNER WHO HAS RECEIVED OR HAS QUALIFIED FOR ANY BENEFIT OR RIGHT BASED UPON THE EXISTENCE OF A DOMESTIC PARTNERSHIP AND WHOSE RECEIPT OF THAT BENEFIT OR ENJOYMENT OF THAT RIGHT HAS NOT OTHERWISE TERMINATED, SHALL GIVE PROMPT NOTIFICATION THAT THE DOMESTIC PARTNERSHIP HAS TERMINATED WITHIN REASON TO ANY THIRD PARTY WHO PROVIDES SUCH BENEFIT OR RIGHT. FAILURE TO GIVE NOTICE COULD RESULT IN REPAYMENT OF BENEFITS TO THE THIRD PARTY DATING BACK TO THE MONTH OF TERMINATION.

E. FAILURE TO PROVIDE NOTICE TO THIRD PARTIES AS PRESCRIBED IN THIS SECTION SHALL NOT DELAY OR PREVENT THE TERMINATION OF THE DOMESTIC PARTNERSHIP.

SEC. 18-404. CITY CLERK DEPARTMENT RECORDS AND REGISTRATION; FEE.

A. THE CITY CLERK DEPARTMENT SHALL DEVELOP "DECLARATION OF DOMESTIC PARTNERSHIP" AND "NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP" FORMS, AND SHALL NOT ADD TO OR ALTER THE REQUIREMENTS LISTED IN SECTION 18-401 OF THIS ARTICLE.

B. EACH REGISTRANT SHALL:

1. AFFIRM THAT HE MEETS THE REQUIREMENTS OF SECTION 18-401 OF THIS ARTICLE.
2. SHOW CURRENT PHOTO IDENTIFICATION ISSUED BY A GOVERNMENTAL AGENCY WITHIN THE UNITED STATES THAT VERIFIES THE DOMESTIC PARTNERSHIP AGE REQUIREMENT.
3. SIGN THE APPLICABLE FORM UNDER PENALTY OF PERJURY.
4. HAVE HIS SIGNATURE NOTARIZED.

C. THE CITY SHALL HAVE DECLARATION AND TERMINATION FORMS AVAILABLE AT THE CITY CLERK DEPARTMENT.

D. THE CITY SHALL KEEP A RECORD OF ALL DECLARATIONS OF DOMESTIC PARTNERSHIP AND ALL NOTICES OF TERMINATION.

E. THE CITY SHALL CHARGE A NONREFUNDABLE ADMINISTRATIVE FEE OF \$50 TO PERSONS FILING A DECLARATION OF DOMESTIC PARTNERSHIP. NO FEE SHALL BE CHARGED FOR THE FILING OF A NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP.

F. THE CITY SHALL REGISTER THE DECLARATION OF DOMESTIC PARTNERSHIP IN A REGISTRY AND PROVIDE A COPY OF THE DECLARATION FORM TO EACH OF THE DOMESTIC PARTNERS.

SEC. 18-405. RIGHTS OF DOMESTIC PARTNERS; HEALTH CARE VISITATION.

A. ALL HEALTH CARE FACILITIES OPERATING WITHIN THE CITY SHALL ALLOW THE DOMESTIC PARTNER OF A PATIENT TO VISIT SUCH PATIENT UNLESS NO VISITORS ARE ALLOWED OR THE PATIENT EXPRESSES A DESIRE THAT THE VISITATION BY THE DOMESTIC PARTNER BE RESTRICTED.

B. AS USED IN THIS SECTION, "HEALTH CARE FACILITY" MEANS EVERY PLACE, INSTITUTION, BUILDING OR AGENCY, WHETHER ORGANIZED FOR PROFIT OR NOT, WHICH PROVIDES FACILITIES WITH MEDICAL SERVICES, NURSING SERVICES, HEALTH SCREENING SERVICES, OTHER HEALTH-RELATED SERVICES, SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES OR DIRECTED CARE SERVICES AND INCLUDES HOME HEALTH AGENCIES AS DEFINED IN SECTION 36-151, ARIZONA REVISED STATUTES, AND HOSPICE SERVICE AGENCIES.

C. THIS ARTICLE DOES NOT LIMIT A HEALTH CARE FACILITY'S RIGHT TO ESTABLISH VISITING HOURS, RULES OF CONDUCT, OR TO REGULATE ACCESS TO ITS PATIENTS GENERALLY.

SEC. 18-406. LEGAL EFFECT OF DECLARATION OF DOMESTIC PARTNERSHIP

A. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO ALTER OR SUPERCEDE COUNTY, STATE OR FEDERAL LAW, INCLUDING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 OR OTHER PRIVACY LAWS.

B. EXCEPT FOR PROVISIONS CONTAINED IN THIS ARTICLE, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO CREATE ADDITIONAL LEGAL LIABILITIES GREATER THAN THOSE ALREADY EXISTING UNDER LAW OR TO CREATE NEW PRIVATE CAUSES OF ACTION.

C. THE DOMESTIC PARTNERSHIP REGISTRATIONS ISSUED UNDER THIS ARTICLE CAN BE USED TO DEMONSTRATE A DOMESTIC

PARTNERSHIP TO GOVERNMENT AGENCIES, EMPLOYERS, BUSINESSES,
AND OTHER THIRD PARTIES.

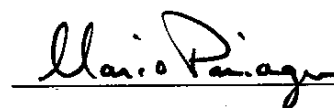
SECTION 2. This ordinance shall become effective on February 9, 2009.

PASSED by the City Council of the City of Phoenix this 17th day of
December, 2008.



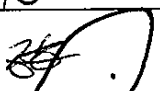

MAYOR

ATTEST:

 City Clerk

APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY: 
 City Manager



CITY CLERK DEPT.
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