

COMMISSIONERS' ORDINANCE NO. O-xxx-24

AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 124 OF THE COVINGTON CODE OF ORDINANCES REGARDING THE REQUIREMENTS OF RECOVERY RESIDENCES OPERATING WITHIN COVINGTON.

* * * *

WHEREAS, the City of Covington (City), acknowledges the need for intoxicating substance free recovery residences to provide substance use disorder recovery services in the City; and

WHEREAS, a lack of minimum operating standards or regulations relating to recovery residences for unrelated individuals has created an environment in which some profit-driven recovery residence operators provide unsafe or substandard housing arrangements and conditions which do not promote recovery; and

WHEREAS, in 2023, the Kentucky General Assembly duly enacted KRS 222.500 to 222.510 to support quality recovery housing by setting requirements for certification, operation and oversight of recovery residences; and

WHEREAS, KRS 222.500 to 222.510, along with 24 HB 462, passed during the 2024 Regular Session of the General Assembly and effective July 15, 2024, provide an option for local government enforcement of the certification requirement through the enactment of an ordinance.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Chapter 124 of the Covington Code of Ordinances is amended to read as follows:

CHAPTER 124: HOMELESS SHELTERS AND TRANSITIONAL LIVING

General Provisions

124.01 Definitions

Homeless Shelters and Boarding and Lodging Houses

- 124.[02]**10** Annual license required; posting of license
- 124.[03]**11** Annual application for license; investigation; fee
- 124.[04]**12** Compliance with federal, state and local laws and regulations
- 124.[05]**13** Duties of operator
- 124.[06]**14** Right of entry to inspect
- 124.[07]**15** Transfer of license
- 124.[08]**16** Denial of application for a new license
- 124.[09]**17** Revocation, suspension or denial of the transfer of a license
- 124.[10]**18** Enforcement
- 124.[11]**19** Implementation schedule

Recovery Residences

- 124.30 Annual recovery residence license required; Posting of license**
- 124.31 Application for license.**
- 124.32 License fee.**
- 124.33 Inspection required.**
- 124.34 Compliance with federal, state and local laws and regulations.**
- 124.35 Right of entry to inspect.**
- 124.36 Administration; enforcement.**

124.99 Penalty

§ 124.01 DEFINITIONS.

For the purpose of this [sub]chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDRESS. The physical location/address of a person or entity. It may not be a P.O. Box address.

BOARDING AND LODGING HOUSE. A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people, meals may or may not be provided, but there exists one common kitchen facility. [~~This term includes recovery residences.~~] This term does not apply to hotel, motel, extended stay lodging facilities, short-term rental facilities, **recovery residences**, nursing home rooms or assisted living units.

CAMPUS. Shelters located on contiguous lots that are operated by the same operator.

CODE ENFORCEMENT OFFICER. Any employee of the city working under the direction of the Neighborhood Services Director and charged with the enforcement of the city's Nuisance Code, exclusive of clerical and administrative staff, as well as police and fire safety officers.

COUNSELING CENTER. A resource in the shelter that may direct residents to service providers that assist with alcohol and substance abuse treatment services, mental health services, health care, legal services and alternative living arrangement services in the local community. This center in the shelter may provide help with job placement and educational opportunities.

CRIMINAL RECORD CHECK. A criminal record check performed by the Kentucky Administrative Office of the Courts for records of criminal actions in the state.

DIRECTOR. Director of Neighborhood Services or other person designated by the City Manager.

HEALTH DEPARTMENT. The Northern Kentucky District Health Department.

HOMELESS or HOMELESS INDIVIDUAL OR PERSON. An individual who lacks a fixed, regular and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

(1) A supervised publicly or privately operated homeless shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOMELESS SHELTER. A facility the primary purpose of which is to provide temporary shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; may provide meals and ancillary social, educational or health services.

The facility is staffed. No facility that is operated by the American Red Cross or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood or hazardous materials releases that is operated under the Kenton County Emergency Operations Plan is included.

KENTUCKY HOMELESS MANAGEMENT INFORMATION SYSTEM (KYHMIS). The data system for agencies providing services for the homeless and maintained by the Kentucky Housing Corporation.

MANAGEMENT PLAN. A plan to implement the operating requirements and hours of operation sections of this subchapter that the shelter shall create.

MULTI-SERVICE SHELTER. A facility that provides meals, clothing and other such services for persons who are not residents of the homeless shelter, in addition to operating a homeless shelter.

OPERATOR. The person or group that runs the transitional housing or a homeless shelter or boarding and lodging house.

RESIDENT. A person properly registered or signed into a shelter for overnight occupancy that uses any or all of the services of a shelter.

RECOVERY RESIDENCE. ~~[A broad term describing a sober, safe and healthy living environment that promotes recovery from alcohol and other drug use and associated problems.]~~

(A) Any premises, place, or building that:

(1) Holds itself out as a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances; and

(2) Provides a housing arrangement for a group of unrelated individuals who are recovering from substance use disorders or to a group of parents who are recovering from a substance use disorder and their children, including peer-to-peer supervision models; and

(B) Does not include any premises, place, or building that is licensed or otherwise approved by the cabinet or any other agency of state government to operate as a residential or inpatient substance use treatment facility.

SHELTER. A homeless shelter or transitional housing or boarding and lodging house.

TRANSITIONAL HOUSING. A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training and the like) to help persons achieve personal independence. Staff is available as needed. TRANSITIONAL HOUSING is not a rehabilitation home (as defined

in the Land Development Code). These facilities are not subject to the Uniform Residential Landlord Tenant Act (KRS 383.500 et seq.).

Homeless Shelters and Boarding and Lodging Houses

§ 124.[02]10 ANNUAL LICENSE REQUIRED; POSTING OF LICENSE.

(A) No person, firm or corporation shall own or operate a shelter on any premises within the city unless an annual license for the operation of a shelter has been applied for and issued by the Director for the premises and the license remains in effect in conformity with the provisions of this subchapter.

(B) Any license issued under this subchapter shall be valid from the date of issuance until the next occurring September 1, whether or not the next occurring September 1 is within the same calendar year as the grant of the license, unless the license has been suspended or revoked.

(C) Each owner or operator of a shelter licensed under this subchapter shall post the operator's license, in a conspicuous place at or near the entrance to such shelter so that it may be easily read at any time.

(D) Application for renewal of a license shall be made at least 90 days, but not before 210 days, before the expiration of the current license.

(E) If the renewal application and/or the annual fee are not tendered in a timely fashion, the Director shall serve notice to the operator that the failure to submit the renewal application and/or the annual fee within ten business days will be deemed an abandonment of the license as of the above-referenced renewal deadline. Service of the notice required by this section shall be deemed complete upon certified mailing, return receipt requested or personal delivery.

(F) The services of the multi-service shelter shall be subject to the requirements of this subchapter only for the programs and services related to the operation of the homeless shelter. Notwithstanding the foregoing, a multi-service shelter must comply with § 124.[05]13(A)(18).

§ 124.[03]11 ANNUAL APPLICATION FOR LICENSE; INVESTIGATION; FEE.

(A) Each annual application to the Director for a license to operate a shelter shall be in writing, notarized and shall be in the form prescribed by the Director. The application, at a minimum, shall set forth:

- (1) The name, address and phone number of the applicant;
- (2) The organizational documents and by-laws of the organization showing its business address, email address and telephone number;
- (3) The names, addresses, email address and phone numbers of each member of the board of directors and key personnel responsible for the day-to-day operation of the facility if the applicant is a corporation;

(4) The designation of a registered office and registered agent (who regularly works at the registered office) located in Kenton County, Kentucky which registered agent shall be its representative for the service of process or notice under this subchapter;

(5) The location for which the permit is desired; a zoning permit and a certificate of occupancy listing the maximum allowable occupancy;

(6) If the applicant is not the owner of record of the real property on which the shelter is located or to be located, the application shall include the name and address of the owner of record of the real property, and a copy of lease or other agreement authorizing use of the property by applicant;

(7) A management plan describing:

(a) Staffing: number, training and qualifications;

(b) Participation in the Kentucky Homelessness Management Information System (KYHMIS) **or such other HMIS as determined by Order of the City Board of Commissioners upon recommendation of the City Manager** ~~[on a monthly basis]~~; and

(c) Shelter policies required pursuant to § 124.~~[05]~~**13**.

(8) The notarized statement of the executive director that all owners, officers, directors and employees that have direct contact with a child at the shelter do not have a criminal record involving a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this subchapter. Licensed shelters serving minors who are required to abide by KRS 17.165 may satisfy this standard by producing a current child caring or placing license;

(9) Boarding and lodging house applications shall provide the following additional information:

(a) Resident/client profile (population to be served);

(b) Site plan and floor plans;

(c) Rules of conduct and business management plan;

(d) Support services to be provided and projected staffing level, if any; and

(e) Proposed maximum stay for each resident.

(10) This licensure requirement shall apply in addition to licensure of boarding and lodging house licensed by the Commonwealth of Kentucky under KRS 216B.305 et seq.

(B) A nonrefundable fee of \$100 shall accompany the application for a shelter. A nonrefundable fee of \$150 shall accompany the application for a campus.

(C) (1) An annual application for a license must be made for each separate shelter or campus.

(2) When an application is received by the Director, the Director shall refer a copy of the application to the appropriate city agencies, which shall within ten business days of their receipt of the license application cause the facilities to be inspected to determine if the facilities meet the zoning, health, sanitation, structural, fire, property maintenance and fire safety requirements set out in any applicable state and local laws, and report such information to the Director within ten business days of such inspection.

(a) A food establishment inspection shall not be required at the time of application for a shelter license if the Northern Kentucky District Health Department conducted such an inspection at the shelter location within the six months prior to the application, or if the shelter does not have cooking facilities.

(b) The Northern Kentucky District Health Department will advise the Director in writing as to whether a food establishment inspection is required for the shelter license application.

(D) A license to operate a shelter shall be issued to the applicant by the Director within ten business days after receipt of the inspection reports required by division (C) above, if the application is fully and accurately completed and if the required inspections reveal that the shelter meets the zoning, health, sanitation, structural, fire and safety requirements of any currently applicable federal, state and local laws as may be amended from time to time. However, no license shall be issued by the Director if any one of the following is found to be true:

(1) The applicant or any of its owners, officers, directors or employees that have direct contact with a child at the shelter has a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any felony conviction for any crime involving physical abuse or sexual abuse, or any violation of this subchapter;

(2) 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 shelter;

(3) The license fee required by division (B) above has not been paid;

(4) The proposed shelter is located in a zoning district other than a district in which shelters are allowed to operate under the applicable zoning regulations of the city; or

(5) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state or local governments.

(E) In the event of denial, the Director shall notify the applicant in writing of the reasons for such denial. Said notice shall be mailed, certified mail, return receipt requested, within ten business days after the Director receives the inspection reports required by division (C) above.

(F) In the event the inspection required by this section is not completed within the timeframe set forth in division (C) above or if the Director fails to notify the applicant in writing of the reasons for denial of the application in the manner prescribed in division (E) above, then the application will be deemed to be granted and the shelter authorized

to operate until such time as all required inspections have been completed, the Director has received the required reports, and the applicant receives notice of the Director's decision on the application by certified mail, return receipt requested.

§ 124.~~04~~12 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate shelter shall be in compliance with any currently applicable laws and regulations of the federal, state or local governments, as may be amended from time to time including, but not limited to:

(A) The International Property Maintenance Code (IPMC) 2015, National Fire Protection Association (NFPA) Life Safety Code, National Fire Protection Association (NFPA) 1 Fire Code;

(B) The city's Zoning Code;

(C) Occupancy limits established by the local building official and the city's Fire Department;

(D) The provisions of KRS 17.545 unless the shelter excludes registered sex offenders; and

(E) Laws or regulations on nondiscrimination, zoning, building, safety, occupancy limits, property maintenance, food sanitation, health and sanitation, fire, electrical, plumbing, mechanical, reporting the dependency, abuse or neglect of minor children and other applicable laws.

§ 124.~~05~~13 DUTIES OF OPERATOR.

(A) In addition to being in compliance with any currently applicable laws and regulations of the federal, state or local governments required by § 124.~~04~~12, it shall be the duty of the operator of a shelter licensed under this subchapter to:

(1) Maintain the health and safety standards set out herein or in any currently applicable laws or regulations of the federal, state or local governments as may be amended from time to time;

(2) Have a criminal record check performed on all employees having direct contact with a child at the shelter prior to such employee's performing duties for the shelter, and annually thereafter;

(3) Have a criminal record check performed on all volunteers having direct contact with a child at the shelter within one week of the volunteer first volunteering for the shelter, and annually thereafter, or, if a licensed shelter serving minors, operator shall abide by state licensing requirements governing volunteers;

(4) Provide and have available for review, by any employee, volunteer or resident, educational materials regarding communicable diseases and precautions to be taken to protect the employee, volunteer and shelter residents;

(5) Maintain a written and posted first aid and cardiopulmonary resuscitation ("CPR") policy, including having:

(a) At least one person trained and currently certified in first aid and CPR on duty on each shift;

(b) All certifications of employees or volunteers for first aid and CPR shall be kept on file for inspection by the Northern Kentucky District Health Department; and

(c) Adequate and available medical supplies for first aid and CPR.

(6) Provide written policies and procedures on the handling of prescription or over-the-counter drugs, including controls and/or limitations on access to prescription and over-the-counter drugs kept in the shelter;

(7) Maintain sanitary conditions in the shelter;

(8) Maintain all mattresses and box springs with a water resistant encasing protective cover that will resist tearing and can be wiped thoroughly with a disinfectant cleaner before use by any other residents;

(9) Post a clearly marked evacuation plan that is approved by the appropriate Fire Department or Fire District official in areas available to both shelter staff and residents, and keep a copy of the plan on file;

(10) Provide services to all individuals within the city free from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity or sexual orientation. Nothing contained herein shall be construed to prohibit any shelter from maintaining separate facilities for the different sexes or being a unisex facility;

(11) Allow clients access to restrooms during shelter hours of operation;

(12) If required, have and maintain a Kentucky food establishment permit and have received a passing score on their most recent inspection;

(13) Boarding and lodging houses shall not have any signage which identifies the use;

(14) Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation;

(15) Boarding and lodging houses shall provide sufficient on-site parking as required by the city's Zoning Code;]

(16) The new owner of a shelter, including a boarding and lodging house, must file the registration statement within ten days of a change of ownership and/or acquiring title to the shelter;

(17) The operator shall participate in and provide complete and accurate information for residents to the Kentucky Homeless Management Information System (KYHMIS) **or designated alternative** on a quarterly basis. The operator shall grant the city complete access to all its data submitted to KYHMIS to the extent permitted by law;

(18) The facility shall provide adequate waiting areas within the premises for clients and prospective clients to ensure that public sidewalks, streets and alleys are not used as queuing or waiting areas;

(19) In the interest of infection control, the operator shall maintain an accurate and complete list of the names of all residents housed in the shelter;

(20) The operator shall maintain sufficient insurance coverage to protect against liability and foreseeable loss, and shall include the city as a named insured for any liability that may accrue to the city as a result of the operation of the shelter;

(21) The operator shall have on premises adequately trained staff as to deal with the potential behavioral issues that will arise from the resident population without excessive reliance on the city's public safety agencies;

(22) The operator shall continuously monitor waiting areas to inform prospective residents whether they can be served in a reasonable time. If they cannot be served by the operator because of time or resource constraints or occupancy limits, the monitor shall inform the prospective resident of alternative programs and locations where he or she may seek similar service;

(23) The operator shall provide for timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period;

(24) The service provider shall have a plan to minimize disruption or damage caused by clients' behavior on properties located within two blocks of the facility;

(25) The operator shall maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff or the general public;

(26) The operator shall implement other conditions and/or measures as determined by the city in consultation with other city agencies, necessary to ensure the management and for residents of the establishment maintain the quiet enjoyment, safety and cleanliness of the shelter and the vicinity of use;

(27) The operator shall establish standards for responding to emergencies and incidents involving the expelling of residents from the shelter. Re-admittance policies for residents who have previously been expelled from the shelter shall also be established;

(28) The operator shall establish re-admittance policies for residents whose behavior or conduct has required public safety agency intervention;

(29) Alcohol and illegal drug use is prohibited on site. Service providers shall expel residents from the facility if found to be using alcohol or illegal drugs while on site, unless good cause is shown;

(30) The facility shall be open 24 hours a day, seven days a week to provide, at a minimum, around the clock access to toilet and shower facilities for those eligible to be served by the facility;

(31) In order to encourage clients to pursue stable and permanent housing, the operator shall limit the maximum stay for residents to 150 days within a 365-day period, except for residents participating in a transitional housing program as described in the management plan submitted as part of the licensing process; or for good cause shown; and

(32) The operator shall not allow shopping carts or pets on the premises, except when the pets are registered as disability or emotional support pets.

(B) Notwithstanding the above requirements set forth in division (A) above, divisions (A)(17) through (A)(32) above shall not apply to boarding and lodging houses.

§ 124.~~[06]~~**14** RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Fire Department or Fire District official and any other appropriate investigating officials of the city, shall have the right to enter any portion of a shelter's premises during regular business hours where shelter residents and employees are permitted for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance and safety regulations, as well as all other provisions of law or regulations.

§ 124.~~[07]~~**15** TRANSFER OF LICENSE.

(A) No shelter license shall be transferable except with the written approval of the Director. The application for such a transfer shall be in writing and shall contain the same information required for the initial application for such a license.

(B) The application procedure shall be the same as outlined in § 124.~~[03]~~**11**. A \$100 transfer fee shall be charged for each such license transfer.

(C) In the event of denial, notification and reasons for denial shall be given to the applicant in the manner provided by § 124.~~[03]~~**11**. A denial of a transfer may be appealed in the same manner as the denial of an application for an original shelter license.

§ 124.~~[08]~~**16** DENIAL OF APPLICATION FOR A NEW LICENSE.

(A) In the event the Director denies an application for a new shelter, the Director shall advise the applicant of his or her decision, and the reasons therefore, by certified letter, return receipt requested, sent to the most current address listed in the affected operator's file. Such denial of an application for a new shelter license shall include information regarding the right to appeal the decision. The applicant affected by the denial of a new

permit shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying him or her in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final. When the Director denies an application for a new shelter, the applicant shall not operate as a shelter until either the Code Enforcement Board or a court of competent jurisdiction so orders. Notwithstanding the preceding sentence, all homeless shelters and transitional housing facilities in existence and in operation on the effective date of this subchapter shall be issued an initial license for a term in accordance with § 124.~~[02]~~10(B) of this subchapter.

(B) When the Director receives a notice of an appeal, he or she shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(C) At the hearing on the new license denial, the appellant shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(D) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Kenton Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

§ 124.~~[09]~~17 REVOCATION, SUSPENSION OR DENIAL OF THE TRANSFER OF A LICENSE.

(A) In the event the Director has reason to believe that a shelter is operating in violation of this subchapter, or that the transfer of a license would create a violation of this subchapter, the Director shall provide written notice to the operator that the shelter license is suspended, revoked or denied a transfer. The written notice shall include the reasons for the revocation, suspension or denial of a transfer, and shall be sent by certified letter, return receipt requested, to the most current address listed in the affected operator's file. Such notice shall include information regarding the right to appeal the decision. Any decision by the Director to suspend, revoke or deny the transfer of any license issued hereunder shall remain in abeyance until all appeals are exhausted or the time for filing the initial appeal from the Director's decision under division (B) below has expired.

(B) Upon receipt of a decision from the Director to suspend, revoke or deny the transfer of a license, the operator affected thereby shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying the Director in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final.

(C) When the Director receives a notice of an appeal, the Director shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(D) At the hearing on any license suspension, revocation or denial of license transfer, the operator shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(E) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Kenton Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

§ 124.~~10~~**18** ENFORCEMENT.

(A) In addition to the penalties provided in § 124.99 of this chapter, the Director is authorized to enforce the provisions of this subchapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

(B) The Director has the authority to issue rules and regulations for the implementation of this subchapter. Written notice of the issuance of any rules and/or regulations concerning the implementation of this subchapter shall be sent by first class mail to all license holders ten days prior to the date they become effective. The rules and regulations shall be available to the public online through the city website.

§ 124.~~11~~**19** IMPLEMENTATION SCHEDULE.

(A) Elements of this subchapter requiring an existing shelter to invest \$50,000 or more in capital funds to become compliant shall be effective two years from the date of passage and publication of the chapter. Shelters desiring such a delay shall submit a petition to the Director within 90 days after adoption of this subchapter.

(B) The operators of existing facilities shall apply for the permit and submit the required documentation within six months after the date of passage and publication of this subchapter.

(C) All shelters occupied for the first time after January 1, 2020 shall comply fully with the requirements of the subchapter without delay.

Recovery Residences

§ 124.30 ANNUAL RECOVERY RESIDENCE LICENSE REQUIRED; POSTING OF LICENSE.

- (A) **No person shall own or operate a recovery residence unless the owner or operator has first obtained a recovery residence license. A separate license is required for each recovery residence owned or operated by an individual or entity. The issued license shall be posted in a readily visible place in the recovery residence.**
- (B) **The license is renewable annually and shall expire on the last day of the month one year after the date of issuance.**
- (C) **The license is non-transferable, may not be assigned to another person or entity, and is void upon transfer of the property.**

§ 124.31 APPLICATION FOR LICENSE.

(A) The owner or operator of each recovery residence shall submit a written application for a recovery residence license to the Director or a designee on a form provided by the city. The city may provide an electronic application in lieu of, or in addition to, a written application. The application shall, at minimum, set forth:

(1) The name, address, email address and phone number of the applicant;

(2) The name, address, email address and phone number of a designated point of contact, if different from the applicant;

(3) The address of the recovery residence to be licensed;

(4) The number of bedrooms in the recovery residence and maximum occupancy;

(5) Proof of certification or provisional approval by a certifying organization recognized by Kentucky, or proof that that a certification process has been initiated with a certifying organization; and

(6) A sworn statement of compliance with Kentucky Revised Statutes 222.500 - 222.510;

(7) Proof of a zoning permit or approval for the property to be used as a recovery residence; and

(8) Proof of valid business and occupational licenses with the City.

(B) If the license application is incomplete, the Director or a designee shall return the application with written instructions regarding proper completion and resubmission of the application.

§ 124.32 LICENSE FEE.

The fee for issuance or renewal of each recovery residence rental license shall be \$100 and shall be submitted with the license application.

§124.33 INSPECTION REQUIRED.

(A) Following receipt of a complete application, a City code inspector shall inspect the property prior to the issuance of the license and the recovery residence must pass inspection to obtain the license.

(B) If the inspection finds violation of any of the codes, the code inspector shall provide written notice to the applicant and the license application shall not be further considered until the code violations are corrected and the unit successfully reinspected. If the violations are not corrected within twenty days after notice of violation, the application shall be denied unless the deadline is further extended by the code inspector.

(C) A reinspection fee of \$75 shall be charged for each reinspection required because the recovery residence failed to meet the standards set forth in this chapter or the applicant failed to appear for a scheduled inspection.

§ 124.34 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each recovery residence shall be in compliance with any currently applicable laws and regulations of the federal, state or local governments, as may be amended from time to time including, but not limited to:

(A) The International Property Maintenance Code (IPMC) 2015, National Fire Protection Association (NFPA) Life Safety Code, National Fire Protection Association (NFPA) 1 Fire Code;

(B) The city's Zoning Code;

(C) Occupancy limits established by the local building official and the city's Fire Department;

(D) The provisions of KRS 17.545 unless the recovery residence excludes registered sex offenders; and

§ 124.35 RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Fire Department or Fire District official and any other appropriate investigating officials of the city, shall have the right to enter any portion of a Recovery Residence's premises during regular business hours where residents and employees are permitted for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance and safety regulations, as well as all other provisions of law or regulations.

§ 124.36 ADMINISTRATION; ENFORCEMENT.

(1) The provisions of this subchapter shall be administered and enforced by the Director or a designee.

(2) The Director or a designee shall cooperate with, share and receive information required to be provided to the city by the Commonwealth of Kentucky, Cabinet for Health and Family Services, Kentucky Recovery Housing Network or other government agency.

(3) Violations of the provisions of this subchapter shall be enforced by the Director or a designee in accordance with the code enforcement proceeding set forth in Chapter 92 of this Code of Ordinance and the penalties set forth in § 124.99 of this Chapter.

(4) In addition to the penalties provided in § 124.99 of this chapter, the Director is authorized to enforce the provisions of this subchapter through appropriate legal action to compel a recovery residence that is operating in violation of this subchapter and/or KRS 222.500 to 222.510, as may be amended, to cease operating.

§ 124.99 PENALTY.

(A) (1) Any person who operates a shelter without a license as provided in §§ 124.01 through 124.~~11~~**19** shall be issued a citation by an enforcement officer designated by the Director, and ordered to cease operations until a valid license is obtained. Operating a shelter without a license shall constitute a civil offense and any person, firm or corporation who operates a shelter without a license shall be subject to a civil fine of not less than \$500, nor more than \$1,000, per day for each day that a shelter is operated without a valid license. Citations and enforcement proceedings shall be pursued in

accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

(2) Operating a licensed shelter in a manner that violates the provisions of §§ 124.01 through 124.~~11~~**19** shall constitute a civil offense and any person, firm or corporation who operates a licensed shelter in a manner that violates the provisions of §§ 124.01 through 124.~~11~~**19** shall be subject to a civil fine of not less than \$100, nor more than \$1,000, per day for each day that a licensed shelter is operated in a manner that violates this code. Citations and enforcement proceedings shall be pursued in accordance with Ch. 92 of this code of ordinances. Each day of such violation(s) shall constitute a separate offense.

(3) Any person who owns or operates a recovery residence in a manner that violates the provisions of §§ 124.30 through 124.36 shall be subject to a maximum civil fine of \$1,000 for each violation. If the person who has committed the violation does not contest the citation, a civil fine of \$500 for each violation shall be imposed. If the owner or operator of the recovery residence has been found guilty of violating the provisions of §§ 124.30 through 124.36 with respect to the same recovery residence at issue, within the 5 years preceding the date on which the citation is issued, the owner or operator shall be subject to having its license for that particular recovery residence suspended for a period of time up to one (1) year, or revoked for a period of time up to five (5) years.

(B) A person found to have committed a violation of this code shall be personally responsible for the amount of the civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

Section 2

That this ordinance shall take effect and be in full force when passed and recorded according to law.

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)

