

Chapter 12 - HUMAN RELATIONS

***Cross reference—**Boone County community service advisory commission, § 2-266 et seq.; community development commission, § 2-326 et seq.; environment and energy commission, § 2-346 et seq.; youth advisory commission, § 2-361 et seq.; office of community services, § 2-436 et seq.; offenses against morals, § 16-131 et seq.; offenses against the person, § 16-141 et seq.; offenses against public safety, § 16-231 et seq.; conduct regulations for use of public parks, § 17-41 et seq.; personnel policies, procedures, rules and regulations, Ch. 19; planning, Ch. 20; police department, § 21-16 et seq.

***Editor's note—**

Section 1 of ordinance number 13194, adopted on December 16, 1991, repealed articles I and II of this chapter and section 2 of ordinance number 13194 enacted new sections of said articles; section 3 of ordinance number 13194 repealed sections 12-31 and 12-58 to 12-64 and section 3 of ordinance number 13194 set out new material to read as herein set out.

ARTICLE I. - IN GENERAL

Sec. 12-1. - Purposes of chapter.

The purposes of this chapter are:

- (1)
To secure for all individuals within the city freedom from any discriminatory practice made unlawful by Article III of this chapter.
- (2)
To implement within the city the policies embodied in Missouri and federal human rights legislation, and to promote cooperation between the city and the state and federal agencies enforcing that legislation.
- (3)
To provide a city commission on human rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this chapter.

(Ord. No. 13194 § 2, 12-16-91)

Secs. 12-2—12-15. - Reserved.

ARTICLE II. - COMMISSION ON HUMAN RIGHTS

***Cross reference—**City commission generally, § 2-221 et seq.

Sec. 12-16. - Commission created; membership; qualification; terms; vacancies.

There is hereby established a commission on human rights. The commission shall consist of seven (7) members. All members shall be residents of the city. The members shall have demonstrated a strong commitment to human rights and a belief in the principles of equal opportunity embodied in this chapter. The council shall endeavor to appoint individuals to the commission from various protected categories that have historically been discriminated against. Of the seven (7) members first appointed, three (3) shall be appointed for one year, two (2) shall be appointed for two (2) years and two (2) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years, except that appointments to fill vacancies shall be for unexpired terms only. No member shall serve more than two (2) consecutive full three-year terms.

(Ord. No. 13194 § 2, 12-16-91; Ord. No. 20788, § 1, 10-18-10)

Sec. 12-17. - Officers; meeting and quorum; rules and procedures; compensation; attendance; training.

- (a)
The commission shall elect a chair, vice-chair, and secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- (b)
The commission shall meet periodically as necessary. The chair shall preside at all meetings, but in the absence of the chair or such person's inability to preside at any meeting, the vice-chair shall preside. Four (4) members shall constitute a quorum at any meeting.
- (c)
The commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- (d)
The members of the commission shall serve, without compensation, for the terms of their appointments and until their successors are appointed.
- (e)
The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-

five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. The chair shall promptly notify the city council through the city clerk of such vacancy.

(Ord. No. 13194 § 2, 12-16-91; Ord. No. 17127, § 1, 1-7-02; Ord. No. 17658, § 1, 4-21-03)

Sec. 12-18. - Functions, powers and duties.

The commission shall have the following functions, powers and duties:

- (1) To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this chapter.
- (2) To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this chapter.
- (3) To endeavor to eliminate discriminatory practices made unlawful by Article III of this chapter by conference, conciliation and persuasion.
- (4) To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this chapter.
- (5) To cooperate with other organizations, private and public, to discourage discrimination.
- (6) To encourage fair treatment for all persons regardless of age as it relates to employment, race, color, religion, sex, national origin, ancestry, marital status, handicap, sexual orientation or familial status as it relates to housing.
- (7) To advise the city council on human rights issues.
- (8) To hold public hearings on the state of human rights and relations in the city and on specific human rights issues.
- (9) To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the city.
- (10) To present informational programs on human rights to school, business, service and other organizations.
- (11) To adopt rules, regulations and guidelines pertaining to the investigation and disposition of complaints consistent with the provisions of this chapter.
- (12) To make recommendations to the city manager for funding human rights enhancement activities.

(Ord. No. 13194 § 2, 12-16-91; Ord. No. 17127, § 1, 1-7-02; Ord. No. 20659, § 1, 6-21-10)

Sec. 12-19. - Human rights enhancement program.

- (a) Upon the recommendation of the commission, the city manager is authorized to enter into agreements with local organizations for human rights enhancement activities.
- (b) No program shall receive more than five hundred dollars (\$500.00) in any fiscal year under this program and the program is limited to the availability of funds appropriated for the program.

(Ord. No. 20659, § 1, 6-21-10)

Secs. 12-20—12-31. - Reserved.

ARTICLE III. - DISCRIMINATORY PRACTICES

**Cross reference—Discriminatory employment practices by cable television franchisees prohibited, § 10-186.*

**State law reference—Discriminatory practices, RSMo. Ch. 314; discriminatory employment practices, RSMo. Ch. 296.*

DIVISION 1. - GENERALLY

Sec. 12-32. - Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

Commission. The commission on human rights.

Complainant. A person who has filed a complaint with the commission alleging that another person has engaged in a discriminatory practice.

Complaint. A written charge of discrimination alleging that a person has engaged in a discriminatory practice.

Discriminatory practice. An act, practice, or course or conduct made unlawful by this article.

Dwelling. Any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one (1) or more families, or occupied, designed or intended for occupancy by one (1) or more persons for commercial, professional or institutional purposes, and any vacant land which is offered for sale or leased for the construction or location thereon of any such building, structure or portion thereof.

Employer. The city or any department, board, commission, or agency thereof, or any person who employs one (1) or more individuals within the jurisdiction of city, exclusive of parents, spouse or children of such person, and any person acting directly in the interest of an employer.

Employee. Any individual employed by an employer.

Employment agency. This term includes any person or agency, public or private, regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any person acting in the interest of such person.

Familial status. One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(1)

A parent or another person having legal custody of such individual; or

(2)

The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any individual who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family. This word includes a single individual.

Handicap. A physical or mental impairment resulting in a disability unrelated to a person's ability to perform the duties of a particular job or position for which otherwise the person would be eligible and qualified for employment or promotions; to utilize the existing public accommodations; to acquire, rent or maintain property; to enter into a loan or other financial transaction for the purpose of purchasing, constructing, improving, repairing or maintaining real property; or to participate as a member in those organizations or facilities specified in section 12-41(1)—(3) of this article.

For purposes of this article, individuals with HIV infection, acquired immune deficiency syndrome (AIDS) or acquired immune deficiency syndrome-related complex (ARC) shall be deemed to have a handicap; provided that such protection shall not include individuals who have a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of their employment.

Housing for older persons. Housing:

(1)

Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or

(2)

Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

(3)

Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this article if:

(a)

The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b)

At least eighty (80) percent of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and

(c)

The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent to provide housing for persons fifty-five (55) years of age or older.

Investigator. A city employee whose job duties include investigating complaints or any individual appointed under commission rules to investigate a complaint.

Labor organization. This term includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

Person. One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, fiduciaries, receivers, or other organized groups of persons.

Protected category. Race, color, religion, sex, national origin, ancestry, marital status, handicap or sexual orientation.

Public accommodation. All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages and accommodations for the peace, comfort, health, welfare and safety of the general public, and such public places providing food, shelter, recreation and amusement.

Rent. To lease, to sublease, to let or otherwise to grant for a consideration the right to occupy a dwelling not owned by the occupant.

Respondent. A person against whom a complaint has been filed with the commission concerning a discriminatory practice.

Sexual orientation. Male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others, but not including sexual preference or practice between an adult and a minor.

(Code 1964, § 7.2010; Ord. No. 1224, § 1, 4-17-89; Ord. No. 13194 § 4, 12-16-91; Ord. No. 13385, § 1, 7-20-92; Ord. No. 13657, § 1, 5-3-93; Ord. No. 17127, § 1, 1-7-02)

Sec. 12-33. - Unlawful retaliation; false complaints.

(a)

It shall be unlawful for any person to retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, assisted or participated in any manner in any proceeding conducted pursuant to this chapter.

(b)

It shall be unlawful to knowingly make a false complaint under the provisions of this Article.

(Code 1964, § 7.2160; Ord. No. 13194 § 4, 12-16-91)

Sec. 12-34. - Employment.

(a)

It shall be unlawful:

(1)

For an employer, because of any individual's protected category:

a.

To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment.

b.

To limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee.

(2)

For a labor organization, because of any individual's protected category:

a.

To exclude or to expel such individual from its membership or to discriminate in any manner against any of its members or against any employer or any individual employed by an employer.

b.

To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individual in any manner which would deprive or tend to deprive any individual of employment opportunities, or would limit such opportunities or otherwise adversely affect such individual's status as an employee or as an applicant for employment.

(3)

For any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining.

(4)

Because of any individual's protected category:

a.

For any employer or employment agency to print or circulate or cause to be printed or circulated, any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

b.

For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, or to classify or refer for employment, any individual.

(5)

For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any individual because such individual has opposed any act, practice or course of conduct made unlawful by, or filed a complaint, testified, or assisted in, any proceeding under this article.

(6)

For any person, whether an employer or employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts made unlawful by this article, or to attempt to do so.

(b)

Notwithstanding any other provision of this article, it shall not be unlawful for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees in different locations; provided, that such differences or such systems are not the result of an intention or design to discriminate, and are not used to discriminate, because of any individual's protected category; nor shall it be unlawful for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of any protected category.

(c)

Nothing contained herein shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this article to grant preferential treatment to any individual or to any group because of such individual's or group's protected category on account of an imbalance which may exist with respect to the total number or percentage of individuals of any protected category employed by any employer, referred to or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of individuals of such protected category in the city, or in the available work force in the city.

(d)

Notwithstanding any other provision of this article, it shall not be unlawful because of sex to differentiate in employment compensation, terms, conditions or privileges of employment between male and female employees if such differences are otherwise required or expressly permitted by the laws of the state, or by the provisions of Section 703 of the Federal Civil Rights Act of 1964, as amended, or by the provisions of section 6(d) of the Federal Fair Labor Standards Act of 1938, as amended; nor shall it be unlawful because of sex for an employer, pursuant to a pension, retirement, profit sharing, welfare or death benefit plan, to provide for the retirement of female employees at a younger age than male employees or to provide differences in annuity, death and survivors benefits between widows and widowers of employees.

(e)

Notwithstanding any other provisions of this article, it shall not be unlawful for any church or religious school or religious day care center to consider sexual orientation in any hiring or employment action.

(Code 1964, § 7.2020; Ord. No. 13385, § 1, 7-20-92; Ord. No. 17127, § 1, 1-7-02)

State law reference—Similar provisions, RSMo. § 296.020.

Sec. 12-35. - Places of public accommodation.

(a)

It shall be unlawful for any person, directly or indirectly, to refuse, withhold from or deny any individual, or to attempt to refuse, withhold from or deny any individual, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation as defined in this article, or to segregate or discriminate against any individual in the use thereof because of such individual's protected category; provided, that it shall not be unlawful discriminatory practice for any place of public accommodation owned by or operated on behalf of a religious corporation, association or society to give preference in the use of such place to members of its own religious faith unless individuals are excluded from membership therein because of inclusion in a protected category other than religion.

(b)

It shall be unlawful to aid, abet, incite, compel or force the doing of any acts prohibited by this section or to attempt to do so; or for any person to retaliate or discriminate in any manner against any individual who has opposed any practice prohibited by this section; or because any individual has testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to or in consequence of this section.

(c)

The provisions of this section shall not apply to a private club or other establishment not in fact open to the public, except to the extent the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of "public accommodation" as defined in section 12-32 of this article.

(Code 1964, § 7.2030)

Sec. 12-36. - Age discrimination—Practices prohibited.

(a)

It shall be unlawful for an employer:

(1)

To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, because of such individual's age.

(2)

To limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee, because of such individual's age.

(3)

To reduce the wage rate of any employee in order to comply with this article.

(b)

It shall be unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of such individual's age, or to classify or refer for employment any individual on the basis of such individual's age.

(c)

It shall be unlawful for a labor organization:

(1)

To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of such individual's age.

(2)

To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect such individual's status as an employee or as an applicant for employment, because of such individual's age.

(3)

To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d)

It shall be unlawful for an employer to discriminate against any of such employer's employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member or applicant for membership has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or litigation under this article.

(e)

It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on age.

(f)

The prohibitions in this section shall be limited to individuals who are at least forty (40) years of age but less than seventy (70) years of age.

(Code 1964, § 7.2035)

Sec. 12-37. - Same—Practices not prohibited.

(a)

Notwithstanding any provision in section 12-36 it shall be not unlawful for an employer, employment agency or labor organization:

(1)

To take any action otherwise prohibited under section 12-36 where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age.

(2)

To observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan, which is not a subterfuge to evade the purposes of section 12-36, except that no such employee benefit plan shall excuse the failure to fire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual because of the age of such individual.

(3)

To discharge or otherwise discipline an individual for good cause.

(b)

Nothing in section 12-36 shall be construed to prohibit compulsory retirement of any employee:

(1)

Who has attained sixty-five (65) years of age but not seventy (70) years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee

is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least twenty-seven thousand dollars (\$27,000.00). In applying the retirement benefit test above, if any such retirement benefit is in the form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit shall be adjusted in accordance with regulations prescribed by the secretary, after consultation with the Secretary of the Treasury, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(2)

Who has attained sixty-five (65) years of age but not seventy (70) years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965).

(Code 1964, § 7.2037)

Sec. 12-38. - Sale or rental of dwellings.

It shall be unlawful for any person:

(1)

To refuse to sell, or rent after receipt of a bona fide offer, or to refuse to negotiate for the sale or rental, of a dwelling to any individual because of such individual's protected category or familial status; provided, however, that if previous bona fide offers to rent or buy have been made, the owner, lessor, or agent thereof may accept such offers without violating this section or article.

(2)

To discriminate against any individual in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of any individual's protected category or familial status.

(3)

To make, print, publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on any individual's protected category or familial status, or an intention to make any such preference, limitation or discrimination.

(4)

To represent to any individual because of such individual's protected category or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5)

For profit, to induce or attempt to induce any individual to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of an individual who is a member of a particular protected category or of an individual because of the individual's familial status.

(Code 1964, § 7.2040; Ord. No. 13657, § 1, 5-3-93)

Sec. 12-39. - Real estate loans.

It shall be unlawful for any bank, building or savings and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance, for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, because of the protected category or familial status of an individual applying therefor, or to discriminate against an individual in fixing the amount, interest rate, duration or other terms or conditions of such a loan or other financial assistance because of the protected category or familial status of such individual or any individual associated with such individual in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of any dwelling in relation to which such loan or other financial assistance is to be made or given.

(Code 1964, § 7.2050; Ord. No. 13657, § 1, 5-3-93)

Sec. 12-40. - Acceptance of membership in real estate sales organizations.

It shall be unlawful to deny any individual access to or membership or participation in any multiple-listing service, real estate broker's organization, or other service organization, or facility relating to the business of selling or renting dwellings, or participation, because of such individual's protected category or familial status.

(Code 1964, § 7.2060; Ord. No. 13657, § 1, 5-3-93)

Sec. 12-41. - Exceptions to article provisions.

Nothing in this article shall be construed:

(1)

To prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale,

rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion or from giving preferences to such individuals, unless individuals are excluded from membership therein because of inclusion in a protected category other than religion.

(2)

To prohibit a private club not in fact open to the public which, as an incident to its primary purpose or purposes, provides a residential housing which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such housing to its members, or from giving preference to its members, unless individuals are excluded from membership therein because of inclusion in a protected category other than religion.

(3)

To apply to any dwelling occupied or intended to be occupied by no more than four (4) families living in units independent of each other, if the owner thereof occupies one of such units as a residence.

(4)

To prevent a person engaged in a business, defined as a place of public accommodation, from establishing a dress or appearance code, including hair length, even if the code establishes different rules for each sex.

(5)

To limit the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling.

(Code 1964, §§ 7.2070, 7.2195; Ord. No. 13657, § 1, 5-3-93)

Sec. 12-42. - Exception to provisions prohibiting discrimination based on familial status.

Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(Ord. No. 13657, § 1, 5-3-93)

Secs. 12-43—12-55. - Reserved.

DIVISION 2. - ENFORCEMENT PROCEDURES

Sec. 12-56. - Complaints.

(a)

Any individual who claims to be aggrieved by a discriminatory practice may file with the commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the commission.

(b)

Any complaint filed under this section in which affirmative relief is sought shall state what relief is sought or proposed.

(c)

All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.

(d)

An individual who files a complaint with the commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

(Code 1964, § 7.2080; Ord. No. 13194, § 4, 12-16-91)

Sec. 12-57. - Same—Investigation, resolution.

(a)

Before investigating a complaint, the investigator shall determine if the complainant and respondent are willing to resolve the issues raised in the complaint through mediation or some other method of dispute resolution. If the complainant and respondent are willing, the investigator shall facilitate dispute resolution. The complainant and respondent may engage in dispute resolution at any stage in the process. If the complainant and respondent resolve the dispute prior to investigation, the case shall be closed.

(b)

If the complainant and respondent are unwilling to attempt dispute resolution or are unsuccessful in such an attempt, the investigator shall promptly investigate the allegations of the complaint.

(c)

After completing the investigation, the investigator shall report to the commission the results of the investigation and the investigator's opinion on whether there is probable cause to credit the allegations of the complaint.

(d)

After receiving the investigator's report, the commission may direct further investigation. When the commission is satisfied that the complaint has been properly investigated, it shall determine whether there is probable cause to credit the allegations of the complaint. If the commission determines that there is no probable cause, it shall dismiss the complaint. If the commission determines that there is probable cause, it shall attempt to have the issue resolved through mediation or some other method of dispute resolution. If the respondent is unwilling to participate in dispute resolution, the commission may forward the matter to the city prosecutor.

(e)

At any stage in the process, the commission may close the case for good administrative reasons. Such reasons shall include but not be limited to the following:

- (1) The complainant has failed to cooperate with the commission.
- (2) The commission is unable to locate the complainant or respondent.
- (3) The complainant wishes to withdraw the complaint.
- (4) The subject matter of the complaint has been satisfactorily investigated and resolved by another governmental agency.
- (5) The complainant has filed a lawsuit against respondent involving the subject matter of the complaint.

(Code 1964, § 7.2090; Ord. No. 13194, § 4, 12-16-91; Ord. No. 17127, § 1, 1-7-02)

Sec. 12-58. - Prosecutions; time limitations.

- (a) No prosecution for a violation of any provision of this Article, other than section 12-33, shall be commenced unless a complaint shall have first been filed with the commission and efforts of the commission to eliminate the alleged violation have failed.
- (b) The period of limitation for any violation of this Article shall not run during any time while a complaint involving the alleged violation is pending before the commission.

(Ord. No. 13194, § 4, 12-16-91)

Sec. 12-59. - Penalty for violation of article.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 13194 § 4, 12-16-91; Ord. No. 17127, § 1, 1-7-02)

Secs. 12-60—12-70. - Reserved.

ARTICLE IV. - DOMESTIC PARTNERSHIP REGISTRY

Sec. 12-71. - Definitions.

The following definitions apply to this article:

Basic necessities of life means the cost of essential food, shelter and other fundamental needs.

Department means the department of public health and human services.

Dependent means a person who resides within the household of a registered domestic partnership and is:

- (1) A biological, adopted, or foster child of a registered domestic partner; or
- (2) A dependent as defined under United States Internal Revenue Service regulations; or
- (3) A ward of a registered domestic partner as determined in a guardianship or other legal proceeding.

Domestic partners means two (2) adults who share the same principal residence, and are jointly responsible for the basic necessities of life. The individuals need not contribute equally to the cost of these necessities, as long as they agree that both are responsible for the cost.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-72. - Establishment of domestic partnership registry.

There is hereby created a domestic partnership registry which shall be maintained by the health department.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-73. - Requirements for domestic partnership.

To establish a domestic partnership, two (2) individuals must file a joint declaration of domestic partnership with the health department affirming that they:

- (1) Have resided together for at least six (6) months;
- (2) Each intends to reside with the other and share the common necessities of life;
- (3) Are each eighteen (18) years of age or older;
- (4) Are mentally competent to contract;
- (5) Are not related by blood closer than would bar marriage in the State of Missouri;
- (6) Are not married to any person other than their domestic partner; and
- (7) Are each other's sole domestic partner.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-74. - Filing of declaration of domestic partnership.

- (a) *Filing location.* Two (2) individuals seeking to become domestic partners must complete and file a declaration of domestic partnership at the health department.
- (b) *Filing prohibition.* No individual who has previously filed a declaration of domestic partnership in this city may file a new declaration of domestic partnership until a notice of termination of domestic partnership has been filed with the health department. This prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased.
- (c) *Filing fee.* Individuals filing a declaration or termination of domestic partnership shall pay a fee of twenty-five dollars (\$25.00) to the city.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-75. - Administration of registry.

- (a) The declaration of domestic partnership form shall require each registrant to:
 - (1) Affirm that he or she meets the requirements of section 12-73 of this article;
 - (2) Provide the mailing address of the common residence; and
 - (3) Sign the form attesting that all statements are true and correct.
- (b) The city shall have declaration and termination forms available at the health department. The health department shall make available sample legal documents including durable power of attorney for medical decisions, and right of sepulcher designations domestic partnership may also want to consider.
- (c) The declaration of domestic partnership form and the termination of domestic partnership form shall contain notice that false statements made on the form are punishable.
- (d) Partnership registration. The city shall register the declaration of domestic partnership submitted by the partners in a registry and return a copy of the declaration to the domestic partners at the address provided as their common residence.
- (e) The city shall register the notice of termination of domestic partnership pursuant to the requirements set forth in section 12-76.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-76. - Termination of domestic partnership.

- (a) *Termination.* A domestic partnership ends when:
 - (1)

One of the domestic partners dies, marries a person other than their domestic partner, or enters into a civil union or registered domestic partnership with someone other than his or her registered domestic partner; or

(2)

A notice of termination of domestic partnership has been filed by one or both domestic partners with the city.

(b)

Notice of termination. If the facts affirmed in the declaration of domestic partnership cease to be true, one or both parties to a domestic partnership shall file a notice of termination of domestic partners with the health department. Upon receipt, the city shall return a copy of the notice marked "filed" to each of the partners if jointly filed; or two copies to the filing partner. Unless the partners jointly file the notice, the partner filing the notice shall, within five (5) days, send a copy of the filed notice to the other partner's last known address. However, this requirement shall not apply if the termination is due to the death of one of the domestic partners.

(c)

Effective termination date. Termination of a domestic partnership shall be effective upon filing of the notice of termination of domestic partnership with the health department by one or both partners, or on the date of the death of one of the domestic partners.

(d)

Notice to third parties. Following the termination of a domestic partnership, each former domestic partner who has received or qualified for any benefit or right based upon the existence of a domestic partnership and receipt of that benefit or enjoyment of that right has not otherwise terminated, shall give prompt notification to any third party who provides such benefit or right that the domestic partnership has terminated.

(e)

Failure to give notice. Failure to provide notice to third parties as prescribed in the section shall not delay or prevent the termination of the domestic partnership.

(Ord. No. 20230, § 1, 4-6-09)

Sec. 12-77. - Rights of registered domestic partnership.

(a)

Use of and access to city facilities. All facilities owned and operated by the city, including but not limited to recreational facilities, shall allow the registered domestic partner of a user, and his or her dependents, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to city facilities.

(b)

Employer benefit plans. Employers of registered domestic partners may use the registry as proof of relationship for their employee benefit plans.

(c)

Health care visitation. Operators of health care facilities may use the registry as proof of relationship for their visitation policies.

(d)

Nursing homes. Operators of nursing home facilities may use the registry as proof of relationship for their visitation policies.

(Ord. No. 20230, § 1, 4-6-09)