

First Reading: February 12, 2018

Second Reading: March 12, 2018

PASSED: April 9, 2018

BY: Wolf

ORDINANCE NO. 2018-4

AN ORDINANCE TO COMBAT DISCRIMINATION AND
FOR THE GUARANTEE OF EQUALITY AND INCLUSION

WHEREAS, it is the public policy of Amberley Village to safeguard the right and opportunity of all persons to be free from all forms of discrimination and to provide for an inclusive community for all residents, businesses and visitors;

WHEREAS, Amberley Village is proud of its diverse community of individuals from various backgrounds, religions, ethnicities, nationalities, and ideologies, including persons with a different sexual orientation or gender identification or expression which are classes of persons which are currently not explicitly protected under existing Ohio or federal antidiscrimination laws;

WHEREAS, Amberley Village is proud of its unique history and it is important that persons of all faiths be able to continue to freely exercise their religion in the Village;

WHEREAS, Amberley Village encourages all persons to be fully engaged in protecting and supporting each person's civil rights, to be free from discrimination and to enjoy the liberties afforded to every citizen;

WHEREAS, it is the goal of the Village and the purpose of this ordinance to create a vehicle by which the Village and its residents can educate and create opportunities to support and protect the civil liberties and freedoms of every person who calls the Village home;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: Chapter 102 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

Chapter 102: HUMAN RIGHTS COMMISSION; DIVERSITY AND INCLUSION

§ 102.01 STATEMENT OF INTENT.

It is the intent of Amberley Village to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on one's membership in a Protected Class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex,

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gender identity or expression, or sexual orientation (“Protected Class”). The purpose of this ordinance is to promote the public health and welfare of all persons who live in, work in, or visit the Village.

It is important to ensure equal access to employment, housing, public accommodations, and education in the Village. The denial of these rights to persons in a Protected Class is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

§ 102.02 DEFINITIONS.

All words utilized in this ordinance shall be ascribed their ordinary meaning unless otherwise defined herein.

§ 102.03 HUMAN RIGHTS COMMISSION; PURPOSE.

A non-partisan Human Rights Commission is hereby established to be known as the Amberley Village Human Rights Commission (the “Commission”). The purpose of the Commission is not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity of all persons to be free from all forms of discrimination.

§ 102.04 HUMAN RIGHTS COMMISSION; MEMBERS.

The Amberley Village Human Rights Commission shall be comprised of five members appointed as follows: one member shall be appointed by the Village Manager; one member shall be appointed by the Village Mayor; and three members shall be appointed by a majority vote of Village Council. All members of the Commission shall be residents of the Village.

Members of the Commission shall serve voluntarily and without compensation, except for reimbursement of any reasonable and necessary expenses incurred in performance for the Commission. No member shall be a current employee, officer, elected official, agent, or contractor with the Village.

Except for members’ initial terms which shall be staggered, each member shall serve a term of three years commencing on the effective date of this Ordinance. Members shall be eligible for reappointment; however, no member shall serve more than three consecutive terms. Members shall serve beyond the end of a term until a replacement is appointed by the respective authority. A member shall be deemed to have abandoned the position and resigned upon missing three consecutive regular meetings of the Commission without being excused by the Commission as reflected in the minutes. Any vacancy shall be filled by the authority which made the initial appointment for the position. Members appointed to fill a vacancy shall serve the remainder of the term of the vacant position.

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§ 102.05 HUMAN RIGHTS COMMISSION; ORGANIZATION.

The Amberley Village Human Rights Commission is a non-legislative public body of the Village. The Commission shall convene the initial organizational meeting of appointed Members at its earliest opportunity. The Commission shall organize at its initial meeting by electing one Member as Chair and one Member as Vice-Chair. The Commission may select additional Members to serve as officers if found to be necessary and proper for the effective organization and operation of the Commission. Each officer shall serve for a term of one year or until a successor officer is duly elected.

§ 102.06 HUMAN RIGHTS COMMISSION; MEETINGS.

The Amberley Village Human Rights Commission shall convene at least once each year to elect officers and as otherwise requested by a Member of the Commission, the Village Manager, the Village Mayor, or the Village Council. Any three members of the Commission shall constitute a quorum for the transaction of business. The Commission may act upon a majority vote of Members present at a meeting. The Commission shall report to the Village Council at least twice every 12 months.

Meetings of the Commission must be public according to the Ohio Sunshine Laws. Public notice of any meetings must be provided at least 48 hours in advance, and minutes must be maintained. Any documents, evidence, and other records maintained or created by the Commission or submitted to the Commission, are public records subject to the Ohio Public Records Act.

§ 102.07 HUMAN RIGHTS COMMISSION; POWERS AND DUTIES.

The Amberley Village Human Rights Commission is hereby authorized and empowered as follows:

(a) The Commission may create and modify rules regarding its meetings, hearings, and procedures to carry out its functions. At its discretion, the Commission may accept volunteer services, including volunteer services of private legal counsel.

(b) The Commission may create committees and sub-committees comprised of Members and other volunteers, which in its judgment will aid in effectuating the purposes of the Commission, including, but not limited to: a committee formed to study the problem of discrimination; a committee formed to foster good will, cooperation and conciliation among the diverse groups and population of the Village; and a committee formed to make recommendations to the Commission for the development and implementation of programs of formal and informal education and public awareness.

(c) The Commission may, with the consent and approval of the Village Manager, call upon other officers, departments and agencies of the Village government to assist in its programs and projects. The Commission may recommend to Village Council policies,

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procedures, practices and legislation in all relevant matters.

(d) The Commission may enlist the cooperation of racial, religious, ethnic, community and civic organizations, and other identifiable groups of the Village, in its programs and campaigns devoted to the education and advancement of tolerance, understanding and equal protection of the law for all groups and individuals regardless of membership in a Protected Class..

(e) The Commission may seek and accept contributions, financial or otherwise, on behalf of the Village from any person including but not limited to any private, public, governmental, charitable, religious, labor, civic or benevolent organizations, in furtherance of its mission.

(f) The Commission may formulate and develop programs and opportunities (i.e. forums, workshops, research, and publications) to collect and disseminate information regarding the work of the Commission, to minimize or eliminate discrimination, and to promote good will among all persons who live in, work in, or visit the Village.

(g) The Commission shall develop a program to receive and report complaints from persons who live in, work in, or visit the Village. In its discretion the Commission may seek to conciliate any complaint with the express written consent of the complainant in order to ensure equal access to employment, housing, public accommodations, and education in the Village.

(h) The Commission shall cooperate and work with relevant federal, state and local government offices and agencies.

§ 102.08 PUBLIC CONTRACTS.

The Village shall give consideration to all contractors who have a stated inclusive policy against discrimination that is substantially similar to the Village's policy as set forth in this Chapter.

§ 102.099 CONSTRUCTION; NONEXCLUSIVE REMEDIES.

This ordinance chapter shall be liberally construed to accomplish its objectives and purposes. If any provision of this ordinance chapter is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other provisions hereof, all of which are declared and shall be construed to be separate and severable.

This Ordinance chapter does not create or establish a cause of action in any court of law or equity and shall not prevent any person from exercising any right or seeking any remedy otherwise entitled to under any other law, regulation, or policy. All remedies provided by this ordinance chapter are in addition to, and not in lieu of, other remedies.

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SECTION 2: Section 135.091 of the Municipal Code of Ordinances is amended to read as follows:

§ 135.091 HOUSING DISCRIMINATION PROHIBITED.

(A) No person shall attempt to or willfully injure, intimidate, or interfere with any of the following:

(1) Any person from renting, purchasing, selling, financing or occupying any housing accommodations; from contracting or negotiating for any housing accommodations; or from applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations because of race, color, religion, sex, sexual orientation, gender identification or expression, national origin, ancestry, familial status as defined in R.C. § 4112.01, military status as defined in R.C. § 4112.01, or disability as defined in R.C. § 4112.01.

(2) Any person because that person is or has been doing either of the following:

(a) Participating in any of the activities, services, organizations, or facilities described in division (A)(1) of this section;

(b) Affording another person or class of persons opportunity or protection so to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section.

(3) Any person because that person is or has been lawfully aiding or encouraging other persons to participate in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

SECTION 3: Section 135.092 of the Municipal Code of Ordinances is amended to read as follows:

§ 135.092 ETHNIC INTIMIDATION.

(A) No person shall violate R.C. § 2903.21, 2903.22, 2909.06, or 2909.07, or R.C. § 2917.21(A)(3), (4), or (5), by reason of a person or group's membership in a Protected Class, as defined in Section 102.01 of the Village Municipal Code of Ordinances,.

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. In the case of an offense that is a misdemeanor of the first degree, ethnic intimidation is a felony to be prosecuted under

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appropriate state law.

SECTION 4: The initial terms of Members of the HRC as set forth under Section 102.04 as adopted above shall be staggered as follows: Of the three appointments by the Village Council, one member shall be appointed for one year, one member shall be appointed for two years, and one member shall be appointed for three years; the Mayor's appointment shall be for an initial term of three years; the Manager's appointment shall be for an initial term of two years.

SECTION 5: If any provision of this ordinance is declared to be invalid or unenforceable, the remaining provisions shall remain valid and in full force and effect.

SECTION 6: That this ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 9th day of April 2018.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Wolf Seconded: Conway

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Hattenbach	Aye
Kamine	Aye
Warren	Aye

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I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of April 2018, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council