

**AN ORDINANCE TO AMEND CHAPTER 10 OF TITLE I
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 10 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**“CHAPTER 10
NONDISCRIMINATION**

1.601 Policy.

(1) The City concurs with the policy expressed by Public Acts 220 and 453 of 1976, as amended, that equal opportunity be assured to all persons regardless of religion, race, color, national origin, age, sex, height, weight, marital status, or handicap. Therefore, discrimination in housing, accommodation or employment on the basis of any of these characteristics, or on the basis of sexual orientation or gender identity, is prohibited by the City, except as provided below.

(2) For purposes of this ordinance, “discrimination” means to make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived religion, race, color, national origin, age, sex, gender identity, sexual orientation, height, weight, marital status or handicap of another person.

1.602 Implementation by City.

All City contracts shall provide that a breach of the obligation not to discriminate established by this Chapter shall be material breach of the contract. The City shall include such nondiscrimination language in its contracts.

1.603 Exceptions.

Notwithstanding anything contained in this Chapter, the following practices shall not be a violation of this Chapter.

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodations that are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors, and clergy to persons of that denomination.
- (2) For the owner of an owner-occupied or owner-family-occupied one-family or two-family dwelling to restrict occupancy of the remainder of that dwelling unit.

- (3) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- (4) To refuse to enter a contract with an unemancipated minor.
- (5) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- (6) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (7) To provide discounts on products or services to students, minors, and senior citizens.
- (8) To restrict use of lavatories and locker room facilities on the basis of sex.
- (9) For a governmental institution to restrict any of its facilities or to restrict its employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (10) To restrict participation in an instructional program, athletic event, or on an athletic team on the basis of age or sex.
- (11) To discriminate in hiring and selecting between one person and another based on bona fide occupational qualifications.
- (12) To give preferential treatment in hiring to veterans and their relatives as required by state or federal law.
- (13) To discriminate in employment, public accommodation, public services, and housing based upon a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by federal, state, or local constitution, law, or regulation.

1.604 Interpretation

This Chapter shall not be read to prohibit or interfere with the exercise of a person's first amendment rights, nor shall it be read to require an employer, whether public or private, to provide benefits to domestic partners in contravention of Article I, Section 25 of the Michigan Constitution."

1.605 Investigation of Violations

- (1) Any person claiming a violation of this ordinance shall file a signed, written complaint with the City Manager or his or her designee within 180 days of the incident forming the basis of the complaint. The complaint must set forth the

details, including the names, dates, witnesses and other factual matters relevant to the claim.

(2) Within thirty (30) days of a written complaint complying with this ordinance being filed, the City Manager or his or her designee shall begin an investigation of any complaint alleging a violation of this ordinance not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review.

(3) In the course of the investigation, the City Manager or his or her designee may request a person to answer questions and produce papers, records or other documents which might be relevant to the alleged violation of this ordinance. If said person does not comply with such requests, the City Attorney may apply to the Kent County Circuit Court for an order requiring production of said materials.

(4) No person shall provide false information to the City Manager or any authorized designee investigating a complaint regarding a violation of this ordinance. Each violation of this subsection shall constitute a civil infraction punishable by a fine of not more than \$500.00.

(5) After completion of an investigation under this section, the City Manager or his or her designee shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the City Manager or his or her designee shall either refer the matter to a mediation service or refer the complaint to the City Attorney for prosecution in a court of competent jurisdiction.

1.606 Prosecution

(1) At the discretion of the City Attorney, prosecution for violation of this ordinance may be initiated on the basis of an investigation undertaken pursuant to this ordinance.

(2) A violation of this ordinance shall constitute a civil infraction pursuant to the provisions of the Revised Judicature Act of 1961, MCL 600.101, *et seq.* and is punishable by a fine of not more than \$500.00 plus the costs of investigation and prosecution.

Section 2. This Ordinance shall be effective on _____, 2015.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.