ORDINANCE NO. 2017-60

AN ORDINANCE ADOPTING SECTION 537.21, ENTITLED "UNLAWFUL PUBLIC ACCOMMODATION DISCRIMINATION", OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio desires to prevent discrimination in Public Accommodations for all protected classes; and

WHEREAS, there are currently no protections in place to prevent said potential discrimination; and

WHEREAS, it is City Council's intent to prohibit discrimination in public accommodations by adoption of the attached legislation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the proposed Section 537.21, "Unlawful Public Accommodation Discrimination", a copy of which is attached hereto as AMENDED Exhibit "A", and made a part hereof, is hereby adopted as a part of the City of Kent, Codified Ordinances.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: July 26, 2017

Date

EFFECTIVE: July 26, 2017

Date

ATTEST: Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. __________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________________ __________., 20______.

__________________________
TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
AMENDED EXHIBIT “A”

537.21 UNLAWFUL PUBLIC ACCOMMODATION DISCRIMINATION.

A) Definitions:

   i) "Place of Public Accommodation" means any lodging house, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise or food products, or any other place of public accommodation or amusement where the accommodation, advantages, facilities, or privileges thereof are available to the public; or a private club which has more than two hundred (200) members, provides regular meal service, and regularly receives payments for dues, fees, use of space, facilities, services, meals or beverages, directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business. "Place of Public Accommodation" does not mean a religious or benevolent corporation incorporated as such under the laws of Ohio.

B) Unlawful Discriminatory Public Accommodation Practices.

   It shall be an Unlawful Discriminatory Public Accommodation Practice and a violation of this Chapter:

   i) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to deny any individual, except for a reason applicable alike to all individuals regardless of race, color, religion, sex, familial status, national origin or ancestry, disability, military status, sexual orientation, or gender identity, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof.

   ii) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any individual on account of race, color, religion, sex, familial status, national origin or ancestry, disability, military status, sexual orientation, or gender identity or that such an individual is unwelcome, objectionable, or not acceptable, desired or solicited.

   iii) For any Person, whether or not included in subsections (a) and (b) hereof, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an Unlawful Discriminatory Public Accommodation Practice under this Section.

C) Processing of Complaints.

   i) Allegations of unlawful Discriminatory Public Accommodation Practices shall be investigated by the Kent City Police Department.

D) CONCILIATION.

   i) The assigned police officer shall make a determination as to whether there is probable cause to believe that a violation of this chapter has occurred based upon
the complaint and any additional information requested from the complainant. If
the investigating police officer determines that there is not probable cause to believe
that a violation of this chapter has occurred, the officer shall inform the complainant
of that decision. If the officer determines that there is probable cause to believe
that a violation of this chapter has occurred, the officer shall draft a criminal
complaint and give it to the City Prosecutor.

ii) The City Prosecutor shall serve, or cause to be served, in person, or by
certified mail, a copy of the complaint on the person alleged to have violated the
provisions of this chapter (hereinafter referred to as “respondent”). The respondent
may file with the Prosecutor an answer to the complaint. The Administrator shall
also notify the complainant and respondent of the time, place and date of a
conciliation conference at least ten (10) days prior thereto, and both parties shall
appear at the conciliation conference in person or by an agent with authority to
legally bind them in any agreed resolution;

iii) The City Prosecutor shall attempt to resolve the complaint by methods of
conference, conciliation and persuasion with all interested parties and such
representatives as the parties may choose to assist them. Conciliation conferences
shall be informal and nothing said or done during such conferences shall be made
public unless the parties agree thereto in writing. If the matter gets resolved through
the conciliation process, the complaint shall not be pursued through the courts.
Should the matter not be resolved, the criminal complaint shall be filed with the
Portage County Municipal Court for resolution.

D) PENALTY.
i) Whoever is convicted of violating Section 537.21(B) shall be guilty of a
misdemeanor of the fourth degree for a first offense, and subject to a maximum fine
of up to two hundred fifty dollars ($250.00) and up to a maximum of thirty (30)
days in jail, or both. Conviction for a second or subsequent offense for a violation
of Section 537.21(B) with two (2) years shall be a misdemeanor of the first degree
for which the penalty shall be a fine of up to one thousand dollars ($1,000.00), or
imprisonment for not more than one hundred eighty (180) days, or both.