



**CITY OF PLEASANT RIDGE
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 403**

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF PLEASANT RIDGE, MICHIGAN, BY ADDING A NEW CHAPTER, CHAPTER 43, HUMAN RIGHTS. THIS ORDINANCE PROVIDES CERTAIN DEFINITIONS, PROHIBITED CONDUCT AND PRESCRIBES PENALTIES FOR VIOLATIONS.

The City of Pleasant Ridge Ordains:

Section 1. Addition – That the Pleasant Ridge City Code is hereby amended by adding a Chapter to be numbered, Chapter 43-Human Rights, which said Chapter reads as follows:

CHAPTER 43 - HUMAN RIGHTS

Sec. 43-1. Title

This chapter shall be known and may be cited as the “Pleasant Ridge Human Rights Ordinance”.

Sec. 43-2. Purpose

In recognition of the inherent dignity and equal and inalienable rights of all members of the human family, it is the policy of the City of Pleasant Ridge in the exercise of its police power for the public safety, public health and general welfare, to assure equal opportunity to all persons in the area of employment, housing, public accommodations and public services.

Sec 43-3. Definitions.

As used in this ordinance:

- (1) *Age* is defined as an individual's chronological age, except as otherwise provided by law.
- (2) *Color* is defined as an individual's skin pigmentation.
- (3) *Discrimination or discriminate* means without limitation, any act which, because of race, color, religion, sex, age, height or weight, marital status, sexual orientation, gender identity, familial status, HIV status, national origin, or physical or mental disability, results in the unequal treatment or separation of any person, or denies, prevents, limits or otherwise adversely affects the benefit or enjoyment of any person, of employment, ownership or occupancy of real property or public accommodations and public services.
- (4) *Employment* is defined as the act of hiring, recruiting, retaining and promoting of a person to perform the duties of a particular job or position.
- (5) *Familial Status* is defined as one or more individuals under the age of eighteen (18) years residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.
- (6) *Height or Weight* is defined as the physical characteristics of an individual as it relates to that individual's size and shall apply only to employment.
- (7) *Gender Identity* is defined as a person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from the traditionally associated with the person's sex at birth as being either female or male.
- (8) *HIV Status* is defined as the physical condition of a person who has, or has been diagnosed as having been infected with, the human immunodeficiency virus, whether or not that person has or has been diagnosed as having acquired immunodeficiency syndrome or acquired immunodeficiency syndrome related complex.
- (9) *Housing* is defined as the opportunity and ability to purchase, lease, sell, hold, rent, use, and convey dwelling units.
- (10) *Marital Status* is defined as the state of being single, married, separated, widowed, or divorced.
- (11) *National Origin* is defined to include the national origin of an ancestor.

- (12) *Person* is defined as an individual, firm, partnership, corporation, association, organization, unincorporated organization, labor organization, trustee, receiver or other fiduciary.
- (13) *Physical or Mental Disability* is defined to mean one or more of the following:
- (a) a determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:
 - (i) where applicable, substantially limits one or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion;
 - (ii) where applicable, is unrelated to the individual's ability to utilize and benefit from a place of public accommodations and public services;
 - (iii) where applicable, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution;
 - (iv) where applicable, substantially limits one or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent, or maintain property.
 - (b) a history of a determinable physical or mental characteristic described in subparagraph (i).
 - (c) being regarded as having a determinable physical or mental characteristic described in subparagraph (i).
 - (d) "Unrelated to the individual's ability" means, with or without accommodation, an individual's disability does not prevent the individual from doing one or more of the following:
 - (i) where applicable, performing the duties of a particular job or position;
 - (ii) where applicable, utilizing and benefitting from a place of public accommodation or public services;
 - (iii) where applicable, utilizing and benefitting from educational opportunities, programs, and facilities at an educational institution; and

(iv) where applicable, acquiring, renting, or maintaining property.

- (14) *Place of Public Accommodations* is defined as any business or educational, cultural, governmental, health-care, day-care, entertainment, recreational, refreshment, transportation, financial institution or facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
- (15) *Public Services* is defined as a public facility, department, or agency owned, operated, or managed by or on behalf of a city, village, township, county or school district, or any authority, agency, or combination thereof, or a tax exempt private agency established to provide services to the public.
- (16) *Sexual Orientation* is defined as, real or perceived, male or female heterosexuality, bisexuality, homosexuality.

Sec. 43-4. Prohibition

No person or persons shall discriminate against any person or persons within the City of Pleasant Ridge regarding employment, housing, public accommodations and public services on the basis of that person's race, color, religion, sex, age, height or weight, marital status, sexual orientation, familial status, HIV status, national origin, physical or mental disability or gender identity.

Sec. 43-5. Exemptions

- (1) *Private Club Exemption.* The prohibition of Section 43-4 shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Acts of 1933, being Sec. 436.1 through 436.58 of the Michigan Compiled Laws, the Michigan Liquor Control Act, as amended.
- (2) *Religious Exemption.* The prohibition of Section 43-4 shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.
- (3) *Private Residence Exemption.* The prohibition of Section 43.4 shall not apply to:
- (a) The rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the

lessor or a member of the lessor's immediate family resides in the dwelling.

- (b) The rental of housing accommodations for not more than 12 months by the owner or lessor where it was occupied by him/her and maintained as his/her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
- (c) With respect to the age provision only, the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designated or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

(4) *Bona Fide Occupational Qualification Exemption.* The prohibition of Section 43-4, with respect to employment only, shall not apply where a protected classification set forth in Section 43-4 is a bona fide occupational qualification reasonably necessary to the normal operation of a business or enterprise. A person shall have a burden of establishing that the qualification is reasonably necessary to the normal operation of that person's business or enterprise.

(5) *Private Educational Institution Exemption.* The prohibition of Section 43-4 relating to sex only shall not apply to an educational institution which now or hereafter provides an education to persons of one sex.

(6) *Governmental Exemption.* The prohibition of Section 43-4 shall not apply to any action by a governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance, policy, or otherwise provided by law.

Sec. 43-6. Complaints

All persons claiming to be aggrieved by a discriminatory act(s) may, by themselves or through legal counsel, file a verified complaint with the City Manager or City Attorney who are hereby authorized to process such complaints pursuant to the provisions of Chapter 1 (General Provisions), Section 1-7 (General penalty for violations of Code and Ordinances) of the City of Pleasant Ridge City Code as it may be amended from time to time.

Sec. 43-7. Violations, Fines and Penalties

A violation of any provision of the Chapter shall be punishable by a fine of not more than \$500.00 plus the costs of investigation and prosecution.

Sec. 43-8. Limitation of Action

No complaint shall be accepted nor action taken unless the complaint is filed within 180 days from the date of the alleged discriminatory act(s). If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, (s)he will have 60 additional days after becoming aware of the unlawful discrimination to file the complaint.

Section 2.

Severability

No other portion, paragraph or phrase of the Code of the City of Pleasant Ridge, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of the City of Pleasant Ridge, Michigan.

Section 3. **Effective Date** - This Ordinance shall be effective fifteen (15) days after enactment and upon publication.

Amy M. Allison
City Clerk

Introduced: Tuesday, March 12, 2013
Public Hearing: Tuesday, April 9, 2013
Adopted: Tuesday, April 9, 2013
Published: Sunday, April 14, 2013
Effective: Wednesday, April 24, 2013