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Chapter 28 - HUMAN RIGHTS

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Sec. 28-1. - Title of chapter.

This chapter shall be known and may be cited as the "Human Rights Ordinance."

(Ord. No. 1016, Pt. I, 11-7-06)

Sec. 28-2. - 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 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.

(Ord. No. 1016, Pt. I, 11-7-06)

Sec. 28-3. - Definitions.

As used in this chapter:

Age shall be defined as an individual's chronological age, except as otherwise provided by law.

Color shall be defined as an individual's skin pigmentation.

Discrimination or *discriminate* shall mean without limitation, any act which, because of race, color, religion, gender, age, height or weight, marital status, sexual orientation, familial 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.

Employment shall be defined as the act of hiring, recruiting, retaining and promoting of a person to perform the duties of a particular job or position.

Familial status shall be defined as one or more individuals under the age of 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.

Gender shall be defined as the real or perceived sex, gender identity, or gender expression.

Height or *weight* shall be defined as the physical characteristics of an individual as it relates to that individual's size and shall apply only to employment.

Housing shall be defined as the opportunity to purchase, lease, sell, hold, rent, use, and convey dwelling units.

Marital status shall be defined as the state of being single, married, separated, widowed, or divorced.

National origin shall be defined to include the national origin of an ancestor.

Person shall be defined as an individual, firm, partnership, corporation, association, organization, unincorporated organization, labor organization, trustee, receiver or other fiduciary.

Physical or mental disability shall be defined to mean one or more of the following:

- (1) 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:
 - a. 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;
 - b. Where applicable, is unrelated to the individual's ability to utilize and benefit from a place of public accommodations and public services;
 - c. Where applicable, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution;
 - d. 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.
- (2) A history of a determinable physical or mental characteristic described in subsection (1).
- (3) Being regarded as having a determinable physical or mental characteristic described in subsection (1).
- (4) "Physical or mental disability" does not include either of the following:
 - a. A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual;
 - b. A determinable physical or mental characteristic caused by the use of an alcoholic liquor by that individual if that physical or mental characteristic prevents that individual from performing the duties of his or her job.
- (5) "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:
 - a. Where applicable, performing the duties of a particular job or position;
 - b. Where applicable, utilizing and benefiting from a place of public accommodation or public services;
 - c. Where applicable, utilizing and benefiting from educational opportunities,

programs, and facilities at an educational institution; and

- d. Where applicable, acquiring, renting, or maintaining property.

Public accommodations and *public services* shall be defined as the full and equal access to any educational, cultural, governmental, health-care, day-care, entertainment, recreational, refreshment, transportation, financial institution, accommodation, business, or other facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public, or which receive financial support through the solicitation of the general public or through governmental subsidy of any kind.

Sexual orientation shall be defined as, real or perceived, male or female heterosexuality, bisexuality, or homosexuality.

(Ord. No. 1016, Pt. I, 11-7-06)

Sec. 28-4. - Prohibition.

No person or persons shall discriminate against any person or persons within the city regarding employment, housing, public accommodations and public services on the basis of that person's race, color, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability. This ordinance shall not be construed to be preempted by state or federal statute.

(Ord. No. 1016, Pt. I, 11-7-06)

Sec. 28-5. - Exemptions.

- (a) *Private club exemption.* The prohibition of [section 28-4](#) 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 Act of 1933, being MCL §§ 436.1—436.58, the Michigan Liquor Control Act, as amended.
- (b) *Religious exemption.* The prohibition of [section 28-4](#) 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.
- (c) *Private residence exemption.* The prohibition of [section 28-4](#) shall not apply to:
- (1) 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.
 - (2) 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.
 - (3) 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, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

- (d) *Bona fide occupational qualification exemption.* The prohibition of [section 28-4](#), with respect to employment only, shall not apply where a protected classification set forth in [section 28-4](#) 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.
- (e) *Private education institution exemption.* The prohibition of [section 28-4](#) relating to gender only shall not apply to an educational institution which now or hereafter provides an education to persons of one gender.
- (f) *Governmental exemption.* The prohibition of [section 28-4](#) shall not apply to any action by a governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance or policy as otherwise provided at law.

(Ord. No. 1016, Pt. I, 11-7-06)

Sec. 28-6. - Violations, fines and penalties.

Any person violating any of the provisions of this chapter shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility shall be subject to a civil fine of not more than \$500.00, costs of prosecution and such other costs, damages, expenses, sanctions and remedies as authorized by law, including but not limited to, the Revised Judicature Act, and specifically MCL 600.8302, as amended.

(Ord. No. 1016, Pt. I, 11-7-06)