

ORDINANCE NO. 2001-08-CM
AN ORDINANCE ESTABLISHING THE TIPPECANOE COUNTY
COMMISSION ON HUMAN RELATIONS

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1. Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Commission" means the Tippecanoe County Commission on Human Relations.

"Complainant" means person signing the complaint alleging discrimination.

"Discrimination" means any difference in the treatment of a person, including exclusion or segregation, because of race, sex, religion, color, age, sexual orientation, disability, marital status, familial status, national origin, ancestry, or status as a veteran.

"Employment" means working for another for wages or salary, but excluding an individual employed by parents, spouse or child, or in the domestic services of another.

In the term "Familial status," family means one or more persons under eighteen (18) who live with a parent, legal custodian, or designee; pregnant women; or people in the process of obtaining legal custody of a child.

"Disability" means a physical or mental impairment which substantially limits one or more major life activities.

"Housing" means any building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families but does not apply to the following:

- (1) The sale or rental of a single-family house sold or rented by an owner if
 - (A) the owner does not:
 - (i) own more than three (3) single-family houses at any one (1) time; or
 - (ii) own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and
 - (B) the house was sold or rented without
 - (i) the use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under IC 25-34.1, or of an employee or agent of a licensed broker, an agent, or a salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families, or
 - (ii) the publication, posting or mailing of a notice, a statement or an advertisement that indicates any preference or limitation that would constitute discrimination as defined herein.
- (2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.
- (3) The selection of the other occupants of one's own unit.

(4). With respect to discrimination on the basis of age and familial status only, housing for older persons as defined in IC 22-9.5-3-4.

"Public accommodations" means any place which is open to, accepts, or solicits the patronage of the general public or offers goods or services to the general public, but does not include any place which is a bona fide private club where the accommodations, facilities, and services are restricted to the members of such club and their guests.

"Respondent" means a person against whom a complaint for a violation of this chapter has been filed.

"Sexual orientation" means male or female homosexuality, heterosexuality and bisexuality by orientation or practice, by and between consenting adults.

2. Purpose:

- A. This ordinance is enacted by the Tippecanoe County Board of Commissioners to provide all of its citizens equal opportunity for employment, public accommodations, and housing,
- B. The County will encourage and promote mutual self-respect and understanding of each other by all groups in the County and promote the guarantee of equal rights to all citizens as afforded by the ordinances of the County, the laws of the state, and the Constitution of the United States.
- C. This ordinance shall not be construed in a manner that violates the First Amendment of the Constitution of the United States or Article 1, §§ 2 and 3 of the Constitution of the State of Indiana, with respect to the free exercise of religion.

3. Commission created.

- A. There is created in the office of the Board of Commissioners a Commission on Human Relations. It shall consist of nine members serving without compensation and broadly representative of the religious, racial, ethnic, economic or political groups in the County.
- B. The members of the Commission shall be appointed by the Board of Commissioners within ninety (90) days from July 1, 2001, the effective date of this chapter. Of the nine members first appointed, three shall be appointed for one year, three shall be for two years, and three for three years. thereafter, each appointment to the Commission shall be for a term of three years. In the event of a death or resignation of any member, a successor shall be appointed to serve for the unexpired period for which such member had been appointed. Members of the Commission may be removed for cause by the Board of Commissioners.
- C. The Commission shall elect from the Commission members, once each year, a chairman, vice-chairman, and secretary. The Commission shall hold one regular meeting each quarter and such special meetings as the chairman may deem necessary. All meetings will be open to the public and conducted at a handicapped accessible public location within the county. All meetings will be held at a reasonable time. Adequate notice of meetings shall be given to the general public.

4. Duties and powers.

The duties and powers of the Commission are:

- A. To receive, investigate, and seek to adjust all complaints of discrimination, to require all complaints registered with the Commission to be signed, properly verified by the individual who alleges the discrimination against him or her within ninety (90) days after the alleged discriminatory act is committed;
- B. To make such investigations and studies in any field of human relations in the county, in which, in the judgment of the Commission, additional information is needed to effectuate the general purposes of the Commission;

- C. To investigate complaints of discrimination and seek to correct such by recommending to appropriate agencies, either public or private, such actions as may be considered necessary or helpful in eliminating such discrimination;
- D. To conduct and recommend such educational and other programs as, in the judgment of the Commission, will increase good will among the citizens of the county and assure equal opportunities for all in all phases of community life;
- E. To investigate complaints of discrimination against any individual, firm, company, agency, corporation or association and to develop programs and techniques designed to bring about the elimination of such discrimination;
- F. To take the testimony of any person under oath and to require the production of any evidence relating to any matter under investigation by the Commission;
- G. To recommend to the Board of Commissioners legislation to aid in carrying out the provisions of this chapter;
- H. To create such subcommittees and advisory committees as in its judgment will aid in effectuating the purposes of this chapter;
- I. To submit an annual report to the Board of Commissioners and a briefing on any and all matters before the Commission whenever so requested by the Board of Commissioners;
- J. To protect employers, labor organizations, employment agencies, property owners, real state brokers, builders, and lending institutions from unfounded charges;
- K. To notify all interested parties, when the majority of the members of the Commission are of the opinion that the efforts of the Commission cannot settle a complaint by education, persuasion, conciliation, or common sense, by registered mail not less than ten (10) days prior to the date set for a formal hearing. All persons so notified will appear at the time and place designated and may be represented by counsel. The Commission will take all testimony under oath. The respondent or his or her counsel shall have the right to file an answer to the complaint, testify in his or her own behalf, call witnesses, examine and cross-examine witnesses, and plead and argue his or her case. When all information has been furnished to the Commission and the complainant and respondent have been heard, the Commission will decide a just arrangement and so inform both parties as to the findings, recommendations, and action to be taken by each or both parties.
- L. In the event either the claimant or respondent fails or refuses to comply with the order of the Commission, the fact of such refusal, together with the verified complaint and the entire records of its proceedings, shall be presented to the County Prosecutor for study or prosecution. If, in the opinion of the County Prosecutor, any ordinances of the county, laws of the state, or the Constitution of the United States have been violated, the County Prosecutor will take appropriate action;
- M. To levy a fine of any amount, not to exceed three hundred dollars (\$300.00), for any and all persons not appearing for the formal hearing after they have been properly notified.

5. Exclusions.

The ordinance governing the Tippecanoe County Commission on Human relations shall not apply to churches, church schools, church affiliated day care centers, religious organizations, associations or societies or non-profit institutions or organizations operated, supervised or controlled by or in conjunction with religious organizations, associations or societies, in the area of employment or non-commercial activities.

6. The effective date of this Ordinance shall be the date of its second publication or July 1, 2001, whichever is later.

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Ruth Shedd

Ruth Shedd, President

John Knochel

John Knochel, Vice President

K.D. Benson

K.D. Benson, Member

ATTEST:

Robert A. Plantenga, Auditor Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read in full for the second time, and adopted this 21st day of May, 2001, by the following vote:

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Ruth Shedd

Yes

Ruth E. Shedd
Ruth Shedd, President

John Knochel

Yes

John Knochel
John Knochel, Vice President

K.D. Benson

Yes

KD Benson
K.D. Benson, Member

ATTEST:

Robert A. Plantenga
Robert A. Plantenga, Auditor Tippecanoe County