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COUNCIL BILL NO. _____ 2012- _____ GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 2, Administration, Article IV, Boards, Commissions and Committees,
2 Division 4, Mayor's Commission on Human Rights and Community Relations,
3 section 2-223; and Chapter 62, Human Rights, to add sexual orientation and
4 gender identity to the list of categories of persons protected from discrimination,
5 to consolidate the Commission's investigative process into a single division of the
6 Code, and to clarify the Commission's powers in light of recent court decisions.
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9 WHEREAS, the Mayor's Commission on Human Rights and Community Relations
10 ("Commission") is charged with fostering mutual understanding and respect while preventing
11 discrimination among all communities in Springfield; and
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13 WHEREAS, the current powers and duties of the Commission do not include
14 discrimination on the basis of sexual orientation and gender identity as grounds for complaint or
15 investigation in the areas of employment, housing, public accommodations and in general; and
16

17 WHEREAS, it is necessary for the protection of our citizens to amend the powers and
18 duties of Commission to include the prevention, education against, and investigation of
19 discrimination on the basis of sexual orientation and gender identity; and
20

21 WHEREAS, it is necessary to establish a clear process by which the Commission
22 investigates and resolves disputes relating to human rights.
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 SPRINGFIELD, MISSOURI, as follows:
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27 NOTE: Underlined language has been added. Language to be removed is ~~stricken~~.
28

29 Section 1 – The Springfield City Code, Chapter 2, Administration, Article IV, Boards,
30 Commissions and Committees, Sec. 2-223 is hereby amended as follows:
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32 Sec. 2-223. - Powers and duties.

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34 The powers and duties of the commission established by this division shall be to:

- 35
36 (1) Foster, through community effort or otherwise, good will, cooperation and conciliation
37 among the groups and elements of the inhabitants of this community.
38
39 (2) Formulate and carry out educational programs that will aid in eliminating and
40 preventing all types of prejudice and discrimination based on race, creed, sex,
41 handicap, age, national origin, ~~or ancestry~~, sexual orientation or gender identity.
42
43 (3) Receive, hear and investigate complaints, as outlined in chapter 62, and initiate its own
44 investigations, and report to the city council on the following:
45 a. Racial, religious and ethnic group tensions, prejudice, intolerance, bigotry and
46 discrimination, and any breach of the peace or disorder occasioned thereby.
47
48 b. Practices of discrimination against any person in employment, recreation,
49 education, housing and other phases of public welfare because of race, creed, sex,
50 handicap, age, national origin, ~~or ancestry~~, sexual orientation, gender identity, or
51 any other basis of discrimination prohibited under chapter 62.
52
53 (4) Initiate and conduct voluntary surveys, assemble pertinent data, hold hearings, issue
54 such publications and such reports of investigations and research as, in its judgment,
55 will tend to minimize or eliminate prejudice, intolerance, bigotry, discrimination,
56 breach of peace or disorder, or tend to promote good will.
57
58 (5) Create such advisory committees and subcommittees as, in its judgment, will aid in
59 effectuating the purposes of this division and to empower it to study the problems of
60 prejudice, intolerance, bigotry and discrimination, and breach of peace or disorder
61 occasioned thereby.
62
63 (6) Enlist the cooperation of all racial, religious and ethnic groups, community, civic,
64 labor and business organizations, fraternal and benevolent associations, veterans'
65 organizations and other groups in educational campaigns and programs devoted to
66 teaching the need for eliminating group tensions, prejudices, intolerances, bigotry and
67 discrimination, and breach of peace and disorder occasioned thereby.
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69 (7) Make recommendations to the city council concerning the development of policies and
70 procedures that will aid in eliminating all types of discrimination based on race, creed,
71 sex, handicap, age, national origin, ~~or ancestry~~, sexual orientation, or gender identity,
72 or any other basis of discrimination prohibited under chapter 62.
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74 (8) Recommend to the city council legislation to aid in carrying out the purposes of this
75 division.
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- (9) Hold public hearings and request the attendance of witnesses when the commission deems it necessary or advisable to accomplish its purposes.

Section 2 – The Springfield City Code, Chapter 62, Human Rights, Article II, Fair Employment Practices, Division 1, Generally, Sections 62-32, 62-34, 62-35, 62-36, 62-37, 62-38 and 62-40 are hereby amended as follows:

Sec. 62-32. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complaint means a written charge of discrimination alleging that a person has engaged in a discriminatory practice.

Complainant means a person who has filed a complaint with the commission alleging that another person has engaged in a discriminatory practice.

Discriminatory practice means an act that is unlawful under sections 62-33, 62-34, 62-63, 62-82, and 62-103.

Employer means a person who employs one or more persons, exclusive of parents, spouses or children of such person, and who has a place of business in the city. The word "employer" shall include, and the word "person" shall include when used for the word "employer," the city and the boards and agencies of the city.

Employment agency means any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any person acting in the interest of such a person.

Gender identity means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

Labor organization includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection of employees in relation to employment.

Person has the same meaning as set forth in section 1-2.

Person with a disability means a person with a physical or mental impairment which substantially limits one or more of the person's major life activities, a person regarded as having such an impairment, or a person with a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this article, the

term "disability" does not include the current illegal use of or addiction to a controlled substance as such term is defined by RSMo 195.010; however, a person may be considered to have a disability if that person:

- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance, or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
- (2) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
- (3) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Qualified person with a disability means a person with a disability who can perform the essential functions of the job in question with or without reasonable accommodation.

Reasonable accommodation means the following:

- (1) Making facilities used by employees readily accessible to and usable by persons with disabilities; and
- (2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, or the provision of readers or interpreters; and other similar actions, provided such accommodations do not create an undue hardship.

Undue hardship means an accommodation which imposes an economic burden on the employer which is excessive. Factors to be considered in determining whether or not there is an undue burden are:

- (1) The overall size of the employer's program with respect to number of employees, number and type of facilities, and size of budget;
- (2) The type of the employer's operation, including the composition and structure of the recipient's work force; and
- (3) The nature and cost of the accommodation needed.

Sexual orientation means male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others, but not including sexual preference or practice between an adult and a minor.

Sec. 62-34. - Unlawful employment practices.

It shall be an unlawful employment practice:

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- (1) For an employer, because of the age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity of any individual, to fail or refuse to hire, or to discharge, any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment; or for an employer to limit, segregate or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity.
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- (2) For a labor organization to exclude or expel from its membership an individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer; because of age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity of any individual; or to limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive the individual of employment opportunities, or would limit such employment opportunities or would otherwise adversely affect an individual's status as an employee or as an applicant for employment, because of the individual's age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity; or for any employer, labor organization or joint labor-management committee controlling apprenticeship or training or retraining, including on-the-job training programs, to discriminate against any individual because of his age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity in admission to, or employment in, any program established to provide apprenticeship or training.
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- (3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly any limitation, specification or discrimination because of age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity unless based upon a bona fide occupational qualification, or for an employment agency to fail or refuse to refer for employment, or otherwise discriminate against, any individual because of his age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity, or to classify or refer for employment any individual on the basis of his age, race, creed, color, disability, religion, sex, national origin, ~~or~~ ancestry, sexual orientation or gender identity.
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- (4) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate or retaliate in any manner against any individual because the individual has opposed any practices forbidden under this article, or because the individual that filed a complaint testified or assisted in any proceeding or hearing conducted pursuant to this article.

(5) For any person, whether an employer or employee or not, to aid, abet, incite, compel or force the doing of any acts forbidden under this article or to attempt to do so.

(6) To discriminate in any manner against any person because of such person's association with any person protected by this article.

Sec. 62-35. - Bona fide tests or conditions not unlawful.

Notwithstanding any other provisions of this article, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate and are not used to discriminate because of age, race, creed, color, disability, religion, sex, national origin, ~~or ancestry,~~ sexual orientation or gender identity, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof is not designed, intended or used to discriminate against an individual because of age, race, creed, color, disability, religion, sex, national origin, ~~or ancestry,~~ sexual orientation or gender identity.

Sec. 62-36. - Preferential treatment not required.

Nothing contained in this article shall be interpreted to require any employer, employment agency, labor organization or joint labor-management committee subject to this article to grant preferential treatment to any individual or to any group because of the age, race, creed, color, disability, religion, sex, national origin, ~~or ancestry,~~ sexual orientation or gender identity of such individual or group, on account of an imbalance which may exist with respect to the total number or percentage of persons of any age, race, creed, color, disability, religion, sex, national origin, ~~or ancestry,~~ sexual orientation or gender identity employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training programs, in comparison with the total number or percentage of persons of such age, race, creed, color, disability, religion, sex, national origin, ~~or ancestry,~~ sexual orientation or gender identity in the city or other area.

Sec. 62-37. - Complaints generally.

Any individual who claims to have been grieved by an employment practice made unlawful under this ~~chapter article~~, referred to in this ~~chapter article~~ as a "discriminatory practice," may file a complaint in writing with the commission. The complaint shall be under oath and shall contain such information and be in such a form as the commission shall require. Immediately upon the filing of a complaint, the commission shall furnish a copy of the complaint to the

person alleged to have committed an unlawful discriminatory practice. All investigations, penalties, and other processes related to complaints of discriminatory practices in the areas of fair housing, employment, and public accommodations shall be conducted pursuant to guidelines established in this article.

Sec. 62-38. - Time limit for filing complaint; answer to complaint.

A complaint under section 62-37 shall be filed within ~~60~~ 180 days after the alleged discriminatory practice occurred. The written complaint shall state the facts upon which the complainant believes that a discriminatory practice unlawful under this article has occurred. Complaints may be reasonably and fairly amended at any time with the approval of the chairperson of the commission. The person complained about (referred to in this article as the "respondent") may file an answer to a complaint against him, which may also be amended with the permission of the chairperson of the commission, which shall be granted whenever it is reasonable and fair to do so. Complaints and answers to complaints shall be verified.

Sec. 62-40. - Investigatory powers of commission.

In the course of any investigation authorized under this article, the commission shall have access at all reasonable times to premises, records, documents, individuals or other evidence or possible sources of evidence, and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation as interpreted by *Yellow Freight Sys. Inc. v. Mayor's Commission on Human Rights of City of Springfield* ~~The chairperson of the commission shall have the power to issue subpoenas to compel witnesses to attend public or private meetings during the investigatory process under section 62-39 and to produce at such meetings relevant books or records with regard to the matter under investigation; provided, however, no such subpoena shall require any appearance during any such investigatory stage sooner than five days from the date such subpoena shall be served, and the party subpoenaed shall have three days from the date of service to move the municipal court to quash the subpoena. If such a motion is made, the court may continue the date for compliance with such subpoena as necessary to rule on the motion, but for no longer than ten days from the original date set for compliance. A copy of such motion shall be served upon the city attorney as counsel for the mayor's commission.~~

Section 3 – The Springfield City Code, Chapter 62, Human Rights, is hereby amended by moving the section entitled Minority business enterprise program from Section 62-42 and placing it in Chapter 62, Human Rights, Article I, Generally, as Section 62-1.

Section 4 – The Springfield City Code, Chapter 62, Human Rights, Article II, Fair Employment Practices, Division 1, Generally, is hereby adding new Sections 62-43, 62-44 and 62-45, as follows:

Sec. 62-43. - Dispute Resolution, Finding of Probable Cause.

- (a) In addition to the investigatory powers enumerated in section 62-40, before investigating a complaint of discriminatory practices in the areas of employment, fair housing, or

307 public accommodations, the commission shall determine if the complainant and
308 respondent are willing to resolve the issues described in the complaint through mediation
309 or some other method of dispute resolution. If the complainant and respondent are
310 willing, the investigator shall facilitate dispute resolution. The complainant and
311 respondent may engage in dispute resolution at any stage in the process. If the
312 complainant and respondent resolve the dispute prior to investigation, the case shall be
313 closed.

314
315 (b) If the complainant and respondent are unwilling to attempt dispute resolution or are
316 unsuccessful in such an attempt, the investigator shall promptly investigate the
317 allegations of the complaint.

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319 (c) After completing the investigation, the commissioners conducting the investigation shall
320 report to the commission the results of the investigation and their opinion on whether
321 there is probable cause to credit the allegations of the complaint.

322
323 (d) After receiving the investigation report, the commission may direct further investigation.
324 When the commission is satisfied that the complaint has been properly investigated, it
325 shall determine whether there is probable cause to credit the allegations of the complaint.
326 If the commission determines that there is no probable cause, it shall dismiss the
327 complaint. If the commission determines that there is probable cause, it shall attempt to
328 have the issue resolved through mediation or some other method of dispute resolution. If
329 the respondent is unwilling to participate in dispute resolution or the dispute resolution
330 does not successfully resolve the complaint, the commission may forward the matter to
331 the city prosecutor.

332
333 (e) At any stage in the process, prior to the referral to the city prosecutor, the commission
334 may close its investigation and dismiss the complaint. Such reasons shall include but not
335 be limited to the following:

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337 (1) There is no probable cause to credit the complaint;

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339 (2) The complainant has failed to cooperate with the commission;

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341 (3) The commission is unable to locate the complainant or respondent;

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343 (4) The complainant wishes to withdraw the complaint;

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345 (5) The subject matter of the complaint has been satisfactorily investigated and
346 resolved by another governmental agency; or

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348 (6) The complainant has filed a lawsuit against respondent involving the subject matter
349 of the complaint.

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351 Sec. 62-44, - Prosecution; time limitations.
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(a) No prosecution for a violation of any provision of this chapter, other than section 62-45, shall be commenced unless a complaint shall have first been filed with the commission and efforts of the commission to eliminate the alleged violation have failed.

(b) The period of limitation for any violation of this article shall not run during any time while a complaint involving the alleged violation is pending before the commission.

Sec. 62-45. - Unlawful retaliation; false complaints.

(a) It shall be unlawful for any person to retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, assisted or participated in any manner in any proceeding conducted pursuant to this article.

(b) It shall be unlawful to knowingly make a false complaint under the provisions of this article. Any person knowingly making a false complaint shall, upon conviction thereof, be punished as provided by section 1-7.

Section 4 -- The Springfield City Code, Chapter 62, Human Rights, Article III, Fair Housing, Sections 62-133, 62-134, 62-135, 62-136, 62-139 and 62-148 are hereby amended as follows:

Sec. 62-133. - Penalty.

Any person who shall violate any of the provisions of this article ~~or who shall fail to obey process issued under section 62-143 requiring attendance at a meeting and/or the production of documents at a meeting~~ shall be punished upon conviction thereof in a municipal court as provided by section 1-7.

Sec. 62-134. - Discrimination in sale or rental of real property.

It shall be unlawful for any person to:

(1) Refuse to sell or rent after receipt of a bona fide offer for, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, real property to any person because of that person's race, creed, color, sex, religion, disability, familial status, national origin, ~~or~~ ancestry, sexual orientation or gender identity.

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, creed, color, sex, religion, disability, familial status, national origin, ~~or~~ ancestry, sexual orientation or gender identity.

(3) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, creed, color, sex, religion,

399 disability, familial status, national origin, ~~or~~ ancestry, sexual orientation or gender
400 identity, or an intention to make any such preference, limitation or discrimination.

401
402 (4) Represent to anyone because of race, creed, color, sex, religion, disability, familial
403 status, national origin, ~~or~~ ancestry, sexual orientation or gender identity that any real
404 property is not available for inspection, sale or rental when such real property is in fact
405 so available.

406
407 (5) For profit, induce or attempt to induce anyone to sell or rent any real property by
408 representations regarding the entry or prospective entry into the neighborhood of
409 persons of a particular race, creed, color, sex, religion, disability, familial status,
410 national origin, ~~or~~ ancestry, sexual orientation or gender identity.

411
412 Sec. 62-135. - Discrimination in residential real estate related transactions.

413
414 (a) *Generally*. It shall be unlawful for any person or other entity whose business includes
415 engaging in residential real estate related transactions to discriminate against any person
416 in making available such a transaction, or in the terms or conditions of such a transaction,
417 because of race, color, religion, sex, disability, familial status, ~~or~~ national origin, sexual
418 orientation or gender identity.

419
420 (b) Definition. As used in this section, the term "residential real estate related transaction"
421 means any of the following:

422
423 (1) The making or purchase of loans or providing other financial assistance:

424
425 a. For purchasing, constructing, improving, repairing or maintaining a dwelling; or

426
427 b. Secured by residential real estate.

428
429 (2) The selling, brokering or appraising of residential real property.

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431 (c) *Appraisals*. Nothing in this article prohibits a person engaged in the business of
432 furnishing appraisals of real property from taking into consideration factors other than
433 race, color, religion, national origin, sex, disability, ~~or~~ familial status, sexual orientation
434 or gender identity.

435
436 Sec. 62-136. - Discrimination in provision of brokerage services.

437
438 It shall be unlawful for any person to deny to any other person access to or membership or
439 participation in any multiple listing service, real estate brokers' association or other service
440 organization or facility relating to the business of selling or renting real property, or to
441 discriminate against any person in terms or conditions of such access, membership or
442 participation, because of race, creed, color, sex, religion, disability, familial status, national
443 origin, ~~or~~ ancestry, sexual orientation or gender identity.

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445
446 Sec. 62-139. - Complaints, Investigations, Penalties. ~~Complaints generally.~~
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448 Any person who claims to have been injured by a discriminatory practice as made unlawful by
449 this article (referred to in this article as the "complainant") may file a complaint in writing with
450 the commission. The investigation of those complaints, penalties associated, and all other related
451 processes shall be conducted pursuant to article 2, division 1 of this chapter. Complaints shall
452 contain such information and be in such a form as the commission shall require. Immediately
453 upon the filing of a complaint, the commission shall furnish a copy of the complaint to the
454 person alleged to have committed an unlawful discriminatory practice.
455

456 Sec. 62-148. - Enforcement by city attorney.
457

458 ~~(a) The commission, in the event of a failure to secure voluntary compliance with the~~
459 ~~requirements of this article, shall cause the chairperson thereof to certify, in writing, to the city~~
460 ~~attorney that all reasonable efforts of the commission to secure conciliation and compliance are~~
461 ~~concluded in the matter, and the commission shall, with such certification, transmit the~~
462 ~~commission file and the transcript of the meeting, if any, to the city attorney and in all other~~
463 ~~respects cooperate with him.~~
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465 ~~(b) Upon certification by the commission, the city attorney, if he finds that there is probable~~
466 ~~cause to believe that a violation of any of the provisions of this article has occurred and that there~~
467 ~~is probable cause to believe that the respondent is guilty of that violation, may institute~~
468 ~~proceedings in municipal court for prosecution of the violation.~~
469

470 ~~(a)~~ (e) Whenever the city attorney has reasonable and probable cause to believe that any person
471 or group of persons has engaged in a pattern or practice of resistance to the full enjoyment of any
472 of the rights granted by this article, or that any group of persons has been denied any of the rights
473 granted by this article, he may bring a civil action in the circuit court of the county, setting forth
474 in his petition in such cause the facts and requesting such preventive relief, including injunctive
475 relief, against the person responsible for the pattern or practice of resistance as to him may seem
476 reasonably necessary to ensure the full enjoyment of the rights granted by this article and to
477 prevent such violations thereof.
478

479 ~~(b)~~ (d) The commission may certify complaints directly to the city attorney's office for legal
480 action under this section without conducting a meeting whenever the commission finds that any
481 person or group of persons has engaged in a continued pattern of resistance to the full enjoyment
482 of any of the rights granted under this article. The filing of previous complaints and the finding
483 of probable cause for such complaints by the commission against a person shall constitute
484 grounds for the commission finding that such person is engaged in a continued pattern of
485 resistance to the full enjoyment of the rights granted by this article.
486

487 Section 5 - The Springfield City Code, Chapter 62, Human Rights, Article III, Fair Housing,
488 sections 62-140, 62-141, 62-142, 62-143, 62-144, 62-145, 62-149, and 62-150 shall be repealed.

Section 6 – The Springfield City Code, Chapter 62, Article IV, Public Accommodations, sections 62-181, 62-182 and 62-183 shall be amended as follows:

Sec. 62-181. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory practice means an act that is unlawful under section 62-182 or 62-187.

Hotel and motel means every establishment offering lodging to transient guests for compensation, other than bona fide private clubs.

Passenger transportation system means publicly or privately owned, operated or managed buses, taxicabs, airlines, airplanes or trains normally carrying passengers for hire within or from the city, and shall include all of the stations, terminals and facilities appurtenant thereto.

Place of entertainment means those places, things or events open to the public, such as motion picture theaters, legitimate theaters, circuses, fairs, carnivals, athletic exhibitions or contests including but not limited to boxing, wrestling, football and baseball exhibitions and contests, athletic fields, amusement parks, playgrounds and parks, bowling alleys, swimming pools, auto races, pool halls, dances and dance halls, golf courses, shooting galleries and ranges, skating rinks, miniature golf courses, fireworks shows or exhibitions, go-cart tracks, horse, dog and flower shows and exhibits, beauty shows or pageants, and all other similar places, exhibitions or contests open to the public, whether publicly or privately owned, operated or managed.

Restaurant means every cafe, cafeteria, coffeeshop, sandwich shop, snackbar, supper club, soda fountain, ice cream parlor, luncheonette, tavern or bar or other similar establishment which offers food or drink for purchase and consumption on the premises, other than bona fide private clubs.

Services means professional, semiprofessional, personal, educational or commercial.

Sec. 62-182. - Discrimination prohibited.

It shall be unlawful for any person offering for a consideration services, public accommodations or passenger transportation, or for the agent, operator or manager of such person, to refuse, withhold from or deny to any person such services, public accommodations or passenger transportation for any reason, directly or indirectly, related to the age, race, creed, color, sex, religion, ancestry, national origin, or disability, sexual orientation or gender identity of such person. However, nothing contained in this section shall be construed to prohibit any person from having a special event such as women's bowling night, men's bowling night, women's or men's bridge night, or other similar events which limit the event or activity to individuals of a particular sex, except such special events shall not occur on a regular basis so as to defeat the intent of this section.

534
535 Sec. 62-183. - Complaints, Investigations, Penalties, generally. Filing, investigation and
536 resolution of complaints; enforcement by city attorney.

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538 All complaints of discriminatory practices shall be heard by the commission, and the
539 investigation of those complaints, penalties associated, and all other related processes shall be
540 conducted pursuant to section 62-37.

541
542 (a) ~~The mayor's commission on human rights and community relations shall receive and~~
543 ~~investigate, in accordance with rules established by the commission, all complaints of~~
544 ~~alleged violations of this article, with assistance from the staff of the law department of the~~
545 ~~city and any other persons whom the commission may find useful in the investigation and~~
546 ~~processing of the complaint. Any three members of the mayor's commission shall have the~~
547 ~~power to act on behalf of the whole commission in a matter concerning this article. The~~
548 ~~chairperson of the commission shall have the power to issue subpoenas to compel witnesses~~
549 ~~to attend public or private meetings and to produce at such meetings relevant books or~~
550 ~~records with regard to the matter under investigation. The failure to comply with any such~~
551 ~~subpoena shall be punishable in municipal court in accordance with the provisions of section~~
552 ~~1-7; provided, however, no subpoena shall require any appearance within five days from the~~
553 ~~date such subpoena shall be served and the parties subpoenaed shall have three days from~~
554 ~~the date of service to move the municipal court to quash the subpoena. If such a motion is~~
555 ~~made, the court may continue the time for compliance with such subpoena as necessary to~~
556 ~~rule on the motion, but for no longer than ten days from the original date set for appearance.~~
557 ~~A copy of such motion is to be served upon the city attorney as counsel for the mayor's~~
558 ~~commission. The chairperson of the commission or any member of the commission directed~~
559 ~~to investigate a complaint shall have the power to place any person under oath relating to~~
560 ~~any matter under investigation.~~

561
562 (b) ~~No complaint shall be filed more than 60 days after the date of the alleged violation of~~
563 ~~section 62-182, and all complaints shall be in writing and under oath. After the filing of any~~
564 ~~complaint, the chairperson shall appoint at least two and not more than three commissioners~~
565 ~~to promptly investigate the complaint. If it is determined after the investigation that probable~~
566 ~~cause exists for crediting the allegations of the complaint, the commissioners shall~~
567 ~~immediately endeavor to eliminate the unlawful discriminatory practice complained of by~~
568 ~~conference, conciliation and persuasion, and shall report the results to the entire commission.~~
569 ~~The investigation, determination of probable cause and conciliation shall be conducted~~
570 ~~according to such rules, regulations and guidelines as the commission shall prescribe. The~~
571 ~~members of the commission and its staff shall not disclose the content of the report or what~~
572 ~~has transpired in the course of such endeavors.~~

573
574 (c) ~~The commission, or those representing the whole commission, shall determine whether~~
575 ~~probable cause exists to believe that the complaint is justified, and shall adjust complaints by~~
576 ~~education, persuasion and conciliation if possible, as promptly as possible, within the~~
577 ~~applicable time limits.~~

578
579 (d) ~~If the commission or those acting on behalf of the commission find that their efforts are~~

580 unsuccessful, or in any event if the complaint shall not have been resolved within the
581 maximum time after receipt of the complaint, the commission shall at such time refer the
582 complaint to the law department of the city with the commission's recommendation thereon,
583 with a copy thereof to be sent to the complainant and to the person complained about by
584 ordinary mail.

585
586 (e) ~~The commission may certify complaints directly to the city attorney's office for legal action~~
587 ~~under this section without conducting a meeting whenever the commission finds that any~~
588 ~~person or group of persons has engaged in a continued pattern of resistance of full~~
589 ~~employment of any of the rights granted under this article. The filing of previous complaints~~
590 ~~and the findings of probable cause for such complaints by the commission against a person~~
591 ~~shall constitute grounds for the commission finding that such person is engaged in a~~
592 ~~continued pattern of resistance to the full employment of the rights granted in this article.~~

593
594 Section 7 – The Springfield City Code, Chapter 62, Human Rights, Article IV, Public
595 Accommodations, section 62-184 shall be repealed in its entirety.

596
597 Section 8 – Severability Clause. If any section, subsection, sentence, clause or phrase of this
598 ordinance is for any reason held to be invalid or unenforceable, to the extent the remainder of
599 this ordinance can be validly and reasonably interpreted and enforced, such decision shall not
600 affect the validity of the remaining portions of this ordinance.

601
602 Section 9 - This ordinance shall be in full force and effect from and after passage.

603
604 Passed at meeting: _____

605
606
607 _____
608 Mayor

609
610 Attest: _____, City Clerk

611
612 Filed as Ordinance: _____

613
614
615 Approved as to form: _____, Assistant City Attorney

616
617 Approved for Council action: _____, City Manager