ORDINANCE 85-67

To Amend Chapter 2.21 "Department of Law" of Title 2 of the Bloomington Municipal Code (Human Rights Commission)

WHEREAS, a typographcal error was made at the time of adoption of the Bloomington Municipal Code Section 2.21.070, which pertains to judicial enforcement of orders of the Bloomington Human Rights Commission; and

WHEREAS, Sections of the Bloomington Municipal Code pertaining to the civil rights of handicapped persons should be amended to conform with the 1985 amendment to Indiana Code 22-9-1-13;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. Section 2.21.070(8), Paragraph seven, line six, of Title 2 of the Bloomington Municipal Code shall be amended to read as follows:

"If no proceeding to obtain judicial review is instituted within fifteen days from the receipt of notice by a person that such order has been made by the Commission, the Commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the city attorney, commission attorney, or attorney representing the complainant to seek enforcement."

Section II. Section 2.21.030(15) "Definitions" of "Handicap or Handicapped" in Title 2 of the Bloomington Municipal Code shall be amended to delete the last sentence, which presently reads as follows:

"To be classified as handicapped, a person shall be certified as such pursuant to the procedures, rules and regulations issued by the Indiana Rehabilitation Service Board pursuant to IC 22-9-1-13(c)."

Section III. Section 2.21.070(3) of Title 2 of the Bloomington Municipal Code shall be amended to delete the following clause beginning in line 28:

"provided, that no complaint or charge of discrimination in employment on the basis of handicap shall be considered valid and acceptable to the legal department unless it is submitted by an individual who has been properly certified as a handicapped person as defined in subsection (15) of Section 2.21.030."

Section II. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18th day of December, 1985.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County Indiana, upon this 19th day of December, 1985.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 19 day of December, 1985.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance amends Chapter 2.21 of the Bloomington Municipal Code relating to the Bloomington Human Rights Commission. The Ordinance makes the following two substantive changes: (1) To petition the circuit or superior court for enforcement of an order of the Human Rights Commission, the petitioner must show that the Respondent resides or transacts business (rather than resides and transacts business) in the county in which enforcement is sought; (2) the requirement of state certification of handicap for persons alleging discrimination on the basis of handicap is deleted, thereby bringing the Code into compliance with the 1985 amendment to IC 22-9-1-13.

Signed copies 12/20
Legal Dept.
Human Rights Commission
BMC Update File