

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE PROHIBITING DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATIONS AND OTHER AREAS OF INTERGROUP RELATIONS IN THE SOCIAL, CULTURAL AND ECONOMIC LIFE OF THE MUNICIPALITY OF MONROEVILLE, REQUIRING FAIR EMPLOYMENT PRACTICES, FAIR HOUSING PRACTICES AND FAIR PUBLIC ACCOMMODATION PRACTICES BY PROHIBITING DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS BECAUSE OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEX, HANDICAP, AGE OR PLACE OF BIRTH; ESTABLISHING A COMMISSION ON HUMAN RELATIONS AND PRESCRIBING THE POWERS AND DUTIES THEREOF; PROVIDING PENALTIES, AND REVISING AND CONSOLIDATING THE ORDINANCES RELATING THERETO.

The Council of the Municipality of Monroeville hereby enacts as follows:

SECTION 1. TITLE

This Ordinance may be cited as the Monroeville Human Relations Ordinance.

SECTION 2. DECLARATION OF POLICY

A. Declaration of Policy

It is hereby declared to be the policy of the Municipality of Monroeville in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the Municipality's trade, commerce and manufactures, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the Municipality and to assure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of color, race, religion, ancestry, national origin, sex, handicap or place of birth.

To accomplish these goals it shall be the public policy of the Municipality of Monroeville to prohibit discrimination because of race, color, religion, ancestry, national origin, sex, handicap, age or place of birth in employment, housing and places of public accommodation, resort, recreation or amusement.

SECTION 3. SCOPE OF THE ORDINANCE

This Ordinance applies to discriminatory practices, including but not limited to discrimination in employment, housing and public accommodations, which occur within the territorial limits of the Municipality of Monroeville and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of public accommodation, resort, recreation and amusement located within the territorial limits of the Municipality.

SECTION 4. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:

A. Commission - The Commission on Human Relations established in the Municipality of Monroeville by this Ordinance.

B. Discriminate and discrimination - The terms "discriminate" and "discrimination" include any difference in treatment based on race, color, religion, ancestry, national origin, sex, handicap, age or place of birth.

C. Employer - Any person who employs five or more employees exclusive of the parents, spouse or children of such persons, but excluding any religious fraternal, charitable or sectarian organization which is not supported in whole or part of any governmental appropriations.

D. Employment - The term "employment" shall not include the employment of individuals in domestic service.

E. Employment Agency - Any person regularly undertaking with or without compensation to procure opportunities for employment or to procure, recruit, refer or place employees.

F. Housing Accommodation - (1) A building, structure or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person, by a family or by a group of persons living together or (2) a parcel of real property or lot available for the construction of a housing accommodation.

G. Labor Organization - 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 of other mutual aid or protection in relation to employment.

H. Lending Institution - Any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

I. Owner - The term "owner" includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, or any other person having the right of ownership or possession or the authority to sell, rent or lease any housing accommodation, or any person having an equitable or security interest in any housing accommodation, including the Municipality of Monroeville and its departments, boards, commissions, and authorities.

J. Person - Any individual, partnership, corporation, labor organization or other organization or association, including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term person, as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations include their officers.

K. Real Estate Broker - Any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business.

L. Public Accommodation, Resort, Recreation or Amusement - The term "Public Accommodation, Resort, Recreation or Amusement" includes any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services, or recreation to the general public.

#### SECTION 5. COMMISSION ON HUMAN RELATIONS

A. There is hereby established a Commission on Human Relations to administer, implement and enforce the provisions of this ordinance.

B. The Commission shall consist of seven (7) members, appointed for four (4) year terms. The terms shall be so fixed that the term of office of two (2) members shall expire once every four (4) years and two (2) members each of the next two (2) years. One member term shall expire the third year.

C. The Commission on Human Relations shall be established and operated in accordance with Article XVIII of the Monroeville Home Rule Charter.

D. The Commission shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such subcommittees as may be necessary to carry out the powers and duties of the Commission and the Commission may authorize such subcommittees to take any necessary action for the Commission.

E. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this ordinance.

F. The Commission shall meet on an as needed basis. Five (5) members of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission, except that approval of a majority of the members of the Commission shall be required before any public hearing may be held.

G. The members of the Commission shall serve without compensation, but they may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by Municipal Council.

#### SECTION 6. MUNICIPAL MANAGER

A. The Municipal Manager or his designee shall assist the Commission in administering, implementing and enforcing the provisions of this ordinance and shall attend meetings of the Commission.

B. The Municipal Manager or his designee shall serve as the staff executive officer for the Commission. He shall promote the efficient transaction of its business, the orderly handling of complaints and other matters before the Commission.

C. The Commission may authorize the Municipal Manager or his designee to initiate complaints of unlawful practices, as set forth in this ordinance.

SECTION 7. POWERS AND DUTIES OF THE COMMISSION ON HUMAN RELATIONS

The Commission shall have the power and it shall be the duty to:

A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this ordinance.

B. Initiate or receive and investigate other complaints of discrimination against any person because of race, color, religion, ancestry, national origin, sex, age, handicap or place of birth, and to seek the satisfactory adjustment of such complaints.

C. Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact for forwarding to the county, state, or federal human relations commission for action, decision, orders, and enforcement.

D. Certify upon the request of any person that a particular occupation or position is exempt from the provisions of this ordinance relating to unlawful employment practices if the Commission finds that the occupation or position reasonably requires the employment of a person or persons of a particular race, color, religion, ancestry, national origin, age, handicap, sex or place of birth, and that such certification is not sought as means of circumventing the spirit and purpose of this ordinance, the burden of proving the facts required for such a finding to be in each instance upon the person requesting the certification of exemption from the provisions of this ordinance.

E. Study and investigate by means of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the Municipality of Monroeville and to study the problems of prejudice, intolerance, bigotry and discrimination as they affect the public safety and general welfare of the Municipality of Monroeville.

F. Recommend educational and other programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion, ancestry, national origin, age, sex, handicap or place of birth, and to promote understanding among persons and groups of different races, colors, religions, ancestories, national origins or places of birth. In the performance of its duties, the Commission may cooperate with interested citizens, private agencies and agencies of the federal, state and local governments.

G. Request other departments, boards and commissions of the Municipal government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.

- H. Assist in the enforcement of fair practices in Municipal contracts.
- I. Render from time to time a written report of its activities and recommendations.
- J. Recommend legislation to promote and insure equal rights and opportunities for all persons regardless of their race, color, religion, ancestry, national origin, sex, handicap, age or place of birth.
- K. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance.

SECTION 8. UNLAWFUL EMPLOYMENT PRACTICES

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the Commonwealth having jurisdiction in the Municipality of Monroeville, or except where based upon a bona fide occupational exemption certified by the Commission in accordance with Section 7, subsection (D) of this ordinance:

- A. For any employer to refuse to hire any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions, or privileges directly or indirectly related to employment because of race, color, religion, ancestry, national origin, sex, handicap, age or place of birth.
- B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment of membership opportunities of any person or group of persons because of race, color, religion, ancestry, national origin, sex, handicap, age or place of birth.
- C. For any employer, labor organization employment agency or any joint labor-management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, ancestry, national origin, age, sex, handicap or place of birth.
- D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, national origin or place of birth.
- E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, national origin, sex, age, handicap or place of birth.
- F. For any employment agency to fail or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, national origin, age, sex, handicap or place of birth.

G. For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this ordinance, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominately of the same race, color, religion, ancestry, national origin or place of birth.

H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation promotion, discharge or any other terms, conditions or privileges directly related to employment because of race, color, religion, ancestry, national origin, age, sex, handicap or place of birth.

I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this ordinance or because he has made a complaint or testified or assisted in any manner in any investigation of proceeding under this ordinance.

J. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this ordinance, or to obstruct or prevent any person from enforcing or complying with the provisions of this ordinance or any rule, regulation or order of the Commission, or to attempt directly or indirectly to commit any act declared by this ordinance to be an unlawful employment practice.

K. The Commission shall forward such complaints of employment discrimination to the next higher level of review when employer, employment agent, or labor organization is not operating exclusively in the Municipality of Monroeville.

#### SECTION 9. UNLAWFUL HOUSING PRACTICES

It shall be an unlawful housing practice, except as otherwise provided in this section:

A. For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer or to refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of the title, leasehold or other interest in any housing accommodation is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any housing accommodation from any person because of race, color, religion, ancestry, national origin, sex, handicap or place of birth, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations.

B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person in the use or occupancy of such housing accommodation because of race, color, religion, ancestry, national origin, sex, handicap or place of birth.

C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, national origin, sex, handicap or place of birth.

D. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, sex or place of birth.

E. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agents or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or housing accommodations:

1. to discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, sex, handicap or place of birth of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions or privileges of any such financial assistance in the extension of services in connection therewith; or

2. to use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination, as to race, color, religion, ancestry, national origin, sex, handicap or place of birth, or any intent to make any such limitation, specification or discrimination.

F. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the street, block, neighborhood or area in which said housing accommodation is located.

G. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this ordinance, or to obstruct or prevent enforcement or compliance with the provisions of this ordinance or any rule, regulation or order of the Commission, or to attempt directly or indirectly to commit any act declared by this ordinance to be an unlawful housing practice.

H. Nothing in this ordinance shall bar any religious or sectarian institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious or sectarian organization, or any bona fide private or fraternal organization from limiting admission to or giving preference to persons of the same religion or sect, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious or sectarian principles or the aims, purposes or fraternal principles for which it is established or maintained.

SECTION 10. UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES

It shall be unlawful public accommodation practice:

A. For the owner, lessee, proprietor, manager, superintendent, agent or employee of any business or place of public accommodation, resort, recreation or amusement to:

1. refuse, withhold from or deny to any person because of his race, color, religion, ancestry, national origin, sex, handicap or place of birth, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement; or

2. publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, national origin or place of birth, or that the patronage of any person of any particular race, color, religion, ancestry, national origin or place of birth is unwelcome, objectionable, or not acceptable, desired or solicited.

B. For any person, whether or not included in Section 10 (A) of this ordinance, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this ordinance.

SECTION 11. OBSTRUCTION OF FAIR PRACTICES

It shall be unlawful for any person, whether or not within the named classifications set forth in this ordinance, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this ordinance, or to obstruct or prevent enforcement of compliance with the provisions of this ordinance or any rule, regulation or order of the Commission or to attempt directly or indirectly to commit any act declared by this ordinance to be an unlawful practice.

SECTION 12. MUNICIPAL CONTRACTS

A. All contractors of the Municipality of Monroeville shall comply with the spirit and intent of the ordinance.

Allegations of unlawful employment practices by any Municipal contractor shall be brought before the Municipal Manager who shall request a finding of fact from the commission.

Based upon the finding of fact the Municipal Manager may negate the contract, bar further purchases by the Municipality, seek satisfactory remedy to the problem, and undertake other actions so provided by law. Nothing shall prevent the commission from filing separate actions with the appropriate county, state, or federal commission.



SECTION 13. PROCEDURE

A. A complaint charging that any person has engaged or is engaging in any unlawful practice as set forth in this ordinance may be made by an aggrieved resident. Any complaint may be amended by the complainant or the commission, with the consent of the complainant, or any time before the final findings have been made by the commission.

B. The complaint shall be in writing, signed and verified, and include the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof and such other information as may be required by the Commission.

C. The Commission shall make a prompt and full investigation of each complaint of unlawful practice and shall forward the findings of fact to the appropriate county, state or federal agency, or any other appropriate agency, within thirty (30) days of the publication of the findings of fact. Findings of fact shall be considered published when signed by the commission chairman and entered into the minute book for the Human Relations Commission. Each and every party to the complaint shall be provided a copy of the findings of fact after publication.

D. New information or facts after the publication of the commission's findings of fact shall be forwarded directly to the agency to which the findings of fact had been forwarded to by the commission.

E. The Commission may of its own volition attempt to negotiate an equitable solution to the problem. Suggestions from the commission are non-binding on either part however if accommodation and agreement is reached, the terms to which both parties are agreeing and consenting, shall be reduced to writing and treated as a normal legal agreement between both parties.

F. If in the opinion of the majority of the commission, irreparable harm may result if the alleged unlawful act would continue or be consummated during the period that findings of fact are in progress, the commission may request the municipal manager to seek an injunction restraining the action until such time as procedures pursuant to this ordinance can be normally concluded.

G. While a public hearing is held, the Commission shall designate one or more of its members to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the unlawful practice, hereinafter referred to as the respondent, a statement of charges made in the complaint or amended complaint, and a notice of time and place of the hearing. The hearing shall be not less than ten (10) days of the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person, and/or be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross-examine witnesses. The complainant shall also have the right to be represented by an attorney or subject to the approval of the hearing panel, any other person. The Commission shall not be bound by the strict rule of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and may be transcribed.

SECTION 14. ENFORCEMENT

In the event the respondent refuses or fails to comply with the terms of this ordinance or violates any of the provisions of this ordinance, the commission shall certify the case and the entire record of its proceedings to the municipal attorney who shall invoke the aid of the appropriate court to secure compliance with the provisions of this ordinance.

SECTION 15. PENALTIES

Any person who shall violate any provision of this ordinance relating to unlawful practices, or any rule or regulation pertaining thereto adopted by the Commission, or any order of the Commission, shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) and in default of payment of the fine and costs shall be subject to imprisonment for a period not exceeding ninety (90) days.

SECTION 16. SEVERABILITY

The Provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION 17. SAVING CLAUSE

The provisions of this ordinance, so far as they are the same as those of ordinances repealed by this ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this ordinance shall not affect any act done or any complaint or proceeding pending under authority of the repealed ordinances. All rules and regulations adopted pursuant to any ordinance repealed by this ordinance shall continue with the same force and effect as if such ordinance had not been repealed.

SECTION 18. EFFECTIVE DATE

The effective date of this ordinance is prescribed by the Monroeville Home Rule Charter for any ordinance.

SECTION 19. REPEAL

Any other ordinance or part of ordinance, conflicting with the provisions of this ordinance, be and the same is hereby repealed, so far as the same affects this ordinance.

ORDAINED and ENACTED by Council of the Municipality of Monroeville this day of June, 1982.

(SEAL)

ATTEST:

Marshall W. Bond  
Municipal Manager

MUNICIPALITY OF MONROEVILLE

Michael P. Lynch  
Mayor