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2.74.070 Rules and regulations.

The commission shall have the power to make rules and regulations, subject to the approval of the city council, for the rental of the civic theater. The rules may include a schedule of user charges along with necessary policy to provide for the safety of all occupants, and other matters that normally pertain to a theater organization. (Ord. 1451 § 1 (part), 1987)

2.74.080 Penalties.

Violation of a commission rule which has been approved by the city council may be cause for denial of use of a facility or participation in a program, but such denial which extends more than one day may be appealed to the commission or to the council for a hearing. A violation may be prosecuted as a misdemeanor if a serious offense. (Ord. 1451 § 1 (part), 1987)

Chapter 2.76**HUMAN RIGHTS COMMISSION****Sections:**

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2.76.010 Definitions.

(a) "Commission" means the Keokuk human rights commission created by this chapter.

(b) "Commissioner" means a member of the commission.

(c) "Court" means the district court in and for the judicial district of the state in which the alleged unfair or discriminatory practice occurred or any judge of the court if the court is not in session at that time.

(d) "Employee" means any person employed by an employer.

(e) "Employer" means the city or board, commission, department, thereof, and every other person employing employees with the state.

(f) "Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding himself or itself to be equipped to do so.

(g) "Labor organization" means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

(h) "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers and the city and all of its boards and commissions.

(i) "Public accommodation" means each and every place, establishment or facility of whatever kind, nature or class that caters or offers services, facilities or goods to the general public for a fee or charge, provided that any place, establishment, or facility that caters or offers services, facilities or goods to the general public gratuitously is a public accommodation if the accommodation receives any substantial governmental support or sub-

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sidy. "Public accommodation" does not mean any bona fide private club or other place, establishment or facility which is by its nature distinctly private, except when such distinctly private place, establishment or facility caters or offers services, facilities or goods to the general public for a fee or charge or gratuitously, it is a public accommodation during such period of use.

(j) "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in Sections 2.76.070 and 2.76.110. (Ord. 1732 § 2, 2002; Ord. 1048 § 1, 1968)

2.76.020 Created.

There is created the Keokuk human rights commission which shall consist of seven members who are residents of the city or live within five miles of the corporate limits of the city. The membership of the commission shall be broadly representative of the community and area, such as representatives of the several religious faiths and of racial and nationality groups. (Ord. 1766 § 1, 2003)

2.76.030 Purpose.

The overall purpose of the human rights commission shall be through persuasion and education to eliminate prejudice and discrimination because of race, color or creed, and to safeguard the rights of all citizens as defined by our laws and constitution. (Ord. 1732 § 4, 2002; Ord. 1048 § 3, 1968)

2.76.040 Membership—Vacancies—Appointments.

The seven members of the commission shall be appointed by the city council. Special appointments to the commission shall be made by the city council as vacancies may occur. (Ord. 1599 § 13, 1994)

2.76.050 Term of appointment.

For the first term, two members shall be appointed for three years, two members for two years and the remaining members for one year. After the expiration of the first term of any member or members, the appointments shall be made upon the basis of a three-year term for all members, thus assuring that there shall at all times be seven members on the commission. (Ord. 1103 § 3, 1971; Ord. 1048 § 5, 1968)

2.76.060 Meetings.

The commission shall meet at the city hall or elsewhere at the call of the chairman of the commission at least six times each year and at such further times as meetings are called by the chairman or a majority of the members of the commission. (Ord. 1048 § 6, 1968)

2.76.070 Duties and functions.

(a) The commission shall advise and consult with the mayor and the city council on all matters involving racial, religious or ethnic prejudice or discrimination.

(b) The commission shall render an annual report to the mayor and city council.

(c) The commission shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, fraternal and benevolent societies, veterans organizations, professional and technical organizations, and other groups in the city in carrying on its work.

The commission may aid in the formation of local community groups in such neighborhoods as it deems necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.

(d) The commission shall request and obtain such cooperation, assistance and data

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from city departments as may be reasonably necessary to carry out its work.

(e) The commission shall receive and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, religion or ethnic origin and may conduct public hearings with regard thereto; carry on research, obtain factual data and conduct public hearings to ascertain the status and treatment of racial, religious and ethnic groups in the city, and the best means of progressively improving human relations in the entire city, and issue recommendations and publish its findings of fact and recommendations in accordance with the provisions of this chapter.

(f) Any person claiming to be aggrieved by a discriminatory or unfair practice may within ninety days of the occurrence, by himself or his attorney, make, sign and file with the commission at the office of the city

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clerk, a verified, written complaint in triplicate which shall state the name and address of the person, employer, employment agency, labor organization or any place of public accomodation alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars, thereof, and shall contain such other information as may be required by the commission.

(g) After the filing of a verified complaint, a true copy thereof shall be served by registered mail to the person against whom the complaint is filed. Then the commission shall make a prompt investigation thereof and if such investigating officials determine that probable cause exists for crediting the allegations of the complaint, the investigation officials shall immediately endeavor to eliminate such discriminatory or unfair practice by conference, conciliation and persuasion.

(h) If the commission determines after investigation that probable cause exists for the allegations made in the complaint, they shall attempt to eliminate the discrimination by means of conciliation and persuasion. The commission shall not make public the details of any conciliation proceedings, but it may publish the terms of conciliation when a complaint has been satisfactorily adjusted without identification of the parties.

In case of failure to satisfactorily settle a complaint by conference, conciliation and persuasion, or in advance thereof if in the opinion of the investigating official circumstances so warrant, the commission may issue and cause to be served a written notice together with a copy of such complaint, as the same may have been amended, requiring the person, employer, employment

agency or labor organization named in such complaint, hereafter referred to as respondent, to answer the charges of such complaint in writing within ten days after the date of such notice or within such extended time as the commission may allow.

(i) When the commission is satisfied that further endeavor to settle a complaint by means of conciliation, conference and persuasion is futile, and the

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commission determines that circumstances so warrant, it may issue and cause to be served a written notice requiring the respondent to answer the charges of such complaint at a hearing before the commission, a commissioner or such other person designated by the commission to conduct the hearing and at a time and place to be specified in such notice. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or any other person, and to examine and cross-examine witnesses and to present evidence in his own behalf.

(j) If, upon taking into consideration all the evidence at a hearing, the commission finds that a respondent has engaged in or is engaging in, any discriminatory or unfair practice as defined in this chapter, the commission shall state its findings of fact and shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such discriminatory or unfair practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, the referring of applicants for employment by a respondent employment agency, the admittance or restoration to membership by any respondent labor organization, the admission to or continuation in enrollment in an apprenticeship program or on-the-job training program, the posting of notices and the making of reports as to the manner of compliance, as in the judgment of the commission will effectuate the purposes of this chapter.

If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall state its findings of fact and shall issue and cause to be served an order on the complainant and the respondent dismissing the complaint. (Ord. 1103 § 4, 1971; Ord. 1048 § 7, 1968)

2.76.080 Complaints—Judicial review—Procedure.

(a) Any complainant or respondent claiming to be aggrieved by a final order of the commission, including a refusal to issue an order, may obtain judicial review thereof, and the commission may obtain an order of court for the enforcement of commission orders in a proceeding as provided in this section.

(b) Such proceeding shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice which is subject of the commission's order was committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

(c) Such proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the commission and upon respondent or complainant. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have jurisdiction of the proceeding and the questions determined therein, and shall have power to grant such temporary relief or restraining order

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as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

(d) An objection that has not been urged before the commission shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(e) Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, providing such party shows reasonable grounds for the failure to adduce such evidence before the commission.

(f) The hearing on appeal shall be tried in equity and shall be de novo. The court may receive additional testimony and may affirm, modify or reverse the order of the commission.

(g) The jurisdiction of the court shall be exclusive and its judgment and order shall be final subject to review by the Supreme Court as provided by law.

(h) The commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the commission's orders.

(i) The commission may appear in court by its own attorney.

(j) Unless otherwise directed by the commission or court, commencement of review proceedings under this section shall operate as a stay of any order.

(k) Petitions filed under this section

shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

(l) If no proceeding to obtain judicial review is instituted by a complainant or respondent within thirty days from the service of an order of the commission under Section 2.76.070(j), the commission may obtain an order of the court for the enforcement of such order of the commission and resides or transacts business within the county in which the petition for enforcement is brought. (Ord. 1048 § 8, 1968)

2.76.090 City contracts.

The city and all of its contacting departments, divisions, boards, commissions, officials, agents and employees shall include in all public works contracts negotiated after the effective date of the ordinance from which this section derives a provision obligating the public works contractor not to commit any discriminatory practice. (Ord. 1048 § 9, 1968)

2.76.100 City employment.

Where the city is charged with discrimination in employment, the commission shall report its findings to the mayor and city council. (Ord. 1048 § 10, 1968)

2.76.110 Housing.

(a) It is an unfair or discriminatory practice for any owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salesmen, attorneys, auctioneers, agents or representatives by power of attorney or

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appointment, or any person acting under court order, deed of trust, or will:

(1) To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion or national origin of such person;

(2) To discriminate against any person because of his race, color, creed, sex, religion or national origin, in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or housing accommodation or any part, portion or interest therein;

(3) To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental or lease, or any part, portion or interest therein, by persons of any particular race, color, creed, sex, religion or national origin is unwelcome, objectionable, not acceptable or not solicited.

(b) The provision of subsection (a) shall not apply to:

(1) Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose;

(2) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations;

(3) The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if he or members of his family reside therein.

(Ord. 1268 § 1, 1979; Ord. 1048 § 11, 1968)

Chapter 2.78

AFFIRMATIVE ACTION PROGRAM

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