

BY Ms. Whaley

NO. 31167-12

AN ORDINANCE

Enacting Sections 30.30 through 30.36 of the Revised Code of General Ordinances of the City of Dayton Establishing a Domestic Partnership Registry.

WHEREAS, All citizens are valued in the City of Dayton; and

WHEREAS, The City Commission seeks to promote economic development by attracting and retaining new businesses and industries to our community, and assisting businesses and universities in the recruitment of a talented and diverse workforce; and

WHEREAS, Many unmarried residents of Dayton have formed lasting, committed, caring, and faithful relationships with a person of the same sex or different sex; these couples live together, serve and participate together in the community, and rear children and care for family members together; and

WHEREAS, Many public and private institutions voluntarily permit their employees, members, patrons and other individuals with whom they interact to include their partners as beneficiaries of various policies, including but not limited to, health insurance coverage, hospital visitation rights, family recreational memberships, and authorization to pick up children after school; and

WHEREAS, A registry for unmarried couples maintained by the City would remove the administrative burden on hospitals, universities, employers, and other businesses to define and verify the existence of these committed non-marital relationships; and

WHEREAS, A registry for these unmarried couples will acknowledge the existence of their committed relationships without affecting the definition of marriage and without creating or recognizing any legal status that intends to approximate marriage; and

WHEREAS, A registry for unmarried couples will make those couples and their families feel welcome and valued in this City; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Sections 30.30 through 30.36 of the Revised Code of General Ordinances of the City of Dayton are enacted to read as follows:

§ 30.30 Definitions

As used in this division:

(A) "Domestic partnership" refers to the non-marital committed relationship of two adults of the same or different sex, who share a common residence and affirm that they share responsibility for each other's common welfare, and have signed and filed a Declaration of Domestic Partnership with the City.

(B) "Share a common residence" means that both domestic partners share the same residence. It is not necessary that both domestic partners have title to the property where they reside or the legal right to possess the common residence. Two people may share a common residence even if one or both have additional residences. Domestic partners do not cease to share a common residence if one leaves the common residence but intends to return. Shared common residence does not have the same meaning as bona fide residence.

(C) Domestic partners will be deemed to have a "committed" relationship and to "share responsibility for one another's common welfare" if they execute a Declaration of Domestic Partnership affirming that such facts are true.

30.31 Domestic Partnership Criteria

To establish a domestic partnership, both individuals must file a Declaration of Domestic Partnership with the City affirming that they meet all of the following qualifications:

(A) Both individuals share a common residence;

(B) Both individuals affirm that they have a committed relationship and share responsibility for each other's common welfare;

(C) Neither individual is married to any other individual;

(D) Neither individual is part of an existing domestic partnership with any third party;

(E) Each individual is 18 years of age or older; and

(F) The individuals are not related to one another by blood in a way that would prevent them from being married to one another in this State.

30.32 Filing

(A) Filing Location. Two individuals seeking to become domestic partners must complete and file a Declaration of Domestic Partnership with the City Commission.

(B) Filing Prohibition. No individual who has previously filed a Declaration of Domestic Partnership in this City may file a new Declaration of Domestic Partnership until a Notice of Termination of Domestic Partnership has been filed with the City Commission. However, this prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased.

30.33 Registration

(A) Registration Forms. The Executive Assistant to the City Commission shall develop "Declaration of Domestic Partnership" and "Notice of Termination of Domestic Partnership" forms, and shall not add to or alter the requirements listed in Section 30.31 of this division.

(B) Registration Requirements. The "Declaration of Domestic Partnership" form shall require each registrant to:

- (1) Affirm that he or she meets the requirements of Section 30.31 of this division;
- (2) Provide a mailing address;
- (3) Sign the form under penalty of perjury; and
- (4) Have a notary public acknowledge his or her signature.

(C) Availability of Forms. The City shall have declaration and termination forms available at the offices of the City Commission.

(D) Administrative Fee. The City shall charge an administrative fee of \$50 to persons filing a Declaration of Domestic Partnership. No fee shall be charged for the filing of a Notice of Termination of Domestic Partnership.

(E) Partnership Registration. The City shall register the Declaration of Domestic Partnership in a registry and return a copy of the declaration form to the domestic partners at the address provided as their common residence.

(F) Termination Registration. The City shall register the Notice of Termination of Domestic Partnership pursuant to the requirements set forth in Section 30.34 of this division.

30.34 Termination

(A) Termination. A domestic partnership ends when:

- (1) One of the domestic partners dies; or
- (2) A Notice of Termination of Domestic Partnership has been filed by one or both domestic partners with the City.

(B) Notice of Termination. If the facts affirmed in the Declaration of Domestic Partnership cease to be true, one or both parties to a domestic partnership shall file a Notice of Termination of Domestic Partnership with the City Commission. Upon receipt, the city shall return a copy of the notice marked "filed" to each of the partners, if jointly filed; or two copies to the filing partner. Unless the partners jointly file the notice, the partner filing the notice shall, within five days, send a copy of the filed notice to the other partner's last known address. However, this requirement shall not apply if the termination is due to the death of one of the domestic partners.

(C) Effective Termination Date. Termination of a domestic partnership shall be effective upon filing of the Notice of Termination of Domestic Partnership with the City by one or both partners, or on the date of the death of one of the domestic partners.

(D) Notice to Third Parties. Following the termination of a domestic partnership the burden of notification rests with, each former domestic partner who has received or qualified for any benefit or right based upon the existence of a domestic partnership and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, to give prompt notification to any third party who provides such benefit or right that the domestic partnership has terminated. The City shall not be liable for any injury to any third-party by virtue of lack of notice of termination to the domestic partnership, including any third-party which has provided any benefits regarding the domestic partnership.

(E) Failure to Give Notice. Failure to provide notice to third parties as prescribed in this section shall not delay or prevent the termination of the domestic partnership.

30.35 Legal Effect

(A) Registering as domestic partners by two individuals who are also married to one other, in this or in another state, shall under no circumstances, be considered as evidence, knowledge, awareness, or an admission that the partners are not lawfully married and it shall not be given any other legal effect, in this or any other state, with regard to whether the persons are lawfully married.

(B) Nothing in this division shall be interpreted to alter or contravene county, state or federal law.

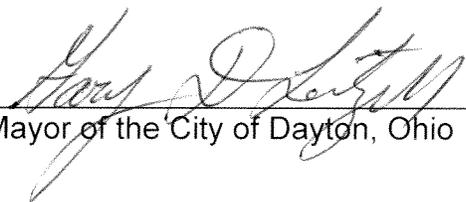
(C) Nothing in this division shall be construed as recognizing or treating a Declaration of Domestic Partnership as a marriage or a legal status that intends to approximate the design, qualities, significance or effect of marriage.

30.36 Severability

If any section, subsection, clause or provision of this division is held invalid, the remainder shall not be affected by such invalidity.

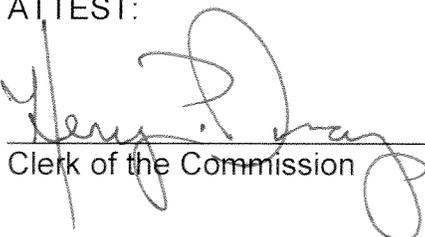
PASSED BY THE COMMISSION May 2....., 2012

SIGNED BY THE MAYOR MAY 2....., 2012



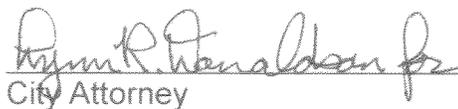
Mayor of the City of Dayton, Ohio

ATTEST:



Clerk of the Commission

APPROVED AS TO FORM:



City Attorney