

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

COMPARATIVE SECTION TABLE

TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE

CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 706 Abortions

CHAPTER 709 Adult Foster Care

CHAPTER 712 Amusements

CHAPTER 718 Fire Protection/Fighting Equipment

CHAPTER 724 Frozen Desserts

CHAPTER 730 Garage Sales

CHAPTER 748 Mechanical Amusement Devices

CHAPTER 750 Computerized Internet Sweepstakes Cafes

CHAPTER 760 Nursing and Boarding Care Homes

CHAPTER 761 Private Investigators and Security Guards

CHAPTER 772 Peddlers, Solicitors and Canvassers

CHAPTER 780 Snow Plowing

CHAPTER 784 Taxicabs

CHAPTER 790 Fair Housing

790.01 PURPOSE.

790.02 DEFINITIONS.

790.03 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

790.04 EXEMPTIONS.

790.05 FAIR HOUSING BOARD; POWERS; DUTIES; RESPONSIBILITIES

790.051 DISCRIMINATION REVIEW COMMITTEE; DUTIES; RESPONSIBILITIES.

790.06 COMPLAINTS.

790.07 INVESTIGATION OF COMPLAINTS.

790.08 CONCILIATION PROCESS.

790.09 HEARINGS.

790.10 HEARING DECISIONS.

790.11 INJUNCTIVE RELIEF.

790.12 REMEDIAL ACTIONS.

790.13 JUDICIAL RELIEF.

790.14 INTIMIDATION OR INTERFERENCE IN HOUSING.

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

790.16 PROHIBITIONS AGAINST REAL ESTATE STEERING.

790.17 ADDITIONAL REMEDIES.

790.18 SCOPE/SEVERABILITY.

790.19 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATIONS PRACTICES.

790.20 DEFINITIONS.

790.21 COMPLAINTS.

790.22 REMEDIES AND BELIEFS.

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

CHAPTER 790 Fair Housing

790.12 REMEDIAL ACTIONS.

(a) If the Fair Housing Board finds that the respondent has not violated Section 790.03, its order under Section 790.10 shall dismiss the complaint.

(b) If the Fair Housing Board finds that the respondent has violated Section 790.03, its order under Section 790.10 shall provide for the taking of such remedial action, as it deems appropriate, which may include but not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 790.03 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) Initiating, at the Fair Housing Board's expense, an appropriate court action for the enforcement of Section 790.03, and for such other or further relief as the court may deem appropriate including, but not limited to, injunctive relief, compensatory damages, punitive damages to the complainant and/or attorney's fees and costs incurred by the complainant and/or the Fair Housing Board and/or the City; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Fair Housing Board;

(3) Initiating proceedings based upon violation of federal or state law and/or regulations;

(4) Initiating proceedings with any contracting agency, in the case of any violation of Section 790.03 by respondent in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of terminating such contract or any portion thereof, or obtaining other relief;

(5) Initiating proceedings with the State of Ohio, where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 790.03 ;

(6) Directing the respondent to reimburse the complainant and/or the City, as applicable for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs;

(7) Directing the respondent to reimburse the City for its actual reasonable direct expenses incurred and to be incurred as a result of each violation found including reasonable attorneys' fees and costs;

(8) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court, at the Fair Housing Board's expense, the award of compensatory damages against the respondent;

(9) Assessing civil penalties, as appropriate, or arranging to have adjudicated in court at the Fair Housing Board's expense, the award of punitive damages against the respondent. For

purposes of this chapter, civil penalties are defined as penalties assessed against the respondent to vindicate the public interest in an amount:

- A. Not exceeding \$50,000 for a first violation; and
- B. Not exceeding \$100,000 for any subsequent violation.

(10) Such other further relief as the Fair Housing Board may deem appropriate for enforcement of Section 790.03 .

(c) The Fair Housing Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and respondent shall be notified, in writing, of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City, at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Summit County Common Pleas Court pursuant to Chapter 2506 of the Ohio Revised Code, or in such other forum or court of competent jurisdiction as provided by law. (Ord. 3-09. Passed 1-13-09.)

790.13 JUDICIAL RELIEF.

The City, the complainant, or any person aggrieved by a violation of any provision of this chapter may at any time within one (1) year from the date of the alleged violation and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

- (a) Injunctive relief or an order otherwise compelling compliance with this chapter;
- (b) Compensatory damages and/or punitive damages;
- (c) Reasonable attorneys' fees and costs to complainant and/or the City as applicable; and/or
- (d) Such other or further relief as is appropriate for the enforcement of this chapter and elimination of violations thereof. (Ord. 3-09. Passed 1-13-09.)

790.14 INTIMIDATION OR INTERFERENCE IN HOUSING.

No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any of the following:

(a) Any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, or ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any property; or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

(b) Any person because that person is, or has been, or is considering:

(1) Participating, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section;

(2) Affording another person or class of persons opportunity of protection or protection so to participate;

(c) Any person because that person is, or is considering lawfully aiding or encouraging other

persons to participate, without discrimination on account of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, in any of the activities, services, organizations or facilities described in division (a) of this section, or participating lawfully in speech.

(Ord. 3-09. Passed 1-13-09.)

790.15 PATTERN OR PRACTICE OF DISCRIMINATION.

Whenever the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person's or persons' full enjoyment of the rights granted by Section 790.03 or 790.19, of this chapter, or that any group of persons has been denied any of the rights granted by such section and the denial raises an issue of public policy, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter. (Ord. 3-09. Passed 1-13-09.)

790.16 PROHIBITIONS AGAINST REAL ESTATE STEERING.

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) Influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations to refrain from purchasing or renting housing accommodations by referring to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry, of occupants or prospective occupants of other housing accommodations in the neighborhood;

(b) Influence or attempt to influence, by any words, acts, or failure to act any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in connection with the sale or rental of housing accommodations, so as to promote or tend to promote the continuance or maintenance of segregated housing or so as to retard, obstruct or discourage integrated housing on or in any street, block or neighborhood;

(c) Discriminate against any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services, or facilities relative thereto because of the race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era and disabled veteran status, familial status, marital status or ancestry of any person.

(Ord. 3-09. Passed 1-13-09.)

790.17 ADDITIONAL REMEDIES.

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

(Ord. 3-09. Passed 1-13-09.)

790.18 SCOPE/SEVERABILITY.

(a) Scope. The provisions of this chapter shall apply to all property, as defined herein, located within the territorial limits of the City of Sheffield Lake, Ohio.

(b) Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be

invalidated. (Ord. 3-09. Passed 1-13-09.)

790.19 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATIONS PRACTICES.

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) To refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of membership in a protected class;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full or equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of membership in a protected class;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 790.11 through 790.13 or by appropriate state or federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of membership in a protected class. (Ord. 3-09. Passed 1-13-09.)

790.20 DEFINITIONS.

(a) As used herein, "public accommodation" or "place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store or other place for the sale of merchandise or provision of services, amusement or accommodation of which the accommodations, advantages, facilities, or privileges are offered or available to the public.

(b) All other terms used in Sections 790.01 through 790.13 shall have the meanings and definitions given in Chapter 790, except as may be specifically provided herein or as required by the context. (Ord. 3-09. Passed 1-13-09.)

790.21 COMPLAINTS.

Any aggrieved person may allege that a violation of Section 790.01 has occurred by filing a complaint with the Fair Housing Board in the time, manner and form prescribed under Section 790.06 for complaints of unlawful practices under Section 790.03. The Fair Housing Board and its Discrimination Review Committee each shall have the same powers, duties and responsibilities with respect to a complaint alleging a violation of Section 790.01 as it has under Sections 790.05 through 790.10 with respect to a complaint alleging a violation of Section 790.03, except as may be inapplicable or required by the context or by law.

(Ord. 3-09. Passed 1-13-09.)

790.22 REMEDIES AND BELIEFS.

The City, the Fair Housing Board, any person aggrieved by a violation of Section 790.01 and any respondent thereto shall have the same rights, powers, duties and responsibilities with respect to remedies and relief for violation of Section 790.01 as they have under Section 790.11 through Section 790.13 with respect to a violation of Section 790.03, except as may be inapplicable or required by the context or by law.

(Ord. 3-09. Passed 1-13-09.)

CODIFIED ORDINANCES OF SHEFFIELD LAKE

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- order under Section 790
- ordered by the Fair Housing Board;
- order to enforce the provisions of this chapter
- Ord. 3-09
- order otherwise compelling compliance with this chapter;
- ording another person or class of persons opportunity of protection or protection so to participate;
- ords, acts, or failure to act any person who purports or represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations, in

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- ord or tenant of housing accommodations by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or ren
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