

City of Oberlin, Ohio

ORDINANCE No. 12-67 AC CMS

AN ORDINANCE CREATING A DOMESTIC PARTNERSHIP REGISTRY FOR THE CITY OF OBERLIN, OHIO

WHEREAS, the City Council of the City of Oberlin, Ohio, has determined that it is in the best interests of the City to be responsive to the changing needs of society and to treat all persons fairly and equitably; and

WHEREAS, the City Council further recognizes that family configurations exist in many different forms, including unmarried individuals who consider each other as partners in and for life; and

WHEREAS, the City acknowledges that when any unrelated adults can choose freely to be recognized as domestic partners and to make their relationship status a matter of public record, a vital public service will have been rendered; and

WHEREAS, the City wishes to provide a means by which persons, who meet the domestic partnership criteria outlined herein, may register that partnership with the City and receive a certificate therefrom evidencing their relationship status.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain and State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That there is hereby created a Domestic Partnership Registry for the City of Oberlin, which shall read as follows:

Definitions.

DEFINITIONS. As used in this Chapter:

- 1) "Domestic partnership" refers to the non-marital intimate 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.
- 2) "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.

- 3) Domestic partners will be deemed to have an "intimate" 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.

Domestic Partnership Criteria.

DOMESTIC PARTNERSHIP. 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:

- 1) Both individuals share a common residence;
- 2) Both individuals affirm that they have an intimate relationship and share responsibility for each other's common welfare;
- 3) Neither individual is married to any third party;
- 4) Neither individual is part of an existing domestic partnership with any third party;
- 5) Each individual is 18 years of age or older; and
- 6) The individuals are not related to one another by blood.

Filing.

- A. FILING LOCATION. Two individuals seeking to become domestic partners must complete and file a Declaration of Domestic Partnership with the Clerk of Council.
- 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. However, this prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased.

Registration.

- A. REGISTRATION FORMS. The Clerk of Council 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 this Ordinance.
- B. REGISTRATION REQUIREMENTS. The "Declaration of Domestic Partnership" form shall require each registrant to:
 - 1) Affirm that he or she meets the requirements of this Ordinance;
 - 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 Clerk of Council office.
- D. **ADMINISTRATIVE FEE.** The City shall charge an administrative fee of \$50.00 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 this Ordinance.

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 Clerk of Council office. 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, 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, shall give prompt notification to any third party who provides such benefit or right that the domestic partnership has terminated.
- 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.

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 Ordinance shall be interpreted to alter or contravene county, state or federal law.
- C. Nothing in this Ordinance 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.

Severability.

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

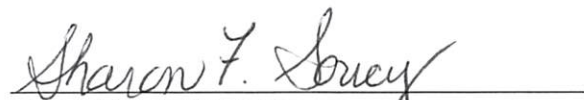
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take affect at the earliest date allowed by law.

PASSED: 1st Reading: September 4, 2012 Amended
2nd Reading: September 17, 2012 (Suspension of Rules, Effective in 30 days)
3rd Reading:

ATTEST:


BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL


SHARON F. SOUCY
ACTING PRESIDENT OF COUNCIL

POSTED: 09/18/2012

EFFECTIVE DATE: 10/17/2012