

ORDINANCE NO. 490

A ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN CODE OF ORDINANCES, BY ADOPTING A NEW ARTICLE VI, CIVIL RIGHTS; PROVIDING FOR THE ADOPTION OF THE HAVERHILL CIVIL RIGHTS ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Haverhill desires to secure for all individuals within the Town freedom from discrimination of any kind including, without limitation, race, color, religion, sex, national origin, age, disability, familial status, pregnancy, marital status, genetic information, sexual orientation or gender identity or expression, and

WHEREAS, the Town Council wishes to amend the Town Code to adopt a Civil Rights ordinance to unequivocally demonstrate and declare, as a matter of public policy, that the Town opposes discrimination of any kind including, without limitation, race, color, religion, sex, national origin, age, disability, familial status, pregnancy, marital status, genetic information, sexual orientation or gender identity or expression, and

WHEREAS, a Town free from discrimination provides for its citizens' domestic tranquility and secures the Town against domestic strife and unrest, thereby preserving the public health, safety and welfare of the citizens of the Town of Haverhill; and

WHEREAS, non-discrimination policies promote the interests, rights and privileges of individuals within the Town, and, as such, are clearly within their best interests; and

WHEREAS, this ordinance is consistent with federal, state and local laws, and which such laws afford the citizens of the Town a clear channel of access to procedures and remedies in the case of alleged discrimination, to wit: the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, and the Palm Beach County Office of Equal Opportunity; and

WHEREAS, while the Town of Haverhill is very small, with a very limited budget, resources and staffing, and cannot undertake investigation or prosecution of claims, it can and does establish a clear policy against discrimination as set forth in this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AS FOLLOWS:

SECTION 1. The above “WHEREAS” clauses are incorporated herein as true and correct and as the legislative findings of the Town Council

SECTION 2. The Town Council of the Town of Haverhill hereby amends Chapter 2, Administration, by adopting a new Article VI, “Civil Rights”, to read as follows:

Article VI – Civil Rights

Sec. 2-157. Civil Rights Act

(a) Title. This provision shall be known as the “Civil Rights Act of the Town of Haverhill.”

(b) Purpose. The Town of Haverhill Council desires to secure for all individuals within the Town freedom from discrimination of any kind, including, without limitation race, color, religion, sex, national origin, age, disability, familial status, pregnancy, marital status, genetic information, sexual orientation or gender identity or expression. The Town Council also desires to adopt an ordinance which is consistent with federal, state and local laws and which affords its citizens a clear channel of access to remedies in the case of alleged discrimination,

to wit, the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

(c) Adoption by Reference. The Florida Civil Rights Act of 1992, Chapter 760, Sections 760.01 through 760.11, and Section 509.092; Florida's Fair Housing Act, Chapter 760, Sections 760.20 through 760.37; the Palm Beach County Equal Employment Ordinance, Chapter 2, Article VI, Division 1, Sections 2-261 through 2-313 (as amended); and the Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation, Chapter 15, Article III, Sections 15-36 through 15-67 (as amended) are collectively adopted by reference as the Civil Rights Act of the Town of Haverhill, subject to and including by reference such amendments, corrections, and additions as shall occur therein or as may appear in this Chapter.

SECTION 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the Code of Ordinances of the Town of Haverhill, Florida and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. For purposes of codification of any existing section of the Haverhill Town Code herein amended, words underlined represent additions to original text, words stricken are deletions from the original text, and words neither underlined or stricken remain unchanged. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word. In addition, typographical and/or scrivener's errors, which do not affect the intent of this Ordinance, may be corrected by the Town Administrator, or his or her designee, without the necessity of public hearing, or Town Council approval, by filing the corrected or re-codified copy of the same with the Town Clerk.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 27th day of August, 2020.

THE SECOND AND FINAL READING was held this 10th day of September, 2020. Council member _____ offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council member _____, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor

LAWRENCE GORDON, Vice Mayor

MARK C. UPTEGRAPH, Council Member

DENNIS WITHINGTON, Council Member

RAYMOND CARANCI, Council Member

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA

Janice C. Rutan, Town Admin.

Jay G. Foy, Mayor