

INTRODUCED BY: Mr. Crow

DATE: April 25, 2011

BILL NO.: **9114**

ORDINANCE NO: **6852**

AN ORDINANCE AMENDING TITLE 3 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO DOMESTIC PARTNERSHIP REGISTRATION, BY ENACTING THEREIN A NEW CHAPTER TO BE KNOWN AS ~~%~~CHAPTER 3.01 DOMESTIC PARTNERSHIP REGISTRY; AND BY AMENDING SECTION 3.01.010 AND PROVIDING A PENALTY.

WHEREAS, the City of University City is comprised of diverse and varied individuals, families and communities;

WHEREAS, the City values this diversity;

WHEREAS, it is in the best interest of the City of be responsive to the changing needs of society and to treat all persons fairly and equitably;

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

WHEREAS, the City recognizes that relationships of mutual support, caring and commitment foster emotional and psychological bonds which, in turn, foster healthy neighborhoods, economic growth and economic stability;

WHEREAS, a Domestic Partnership registry will create a way to recognize relationships of mutual support, caring and commitment, where the parties to the relationship participate to support the common welfare of each other and intend to continue in this manner; and

WHEREAS, the establishment of a registry for recognition of domestic partners will facilitate public and private employers, businesses and universities in the provision of health benefits, visitation of a patient in health care facilities, and other important recognition to a registered partner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Title 3 of the University City Municipal Code, relating to domestic partnership, is hereby amended by enacting therein a new chapter to be known as "Chapter 3.01, Section 3.01.010 Domestic Partnership Registry", which shall read as follows:

**CHAPTER 2.67**  
**DOMESTIC PARTNERSHIP REGISTRY**

**2.67.010 Domestic Partnerships.**

**A. Definitions.**

As used in this section:

- (1) "Domestic Partnership" means a relationship between two adults who consider themselves to be members of each other's immediate family, share a common residence and affirm that they share responsibility for each other's common welfare.
- (2) "Share a common residence" means that both adults 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 or both leave the common residence but intend to return.
- (3) "Domestic Partners" will be deemed to be members of each other's immediate family and share responsibility for each other's common welfare if they execute a Declaration of Registered Domestic Partnership affirming that such facts are true.
- (4) "Declaration of Registered Domestic Partnership" means a sworn declaration filed under penalty of perjury with the City Clerk according to the procedures set forth in subsection C, which certifies that said individuals meet the requirements of a Registered Domestic Partnership as set forth in subsection C.
- (5) "Health Care Facility" includes, but is not limited to, hospitals, convalescent facilities, nursing homes, walk-in clinics, doctor's offices, mental health care facilities, and other short and long-term facilities located within, or under the jurisdiction of, the City.
- (6) A "Dependent" is a person who resides within the household of a Registered Domestic Partnership and is:
  - a. A biological, adopted, or foster child of a Registered Domestic Partner; or
  - b. A Dependent as defined under Internal Revenue Service regulations; or
  - c. A ward of a Registered Domestic Partner as determined in a guardianship or other legal proceeding.

**B. Establishment of Domestic Partnership Registry.**

There is hereby created a Domestic Partnership Registry. The City Clerk shall have the duties specified in this section with respect thereto, provided that the City Manager may designate and assign another City employee to perform any or all of the duties.

**C. Requirements for Domestic Partnership.**

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

- (1) Both individuals share a common residence;
- (2) Both individuals affirm that they share responsibility for each other's

- common welfare;
- (3) Neither individual is married to a third party;
  - (4) Neither individual is part of an existing Domestic Partnership with any third party; and
  - (5) Each individual is eighteen (18) years of age or older.

**D. Filing of Declaration of Domestic Partnership.**

- (1) Filing Location. Two individuals seeking to become domestic partners must complete and file a Declaration of Domestic Partnership with the City Clerk.
- (2) Filing Prohibition. No individual who has previously filed a Declaration of Domestic Partnership with the City Clerk may file a new Declaration of Domestic Partnership until a Notice of Termination of Domestic Partnership has been filed with the City Clerk. The prohibition shall not apply if the previous Domestic Partnership ended because one of the Domestic Partners is deceased.

**E. Administration of Registry.**

- (1) Registration Forms. The City Clerk 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 subsection C.
- (2) Registration Requirements. The "Declaration of Domestic Partnership" form shall require each registrant to:
  - a. Affirm that he or she meets the requirements of subsection C;
  - b. Provide the mailing address of the common residence;
  - c. Sign the form under penalty of perjury; and
  - d. Have a notary public acknowledge his or her signature.
- (3) Availability of Forms. Declaration and termination forms shall be available in the City Clerk's office.
- (4) Partnership Registration. The City Clerk 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.
- (5) Termination of Registration. The City Clerk shall register the Notice of Termination of Domestic Partnership pursuant to the requirements set forth in subsection F.
- (6) Registration Fee. The fee shall be forty-five dollars (\$45.00) to register or terminate the registration of a Domestic Partnership.

**F. Termination of Domestic Partnership.**

- (1) Termination. A Domestic Partnership ends when:
  - a. One of the Domestic Partners dies, or marries or enters into a civil union or Registered Domestic Partnership with someone other than his or her Registered Domestic Partner; or
  - b. A Notice of Termination of Domestic Partnership has been filed by one or both Domestic Partners with the City Clerk.
- (2) 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 Clerk. Upon receipt, the City Clerk 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.

- (3) 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.
- (4) 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.
- (5) Failure to Give Notice. Failure to provide notice to third parties as prescribed in this subsection shall not delay or prevent the termination of the Domestic Partnership.

#### **G. Rights of Registered Domestic Partnership.**

To the extent otherwise allowed by law:

- (1) Health Care Visitation. All health care facilities operating within the City shall allow a Registered Domestic Partner the same visitation rights as that provided a spouse (or a parent, if the patient is a Dependent of the Registered Domestic Partnership). A Dependent of a Registered Domestic Partnership shall have the same visitation rights as that provided a patient's child.
- (2) Health Care Decisions. If a patient lacks the capacity to make a health care decision, the patient's Registered Domestic Partner shall have the same authority as that provided a spouse to make a health care decision for the incapacitated party. This pertains to decisions concerning both physical and mental health.
- (3) Notification of Family Members. In any situation providing for mandatory or permissible notification of family members in an emergency or when permission is granted to inmates to contact family members, notification of family shall include Registered Domestic Partners.
- (4) Visitation Rights at City Correctional and Juvenile Detention Facilities. Any person who is a party to a Registered Domestic Partnership, pursuant to this section, shall be entitled to visit his or her Domestic Partner, or other family member of the Domestic Partner, who is an inmate at a City correctional facility or juvenile detention facility, upon the same terms and conditions under which visitation is afforded to spouses, children or parents of inmates. Visitation rights provided by this ordinance shall extend to any Dependents of either Domestic Partner, and the Domestic Partners of an inmate's parents or children.

(5) Use of and Access to Facilities. All facilities owned and operated by the City, including but not limited to recreational facilities, shall allow the Registered Domestic Partner of a user, and his or her Dependents, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to City facilities.

**H. Restriction of Rights Unlawful.**

It shall be a violation of this section for any person to knowingly interfere with the registration of any qualified individual as a Domestic Partner or to limit or restrict in any manner any right of a Domestic Partner as provided in subsection G.

**I. Private Right of Action.**

A Registered Domestic Partner may enforce the rights conferred in this section by filing a private action against any person in a court of competent jurisdiction for declaratory relief, injunctive relief, or both.

**J. Reciprocity.**

All rights, privileges and benefits extended to Registered Domestic Partnerships registered pursuant to this section shall also be extended to all persons legally partnered in another jurisdiction.

Section 2. If any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, unlawful or invalid, the remaining provisions shall not be affected thereby.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalty provided in Chapter 1.12, Section 1.12.010 of the University City Municipal Code.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 9<sup>h</sup> day of May, 2011.

---

MAYOR

ATTEST:

---

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

---

CITY ATTORNEY