

ORDINANCE NO. 66 SERIES 1963

AN ORDINANCE DEFINING DISCRIMINATORY PRACTICES IN PLACES OF PUBLIC ACCOMODATION; PROHIBITING THE SAME; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, each member of the Board of Aldermen recognizes that the government of the City of Louisville was organized to protect and promote the health, safety, and welfare of all persons in the City of Louisville, including minority groups; and

WHEREAS, each alderman is cognizant of his duty to protect and foster the welfare of persons residing in his ward and to prevent, insofar as possible, any discrimination in places of public accomodation on account of a person't race, color, religious beliefs, ancestry or national origin; and

WHEREAS, in order to insure that there be no discriminatory practices in places of public accomodation on account of race, color, religious beliefs, ancestry or national origin

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE:

Section One. It is hereby declared to be the policy of the City of Louisville in the exercise of its licensing and police powers for the preservation of the peace and the protection of the comfort, health, welfare and safety of persons in the City of Louisville and to prohibit discriminatory practices in places of public accomodation as hereinafter defined.

Section Two. When used herein:

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, or other groups of persons.

(b) The term "Commission" means the City of Louisville Human Relations Commission as established by Ordinance No. 33 of the 1962 Ordinances

of the City of Louisville; and the term "Anti-Discrimination Division" means a Board, any three members of which shall constitute a quorum, consisting of five (5) members of the City of Louisville Human Relations Commission, said five members to be designated by the Mayor of the City of Louisville.

(c) The phrase "Place of public accomodation" means any place of business offering or holding out to the general public services or facilities for the peace, comfort, health, welfare or safety of such general public including, public places providing food, shelter, recreation, entertainment or amusement.

Section Three. Discriminatory practices, as hereinafter defined, in places of public accomodation are hereby prohibited and declared unlawful.

(a) It shall be a discriminatory practice for the owner, lessee, manager, propritor, concessionaire, custodian, agent or employee of a place of public accomodation within the City of Louisville to deny, to accord or to treat differently any person in the service or sale of any privilege, facility or commodity on account of his race, color, religious beliefs, ancestry or national origin, or to segregate or require the placing of any person in any separate section or area of the premises or facilities, of such place of public accomodation, or to deny, refuse or withhold from any person, on account of his race, color, religious beliefs, ancestry or national origin, full and equal accomodation advantages, facilities and privileges in any place of public accomodation.

(b) It shall be a discriminatory practice to place, post, maintain, display, or circulate, or knowingly cause, permit or allow the placing, posting, maintenance, display or circulation of any written or printed advertisement, notice or sign of any kind of description to the effect that any of the accomodations, advantages, facilities, or privileges of any place of public accomodation will or may be refused, withheld from or denied to any person on account of his race, color religious beliefs, ancestry or national origin,

or that the patronage of any person is unwelcome, objectionable, or not acceptable, desired or solicited on account of his race, color, religious beliefs, ancestry or national origin, or that any person is required or requested to use any separate section or area of the premises or facilities on account of his race, color, religious beliefs, ancestry or national origin.

**Section Four.** The administration of this Ordinance shall be the responsibility of the City of Louisville Human Relations Commission. The Anti-Discrimination Division shall have full operating responsibility under the supervision of the Commission for carrying out the provisions of this Ordinance. In addition to any powers or duties heretofore conferred on said Commission it shall have the power and duty to:

(a) Receive, investigate and seek to adjust complaints of discriminatory practices prohibited by this Ordinance and to initiate such complaints itself.

(b) By itself or through its Anti-Discrimination Division, to hold public or private hearings, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question. If a person, against whom a complaint of discriminatory practice is made, shall be notified to attend any hearing, public or private, before the Commission or the Anti-Discrimination Division and he shall fail to attend such hearing, the Commission or the Anti-Discrimination Division, as the case may be, may proceed to hold such hearing and make a determination in such persons absence.

**Section Five.**

(a) Any person claiming to be aggrieved by a discriminatory practice prohibited by this Ordinance may make, sign and file with the City of Louisville Human Relations Commission a complaint

in writing under oath, which shall state the name and address of the public accomodation alleged to have committed the discriminatory practice and which shall set forth the particulars thereof and contain such other information as may be required under rules established by the Commission. Such complaints shall be filed within thirty (30) days after the alleged discriminatory practice is committed. The Commission, if it has reason to believe that any person has engaged in a discriminatory practice prohibited by this Ordinance, may adopt a resolution to that effect, which resolution shall have the legal effect and status of a complaint filed with the Commission on the date such resolution is adopted.

(b) Upon receipt of a complaint, the staff of the Commission shall promptly conduct a preliminary investigation. Upon the completion of such investigation, the complaint together with the results of the investigation shall be referred to the Anti-Discrimination Division. If the Anti-Discrimination Division determines from such investigation that a discriminatory practice has been committed, that Division shall attempt an adjustment by means of conference and negotiations. A ten (10) day period after the filing of the complaint with the Commission shall be allowed for this purpose. If the Anti-Discrimination Division determines that a discriminatory practice has not been committed, then it shall enter an order dismissing the complaint and shall promptly send copies thereof to the complainant and to the person complained against (hereinafter referred to as the respondent) of its action. The Anti-Discrimination Division shall report to the Commission at each of its monthly meetings the disposition of all complaints referred to it.

(c) In case of failure of conference or negotiations to obtain compliance with this Ordinance, the Anti-Discrimination Division, no later than twenty (20) days after the complaint has

been referred to it, shall (unless the complaint has been dismissed as aforesaid) either certify the entire case to the Director of Law for prosecution, or cause to be issued and served in the name of the Commission a written notice, together with a copy of such complaint, requiring the respondent to answer the charges of such complaint at a hearing before the Anti-Discrimination Division at a time and place to be specified in such notice. The notice of hearing shall be served upon the respondent no later than twenty (20) days after the complaint has been referred to the Anti-Discrimination Division. The place of such hearing may be the office of the Commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by a member of the Department of Law of the City of Louisville who shall be counsel for the City of Louisville Human Relations Commission. Any endeavors or negotiations for conciliation, or admission or statement made in connection therewith shall not be received in evidence. The respondent may file a written answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The Anti-Discrimination Division conducting any hearing may permit reasonable amendments to any complaint or answer. The testimony taken at such hearing shall be under oath and be transcribed at the request of either party or by direction of the Anti-Discrimination Division. If, upon all the evidence, the Anti-Discrimination Division finds that a respondent has engaged in any discriminatory practice as defined in Section Three (3), it shall state in writing its findings of fact and conclusions of law and shall issue and file with the Commission and cause to be served on the complainant and the respondent an order requiring such respondent to cease and desist from such discriminatory practice or practices, and/or requiring such affirmative action as it shall deem necessary to remedy the violation and to

prevent its continuation or reoccurrence. If, upon all the evidence, the Anti-Discrimination Division finds that the respondent has not engaged in any alleged discriminatory practice, it shall state its findings of fact and conclusions of law and shall similarly issue and file an order dismissing the complaint and cause copies thereof to be served upon the complainant, and the respondent. The Commission may establish rules of procedure to govern, expedite and effectuate the procedures of Section Five of this Ordinance.

(d) If either the complainant or the respondent is not satisfied with the determination of the Anti-Discrimination Division, he shall have the right to appeal such determination to the Commission with in ten (10) days after the date of entry of the order of said Division. No member of the Anti-Discrimination Division may participate in determination of an appeal. All decisions of the Commission on such appeals shall be by a majority vote. A quorum, for determination of appeals, shall consist of six (6) members. On appeal the Commission may affirm, modify or set aside the Anti-Discrimination Division's order or make such other appropriate order as shall effectuate the purposes of this Ordinance.

(e) In the event that the Anti-Discrimination Division shall have entered an order against the respondent from which no timely appeal is taken, and in those cases where such an order is entered by the Commission after appeal, the Commission shall, in cases of non-compliance therewith, certify the entire case to the Director of Law for prosecution. No prosecution shall be brought under this Ordinance except upon such certification or upon certification to the Director of Law pursuant to Section Five (c) hereof. After certification, the Director of Law shall prosecute the offender for violation of this Ordinance.

(f) All complaints, answers, investigations, conferences and hearings held under and pursuant to this Ordinance shall

be held confidential by the Commission, the Anti-Discrimination Division and their agents and employees. The Commission or the Anti-Discrimination Division at the request of the complainant, or the respondent, or on its own initiative, shall declare the hearing provided for under Section Five (c) this ordinance to be a closed hearing. If no request is received from either the complainant or the respondent by the Commission or the Anti-Discrimination Division requesting a closed hearing, the hearing provided for under Section Five (c) may be an open and public hearing. Provided, however, that the complaint and the transcript of any hearing held under Section Five (c) of this Ordinance are declared to be public records.

Section Six. Subject to the certification required by Section Five (e), any persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Hundred Dollars (\$100.00) for each offense.

Section Seven. Three or more convictions of any person for violation of Section Three of this Ordinance shall, if the Commission finds (after due notice and an opportunity to be heard) that the respondent is a continual offender, be deemed to constitute a public nuisance and a contumacious interference with the spirit and purpose of this Ordinance. In the event of such occurrence, the Commission shall be empowered to refer the matter to the Director of Law who shall thereupon apply for appropriate injunctive relief.

Section Eight. In computing time or periods of time, in this Ordinance, Sundays and legal holidays shall be excluded.

Section Nine. All notices required to be sent to the complainant, respondent or any persons by any provision of this Ordinance shall be sent by certified United States Mail with a return receipt requested.