

RECREATION, LIBRARIES AND AUTHORITIES COMMITTEE

09-021-0

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW CHAPTER 29D OF THE DULUTH CITY CODE, 1959, AS AMENDED, ESTABLISHING A DOMESTIC PARTNER REGISTRY.

BY COUNCILORS ANDERSON, CUNEO, GARDNER AND ECKENBERG:

The city of Duluth does ordain:

Section 1. That the Duluth City Code, 1959, as amended, is hereby amended by adding the following Chapter 29D to read as follows:

CHAPTER 29D.

HUMAN RIGHTS AND DOMESTIC PARTNERSHIPS.

Sec. 29D-1. Purpose.

The city of Duluth recognizes that a nationwide debate has advanced an expanded concept of familial relationships between two non-married, adult partners who are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities. This Chapter creates a process to provide persons the opportunity to declare themselves domestic partners thereby providing a government-based foundation to such committed relationships which positively contributes to the health, safety and welfare of the community as a whole.

Sec. 29D-2. Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

(a) Domestic partner. Any two adults who:

(1) Are not related by blood closer than permitted under marriage laws of the state;

(2) Are not married or related by marriage;

(3) Are competent to enter into a contract;

(4) Have no other domestic partner;

(5) Are jointly responsible to each other for the

necessities of life;

(6) Are as committed to one another as married persons are traditionally committed, except for the traditional marriage status and solemnities;

(b) Domestic partnership. The term "domestic partnership" shall include, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the city of Duluth, and regardless of whether partners in either circumstances have sought further registration with the city of Duluth:

(1) Any persons who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include same-sex unions, regardless of title, in which two same-sex individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities;

(2) Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

Sec. 29D-3. Registration of domestic partnerships.

(a) The city clerk shall accept an application to register as domestic partners from persons who state in such application that they meet the definition of domestic partners set out in Section 29D-2. Subsequent changes in address shall be reported to the city clerk within 30 days of such change;

(b) The city clerk shall charge an application fee for the registration of a domestic partnership and shall charge a reasonable fee per document for providing certified copies of registrations, amendments or notices of termination. Said fees shall be set in

accordance with Section 31-6(a) of this Code. There shall be no charge for filing amendments or notices of termination;

(c) The city clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of the application;

(d) This application and certificate may be used as evidence of the existence of a domestic partner relationship;

(e) The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination received by the city clerk. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain;

(f) The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

Sec. 29D-4. Amendments.

The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments which would replace one of the registered partners with another individual.

Sec. 29D-5. Termination of domestic partnership.

(a) Either person in a domestic partnership registered with the city of Duluth may initiate the termination of the domestic partnership, by written notification to the city clerk. The city clerk shall promptly notify the other partner at the address of record by certified mail;

(b) A domestic partnership registration terminates when the

earlier of the following occurs:

- (1) One of the partners dies; or
- (2) Forty-five days after one partner sends the other written notice that he or she has terminated the partnership by filing a notice of termination with the city clerk; or
- (3) Forty-five days after the city clerk notifies the non-filing partner of the filing of any notice of termination.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

CCREQ/ATTY JA/GBJ:cjk 4/14/2009

STATEMENT OF PURPOSE: The city of Duluth recognizes that a nationwide debate has advanced an expanded concept of familial relationships between two non-married, adult partners who are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities. This ordinance creates a process to provide persons the opportunity to declare themselves domestic partners thereby providing a government-based foundation to such committed relationships which positively contributes to the health, safety and welfare of the community as a whole.