ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF FORT MITCHELL, KENTUCKY, CREATING A NEW CHAPTER OF THE CITY OF FORT MITCHELL'S CODE OF ORDINANCES TO PROHIBIT CERTAIN DISCRIMINATORY PRACTICES WITHIN THE CITY

WHEREAS, the City Council of the City of Fort Mitchell desires to implement policies within the City to create an atmosphere of mutual understanding and respect between all of its residents; and

WHEREAS, state and federal law affords protections to various classifications of persons, but not all, and state law—KRS 344.300—allows local governments to extend protection to other classifications; and

WHEREAS, the City desires to implement a policy to promote fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status;

WHEREAS, the City desires to protect individuals from discrimination related to public accommodation, employment and housing; and

WHEREAS, enacting a fairness policy will enhance the City's ability to protect residents, to promote economic development, and to foster a welcoming atmosphere; and

WHEREAS, the City finds the implementation of fairness regulations will assist in augmenting the safety, comfort, health, welfare and enjoyment of all Fort Mitchell residents.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL, KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 – Human Rights Ordinance

That Chapter 42 Fort Mitchell Human Rights Commission is hereby established.

CHAPTER 42.100 – HUMAN RIGHTS COMMISSION

§ 42.110 MISSION.

The mission of the Fort Mitchell Human Rights Commission is to promote and protect basic human rights for all people in the community.

The Fort Mitchell Human Rights Commission shall:

1. Make an organized and concerted effort to foster mutual respect and understanding between people in the City of Fort Mitchell.

2. Initiate and encourage opportunities to work cooperatively with elected leaders, business and property owners, civic and community leaders, and citizens to develop awareness of the importance of welcoming diversity and fairness.

3. Provide a forum to communicate about diversity and fairness.

4. Receive, investigate and process complaints of discrimination as indicted herein related to public accommodations, employment and housing discrimination in the City of Fort Mitchell.

5. Meet, discuss efforts to promote anti-discrimination, and plan and implement public events, training, workshops, and community activities to fight discrimination; and, accept gifts or bequests, grants or other financial contributions to help finance its activities.

6. On behalf of the City, the Commission may enter into a cooperative working agreement with the Kentucky Commission on Human Rights.

§ 42.111 DEFINITIONS.

Unless the context requires otherwise, the following terms as used in this chapter shall have the following meanings.

"DISCRIMINATION." Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this chapter.

"DWELLING." Any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

"EMPLOYEE." Any individual employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of the employer.

"EMPLOYER" means a person engaged in an industry affecting commerce who has five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person, excluding the United States and the Commonwealth of Kentucky or one of its agencies or corporations or an Indian tribe.

"CITY ADMINISTRATOR." The City Administrator of the City of Fort Mitchell or his/her designee.

"FAMILIAL STATUS." One or more individuals who have not attained the age of eighteen (18) years and are being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of "FAMILIAL STATUS" shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

"FAMILY." Includes a single individual, spouse, and children, whether related by blood, legal guardianship, adoption or marriage.

"FINANCIAL INSTITUTION." A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

"GENDER IDENTITY." The gender-related identity appearance, or mannerisms or other gender-related characteristics of a person with or without regard to the person's designated sex at birth.

"HOUSING ACCOMMODATIONS." Includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or occupied as the home or residence of one (1) or more individuals.

"PERSON." One (1) or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

"PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT." Any place, building, facility, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; except that a private club is not a "PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT" if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests. **"PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT"** does not include a dwelling or rooming or boarding house containing no more than one (1) room for rent or hire and which is within a building occupied by the proprietor as his or her residence.

"REAL PROPERTY." Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

"REAL ESTATE BROKER" or "REAL ESTATE SALESPERSON." An individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who, with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or lease real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself or herself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

"REAL ESTATE OPERATOR." Any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the county or any of its agencies, who or that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

"SEXUAL ORIENTATION." An individual's actual or imputed heterosexuality, homosexuality or bisexuality.

§ 42.112 HUMAN RIGHTS COMMISSION

The Fort Mitchell Human Rights Commission ("Commission") shall consist of three members and one alternate.

The Mayor shall appoint members to the Commission subject to the approval of City Council.

The members shall be adults and reside in Fort Mitchell. No elected or appointed City official shall be a member of the Commission.

Of the first three members appointed, one shall be appointed for a one-year term; one for a two-year term, and one for a three-year term. The alternate shall be appointed for a three-year term. After the initial appointment, Commission members shall serve three-year terms.

The Commission shall elect a chairperson, vice chairperson, and a secretary/treasurer.

The Commission may establish rules and guidelines, including but not limited to required training for the review and hearing of complaints filed under this Ordinance, for how it conducts its business subject to the approval of Council.

The Commission, on behalf of the City, may accept grants and donations to be used to further its purpose.

§ 42.113 UNLAWFUL HOUSING PRACTICES.

It is hereby unlawful for any person to refuse to sell, lease, and/or transfer real property or attempt to evict or otherwise treat differently any person based upon race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.

§ 42.114 EXEMPTIONS FROM UNLAWFUL HOUSING PRACTICES

Nothing in § 42.100 et seq. shall apply:

(A) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or a member of his or her family resides in one of the housing accommodations:

(B) To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodation if he or she or a member of his or her family resides therein;

(C) To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, or supervised, or controlled by a religious corporation, association, society, to the extent that the religious corporation, association, or society limits, or gives preferences in, sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sub-lessees, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained;

(D) To the private sale by a private individual homeowner who disposes of his or her property without the aid of any real estate operator, broker, or salesperson, and without advertising or public display;

(E) To a real estate operator to require him or her to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

§ 42.115 UNLAWFUL FINANCIAL PRACTICES.

It is an unlawful practice for a financial institution, or an individual employed by or acting on behalf of a financial institution:

(**A**) To discriminate against a person because of the race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status of the

individual or the present or prospective owner, tenant, or occupant, of the real property or a member, stockholder, director, officer, employee, or representative of any of these, and the granting, withholding, extending, modifying or renewing the rates, terms conditions, privileges, or other provisions of financial assistance or in the extension of services in connection therewith.

(B) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicate directly or indirectly a limitation, specification, or discrimination as to race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status or an intent to make such a limitation, specification, or discrimination.

(C) To discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses where both spouses become or are prepared to become joint or several obligators in real estate transactions.

§ 42.116 BLOCK BUSTING.

It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he or she may benefit financially:

(A) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status of the owners or occupants in the block, neighborhood, or area in which the real property is located;

(B) To represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located;

(C) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.

§ 42.117 UNLAWFUL PRACTICE PUBLIC ACCOMMODATIONS.

(A) Except as otherwise provided herein, it is an unlawful practice for a person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement as defined herein, on the ground of race, color, religion, national origin, sex, age forty (40) and over, disability, sexual orientation or gender identity.

(B) It shall be an unlawful practice to deny any person, because of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a restaurant, hotel, motel, or any facility supported directly or indirectly by government funds.

(C) The provisions of this section shall not apply to:

1) Restrooms, shower rooms, bath houses and similar facilities which are in their nature distinctly private;

2) YMCA (by way of example), YWCA and similar type dormitory lodging facilities;

3) The exemptions contained in the definition of "PLACES OF PUBLIC ACCOMMODATIONS, RESORT OR AMUSEMENT," herein.

4) Hospitals, nursing homes, penal or similar facilities, with respect to any requirement that men and women not be in the same room.

§ 42.118 UNLAWFUL PRACTICE IN CONNECTION WITH EMPLOYMENT.

(A) It is prohibited, unlawful practice for an employer or employment agency:

1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status; or

2) To limit, segregate, or classify his or her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.

(B) It is an unlawful practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status, or to classify or refer for employment an individual on the basis of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status..

(C) It is an unlawful practice for a labor organization:

1) To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of race, color, religion, national origin,

sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.; or

2) To limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way or manner which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect one's status as an employee or as an applicant for employment because of such individual's race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.; or

3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(D) It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status, in admission to or employment in, any program established to provide such apprenticeship, training, or retraining.

(E) It is an unlawful practice for any employer, labor organization, or employment agency to print or publish or cause to be printed or published, any notice or classification or referral for employment by such a labor organization or classification or limitation, specification or discrimination based on race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status, except that such a notice or advertisement may indicate a preference, limitation, or specification, based on religion, national origin, age forty (40) and over, disability or sex when religion, national origin, age forty (40) and over, disability or sex is a bona fide occupational qualification for employment.

(F) Nothing herein shall be construed to prevent an employer from:

1) Enforcing a written employee dress policy; or

2) Designating appropriate restroom and shower facilities.

(G) Employment exceptions. Notwithstanding any other provisions of this chapter, it shall not be an unlawful practice for:

1) An employer to hire and employ, employees, or an employment agency to classify or refer for employment an individual, or for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his or her religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably

necessary to the normal operation of that particular business or enterprise;

2) A religious organization, corporation, association, or society to employ an individual on the basis of his or her religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity;

3) A school, college, university, or other educational institution to hire and employ individuals of a particular religion, if the school, college, university, or other educational institution is in whole or substantial part owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is determined by such organization to promote the religious principles for which it is established or maintained;

4) An employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed competency or ability test provided that the test, its administration or action based upon the test results is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status.

§ 42.119 GENERAL EXCEPTION.

The provisions of this chapter regarding sexual orientation or gender identity shall not apply to a religious institution, association, society or entity or to an organization operated for charitable or educational purposes, which is owned, operated or controlled by a religious institution, association, society or entity, except that when such an institution or organization receives a majority of its annual funding from any federal, state, local or other governmental body or agency, or any combination thereof, it shall not be entitled to this exemption.

§ 42.120 ENFORCEMENT PROCEDURE.

(A) City's relationship with the Kentucky Commissions on Human Rights. In order to effectuate and enforce the provisions of this chapter, the City may enter into a cooperative working agreement with the Kentucky Commission on Human Rights whereby all claims filed with the City Administrator alleging discrimination in employment, public accommodations, housing, financial and credit transactions based on race, color, national origin, religion, age (over forty (40)), familial status and disability, shall be referred to the Kentucky Commission on Human Rights for investigation and enforcement in accordance with the Kentucky Civil Rights Act, KRS

Chapter 344 et seq. The City shall reserve to itself the resolution of all claims of discrimination based on sexual orientation or gender identity.

(B) Filing and processing complaints.

1) Any person claiming to be aggrieved by a violation of this chapter may, within one hundred eighty (180) days of the alleged violation or one (1) year if the alleged violation pertains to housing, file a written complaint under oath with the City Administrator containing the following information:

   a) The name and address (if known) of the alleged violator, ("respondent") or facts sufficient to identify such person;

   b) An outline of the material facts upon which the complaint is based;

   c) The alleged violation;

   d) That any conduct of the complainant was for the purpose of obtaining housing, employment or public accommodation in question and not for the purpose of harassment or entrapment of the person against whom the complaint is made; and

   e) That a complaint concerning this same matter has not been filed with another agency or that any complaint concerning this matter filed with another agency has been dismissed by such agency without a final judgment on the merits;

2) Upon receipt of the complaint, the City Administrator shall first make the following determination, and take the following action:

   a) If the complaint alleges discrimination based on race, color, national origin, religion, sex, age [over forty (40)], familial status or disability, the complaint shall immediately be referred to the Kentucky Commission on Human Rights for further processing, investigation and/or administrative proceedings in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 et seq.; or

   b) If the complaint alleges discrimination based on sexual orientation or gender identity, a copy of the complaint shall be served on the respondent by certified mail. The respondent shall file a written response to the complaint within twenty (20) days from the receipt thereof.

(C) Investigation - findings and conciliation.

1) If, after investigation, the City Administrator or designee determines that the matters alleged in the complaint fall outside of the jurisdiction of the Ordinance or there is no probable cause to believe that a violation has occurred, the City Administrator or designee shall dismiss the complaint. Written notices of the dismissal shall be served

upon the complainant and respondent by U.S. mail postage prepaid. The notice shall state that the complainant or his or her designee may file a written request for reconsideration within ten (10) days of receipt the notice in accordance with the provisions set out in KRS 344.200.

2) If, after investigation, the City Administrator or designee determines that there is probable cause to support the allegations contained in the complaint, the City Administrator or designee shall endeavor to eliminate the alleged violation by a conciliation agreement, signed by all parties and the City Administrator or designee, wherein the alleged violation is eliminated and the complainant is made whole to the greatest extent practicable.

3) If a settlement is achieved, the City Administrator or designee shall furnish a copy of a signed conciliation agreement to the complainant and the respondent. The terms of the conciliation agreement may be made public, but no other information relating to any complaint, its investigation or its disposition may be disclosed without consent of the complainant and the person charged. A conciliation agreement need not contain a declaration or finding that a violation has in fact occurred and it may provide for dismissal of the complaint without prejudice. The City Council shall have discretion to approve, modify or reject the conciliation agreement.

4) If conciliation is not achieved either by agreement between the parties or approval by the City Council, the City Administrator or designee shall refer the matter to the Fort Mitchell Human Rights Commission who shall proceed with a hearing in accordance with the Kentucky Civil Rights Act and KRS Chapter 13B.

5) No private cause of action shall be created as a result of the City Administrator's or designee's decision.

6) The City Administrator or designee charged with reviewing and investigating complaints shall obtain training consistent with the requirements set by the Fort Mitchell Human Rights Commission as stated hererin. In investigating complaints, the City Administrator or designee shall act in good faith with due diligence.

(D) Hearing procedures, judicial review and appeals.

1) The Commission shall set a date, time and location for a hearing and notify the complainant and respondent in writing at least twenty (20) days in advance of that hearing date.

2) The Commission will conduct an administrative hearing and to regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing.

3) All pre-hearing proceedings, hearings, judicial review and appeals shall be conducted in accordance with all applicable provisions of the Kentucky Civil Rights Act, including KRS 344.240 and KRS Chapter 13B, the provisions of all of which are hereby adopted in full

and incorporated herein by reference.

4) If the Commission finds that a violation has occurred, it may recommend a penalty as provided for herein subject to the approval of Council.

5) The Commission shall submit the final adjudication and recommended order to the City Council for approval.

6) The Commission shall serve a copy of the order to the complainant and respondent. The respondent shall have thirty (30) days to pay any penalty issued in the order. If the respondent does not pay the penalty within the time given, then City Council may direct the City Attorney to place a lien against the respondent's property in the office of the County Clerk where said property is located.

7) An appeal from any final order may be made to the Kenton County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be tried de novo. A judgment of the district court may be appealed to the Kenton Circuit Court in accordance with the Kentucky Rules of Civil Procedure.

§ 42.121 PENALTIES

On a finding of a violation of this ordinance, the Commission may recommend a fine of $250 for each violation. The Commission may recommend to the City Council of the City of Fort Mitchell to seek injunctive relief against a violator to compel compliance with this ordinance.

§ 42.122 ENFORCEMENT PROCEDURE.

(A) Rights created under this chapter may be enforced by civil action in the state or local courts of general jurisdiction by aggrieved individuals by bringing an action within one hundred eighty (180) days after the alleged discriminatory practice has occurred.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and punitive damages, together with court costs and reasonable attorney's fees in the case of prevailing plaintiff.

§ 42.123 OBSTRUCTION AND RETALIATION.

It shall be an unlawful practice for a person, or for two (2) or more persons to:

(A) Retaliate or discriminate in any manner against a person because he or she has opposed a

practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

(B) Aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter;

(C) Obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder;

(D) Resist, prevent, impede, or interfere with the City, or any of its members or representatives, in the lawful performance of duty under this chapter; or

(E) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter and KRS 344.360, 344.367, 344.370, 344.380 or 344.680.

(F) To engage in frivolous conduct. Frivolous conduct shall mean to harass or maliciously injure another party, such as, but not limited to, filing a false or misleading complaint, claim or defense; or filing a complaint or asserting a defense that is not warranted under existing law and that cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

Section 2.0 – Provisions Severable

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3.0 – Conflicting Ordinances Repealed

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4.0 – Effective Date

The Ordinance shall be effective when read, passed and advertised according to law.

Section 5.0 – Publication

This Ordinance shall be published pursuant to K.R.S. 83A.060(9) and any applicable law.

CITY OF FORT MITCHELL, KENTUCKY

BY: _____
Jude S. Hehman, Mayor

ATTEST:

_____
Amy Guenther, City Clerk

Date of First Reading: 6/21/2021

Date of Second Reading and Enactment: 7/19/2021

Date Published: 7/29/2021