

## ORDINANCE 2016-06

AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA, ESTABLISHING DOMESTIC PARTNERSHIP RECOGNITION AND REGISTRATION.

THE CITY COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS:

**SECTION 1.** Chapter 39 of the Clearwater Code is hereby added which shall read as follows:

- **CHAPTER 39. - CIVIL RIGHTS AND DOMESTIC PARTNERSHIPS**

- **39.10. - Purpose.**

The City of Clearwater recognizes that nationwide debate has advanced an expanded concept of familial relationships beyond traditional marital and blood relationships. This expanded concept recognizes the relationship of two (2) non-married but committed adult partners.

Recognizing this the Clearwater City Council hereby adopts a process to provide persons to declare themselves as domestic partners, thus enabling employers to voluntarily provide equal treatment in employment benefits for such domestic partners and their dependents.

- **39.20. - Definitions.**

(a) Domestic partners are two (2) 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 with whom the household is shared, or with whom the adult person has another domestic partner;
5. Are jointly responsible to each other for the necessities of life;
6. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.

- **39.30 - Registration of domestic partners.**

- (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 39.20\(a\)](#). Subsequent changes in address shall be promptly reported to the city clerk.
- (b) The city clerk shall charge an application fee of twenty dollars (\$25.00) 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. 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 application.
- (d) This application and certificate may be used as evidence of the existence of a domestic partners 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.
- (g) For purposes of Chapter [39](#) upon production of valid, government-issued documentation and only to the extent of the rights and responsibilities established therein or elsewhere in the Clearwater Code of Ordinances, the terms "domestic partnership" and "registered domestic partnership" shall include, in addition to domestic partnerships registered with the City of Clearwater, and regardless of whether partners in either circumstance have sought further registration with the City of Clearwater:
  1. Any person who has a currently registered domestic partnership with a governmental body pursuant to state, local, or other law authorizing such registration. The term domestic partnership should be construed broadly to include same-sex civil unions or other such same-sex unions in which two (2) same-sex individuals are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities; and
  2. Marriages that would be legally recognized as a contract of lawful marriage in this state or any other state, or foreign jurisdiction.

- **39.40. - Amendments.**

The city clerk may accept amendments for filing from persons who have domestic partnership application on file except amendments which would change the identity of the partners.

- **39.50. - Termination of domestic partnership.**

- (a) Either person in a domestic partnership may initiate termination of the domestic partnership relationship, by written notification to the city clerk. The city clerk shall promptly notify the other domestic partner at the address of record by certified mail.
- (b) A domestic partnership terminates when the earlier of the following occurs:
  1. One of the partners dies; or
  2. Forty-five (45) days after one domestic partner sends the other a written notice of termination that he or she has terminated the domestic partnership by filing a notice of termination with the city clerk; or
  3. Forty-five (45) days after the city clerk notified the non-filing domestic partner of the filing of any notice of termination.
- (c) If any of the criteria under [section 39.20\(a\)](#) 4—6, ceases to exist the parties shall be ineligible for any benefits based upon the domestic partnership unless otherwise provided by law or the employer.
- (d) If the employee in the domestic partnership has died and if the employer has provided employee benefits, then the non-employee domestic partner shall be eligible for employee benefits for forty-five (45) days after the death of the employee domestic partner unless the employer has provided otherwise.

**SECTION 2.** This ordinance becomes effective from and after its passage and publication in summary form in the City's official newspaper.

CITY OF CLEARWATER, MINNESOTA

By:   
\_\_\_\_\_  
Mayor, Pete Edmonson

ATTEST:

By:   
\_\_\_\_\_  
City Administrator, Kevin Kress