

FILED
WASCO COUNTY

2007 JUL 17 P 3: 28

KAREN LEBRETON COATS
COUNTY CLERK

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6 IN THE COUNTY COURT OF THE STATE OF OREGON

7 IN AND FOR THE COUNTY OF WASCO

8
9 IN THE MATTER OF THE ADOPTION)
10 OF A NON-DISCRIMINATION) ORDINANCE
11 ORDINANCE.)

12 THE COUNTY COURT OF WASCO COUNTY, OREGON, ORDAINS
13 AS FOLLOWS:

14 SECTION 1. SHORT TITLE. This Ordinance shall be known and
15 may be cited as the Wasco County Non-Discrimination Ordinance.

16 SECTION 2. POLICY AND INTENT. It is the policy of Wasco County,
17 Oregon, to eliminate discrimination based on race, religion, color, sex, marital
18 status, national origin, age (if the individual is 18 or over), disability, sexual
19 orientation and gender identity. Such discrimination threatens not only the
20 rights and privileges of Wasco County citizens, but also the institutions and
21 foundation of our community.

22
23 Furthermore, the County Court finds that state law does not clearly
24 prohibit discrimination based on sexual orientation and gender identity. It is
25 the intent of the County Court, in the exercise of its powers for the protection
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1 - ORDINANCE

2007-0259(6)

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of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the County and that discriminatory barriers to equal participation in employment, housing, and public accommodation be removed.

SECTION 3. DEFINITIONS. For purposes of this Section, the following words shall have the following meanings:

- a. "EMPLOYER" means any person, who directly or through an agent, engages or uses the personal service of one or more employees within Wasco County, reserving the right to control the means by which such service is or will be performed.
- b. "GENDER IDENTITY" means a person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth.
- c. "SEXUAL ORIENTATION" means actual or perceived heterosexuality, homosexuality, or bisexuality.

Any terms used in this Section but not defined are to be defined as in ORS Chapter 659A.

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SECTION 4. DISCRIMINATION IN EMPLOYMENT PROHIBITED.

a. It shall be unlawful to discriminate in employment on the basis of an individual's race, religion, color, sex, national origin, marital status, age (if the individual is 18 years or older), or mental or physical disability by committing any of the acts made unlawful under the provisions of ORS 659A.030 and ORS 659A.112.

b. In addition, it shall be unlawful to discriminate in employment on the basis of an individual's sexual orientation or gender identity by committing against any such individual any of the acts already made unlawful under ORS 659A.030 when committed against the categories of persons listed therein.

SECTION 5. DISCRIMINATION IN SELLING, RENTING, OR LEASING REAL PROPERTY PROHIBITED. It shall be an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, national origin, marital status, age, familial status, domestic partnership, mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.145 or ORS 659A.421.

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1 SECTION 6. DISCRIMINATION IN PLACES OF PUBLIC

2 ACCOMMODATION PROHIBITED. It shall be an unlawful public
3 accommodation practice for a person to discriminate on the basis of an
4 individual's race, religion, color, sex, national origin, marital status, age,
5 familial status, domestic partnership, mental or physical disability, sexual
6 orientation or gender identity by committing against any such individual any
7 of the acts made unlawful under ORS 659A.142 or ORS 659A.400 to
8 ORS 659A.409.
9

10 SECTION 7. EXCEPTIONS.

- 11 a. The prohibitions in this Ordinance do not apply to an
12 organization whose primary purpose and function is religious.
13 b. The housing prohibitions in this Ordinance do not apply to
14 renting space in a single housing unit or to renting of space in a
15 building which is owner-occupied and which has fewer than
16 four (4) units.
17 c. Nothing herein shall be construed to prevent an employer from
18 enforcing an otherwise valid dress code.
19

20 SECTION 8. ENFORCEMENT. Any person claiming to be aggrieved
21 by an unlawful discriminatory act under the provisions of the Non-
22 Discrimination Ordinance may file a complaint with the Commissioner of the
23 Bureau of Labor and Industries under procedures established in
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ORS 659A.820. The Commission shall have the same power to enforce the provisions of this equal rights Ordinance as the Commissioner has to enforce alleged violations within the Commissioner's statutory authority.

Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of the Non-Discrimination Ordinance shall have a cause of action in any Court of competent jurisdiction. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659A.870 through ORS 659A.880. The Court may grant such relief as is provided in ORS 659A.885.

SECTION 9. SEVERABILITY CLAUSE.

If any portion of this Ordinance is held invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the specific portion held invalid by the decision. It is the intent of Wasco County that the remaining portions of this Ordinance continue in full force and effect.

- a. In the event the State of Oregon adopts a law prohibiting discrimination as set forth herein, this Ordinance shall be null and void upon the date that the State Law goes into effect.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect 90 days after its adoption.

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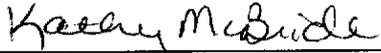
Regularly passed and adopted by the County Court of the County of
Wasco, State of Oregon, this 11th day of July, 2007.

WASCO COUNTY COURT

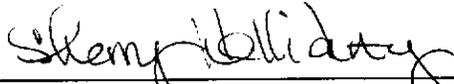


Dan Ericksen, County Judge

ATTEST:



Kathy McBride
Administrative Assistant



Sherry Holliday, County Commissioner

APPROVED AS TO FORM:



Bill Lennox, County Commissioner



Eric J. Nisley
District Attorney

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