
ARTICLE 169
Human Relations Commission

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169.01 SHORT TITLE

This Ordinance shall be known, and may be cited as, the "Franklin Human Relations Code", and is sometimes hereinafter referred to as "the Code" or "this Code". (Ord. 3 of 1979, Sect. 2, Passed 3-19-79)

169.02 FINDINGS AND DECLARATIONS OF POLICY

a.) The practice or policy of discrimination against individuals or groups by reason of their race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of blindness of the user, age, sex, or national origin, is a matter of concern of the City of Franklin. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the City of Franklin, and undermines the foundations of free democratic society. The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives segments of the population of the City of Franklin of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, resulting in juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the City of Franklin and its inhabitants.

b.) It is hereby declared to be the public policy of the City of Franklin to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of blindness of the user, age, sex, or national origin, and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals to secure commercial housing regardless of race, color, religious creed, ancestry, sex, handicap or disability, use of guide dogs because of blindness of the user, or national origin.

c.) This Code shall be deemed an exercise of the police power of the City of Franklin for the protection of the public welfare, prosperity, health and peace of the people of the City of Franklin. (Ord. 3 of 1979, Sect. 3, Passed 3-19-79)

169.03 RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT, HOUSING AND PLACES OF PUBLIC ACCOMMODATION

a.) The opportunity for an individual to obtain employment for which he is qualified, and to obtain all of the accommodations, advantages, facilities and privileges of any place of public accommodation and of commercial housing without discrimination because of race, color, religious creed, ancestry, handicap or disability, age, sex or national origin are hereby recognized as and declared to be civil rights which shall be enforceable as set forth in this Code.

b.) The opportunity for an individual to obtain all of the accommodations, advantages, facilities and privileges of commercial housing without discrimination due to the sex of an individual or to the use of a guide dog because of blindness of the user is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this Code.

(Ord. 3 of 1979, Sect. 3, Passed 3-19-79)

169.04 DEFINITIONS

As used in this Code, unless a different meaning clearly appears from the context:

- a.) The term "person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution and the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof.
- b.) The term "employer" includes the Commonwealth or any political subdivision or board, department, commission or school district thereof and any person employing four or more persons within the City of Franklin, but, except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term "employer" with respect to discriminatory practices based on race, color, age, national origin or non-job related handicap or disability, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons within the City of Franklin.
- c.) The term "employee" does not include (1) any individual employed in agriculture or in the domestic service of any person; (2) any individual who, as a part of his employment, resides in the personal residence of the employer; or (3) any individual employed by said individual's parents, spouse or child.
- d.) The term "labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

- e.) The term "employment agency" includes any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.
- f.) The term "commission" means the Franklin Human Relations Commission created by this Code.
- g.) The term "discriminate" includes segregate.
- h.) The term "age" includes any person between the ages of forty and sixty-two, inclusive.
- i.) The term "housing accommodations" includes (1) any building or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families, whether or not living independently of each other; and (2) any vacant land for sale or lease for commercial housing.
- j.) The term "commercial housing" means housing accommodations held or offered for sale or rent (1) by real estate broker, salesman or agent, or by any other person pursuant to authorization of the owner; (2) by the owner himself; or (3) by legal representatives, but shall not include any personal residence offered for rent by the owner or lessee thereof, or by his broker, salesman, agent or employee.
- k.) The term "personal residence" means a building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or two families living independently of each other and used by the owner or lessee thereof as a bona fide residence for himself and any members of his family forming his household.
- l.) The term "place of public accommodation, resort or amusement" means any place which is open to, accepts or solicits patronage of the general public, including but not limited to, inns, taverns, roadhouses, hotels, motels, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking health, recreation or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectioneries, soda fountains and all stores where ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions under the supervision of the Commonwealth of Pennsylvania, nonsectarian cemeteries, garages and all public conveyances operated on land or water and in the

air, as well as stations, terminals and airports thereof, but shall not include any accommodations which are in their nature distinctly private.

- m.) The term "political subdivision" means any county, city, borough, incorporated town or township of the Commonwealth of Pennsylvania.
- n.) The term "legislative body" means the body or board authorized by law to enact ordinances or adopt resolutions for the political subdivision, and in the case of the City of Franklin, Pennsylvania, means the Council of the City of Franklin.
- o.) The term "non-job related handicap or disability" means any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

(Ord. 3 of 1979, Sect. 5, Passed 3-19-79)

169.05 UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or, in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States of America or the Commonwealth of Pennsylvania:

- a.) For any employer, because of race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. The provisions of this paragraph shall not apply to:
 - 1.) Termination of employment because of the terms or conditions of any bona fide retirement or pension plan;
 - 2.) Operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement;
 - 3.) Operation of the terms or conditions of any bona fide group or employee insurance plan.
- b.) For any employer, employment agency or labor organization, prior to the employment or admission to membership, to:
 - 1.) Elicit any information or make or keep a record of, or use any form of application or application blank containing questions or entries concerning the

race, color, religious creed, ancestry, sex, national origin or past handicap or disability of any applicant for employment or membership. An employer may inquire as to the existence and nature of a present handicap or disability. To determine whether such handicap or disability substantially interferes with the ability to perform the essential function of the employment which is applied for, is being engaged in, or has been engaged in, the employer must inquire beyond the mere existence of a handicap or disability.

- 2.) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religious creed, ancestry, age, sex, national origin, or non-job related handicap or disability.
- 3.) Deny or limit, through a quota system, employment or membership because of race, color, religious creed, ancestry, age, sex, national origin, non-job related handicap or disability, or place of birth.
- 4.) Substantially confine and limit recruitment or hiring of individuals, with intent to circumvent the spirit or purpose of this Code, to any employment agency, employment service, labor organization, training school or training center or any other employment-referring source which services individuals who are predominately of the same race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability.
- 5.) Deny employment because of a prior handicap or disability.

Nothing in this clause b.) of this Section shall bar any institution or organization for handicapped or disabled persons from limiting or giving preference in employment or membership to handicapped or disabled persons.

- c.) For any labor organization, because of race, color, religious creed, ancestry, age, sex or national origin of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly, related to employment.
- d.) For any employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this Code, or because such individual has made a charge, and testified or assisted, in any manner, in the investigation, proceeding or hearing under this Code.
- e.) For any person, whether or not an employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any act declared by this Section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this Code or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this

Section to be an unlawful discriminatory practice.

- f.) For any employment agency to fail or refuse to classify property, refer for employment, or otherwise to discriminate against any individual because of his race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability.
- g.) For any person to:
 - 1.) Refuse to sell, lease, finance or otherwise to deny or withhold commercial housing from any person because of his race, color, religious creed, ancestry, sex, national origin or handicap or disability of any prospective owner, occupant or user of such commercial housing, or to refuse to lease commercial housing to any person due to use of a guide dog because of the blindness of the user.
 - 2.) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing, or otherwise withhold financing of commercial housing, from any person because of his race, color, religious creed, ancestry, sex, national origin, or handicap or disability of any present or prospective owner, occupant, or user of such commercial housing.
 - 3.) Discriminate against any person in the terms or conditions of selling or leasing any commercial housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any commercial housing because of his race, color, religious creed, ancestry, sex, national origin or handicap or disability of any present or prospective owner, occupant or user of such commercial housing or discriminate against any person in the terms of leasing any commercial housing or in furnishing facilities, services or privileges in connection with the occupancy or use of any commercial housing due to use of a guide dog because of the blindness of the user.
 - 4.) Discriminate against any person in the terms or conditions of loans of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing because of the race, color, religious creed, ancestry, sex, national origin or handicap or disability of any present or prospective owner, occupant or user of such commercial housing.
 - 5.) Print, publish or circulate any statement or advertisement relating to the sale, lease or acquisition of any commercial housing or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing which indicates any preference, limitation, specification, or discrimination based upon race, color, religious creed, ancestry, sex, national origin or handicap or disability, or to print, publish or circulate any statement or advertisement relating to the lease of any commercial dwelling which indicates any preference, limitation,

specification or discrimination based upon the use of a guide dog because of the blindness of the user.

- 6.) Make an inquiry, elicit any information, make or keep any records or use any form of application containing questions or entries concerning race, color, religious creed, ancestry, sex, national origin or handicap or disability in connection with the sale or lease of any commercial housing or loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing, or to make any inquiry, elicit any information, make or keep any records or use any form of application containing questions or entries concerning the use of a guide dog because of the blindness of the user, in connection with the lease of any commercial building.
- h.) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement to:
- 1.) Refuse, withhold from, or deny to any person because of his race, color, religious creed, ancestry, national origin or handicap or disability, or to any person due to use of a guide dog because of the blindness of the user, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, resort or amusement.
 - 2.) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges of any such place shall be refused, withheld from, or denied to any person on account of race, color, religious creed, ancestry, national origin or handicap or disability, or to any person due to the use of a guide dog because of the blindness of the user, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, religious creed, ancestry, national origin or disability, or to any person due to the use of a guide dog because of the blindness of the user, is unwelcome, objectionable or not acceptable, desired or solicited.

Nothing in this clause g.) of this Section shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or aims, purposes of fraternal principles for which it is established

or maintained; nor shall it apply to the rental of rooms or apartments in a landlord-occupied rooming house with a common entrance. This Section of the Code shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.

(Ord. 3 of 1979, Sect. 6, Passed 3-19-79)

169.06 RELIGIOUS OBSERVANCE: PUBLIC EMPLOYEES

a.) It shall be unlawful discriminatory practice for any officer, agency or department of the City of Franklin to prohibit, prevent or disqualify any person from, or otherwise to discriminate against any person in, obtaining or holding employment by the City of Franklin because his observance of any particular day or days or any portion thereof as Sabbath or other holy day in accordance with the requirements of his religion.

b.) Except as may be required in an emergency or where his personal presence is indispensable to the orderly transaction of public business, no person employed by the City of Franklin shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home, provided, however, that any such absence from work shall, wherever practicable, in the judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick time, provided further, however, that any such absence not so made up or charged may be treated by the employer of such person as leave taken without pay.

c.) This section shall not be construed to apply to any position dealing with the public health or safety where the person holding such position must be available for duty whenever needed, or to any position or class of positions the nature and quality of the duties of which are such that the personal presence of the holder of such position thereof for the normal performance of such duties with respect to any applicant thereof or holder thereof who, as a requirement of his religion, observes such day or days or portion thereof as his Sabbath or other holy day.

(Ord. 3 of 1979, Sect. 7, Passed 3-19-79)

169.07 FRANKLIN HUMAN RELATIONS COMMISSION

a.) There shall be, and there is hereby, established a commission for the administration of this Code, which shall be known as the "Franklin Human Relations Commission" and which is hereinafter referred to as the "Commission".

b.) The Commission shall consist of five (5) members who shall be appointed by the Mayor, subject to Council's advice and approval, as provided in clause c.) of this Section. The Mayor, subject to Council's advice and approval, shall appoint or re-appoint a commission member within ninety (90) days of the occurrence of a vacancy or the expiration of a term of a member. (Ord. 1 of 1986, Sect. 1, Passed 4-21-86)

c.) The Mayor shall appoint, subject to Council's advice and approval, the members of the Commission from a broadly representative cross-section of the racial, ethnic, and economic groups of the City of Franklin; members shall be residents of the City of Franklin and may be re-appointed as members of the Commission. No member of the Commission shall hold office in any political party. Members of the Commission shall serve without compensation but may be paid expenses incurred in the performance of their duties, but only to the extent that funds for such purpose are budgeted or appropriated by Council. Persons appointed and qualified as members of the Commission shall hold office for a term of three (3) years or until a successor shall have been duly appointed and qualified; provided, however, that in making the first appointments to the Commission, one (1) member shall be appointed for a term of one (1) year, two (3) members shall be appointed for terms of two (2) years, and two (2) members shall be appointed for terms of three (3) years. (Ord. 1 of 1986, Sect. 2, Passed 4-21-86)

d.) The Mayor, subject to Council's advice and approval, may, at any time, remove a member or members from the Commission.

e.) Vacancies occurring in an office of a member of the Commission by expiration of term, death, resignation, removal, or for any other reason, shall be filled in the manner aforesaid for the balance of said term.

f.) The Commission shall elect one of its members as a chairman and may elect such other officers as it deems necessary. The chairman may, with the approval of the Commission, appoint such committees as he may deem necessary to carry out the powers and duties of the Commission, and the Commission may authorize such committees to take any action for the Commission which the Commission could undertake.

g.) The Commission may adopt such rules and regulations for its own organization, operations and procedures as it shall deem necessary to administer, implement and enforce this Code. (Ord. 3 of 1979, Sect. 8, Passed 3-19-79)

h.) Three (3) members of the Commission shall constitute a quorum for transacting business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission, except that approval of a majority of the members of the Commission shall be required before any public hearing may be held. (Ord. 3 of 1979, Sect. 8, Passed 3-19-79; Ord. 1 of 1986, Sect. 3, Passed 4-21-86)

169.08 POWERS AND DUTIES OF THE COMMISSION

The Commission shall have the following powers and duties:

- a.) To appoint such employees and staff as it may deem necessary to fulfill its purpose, including the power to appoint an investigator or staff member to act jointly for it and one or more other local commissions, but only to the extent that funds are budgeted or appropriated by Council for such purposes.
- b.) To adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this Code.

- c.) To formulate policies to effectuate the purposes of this Code and to make recommendations to agencies and officers of the City of Franklin, or any board, department or commission thereof to effectuate such policies.
- d.) To initiate, receive, investigate and pass upon written complaints charging unlawful discriminatory practices. (Ord. 5 of 1981, Sect. 1, Passed 4-6-81)
- e.) To investigate where no complaint has been filed with the consent of at least three (3) members of the Commission any problem of racial discrimination with the intent of avoiding or preventing the development of racial tension. (Ord. 2 of 1986, Sect. 1, Passed 5-19-86)
- f.) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation where a complaint has been properly filed before the Commission. Subpoenas may be issued by any three (3) Commissioners. In case of contumacy or refusal to obey a subpoena issued to any person, the Commission may apply to the Court of Common Pleas of Venango County, Pennsylvania, or any Court of Common Pleas within the jurisdiction of which the said person charged with contumacy or refusal to obey is found, resides or transacts business, for an Order requiring such person to appear before the Commission, there to produce documentary evidence, if so ordered, or there to give evidence touching the matter in question, and any failure to obey such Order of the Court may be punished by said Court as a contempt thereof.

No person shall be excused from attending and testifying, or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, except such persons so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to the natural persons so compelled to testify.

- g.) Study and investigate by means of public hearings or otherwise the problems of discrimination based on race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of blindness of the user, age, sex or national origin in the City of Franklin.
- h.) Foster, through community effort or otherwise, good will among the groups and elements of the population of the City of Franklin.

- i.) Conduct such studies and investigations, through public hearings or otherwise, as will aid in effectuating the purposes of this Code.
- j.) Institute and conduct educational and other programs designed to promote the equal rights and opportunities of all persons, regardless of their race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of the blindness of the user, age, sex or national origin.
- k.) In order to effectuate the purposes of this Code, cooperate with interested citizens, private agencies and/or Federal, State and local governments and agencies thereof.
- l.) Cooperate with all other departments, boards, commissions and agencies of the government of the City of Franklin in order to effectuate the purposes of this Code, and such other departments, boards, commissions and agencies shall cooperate fully with the Commission in the performance of its duties.
- m.) Submit, at least annually, a written report of its activities and recommendations to City Council.
- n.) Recommend to City Council legislation to promote and insure equal rights and opportunities for all persons regardless of their race, color, religious creed, ancestry, handicap or disability, use of guide dog because of blindness of the user, age, sex or national origin.
- o.) Establish within the City of Franklin a program for the collection and dissemination of information to effectuate the purposes of this Code and to foster communications, good will and understanding among the groups and elements of the population of the City of Franklin. (Ord. 3 of 1979, Sect. 9, Passed 3-19-79)

169.09 PROCEDURE

- a.) Any individual claiming to be aggrieved by an alleged unlawful discriminatory practice may make, sign and file with the Commission a verified complaint, in writing, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful discriminatory practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission. The Commission, upon its own initiative, may, in like manner, make, sign and file such complaint.
- b.) After the filing of any written complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation in connection therewith. (Ord. 5 of 1981, Sect. 2, Passed 4-6-81)
- c.) If it shall be determined after such investigation that no probable cause exists for crediting the allegations of the complaint, the Commission shall within ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination, and the said complainant or his attorney may within ten (10) days after such service file with the Commission a written request for review and the Commission shall provide the

complainant or his attorney an opportunity to appear before the Commission. After such review, the Commission may reverse its decision, or, if the Commission determines that there is no probable cause for crediting the allegations of the complaint, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.

d.) If the Commission determines after investigation that probable cause exists for crediting the allegations of the complaint, it may attempt to eliminate the unlawful discriminatory practice by means of private conferences or meetings with all parties. The Commission shall not make public any matters relating to efforts to so adjust the complaint.

e.) In any case, the failure to eliminate the unlawful discriminatory practice charged in the complaint by means of informal proceedings, or in advance thereof, if in the judgment of the Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful discriminatory practice has been committed or, without holding such hearing, certify the case to the City Solicitor for prosecution in accordance with Section Thirteen of this Code.

f.) Where public hearing is so ordered, the Commission shall serve upon the person charged with having engaged in or engaging in an unlawful discriminatory practice, hereinafter referred to as the respondent, a copy of the complaint and any amended complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the service of the complaint upon the respondent. The respondent may file a written, verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The complainant may likewise appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The Commission or the complainant shall have the power reasonably and fairly to amend any complaint, and respondent shall have like power to amend his answer. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and transcribed.

g.) If, upon all of the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact and conclusions in writing and dismiss the complaint. If upon all of the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful discriminatory practice, it shall state its findings of fact and conclusions in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Code. Such order may require the respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not being limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, or selling or leasing specified commercial housing upon such equal terms and conditions and with such equal facilities, services or privileges or lending money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing, upon such equal terms or conditions to any person discriminated against or all persons as, in the judgment of the Commission, will effectuate the purposes of this Code, and including a requirement for report of

the manner of compliance. When the respondent is a licensee of the Commonwealth of Pennsylvania, the Commission shall inform the appropriate State licensing authority of the order with the request that the licensing authority take such action as it deems appropriate against such licensee.

h.) The Commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Three (3) or more members of the Commission shall constitute the Commission for any hearing required to be held by the Commission under this Code. (Ord. 2 of 1986, Sect. 2, Passed 5-19-86)

i.) Any complaint filed pursuant to this Code must be so filed within ninety (90) days after the alleged act of discrimination. Any complaint may be withdrawn at any time by the party filing the complaint. (Ord. 3 of 1979, Sect. 10, Passed 3-9-79)

169.10 INJUNCTIONS IN CERTAIN HOUSING COMPLAINTS

When it appears that a housing unit or units involved in a complaint may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission shows probable cause for the complaint, the Court of Common Pleas of Venango County, upon application of the Commission, may issue an injunction restraining the sale, rental or other disposition of the unit or units, except in compliance with the Order of Court. In every such case, the Court shall grant or deny the injunction within thirty (30) days of the filing of the suit. The Court may attach to any such injunction granted such other conditions as it deems proper. Such injunction, if issued, shall be of no more than thirty (30) days duration. If an extension of time is required by the Commission, the extension may be granted at the discretion of the Court, but a reasonable bond shall be required by the Court before granting such extension. (Ord. 3 of 1979, Sect. 11, Passed 3-19-79)

169.11 ENFORCEMENT AND JUDICIAL REVIEW

a.) The complainant or the Commission may secure enforcement of an order of the Commission or other appropriate relief by the Court of Common Pleas of Venango County, Pennsylvania. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in such court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order and decree enforcing, modifying and enforcing if so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. An appeal may be taken as in other civil actions.

b.) Any failure to obey an Order of the Court may be punished by said Court as a contempt thereof.

c.) The Commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purpose of enforcement or judicial review of the order. The case shall be heard without requirement of printing.

d.) In addition to the remedies provided in this Section relating to enforcement of Commission orders, the Commission may certify any case to the City Solicitor with a recommendation that action be instituted under and pursuant to provisions of Section 169.99 of this Code. (Ord. 3 of 1979, Sect. 12, Passed 3-19-79)

169.12 SCOPE

a.) The provisions of this Code apply to unlawful discriminatory practices which occur within the municipal limits of the City of Franklin.

b.) Nothing contained in this Code shall be deemed to modify, repeal, supercede or in any manner affect, any of the provisions of any existing or hereafter adopted municipal ordinance, municipal charter or of any law of the Commonwealth of Pennsylvania or the United States of America relating to discrimination because of race, color, religious creed, ancestry, age, sex, national origin or handicap or disability, and invoking of the procedures set forth in this Code shall in no way limit or modify any individual's rights pursuant to such ordinances, charters or laws; provided that if a complainant initiates any action or proceeding based on the same grievance pursuant to the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended (43 P.S. § 951 et seq.), he may not subsequently resort to the procedure herein.

c.) The Commission may, in its discretion, dismiss or suspend its action on, or consideration of, any complaint based upon the same grievance forming the basis for any action or proceeding instituted by a complainant, subsequent to invoking of the procedures set forth in this Code, under any law of the Commonwealth of Pennsylvania or the United States of America or contained in any complaint filed by the complainant with the governments of the Commonwealth of Pennsylvania and/or the United States of America, or any agencies or subdivisions thereof.

d.) The procedures and remedies provided for in this Code shall be the exclusive procedures and remedies for any and all violations of any provision or provisions of this Code. (Ord. 3 of 1979, Sect. 14, Passed 3-19-79)

169.13 SEVERABILITY

The provisions of this Code are severable and, if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Code or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Code would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and, if the person or circumstance to which the Code or any part thereof is applicable had been specifically exempted therefrom. (Ord. 3 of 1979, Sect. 15, Passed 3-19-79)

169.99 PENALTIES

In addition to the entry of an order pursuant to the provisions of Section 169.09 of this Code, any person who willfully violates any provision of this Code relating to unlawful discriminatory practices, or any rule or regulation duly adopted by the Commission relating thereof, or who shall fail to comply with any order of the Commission, shall, upon conviction thereof, before any District

Justice having jurisdiction of such offense, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars, or to undergo imprisonment not exceeding ninety (90) days, or both, in the discretion of the District Justice, but the pursuit of any procedure for the appeal or review of an order shall not be deemed to be such willful conduct. No proceeding under and pursuant to this Section of this Code may be instituted by any person other than the City Solicitor. (Ord. 3 of 1979, Sect. 13, Passed 3-19-79)