

ORDINANCE NO. 2052

AN ORDINANCE CREATING A DOMESTIC PARTNERSHIP REGISTRY

FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has determined that it is in the best interests of the City to be responsive to the changing needs of society and to treat all persons fairly and equitably; and

WHEREAS, the City Council further recognizes that family configurations exist in many different forms, including unmarried individuals who consider each other as partners in and for life; and

WHEREAS, the City acknowledges that when any unrelated adults can choose freely to be recognized as domestic partners and to make their relationship status a matter of public record, a vital public service will have been rendered; and

WHEREAS, the City wishes to provide a means by which persons, who meet the domestic partnership criteria outlined herein, may register that partnership with the City and receive a certificate therefrom evidencing their relationship status.

NOW THEREFORE, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that:

Section 1. Purpose

There is created a Domestic Partnership Registry for the City of Eureka Springs.

Section 2. Limited Effect

a. Nothing in this Chapter shall be interpreted to alter, affect or contravene local, county, state or federal law.

b. Nothing in this Chapter shall be construed as recognizing or treating a Registered Domestic Partnership as a marriage.

c. Nothing in this Chapter conveys to Registered Domestic Partners any new or different right, benefit, obligation or entitlement, individually or jointly.

Section 3. Definitions

a. Domestic Partnership Registry: A public record maintained by the City of Eureka Springs of those persons who meet the domestic partnership criteria set forth in this Chapter and who have registered a Declaration of Domestic Partnership with the City Clerk.

b. Declaration of Domestic Partnership: A form as prescribed by the City Council in which both parties shall affirm that (1) they are in a committed relationship of mutual support and caring which is intended to be of indefinite duration; (2) each party is at least eighteen (18) years of age; (3) each is the other's sole domestic partner and that neither party is married, a party to a civil union nor a domestic partner of anyone other than the co-applicant; and (4) each considers himself or herself to a member of the immediate family of the co-applicant.

c. Certificate of Domestic Partnership: A commemorative document as prescribed by the City that bears the signatures of the domestic partners and the signature of the Mayor, City Clerk or his or her authorized representative.

Section 4. Registration Requirements for a Declaration of Domestic Partnership

- a. It shall state the names of both parties.
- b. It shall be signed in person by both parties to the Declaration.
- c. The Mayor, City Clerk or his or her authorized representative shall verify the age of both parties and may treat birth certificates as prima facie proof of age.

Section 5. Termination of Domestic Partnership

a. A Domestic Partnership created pursuant to this Chapter shall terminate upon the first to occur of:

1. The death of one of the domestic partners; or
2. The marriage of one of the domestic partners; or
3. The execution of a Certificate of Termination by one of the

domestic partners.

b. A Certificate of Termination shall be in such form as may be prescribed by the City Council but shall contain:

1. The name of each domestic partner;
2. A statement that one or more of the criteria used to grant the

domestic partnership is no longer valid; and

3. The signatures of both domestic partners, or in lieu thereof, a statement by the petitioning partner that a copy of the Termination Certificate has been sent to the other domestic partner's last known address.

c. A Certificate of Termination may be filed with the City Clerk by mail or in person.

Section 6. Administration

a. The City Clerk shall maintain a list of persons to whom a Certificate of Domestic Partnership shall have been granted, said list to be known as the Domestic Partnership Registry.

b. The fee to be paid to the City of Eureka Springs for registration of a Declaration of Domestic Partnership and issuance of a Certificate of Domestic Partnership shall be Thirty-five (\$35.00) Dollars.

c. The fee to be paid to the City of Eureka Springs for registration of a Termination of Domestic Partnership shall be Twenty (\$20.00) Dollars.

Section 7. Severability

All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provision contained in this Ordinance shall for any reason be held by a Court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED, this 14th day of MAY, 2007

APPROVED:

Dani D. Wilson, Mayor

ATTEST:

Mary Jean Sell, City Clerk