

**BOROUGH OF COLLINGDALE
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF COLLINGDALE, DELAWARE COUNTY, PENNSYLVANIA, ESTABLISHING CHAPTER 145 OF THE BOROUGH CODE, ENTITLED ‘HUMAN RELATIONS AND NON-DISCRIMINATION,’ TO PROHIBIT DISCRIMINATION IN HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATIONS, EDUCATION, AND HEALTHCARE; TO PROVIDE DEFINITIONS AND PROTECTED CLASSES; TO ESTABLISH A HUMAN RELATIONS COMMISSION; AND TO PROMOTE EQUAL OPPORTUNITY FOR ALL PERSONS WITHIN THE BOROUGH.

WHEREAS, the history of the United States is one of deep contradiction and greater possibility, marked by both exclusion and resilience—from Indigenous stewardship to the journeys of immigrants, to those historically denied the full rights of citizenship, who built lives and communities in the face of legalized discrimination and generational hardship; and

WHEREAS, the Constitution of the Commonwealth of Pennsylvania, in Article I, Section 1, proclaims that all individuals are “born equally free and independent,” endowed with “certain inherent and inalienable rights,” including the right to “enjoy and defend life and liberty, [to] acquire, possess and protect property and reputation, and [to] pursue their own happiness”; and

WHEREAS, the Pennsylvania Human Relations Act of 1955 affirms that discrimination in employment, housing, and public accommodations on the basis of race, religion, ancestry, national origin, sex, disability, and other protected traits is illegal, unjust, and a matter of statewide concern; and

WHEREAS, that same Act provides municipalities the authority to adopt ordinances to prohibit and remedy discrimination beyond the protections afforded at the state and federal levels; and

WHEREAS, Collingdale Borough—once marked by practices of exclusion and silence—now seeks to publicly and permanently affirm its commitment to equity, inclusion, and civil rights, recognizing that systemic inequities persist and must be addressed through local law and governance; and

WHEREAS, the Borough is home to an increasingly diverse population, including Black and Brown residents, immigrants, LGBTQ+ individuals, persons with disabilities, people living with HIV/AIDS, working-class families, and others whose dignity and humanity must be protected from discrimination in all its forms; and

WHEREAS, in this time of both national uncertainty and local transformation, the Borough Council recognizes the necessity and moral clarity of codifying its anti-discrimination commitments through legislation that is responsive, enforceable, and aspirational; and

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Collingdale, Delaware County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, that Chapter 145 of the Code of the Borough of Collingdale is hereby established, to read as follows:

ARTICLE I: PURPOSE AND AUTHORITY

Section 101. Purpose

A. The Borough of Collingdale hereby declares its intent to promote the full dignity, safety, and civic participation of all persons within the Borough. It is the policy of the Borough to ensure equal opportunity for all persons with regard to employment, housing, education, healthcare, and access to public accommodations, regardless of actual or perceived membership in any class protected under Article II, Section 38 of this Ordinance. This Ordinance also recognizes that discrimination may impact communities, groups, and collective identities beyond individuals alone. It affirms a commitment to protecting group rights and fostering community dignity, especially where historical harms have been sustained by marginalized populations.

B. Nothing in this Ordinance shall be construed as supporting or advocating any particular doctrine, point of view, or religious belief. Rather, it affirms the Borough's interest in guaranteeing that all persons are treated fairly and equally under the law.

C. Nothing in this Ordinance shall be construed to require any person to violate any applicable laws of the Borough of Collingdale, the Commonwealth of Pennsylvania, or the United States.

D. The terms and classes enumerated herein shall be interpreted consistently with the definitions set forth in Article II of this Ordinance.

Section 102. Authority

This Ordinance is enacted pursuant to the authority granted to Boroughs under Title 8 of the Pennsylvania Consolidated Statutes, and Section 962.1 of the Pennsylvania Human Relations Act (43 P.S. §962.1), which authorizes local governments to adopt non-discrimination ordinances and establish human relations commissions.

ARTICLE II: DEFINITIONS

Unless otherwise indicated, the following terms shall be defined as follows for purposes of this Ordinance. Where applicable, definitions reference corresponding federal and state statutes.

1. **Accessible** – Compliance with:
 - A. The Fair Housing Act (42 U.S.C. §3601 et seq.);
 - B. The Americans with Disabilities Act (42 U.S.C. §12101 et seq.);
 - C. The Pennsylvania Construction Code Act (35 P.S. §7210.101 et seq.).
2. **Advertisement or Advertising** – As defined in the Pennsylvania Human Relations Act (43 P.S. §954).
3. **Advertiser** – Any individual or entity that places or disseminates advertising.
4. **Age** – Includes any person over the age of thirty-five (35) and all persons protected by the Age Discrimination in Employment Act.
5. **AIDS** – Acquired Immunodeficiency Syndrome.
6. **Ancestry** – Lineage or descent from a particular heritage, culture, or ethnic background.
7. **Citizenship Status or National Origin** – As protected under 8 U.S.C. §1324b of the Immigration and Nationality Act.
8. **Color** – Includes skin tone, pigmentation, complexion, or other observable characteristics associated with racial or ethnic identity.
9. **Commercial Housing** – Housing sold, leased, or managed by real estate professionals or the owner for a commercial purpose, excluding shared personal residences.
10. **Commercial Property** – Any property used or intended to be used for business or public accommodation purposes.
11. **Commission** – The Collingdale Borough Human Relations Commission, as established by this Ordinance.
12. **Common Carrier** – Any person or entity offering transportation services to the public for compensation.
13. **Creed** – A system of belief, whether religious or philosophical in nature.
14. **Disability** –
 - A. A physical or mental impairment substantially limiting one or more major life activities;
 - B. A record of such an impairment;
 - C. Being regarded as having such an impairment, excluding current illegal drug use;
 - D. Includes conditions such as autism, cerebral palsy, epilepsy, cancer, HIV/AIDS, Long COVID, and more, per the ADA.
15. **Discrimination** – Any denial, exclusion, coercion, or differential treatment due to membership in a protected class.
16. **Domestic or Sexual Violence Victim Status** – Includes individuals who have experienced domestic violence, sexual violence, or stalking, regardless of adjudication.
17. **Educational Institution** – Any public or private provider of educational services including schools, preschools, colleges, universities, or trade schools.
18. **Employee** – A person working under the control or supervision of an employer; excludes family employment.
19. **Employer** – Any entity employing at least one person, including public bodies and school districts.

20. **Employment Agency** – Any party regularly engaged in recruitment or job placement.
21. **Familial Status** – Presence of individuals under 18 in a household, including pregnant persons and legal custodians.
22. **Fair Housing Act** – Federal statute protecting against housing discrimination (42 U.S.C. §3601 et seq.).
23. **Gender Expression** – External display of one’s gender, including dress, voice, and name, regardless of conformity to societal expectations.
24. **Gender Identity** – One’s deeply held sense of being male, female, non-binary, or otherwise, including those in transition.
25. **Genetic Information** – Data as defined under the Genetic Information Nondiscrimination Act (42 U.S.C. §2000ff).
26. **HIV** – Human Immunodeficiency Virus, encompassing all clinical stages.
27. **Health Care Provider** – Any licensed provider or institutional entity delivering healthcare services, including doctors, nurses, therapists, and hospitals.
28. **Height and Weight** – Includes any differential treatment based on physical stature unless based on a bona fide occupational qualification.
29. **Housing Accommodations** – Any building or site used for residential purposes, excluding personal residences with shared space.
30. **Housing for Older Persons** – As defined by the Fair Housing Act and its implementing regulations.
31. **Independent Contractor** – An individual providing services not subject to direct supervision, typically engaged in an independent trade.
32. **Intersex** – A person born with reproductive or sexual anatomy or chromosomal patterns that do not fit typical definitions of male or female. Intersex status is a protected class under this Ordinance regardless of surgical or medical history.
33. **Lending Institution** – Banks, credit unions, or entities engaged in financing or guaranteeing real estate transactions.
34. **Licensed Common Carrier** – Includes buses, trolleys, taxis, and other public transport providers.
35. **Marital Status** – The condition of being single, married, separated, divorced, widowed, or in a civil union or domestic partnership.
36. **Nonbinary** – A person whose gender identity does not fit within the traditional categories of male or female, and may include identities such as agender, bigender, genderfluid, or other self-determined terms.
37. **Owner** – Any party with legal authority to lease, rent, or sell real property, including agents or managers.
38. **Person or Organization** – Includes individuals, corporations, partnerships, government entities, and other legal or corporate persons.
39. **Political Subdivision** – Any borough, township, or city located within Delaware County.
40. **Protected Class** – Includes, but is not limited to:
- Race
 - Color
 - Ethnicity
 - Religion
 - Creed
 - Ancestry
 - National origin or citizenship status
 - Sex (including pregnancy, childbirth, and related medical conditions)
 - Gender identity

- Gender expression
 - Nonbinary Status
 - Intersex Status
 - Sexual orientation
 - Genetic information
 - Marital status
 - Familial status
 - GED attainment
 - Physical or mental disability
 - Relationship or association with a disabled person
 - Source of income
 - Age
 - Height
 - Weight
 - Veteran status
 - Use of guide/support animals and/or mechanical aids
 - Domestic or sexual violence victim status
39. **Public Accommodation** – Any location offering goods or services to the public, including but not limited to those listed under 43 P.S. §954(l), excluding bona fide private membership organizations.
40. **Religion** – All aspects of religious belief, practice, and observance.
41. **Real Estate-Related Transaction** – Any activity involving the sale, lease, or financing of housing or commercial property.
42. **Retaliation** – Any adverse action taken in response to a protected activity under this Ordinance.
43. **Sex** – Includes sex assigned at birth, gender identity, sexual orientation, pregnancy, breastfeeding, intersex conditions, and related medical issues.
44. **Sexual Orientation** – Includes being heterosexual, homosexual, bisexual, pansexual, asexual, or any other identity based on romantic or sexual attraction, whether real or perceived.
45. **Source of Income** – Any lawful source used to pay for goods, housing, or services, including wages, child support, benefits, and public assistance.
46. **Veteran Status** – Status as a current or former member of the United States military, including reserves and National Guard.

ARTICLE III: PROHIBITED PRACTICES

Section 301. Employment

It shall be unlawful for any employer, employment agency, labor organization, or advertiser to:

- A. Refuse to hire, discharge, or discriminate in terms or conditions of employment based on a protected class.
- B. Elicit protected class information prior to hire, except for voluntary demographic purposes post-offer.
- C. Discriminate against an individual due to the disability status of someone with whom they associate.

D. Inquire about salary history or prior convictions before a first interview, or deny employment based on non-relevant convictions.

E. Retaliate against any individual for asserting their rights under this Ordinance.

F. Discrimination based on hair texture, protective hairstyles (including but not limited to locs, braids, twists, cornrows, afros), or natural hair that is commonly associated with a particular race or ethnic group is unlawful, unless such hair poses a demonstrable, job-related safety risk.

G. It is unlawful to use algorithms, automated decision-making tools, or machine-learning technologies that result in disparate treatment or disparate impact against members of a protected class, unless such tools are demonstrably free of discriminatory bias and necessary to the operation of the business.

Section 302. Housing

A. Refuse to sell, lease, or finance housing or commercial property based on a protected class including but not limited to income derived from housing choice vouchers, disability benefits, social security, public assistance, or any lawful income reported through gig work, independent contracting, or non-traditional pay platforms.

B. Evict, intimidate, or harass residents for reasons connected to a protected class.

C. Refuse reasonable accommodations or modifications for persons with disabilities.

D. Advertise housing or real estate services in a discriminatory manner.

E. It is unlawful to use algorithms, automated decision-making tools, or machine-learning technologies that result in disparate treatment or disparate impact against members of a protected class, unless such tools are demonstrably free of discriminatory bias and necessary to the operation of the business.

Section 303. Public Accommodations

A. Deny goods, services, access, or privileges to any person based on protected class.

B. Restrict or segregate breastfeeding mothers.

C. Discriminate in transportation services or against patrons with a known association to a person with disabilities.

F. It shall be unlawful to require use of a digital platform, smartphone application, or internet access as a condition of receiving services or participating in Borough-funded programs, unless an alternative, equally accessible method is also provided.

G. It is unlawful for any public-facing business, service provider, or government entity to:

- Refuse lawful cash payment for goods, services, rent, or access to healthcare or education;
- Impose additional fees or requirements for such payment; or
- Fail to issue a dated, physical receipt upon request when a cash payment is made.

H. It is unlawful for any Borough department, official, contractor, or agent acting on behalf of the Borough to:

1. Provide unequal access to services, facilities, benefits, or assistance programs based on a person's actual or perceived membership in a protected class;
2. Engage in discriminatory treatment through selective enforcement of ordinances or regulations;
3. Deliver services in a manner that causes a disparate impact without justification related to a legitimate Borough interest;
4. Fail to provide reasonable accommodations in programs, communications, or facilities to ensure equitable access.

Section 304. Education and Healthcare

A. It shall be unlawful for any healthcare provider or educational institution to deny care, enrollment, accommodations, or equal opportunity on the basis of protected class status, including the refusal to provide gender-affirming care, culturally competent education services, or trauma-informed accommodations for survivors of violence.

B. Discriminate against staff, students, families, or patients with respect to enrollment, treatment, or professional opportunities.

Section 305. Retaliation

It is unlawful to retaliate against an individual who has:

- A. Filed a complaint under this Ordinance;
- B. Participated in any related proceeding;
- C. Supported another individual's exercise of their rights under this Ordinance.

ARTICLE IV: ENFORCEMENT PROCEDURES

Section 401. Authority to Investigate

A. The Collingdale Borough Human Relations Commission (hereinafter “the Commission”) shall be empowered to receive and investigate complaints of unlawful practices as defined in this Ordinance.

B. The Commission shall have the authority to mediate disputes, refer complaints to external enforcement agencies, and recommend corrective or remedial actions. The Commission may not impose binding penalties without Borough Council or judicial approval, except where authorized by ordinance or statute.

C. The Commission may, upon majority vote, initiate a public interest complaint in cases where widespread discriminatory conduct is alleged or where a pattern of conduct is evident from multiple reports, public records, or testimony, even in the absence of an individual complainant.

Section 402. Filing a Complaint

A. Any person claiming to be aggrieved by an unlawful discriminatory act may file a written, verified complaint with the Commission. The complaint may also be filed by a parent or legal guardian, or by a representative with written authorization. Complaints may also be filed by a third party acting with the consent of the aggrieved individual, or by a legal guardian, advocate, or representative organization where the individual is a minor, legally incapacitated, or where filing independently would present a risk of harm or retaliation.

B. Complaints must be filed within **180 days** of the alleged discriminatory act or the date the aggrieved person knew or should have known of the act. The 180-day filing window may be tolled for good cause, including but not limited to medical hardship, incarceration, language barriers, or credible fear of retaliation.

C. Each complaint shall include:

1. The name and contact information of the complainant;
2. The name of the respondent (individual, organization, or entity alleged to have committed the act);
3. The date and description of the act(s) alleged;
4. The protected class or classes implicated;
5. Any supporting documentation or witness information;
6. The desired outcome or remedy, if applicable.

D. The Borough Manager’s Office shall assist with intake logistics and ensure a copy of the complaint is forwarded to the Chair of the Commission within **ten (10) business days** of filing.

Section 403. Jurisdictional Review

A. Within **thirty (30) calendar days** of receiving a complaint, the Commission shall determine whether:

1. The alleged act falls within the jurisdiction of the Ordinance;

2. The complaint is timely filed;
3. The complaint states a prima facie case of discrimination.

B. If the complaint is outside the Commission's jurisdiction, it shall be dismissed in writing, with referral to another appropriate agency if applicable.

C. If the complaint is within jurisdiction, the respondent shall be notified and required to submit a verified written response within **sixty (60) calendar days**.

Section 404. Investigation

A. The Commission shall appoint an investigator or investigative committee to gather facts through interviews, records review, site visits, or subpoenas where legally supported, including issuance of subpoenas where authorized by law. Where subpoena power is not available, the Commission may request voluntary compliance or refer the matter to the Pennsylvania Human Relations Commission or another competent body for enforcement.

B. The investigator shall present findings to the full Commission. If no probable cause is found, the case shall be closed in writing. If probable cause exists, the Commission shall proceed to mediation or hearing.

Section 405. Mediation and Conciliation

A. The Commission shall offer voluntary mediation to resolve disputes. A neutral mediator may be appointed.

B. Any settlement shall be reduced to writing and signed by both parties, and reviewed by the Commission for approval.

C. Where mediation fails, the matter shall proceed to public hearing. Statements made during mediation shall not be admissible in any subsequent hearing or proceeding, except as may be necessary to enforce a settlement agreement or as required by law.

Section 406. Public Hearing

A. The Commission shall provide **at least ten (10) calendar days' notice** to both parties before holding a public hearing.

B. Hearings shall be conducted by a quorum of the Commission or a hearing officer designated by the Commission. Proceedings shall be recorded.

C. Both parties may present evidence, witness testimony, and be represented by counsel. The strict rules of evidence shall not apply, but all testimony shall be given under oath.

D. Upon a finding of discrimination, the Commission may:

1. Recommend that the Borough Manager or Council take appropriate administrative or contractual action;
2. Refer the matter to the Pennsylvania Human Relations Commission or an appropriate court;
3. In cases of egregious conduct, recommend a fine of up to **\$500.00** per violation, subject to Borough Code and Title 8 authorization.
4. The Commission may recommend any remedy available under the Pennsylvania Human Relations Act, including but not limited to: cease-and-desist orders, policy changes, access accommodations, restitution for out-of-pocket losses, and public posting of nondiscrimination notices.
5. Any final order or recommendation of the Commission pursuant to this section shall be subject to appeal under the Pennsylvania Local Agency Law (2 Pa.C.S. § 551 et seq.).

Section 407. Findings and Orders

- A. If no discrimination is found, the complaint shall be dismissed with notice to both parties.
- B. If discrimination is found, the Commission shall issue findings of fact and recommendations for remedial action.
- C. All orders or findings of the Commission may be reviewed pursuant to the Pennsylvania Local Agency Law (2 Pa.C.S. § 551 et seq.).

D. Appeals

Any party aggrieved by a final finding or recommendation of the Commission shall have the right to seek judicial review pursuant to the Pennsylvania Local Agency Law (2 Pa.C.S. § 551 et seq.). The Borough shall ensure that all such findings are issued in a form and manner consistent with said law to preserve the right of appeal and procedural due process.

Section 408. Confidentiality and Records

- A. All proceedings prior to public hearing shall remain confidential, unless waived by both parties or required by law.
- B. The Commission shall maintain records of all complaints, hearings, findings, and resolutions in accordance with Borough records policy.

Section 409. Retaliation is Prohibited

No individual shall be retaliated against for filing a complaint, assisting an investigation, or opposing a practice made unlawful under this Ordinance. Retaliation complaints shall be treated with the same gravity and process as original complaints.

ARTICLE V: HUMAN RELATIONS COMMISSION

Section 501. Establishment and Purpose

A. There is hereby established the Collingdale Borough Human Relations Commission (hereinafter “the Commission”), empowered to enforce the provisions of this Ordinance, promote mutual understanding among Borough residents, and ensure that all persons enjoy equal rights under law.

B. The Commission shall function as a local agency under the Pennsylvania Human Relations Act (43 P.S. §962.1), and its duties shall include receiving, investigating, and conciliating complaints of discrimination, conducting public education, and advising Borough Council on matters of equity and inclusion.

Section 502. Composition and Appointment

A. The Commission shall consist of **no fewer than five (5)** and **no more than nine (9)** volunteer members, all of whom shall:

- Reside in the Borough of Collingdale;
- Or work within the Borough in a public-facing capacity;
- Or own or operate a business in the Borough.

B. Commissioners shall be appointed by Borough Council by majority vote upon recommendation of the Borough Manager. Appointments shall strive for representation from protected classes, including but not limited to Black, Indigenous, and other People of Color (BIPOC), LGBTQIA+ persons (including nonbinary and intersex individuals), immigrants, persons with disabilities, youth, elders, and those with lived experience of discrimination.

C. Initial terms shall be staggered: three (3) years for one-third of members, two (2) years for another third, and one (1) year for the remaining members. Thereafter, all terms shall be three (3) years.

D. No member shall serve more than two (2) consecutive full terms, though prior partial terms shall not count toward this limit.

E. Members of the Commission shall serve without regular salary or stipend; however, each Commissioner shall receive a **hearing honorarium of seventy-five dollars (\$75.00)** for each **distinct hearing session** at which they are present and seated for the full duration.

1. If a case is continued and requires additional hearing sessions on separate days, each session shall be considered a new hearing for compensation purposes.
2. If multiple distinct cases are heard on the same day, Commissioners shall receive compensation **per case heard**, not per day.
3. Honoraria shall be processed following submission of attendance records certified by the Commission Chair and Borough Manager.

Section 503. Officers and Quorum

A. The Commission shall elect a **Chair, Vice Chair, and Secretary** from among its members at the first meeting of each calendar year.

B. A **quorum** shall consist of **a majority of current, active members**, but in no case fewer than **three (3)**.

C. Meetings shall be open to the public and advertised in accordance with the Pennsylvania Sunshine Act (65 Pa.C.S. §§ 701–716).

Section 504. Powers and Duties

The Commission shall have the power and duty to:

A. Receive, investigate, mediate, and recommend findings on complaints filed under this Ordinance, in accordance with the procedures set forth in Article IV.

B. Refer matters, where appropriate, to Borough Council, the Borough Solicitor, the Pennsylvania Human Relations Commission (PHRC), or the Court of Common Pleas of Delaware County.

C. Subpoena documents, witnesses, or other materials when authorized by Borough Council or through coordination with the Borough Solicitor.

D. Recommend corrective actions or policy changes to Borough Council based on findings of systemic inequity or recurring discrimination.

E. Maintain confidential records of all complaints, investigations, and proceedings, consistent with applicable law and Borough records retention policy.

F. Promote public education regarding civil rights and responsibilities through forums, workshops, partnerships with local schools, houses of worship, businesses, and other community groups.

G. Deliver an annual report to Borough Council outlining the Commission's activities, trends in complaints or public education, and recommendations for improvement.

Section 505. Vacancies and Removal

A. Vacancies occurring before the end of a term shall be filled for the remainder of the term using the same appointment process.

B. A Commissioner may be removed for:

- Three (3) consecutive unexcused absences from meetings;

- Failure to perform duties as prescribed;
- Conduct that undermines the mission or impartiality of the Commission.

C. Removal shall be effected by a majority vote of Borough Council upon recommendation of the Chair and Borough Manager.

ARTICLE VI: RELIGIOUS EXERCISE, EXEMPTIONS, AND CONFLICT OF LAWS

Section 601. Protection of Religious Exercise

A. Nothing in this Ordinance shall be construed to require an individual or religious entity to engage in conduct that constitutes a substantial burden on the free exercise of religion, unless the Borough can demonstrate that the application of such requirement:

1. Furthers a compelling governmental interest; and
2. Is the least restrictive means of achieving that interest.

This provision shall not be interpreted to exempt religious entities or individuals from compliance with neutral laws of general applicability, consistent with controlling precedent under the First Amendment and the Pennsylvania Religious Freedom Protection Act (PRFPA).

B. This Section shall be interpreted in accordance with the **Pennsylvania Religious Freedom Protection Act** (P.L. 1701, No. 214 of 2002) and relevant constitutional law.

C. For purposes of this Ordinance, a “**religious entity**” includes:

- A church, synagogue, mosque, or other house of worship;
- A religious order, denomination, association of congregations;
- Any nonprofit religious corporation qualifying under **Section 501(c)(3) or 501(d)** of the Internal Revenue Code.

Section 602. Limited Exemptions

A. A limited exemption from this Ordinance shall apply only to not-for-profit organizations that are **primarily religious in character** or clearly operate as fraternal or religious associations, provided:

1. The organization’s publicly available mission or doctrinal statement sets forth a sincerely held religious belief or principle as a bona fide occupational qualification;
2. The organization’s services or accommodations are not generally advertised, offered, or made available to the general public; and
3. The organization does not receive substantial public funding, Borough contracts, or occupy Borough-owned facilities under lease or license.

B. **This exemption does not permit discrimination** based on race, color, ethnicity, national origin, or disability unless explicitly permitted by applicable state or federal law.

C. In applying for any exemption under this section, the burden of proof shall rest with the respondent organization, and such exemption shall be construed narrowly to avoid undermining the purpose of this Ordinance.

D. No organization shall be entitled to a religious exemption under this Ordinance if it engages in commercial activity or otherwise operates in a manner functionally indistinct from a public accommodation.

Section 603. Conflict of Laws

A. In the event of a conflict between this Ordinance and any Borough policy, ordinance, or administrative practice, the provision offering the most expansive protection of civil and human rights shall govern.

B. This Ordinance shall be interpreted, administered, and enforced consistent with the Pennsylvania Borough Code, the Pennsylvania Human Relations Act, the First and Fourteenth Amendments to the U.S. Constitution, and other controlling statutes. Where ambiguity arises, the Ordinance shall be construed to uphold both the rights of protected classes and the administrative responsibilities of the Borough.

ARTICLE VII: IMPLEMENTATION, ENFORCEMENT, AND SEVERABILITY

This article ensures that the ordinance is legally durable, operationally enforceable, and forward-compatible with changes in local or state authority.

Section 701. Implementation and Training

A. The Borough Manager shall oversee the implementation of this Ordinance, including the establishment of administrative procedures, complaint forms, training protocols, and data systems to support the Commission's work.

B. Each Borough department shall designate a **nondiscrimination compliance liaison**, who shall coordinate internally with the Borough Manager's office and the Commission.

C. Borough staff and Commission members shall receive **no less than four (4) hours of civil rights training annually**, coordinated by the Borough Manager and recorded for audit purposes, on topics including but not limited to:

- Protected classes;
- Procedural due process;

- Public accommodation and housing law;
- Culturally competent service delivery;
- Non-retaliation principles;
- Confidentiality obligations.

Section 702. Enforcement

A. The Commission shall have authority to **receive, mediate, investigate, and make findings** on complaints brought under this Ordinance.

B. The Borough shall cooperate with the Commission to:

- Enforce remedies recommended under Article IV;
- Issue cease-and-desist orders or corrective action requests;
- Refer unresolved or egregious violations to the Borough Solicitor or a court of competent jurisdiction.

C. Fines issued under this Ordinance shall be recoverable through the **District Court of Delaware County** and remitted to the Borough's General Fund, unless otherwise directed by ordinance or resolution.

D. Borough Enforcement Authority

The Borough Manager, upon recommendation of the Commission or Solicitor, shall have standing to initiate enforcement actions under this Ordinance, including the pursuit of injunctive relief or fines, in cases involving:

1. Public accommodations or services administered by or through the Borough; or
2. Findings of egregious or repeated discriminatory conduct by the same individual or entity.

Section 703. Construction with Other Laws

A. Nothing in this Ordinance shall be interpreted to preclude a person from pursuing any other remedy available under federal or state law.

B. In any case of ambiguity or conflict, this Ordinance shall be interpreted to provide the **broadest protection for individual and group rights** consistent with applicable constitutional and statutory law.

Section 704. Severability

A. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unenforceable by a court of competent jurisdiction, the **remainder of the Ordinance** and the application of such provision to other persons or circumstances shall not be affected.

B. To this end, the provisions of this Ordinance are declared to be **severable**. Invalidation of any provision shall not be construed to limit the enforceability of any comparable protections available under state or federal nondiscrimination law.

Section 705. Effective Date

This Ordinance shall take effect upon publication and legal enactment. In the event of a delay in publication, it shall become enforceable no later than **thirty (30) days after passage by Borough Council**, unless otherwise ordered by a court of competent jurisdiction.

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