

ORDINANCE NUMBER 604

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW TITLE 16, CIVIL UNIONS.

WHEREAS, the Mayor and Council of the City of Cottonwood support the right of every person to enter into a lasting, meaningful, and committed relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties thereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Title 16 of the Municipal Code of the City of Cottonwood is hereby amended to read as follows:

Chapter 16.04 Civil Unions

16.04.010 Criteria for Civil Union Recognition and Registration

- A. For purposes of this Chapter, two persons are eligible for recognition and registration as civil union partners if they meet all of the following criteria:
1. They are not related by blood closer than would bar marriage under the laws of Arizona.
 2. Neither of them is in a marriage expressly recognized by the State of Arizona or in any civil union, domestic partnership or equivalent relationship with another person.
 3. Each of them is eighteen years of age or older.
 4. Each of them is competent to enter into a contract under the laws of Arizona.

16.04.020 Registration of Civil Union; Statement or List of Additional Agreements or Other Documents

- A. Persons who meet the criteria for recognition as civil union partners set forth in Section 16.04.010 may make an official record of their civil union by executing a notarized statement of civil union on a form prescribed by the City Clerk.

- B. The statement of civil union shall include a declaration that the persons are in a relationship of mutual support, caring and commitment and are responsible for each other's welfare.
- C. The statement shall also include a declaration that both persons agree to file a termination of the civil union if there is a change in the status of their relationship such that they cease to meet the criteria for a civil union under this Chapter.
- D. The statement shall include the date on which the civil union was registered, and the mailing addresses of both partners. The statement shall further state that the civil union partners meet the criteria set forth in Section 16.04.010.
- E. In addition to the statement of civil union, civil union partners may also submit to the City Clerk, and the City Clerk shall maintain, a statement or list describing any additional documents, such as contracts and agreements that document the rights, responsibilities and obligations that the civil union partners have established by and/or between each other. Civil union partners shall not submit, and the City Clerk shall not maintain any such contracts and agreements. The statement or list of additional documents evidencing the parties' civil union may include but is not limited to the following:
 - 1. Agreements between the parties regarding the management and ownership of real and personal property.
 - 2. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
 - 3. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties.
 - 4. Agreements between the parties regarding the disposition of their property upon the death of either party.
 - 5. Agreements for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
 - 6. Documents that establish any other rights or obligations that may be legally exchanged by and between the parties.

- F. As part of the registration statement, the parties to a civil union may include a statement describing their shared intentions regarding the scope of the relationship, regardless of whether or not they have entered into any contracts or agreements of the kind described in subsection E above.
- G. Any documents described in the statement or list provided to the City pursuant to subsection E above, and any statement of shared intent provided pursuant to subsection F above, shall only be effective as provided under Arizona law and/or any other applicable law, and the fact that the statement or list has been submitted to the City and is maintained by the City shall not affect whether those documents are enforceable or binding upon the parties thereto.

16.04.030 Issuance of Civil Union Certificate/Fees

- A. Upon the filing of documentation that complies with the requirements of Section 16.04.020, the City Clerk shall provide the person(s) filing the statement on behalf of the civil union partners two certified copies of the statement, which shall constitute civil union certificates.
- B. Additional civil union certificates may be provided to a civil union partner at a cost of five dollars (\$5.00) per copy, or such other cost as may be set by resolution of the City Council.

16.04.040 Termination of Civil Union

- A. For the purposes of this Chapter, a registered civil union shall terminate upon the occurrence of any one of the following:
 - 1 The death of one of the civil union partners.
 - 2 The filing of a notarized termination statement with the City Clerk on a form prescribed by the Clerk. The person filing the termination statement shall declare that the civil union is terminated and, if the termination statement has not been signed by both parties to the civil union, that the other person has been notified in writing of such termination at the last known address of such person.
 - 3 The marriage, expressly recognized by the State of Arizona, of either one of the civil union partners.

16.04.050 Rights of Registered Civil Union Partners

- A. Health Care/Hospice Visitation. All health care, hospice and similar facilities operating within the City shall allow the registered civil union partner of a patient to visit such patient unless no visitors are allowed or unless the patient expresses a desire that visitation by the civil union partner be restricted. As used in this section, health care facility means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, mental health services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151.
- B. Use of and Access to City Facilities. All facilities owned or operated by the City shall accord registered civil union partners the same rights and privileges as are accorded a spouse for purposes of the use, enjoyment of and access to such facilities.
- C. City Employee Benefits. To the extent not otherwise prohibited by law or by any contract to which the City is a party, a registered civil union partner of a City employee shall be treated as the spouse of the employee for purposes of sick leave, bereavement leave, and other similar employment benefits; and may be designated as a beneficiary of any of the other benefits provided by the City in the same manner and to the same extent as the spouse, including but not limited to health and life insurance benefits.

16.04.060 Governing Law/Limitation of Liabilities

- A. Nothing in this Chapter shall be interpreted to contravene the general laws of the State of Arizona, which shall supersede any conflicting provisions herein.
- B. Nothing in this Chapter shall be construed to create additional legal liabilities or to create new private causes of action.
- C. By maintaining records provided by civil union partners pursuant to this Chapter, including the statement or list of documents as described in Section 16.04.020.E, and the statement of shared intent as described in Section 16.04.020.F, the City does not make any representation or warranty

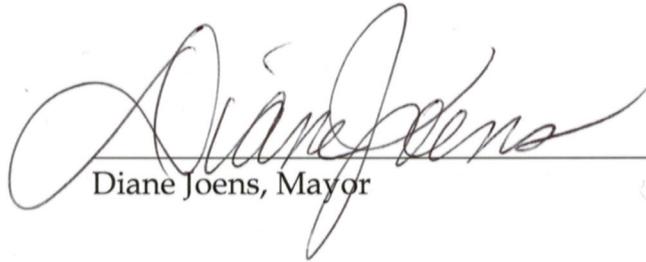
that such documents, records or stated intentions are legally enforceable or valid.

16.04.070 Public Records

The statement of civil union, civil union certificate and any documents provided to the City by civil union partners and maintained by the City pursuant to this Chapter shall be treated as public records pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.

Section 2. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 17TH DAY OF DECEMBER 2013.



Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:



Steven B. Horton
City Attorney



Marianne Jiménez, City Clerk

