



Legislation Text

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990224
SUBSTITUTE 1

ALD. D'AMATO, HENNINGSEN AND BUTLER

A substitute ordinance relating to registration of domestic partnerships.

81-43.7 cr

ch. 111 cr

- Analysis -

This ordinance authorizes same-sex couples to voluntarily register as domestic partners with the city clerk.

Applicants pay a \$30 fee and complete a declaration of domestic partnership, in which they state that they are committed, unmarried adults who live together in the city and share property ownership, a lease, a bank account or similar evidence of a domestic relationship. The city clerk issues a certificate of domestic partnership to each registered domestic partnership. Either partner may terminate a domestic partnership by filing a termination statement with the city clerk, but a person must wait 12 months after termination before registering a new domestic partnership. If a previous partnership is terminated by death or marriage, no waiting period is required.

The ordinance includes common council findings that the city has an interest in recognizing voluntary and responsible relationships, that lesbian and gay couples are unable to legally establish their commitments through marriage and that recognizing domestic partnerships will benefit the city and its citizens.

The ordinance takes effect on September 1, 1999.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-43.7 of the code is created to read:

81-43.7. Domestic Partnership. 1. The fee for registering a domestic partnership shall be \$30.

2. The fee for a duplicate domestic partnership certificate shall be \$10. (See s. 111-3.)

Part 2. Chapter 111 of the code is created to read:

CHAPTER 111 DOMESTIC PARTNERSHIP

111-1. Purpose. The common council finds that:

1. The city of Milwaukee has an interest in recognizing voluntary, supportive, caring, committed and responsible relationships between mature residents of the city.

2. Many married couples in the city are partners in domestic relationships that are enduring and characterized by emotional and financial commitment and interdependence.

3. Equally committed lesbian and gay couples are not legally able to establish their commitments and relationships through marriage, although they may voluntarily assume many of the obligations commonly associated with marriage.

4. The city has long recognized the importance of equal treatment and, in furtherance of that goal, has adopted ordinances protecting its citizens from discrimination based upon, among other factors, sexual orientation.

5. Allowing couples that are not able to marry to voluntarily declare their mutual commitment as domestic partners will benefit the health, safety and welfare of the city and its citizens.

111-3. Domestic Partnership Registration. 1. REGISTRATION AUTHORIZED. Any 2 individuals who meet the requirements of this section may register as a domestic partnership as provided in this section.

2. APPLICATION. Individuals who seek to register as a domestic partnership shall appear in person before the city clerk, pay the registration fee specified in s. 81-43.7, and complete and sign an application form provided by the city clerk, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

3. **DECLARATION OF DOMESTIC PARTNERSHIP.** Applicants for registration shall sign a declaration of domestic partnership stating that they:
- a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.
 - b. Are 18 years of age or older and competent to enter into a contract.
 - c. Are not married.
 - d. Are not related by kinship to a degree that would bar marriage in this state.
 - e. Are the same sex.
 - f. Reside together in the city of Milwaukee.
 - g. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.
4. **ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:
- a. Understand that their registration as domestic partners is a matter of public record.
 - b. Each agree to notify the city clerk of any change in the status of the domestic partnership and to file a termination notice under s. 111-5 when appropriate.
5. **CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least one of the following conditions of domestic partnership:
- a. They have common or joint ownership of a residence.
 - b. They have a current lease for a residence identifying both applicants as tenants.
 - c. They jointly own a motor vehicle.
 - d. They have a joint bank or credit union account.
 - e. They have a joint credit account.
 - f. They have identified each other as primary beneficiaries in their wills.
6. **AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.
7. **VERIFICATION.** a. The city clerk shall verify the age, identity and city residence of applicants for domestic partnership, based on appropriate documentation provided by the applicants.
- b. The city clerk shall confirm that an individual is not currently registered as a domestic partner in another Milwaukee domestic partnership and that at least 12 months has elapsed since any other domestic partnership was terminated pursuant to s. 111-5-2. If a previous domestic partnership was terminated by death or marriage, the 12-month waiting period shall not be required. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the city clerk of the death or marriage.
- c. The city clerk shall not investigate or verify any other information provided by an individual on a declaration of domestic partnership.
8. **REGISTRATION.** The city clerk shall register applicants as a domestic partnership when the city clerk is satisfied that the individuals seeking registration as a domestic partnership have properly completed and signed an application form under sub. 2, are residents of the city, are at least 18 years of age, are not presently in another registered Milwaukee domestic partnership and have not been in another registered Milwaukee domestic partnership during the 12 months immediately prior to the date of the application unless that domestic partnership was terminated by death or marriage.
9. **CERTIFICATE.** a. The city clerk shall provide each domestic partnership with a certificate of domestic partnership, signed by the city clerk, stating that the partners appeared in person, made a declaration of domestic partnership and provided evidence thereof pursuant to this chapter.
- b. A domestic partner may receive a duplicate certificate upon paying the fee specified in s. 81-43.7.

111-5. Termination.

1. A domestic partnership is terminated by any of the following events:

- a. The death of one of the partners.
- b. The marriage of one of the partners.
- c. The filing of a termination statement under sub. 2.

2. Either domestic partner may terminate a domestic partnership by submitting to the city clerk a termination statement on a form provided by the city clerk. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

3. An individual whose domestic partnership has been terminated under sub. 2 may not file another declaration of domestic partnership under this chapter until at least 12 months after the date on which the city clerk received the termination statement.

111-7. Intent. This chapter is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., apply to registered domestic partnerships.

Part 3. This ordinance takes effect September 1, 1999.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

99110-7

CW

6/22/99