

## Chapter 112 NON-DISCRIMINATION<sup>1</sup>

### 9:150. Intent.

It is the intent of the city that no individual be denied equal protection of the laws; nor shall any individual be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, government-issued identification card, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 20-12, § 1, 4-20-20; Ord. No. 22-09, § 1, 5-5-22; Ord. No. 23-05, § 1, 2-21-23)

### 9:151. Definitions.

As used in this chapter, the following words and phrases have the following meanings:

- (1) *Age*. Chronological age.
- (2) *Arrest record*. Information indicating that an individual has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor, or other offense by any law enforcement or military authority.
- (3) *Bona fide occupational qualification*. An otherwise protected characteristic which is reasonably necessary to the normal performance of the particular position in a particular business or enterprise.
- (4) *Contractor*. As defined in Title I, Section 1:312(5) of this Code.
- (5) *Disability*. A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:
  - (a) for purposes of employment, substantially limits 1 or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits 1 or more major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion;
  - (b) for purposes of public accommodations, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation or public service;
  - (c) for purposes of housing, substantially limits 1 or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent or maintain property.

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<sup>1</sup>Editor's note(s)—Ord. No. 14-25, § 1, adopted Oct. 20, 2014, repealed Ch. 112 and enacted a new chapter as set out herein. The former Ch. 112, §§ 9:150—9:164, pertained to similar subject matter and derived from Ord. No. 4-78, adopted March 13, 1978; Ord. No. 18-91, § 1, adopted April 4, 1991; Ord. No. 6-92, § 1, adopted Jan. 21, 1992; and Ord. No. 10-99, §§ 1—3, adopted March 1, 1999; and Ord. No. 4-06, § 1, adopted March 6, 2006.

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Discrimination based on actual or perceived disability includes discrimination because of the use by an individual of adaptive devices or aids.

Disability does not include a determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual. It also does not include a determinable physical or mental characteristic caused by the current use of alcoholic liquor by that individual, if that physical or mental characteristic negatively impacts that individual's ability to perform the duties of his or her job.

- (6) *Discriminate.* To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on an individual's or his or her relatives' or associates' actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, height, government-issued identification card, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight.

Discrimination includes the use of facially neutral practices that have an adverse impact on members of a protected class (see section 9:156 of this chapter).

Discrimination also includes harassment based upon any protected class, including, but not limited to sexual harassment.

- (7) *Educational association.* The fact of being enrolled or not enrolled at any educational institution.
- (8) *Ethnicity.* A heritage which is socially distinguishable from other groups that has developed its own subculture which can include nationality, religion and language.
- (9) *Employer.* A person or agent of that person, who, for compensation, employs 3 or more individuals.
- (10) *Familial status.* 1 or more children under the age of 18 residing with a parent or other individual having, or in the process of securing, legal custody of the child or children; or 1 or more children under the age of 18 residing with the designee of the parent or other individual having or securing custody, with the written permission of the parent or other individual.
- (11) *Family responsibilities.* Being a provider of care and/or support, or being perceived to be a provider of care and/or support for a family member.
- (12) *Gender expression.* An individual's actual or perceived gender-related appearance, expression, or behavior, regardless of the individual's assigned sex at birth.
- (13) *Gender identity.* An individual's internal sense of their own sex and a defining component of sex. Sex includes, but is not limited to, an individual's gender, gender identity, and gender expression.
- (14) *Genetic information.* Information about an individual's genetic tests and the genetic tests of an individual's family members (e.g., family medical history), and the manifestation of a disease or disorder in family members of such individual. A genetic test is an analysis of DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations or chromosomal changes.
- (15) *Government-issued identification card.* An identification document displaying an individual's photograph and identifying information issued by a federal, state, or local government (including a Washtenaw County identification card) to an individual for the purpose of identification of that individual.
- (16) *Harassment.* A form of discrimination in which conduct is based upon an individual's membership in a protected class which:
- (a) Unreasonably interferes with that individual's work, or ability to utilize and benefit from a place of public accommodation or public service, or ability to obtain or maintain housing; and/or

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- (b) Creates a hostile environment at work, at a place of public accommodation or public service, or where that individual lives.
- (17) *HIV status.* The state of blood sero-positivity or sero-negativity with respect to the human immunodeficiency virus (HIV), including, but not limited to, diagnoses of acquired immunodeficiency syndrome (AIDS).
- (18) *Housing facility.* Any dwelling unit or facility in which it is intended individuals regularly will sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.
- (19) *Individual.* A human being, as distinguished from a person, as defined under this Code.
- (20) *Marital status.* The state of being married, unmarried, divorced or widowed.
- (21) *Minority.* An individual who is Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, Native American, or Alaskan native.
- (22) *Perceived.* Refers to the perception of the person who acts and not to the perception of the individual for or against whom the action is taken.
- (23) *Person.* As defined in Title I, section 1.8 of this Code.
- (24) *Place of public accommodation.* An educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.
- (25) *Political beliefs.* One's opinion, whether or not manifested in speech or association, concerning the social, economic, and governmental structure of society and its institutions. This chapter shall cover all political beliefs, the consideration of which is not preempted by state, federal or local law. With regard to employment, an individual's political beliefs that interfere or threaten to interfere with his or her job performance are specifically excluded from this protection.
- (26) *Race.* Inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, "protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, twists, and headwraps.
- (27) *Religion.* Includes, but is not limited to, hairstyles and the use of head coverings associated with an individual's religious beliefs, observance, or practice, unless they cannot reasonably be accommodated because of bona fide health, safety, or security concerns.
- (28) *Sex.* Includes, but is not limited to, an individual's gender, gender identity, gender expression, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. An individual's sex shall be defined by that individual's gender identity; and use and/or occupancy of, access to and/or participation in sex-segregated facilities and/or entities shall be granted on that basis. Such sex-segregated facilities and/or entities include, but are not limited to, dwellings, housing, public accommodations, lavatories, locker rooms, instructional programs, athletic events and athletic teams.
- (29) *Sexual harassment.* A type of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
- (a) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.
  - (b) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

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- (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
  - (30) *Sexual orientation.* An individual's emotional, romantic, and/or sexual attractions, or the absence thereof, to people including but not limited to actual or perceived homosexuality, heterosexuality, pansexuality, or bisexuality. Sexual orientation also means an individual's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.
  - (31) *Source of income.* Any lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to:
    - (a) Money derived from any lawful profession or occupation.
    - (b) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy.
    - (c) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; or other program administered by any federal, state, or local agency or nonprofit entity. Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated as income in the amount of 3× the value of that monthly rental assistance.
  - (32) *Veteran status.* Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.
  - (33) *Victim of domestic violence or stalking.* An individual who is a victim of domestic violence as defined in MCL § 400.1501 or a victim of stalking as defined in MCL § 750.411h and § 750.411i.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 20-12, § 2, 4-20-20; Ord. No. 21-18, § 1, 6-21-21; Ord. No. 22-09, § 1, 5-5-22; Ord. No. 23-05, § 1, 2-21-23)

### **9:152. Discriminatory housing practices.**

- (1) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- (2) No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (3) No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the city of such real property.
- (4) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to any protected classification.
- (5) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.
- (6) No person shall fail to account for any tenant or prospective tenant's entire source of income when using a financial income standard for entering into or renewing a tenancy.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 20-12, § 3, 4-20-20)

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### **9:153. Discriminatory public accommodation practices.**

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation. No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any public accommodation where she and the child would otherwise be authorized to be.

(Ord. No. 14-25, § 1, 10-20-14)

### **9:154. Discriminatory employment practices.**

- (1) No person shall discriminate in the hire, employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any individual.
- (2) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

(Ord. No. 14-25, § 1, 10-20-14)

### **9:155. Other prohibited practices.**

- (1) No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- (2) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- (3) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this chapter shall be made to the applicable licensing or regulatory agency for such person or business.
- (4) No person shall coerce, threaten or retaliate against an individual for making a complaint or assisting in the investigation regarding a violation or alleged violation of this chapter, nor require, conspire with, assist or coerce another person to retaliate against an individual for making a complaint or assisting in an investigation.
- (5) No person shall conspire with, assist or coerce another person to discriminate in any manner prohibited by this chapter.
- (6) No person shall discriminate against individuals based on their use of a government-issued identification card and all persons shall accept a government-issued identification card as valid identification unless:
  - (a) There are reasonable grounds for determining that the government-issued identification card is counterfeit, altered, or improperly issued to the individual or that the individual presenting the government-issued identification card is not the individual to whom it was issued; or
  - (b) Federal law, state law, or a valid court order requires the person to obtain different identification from the individual presenting the identification.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 23-05 , § 1, 2-21-23)

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### **9:156. Discriminatory effects.**

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, government-issued identification card, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight for an individual to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected objection to such a person by neighbors, customers or other persons.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 20-12, § 4, 4-20-20; Ord. No. 22-09, § 1, 5-5-22; Ord. No. 23-05, § 1, 2-21-23)

### **9:157. Exceptions.**

Notwithstanding anything contained in this chapter, the following practices shall not be violations of this chapter.

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to individuals of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to individuals of that denomination.
- (2) For the owner of an owner-occupied 1-family or 2-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of 1 sex, to restrict occupancy and use on the basis of sex.
- (3) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to individuals who are of low income, over 55 years of age or disabled, in circumstances in which such limitations are appropriately designated.
- (4) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for groups, including, but not limited to, minorities and women, where allowed or required by law.
- (5) To discriminate based on an individual's age when such discrimination is required by state, federal or local law.
- (6) To refuse to enter a contract with an unemancipated minor.
- (7) To refuse to admit to a place of public accommodation serving alcoholic beverages an individual under the legal age for purchasing alcoholic beverages.
- (8) To refuse to admit individuals under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- (9) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (10) To provide discounts on products or service to students, minors, veterans, and senior citizens.
- (11) To discriminate in any arrangement for the sharing of a dwelling unit by an individual who is sharing the unit.
- (12) To restrict use of lavatories and locker room facilities on the basis of sex.

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- (13) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations.
  - (14) To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex.
  - (15) To restrict employment on the basis of a bona fide occupational qualification.
  - (16) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Preferential treatment of, or benefits conferred on any of the classes protected from discrimination under this chapter are permissible to the extent allowed by law.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 20-12, § 5, 4-20-20)

### **9:158. Nondiscrimination by city contractors.**

- (1) All contractors proposing to do business with the City of Ann Arbor shall satisfy the contract compliance administrative policy adopted by the City Administrator in accordance with the guidelines of this section. All city contractors shall ensure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon any classification protected by this chapter. All contractors shall agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of any applicable protected classification.
- (2) All contractors shall be required to post a copy of Ann Arbor's Non-Discrimination Ordinance at all work locations where its employees provide services under a contract with the city.
- (3) Upon request, each prospective contractor shall submit to the city data showing current total employment by occupational category, sex and minority group and shall respond to information requests documenting its equal employment opportunity policies and procedures.
- (4) If the contract which is being awarded includes federal requirements for affirmative action, each prospective contractor shall submit to the city data showing current total employment by occupational category, sex and minority group. If, after verifying this data, the City Administrator's designee concludes that it indicates total minority and female employment commensurate with their availability within the contractor's labor recruitment area, i.e., the area from which the contractor can reasonably be expected to recruit, said contractor shall be accepted by the City Administrator's designee as having fulfilled affirmative action requirements for the period of the contract at which time the City Administrator's designee shall conduct another review. If the data demonstrates an under-representation, the contractor shall develop an affirmative action program for review by the City Administrator's designee. Said program shall include specific goals and timetables for the hiring and promotion of minorities and females. Said goals shall reflect the availability of minorities and females within the contractor's labor recruitment area. In the case of construction contractors, the City Administrator's designee shall use for employment verification the labor recruitment area of the Ann Arbor metropolitan statistical area. Construction contractors determined to be in compliance shall be accepted by the City Administrator's designee as having fulfilled affirmative action requirements for a period of 1 year at which time the City Administrator's designee shall conduct another review.
- (5) In hiring for construction projects, contractors shall make good faith efforts to employ local persons, so as to enhance the local economy.
- (6) All contracts shall include provisions through which the contractor agrees to follow all applicable federal and state laws.

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- (7) The City Administrator's designee shall monitor the compliance of each contractor with the nondiscrimination provisions of each contract. The City Administrator's designee, together with the Human Rights Commission, shall develop procedures and regulations consistent with the administrative policy adopted by the City Administrator for notice and enforcement of non-compliance. Such procedures and regulations shall include a provision for the posting of contractors not in compliance.
  - (8) The City Administrator's designee will provide the city's Human Rights Commission with an annual summary report of contracts awarded; affirmative action requirements reviewed, where applicable; any complaints received alleging violation of the contractor's non-discrimination requirements, and actions taken. The Human Rights Commission will be provided, at its request, with additional information related to the report. The Human Rights Commission and the City Administrator's designee will report annually to the City Council on compliance of city contractors with this chapter.
  - (9) All city contracts shall provide further that breach of the obligation not to discriminate shall be a material breach of the contract for which the city shall be entitled, at its option, to do any or all of the following:
    - (a) Cancel, terminate, or suspend the contract in whole or part and/or refuse to make any required periodic payments under the contract;
    - (b) Declare the contractor ineligible for the award of any future contracts with the city for a specified length of time;
    - (c) Recover liquidated damages of a specified sum, said sum to be that percentage of the labor expenditure for the time period involved which would have accrued to protected class members had the discrimination provisions not been breached;
    - (d) Impose for each day of non-compliance, liquidated damages of a specified sum, based upon the following schedule:

Contract Amount	Assessed Damages Per Day of Non-Compliance
\$25,000—99,999	\$50.00
100,000—199,999	100.00
200,000—499,999	150.00
500,000—1,499,999	200.00
1,500,000—2,999,999	250.00
3,000,000—4,999,999	300.00
5,000,000 and above	500.00

- (e) In addition, the contractor shall be liable for any costs or expenses incurred by the City of Ann Arbor in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the city under this contract.

(Ord. No. 14-25, § 1, 10-20-14)

**9:159. Complaint procedure.**

- (1) A complaint about a violation of this chapter should be made to the Ann Arbor Human Rights Commission. The complaint may be submitted in person, by telephone, by mail, or electronically.

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- (2) Upon receipt, the Human Rights Commission will review the complaint, provide notice of the complaint to the City Attorney's Office, communicate with the complainant, and take appropriate action with respect to the matter, including, but not limited to:
    - (a) Mediating the matter between the involved parties;
    - (b) Referring the complainant to other local, state or federal entities for investigation and remedy;
    - (c) Referring the complaint to the City Attorney for further investigation and action pursuant to this chapter;
    - (d) Dismissing the complaint, after review with the City Attorney, if the allegations do not constitute a violation of this chapter.
  - (3) With respect to complaints filed by current city employees, the Human Rights Commission will refer such employees to any applicable processes contained in collective bargaining agreements and/or the City Human Resources Policies and Procedures. If a current employee has exhausted any such processes, he/she may file a complaint with the Human Rights Commission in accordance with subparagraphs (1) through (3) of this section.
  - (4) The Human Rights Commission will take action on the complaint within 90 days of receipt of the complaint. If additional time is necessary, the Human Rights Commission will notify the complainant of the need for additional time. All communications with the complainant regarding actions taken or additional time necessary will be in writing, with a copy to the City Attorney.
  - (5) The City Attorney will notify the Human Rights Commission in writing of actions taken by the City Attorney's Office on complaints referred to that office by the Human Rights Commission.
  - (6) All complaints received by the Human Rights Commission and responses from the Human Rights Commission will be retained by the City of Ann Arbor for at least 3 years.
  - (7) The Human Rights Commission will provide an annual report to City Council regarding the complaints received and actions taken.
  - (8) No individual shall provide false information to any authorized individual investigating a complaint regarding a violation of this chapter.
  - (9) For an investigation, the City Attorney may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this chapter. If said person does not comply with such request, the City Attorney may apply to Washtenaw County Circuit Court for an order requiring production of said materials.

(Ord. No. 14-25, § 1, 10-20-14; Ord. No. 22-09, § 1, 5-5-22)

### **9:160. Conciliation agreements.**

In cases involving alleged violations of this chapter, the City Attorney may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. Such agreements may be reviewed by the Human Rights Commission. Violations of such agreements shall be violations of this chapter.

(Ord. No. 14-25, § 1, 10-20-14)

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### **9:161. Injunctions.**

The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Ord. No. 14-25, § 1, 10-20-14)

### **9:162. Prosecution.**

Prosecution for violation of this chapter may be initiated by the City Attorney on behalf of the affected individual on the basis of an investigation initiated by a complaint to the Human Rights Commission.

(Ord. No. 14-25, § 1, 10-20-14)

### **9:163. Penalties.**

- (1) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$500.00 for each day upon which a violation occurs, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
- (2) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
- (3) Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 14-25, § 1, 10-20-14)

### **9:164. Private actions for damages or injunctive relief.**

- (1) To the extent allowed by law, an individual who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this chapter.
- (2) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.
- (3) Private actions and remedies under this section shall be in addition to any actions for violations which the city may take.

(Ord. No. 14-25, § 1, 10-20-14)