

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2021-01-13/O-1) enacted as amended by the Chapel Hill Town Council on January 13, 2021.

This the 14th day of January, 2021.

Amy T. Harvey

**Amy T. Harvey
Deputy Town Clerk**



AN ORDINANCE AMENDING CHAPTER 10 OF THE CHAPEL HILL TOWN CODE TO PROHIBIT DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS AND IN EMPLOYMENT (2021-01-13/O-1)

WHEREAS, on March 23, 2016, S.L. 2016-3 (commonly known as "House Bill 2") established new statewide standards for what constitutes discriminatory practice in employment and public accommodations; omitted sexual orientation, gender identity and expression, and other categories from the statewide list of categories protected from discrimination; and appeared to preempt local governments from offering these protections to their residents; and

WHEREAS, on March 30, 2017, S.L. 2017-4 repealed S.L. 2016-3 and, in Section 3 of the act, preempted local governments from enacting or amending ordinances regulating private employment practices or regulating public accommodations; and

WHEREAS, Section 3 of S.L. 2017-4 expired on December 1, 2020; and

WHEREAS, the Town Council has resolved to enact protections against discrimination that reflect the community's shared values of equality, inclusion, and fair access, and to preserve the health, safety, and welfare of people without regard to certain actual or perceived status or characteristics.

NOW, THEREFORE, BE IT ORDAINED by the Chapel Hill Town Council that:

Section 1. The Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended by adding to Chapter 10 a new "Article IX: Anti-discrimination in Places of Public Accommodations and in Employment," which shall read as shown in the attached language.

Section 2. These provisions shall supersede other provisions of the Town Code in conflict.

Section 3. This ordinance shall become effective January 13, 2021.

This the 13th day of January, 2021.

Chapter 10 – Licenses and Business Regulations

Article IX: Anti-discrimination in Places of Public Accommodations and in Employment

Sec. 10-243. Definitions.

The following definitions apply to this Article:

(1) "Employer" includes any person employing one or more persons within the Town of Chapel Hill and any person acting in the interest of an employer, directly or indirectly.

(2) "Gender identity" or "gender expression" means having or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that individual at birth.

(3) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons.

(4) "Place of public accommodation" includes, but is not limited to, any place, facility, store, other establishment, hotel, or motel, which supplies goods, services, or accommodations on the premises to the public or which solicits or accepts the patronage or trade of any person.

(5) "Pregnancy" includes, but is not limited to, pregnancy, childbirth, or any medical condition related to pregnancy or childbirth.

Sec. 10-244. Discrimination in places of public accommodations prohibited.

It shall be unlawful for any person in a place of public accommodation to deny the full enjoyment of the accommodations, advantages, facilities or privileges thereof on the basis of race, ethnicity, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, national ancestry, marital status, familial status, pregnancy, veteran status, religion, religious belief or non-belief, age, or disability.

Sec. 10-245. Discrimination in employment prohibited.

It shall be unlawful for any employer, because of the race, ethnicity, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, national ancestry, marital status, familial status, pregnancy, veteran status, religion, religious belief or non-belief, age, or disability of any person, to refuse to hire or otherwise discriminate against that person with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

Sec. 10-246. Penalties and Enforcement.

In addition to or in lieu of other remedies available by law, any person violating any provisions of this Article may be subject to an enforcement action brought by the Town under G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including but not limited to a mandatory or prohibitory injunction commanding the defendant to correct the conduct prohibited under this Article. This Article is not intended to limit the remedies available to any person under state or federal law.

Sec. 10-247. Consistency.

This Article shall be construed and applied consistent with other law.