



ORDINANCE

Amending Town Code Section 5-11.a

The Hillsborough Board of Commissioners ordains:

Section 1. The following Section 5-11.a of the Code of Ordinances shall be amended.

1. Definitions.

The following definitions apply to this ordinance:

- (a) "Discrimination" means any difference in treatment based on race, natural hair or natural hairstyles, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief, age, or disability.
- (b) "Employer" includes any person employing one or more persons within the Town of Hillsborough and any person acting in the interest of an employer, directly or indirectly.
- (c) "Gender identity or 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.
- (d) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons.
- (e) "Place of public accommodation" includes, but is not limited to, any place, facility, store, other establishment, hotel, or motel that supplies goods or services on the premises to the public or which solicits or accepts the patronage or trade of any person.

2. Discrimination in places of public accommodations prohibited.

It shall be unlawful for any proprietor or his/her employer, keeper, or manager in a place of public accommodation to deny any person, except for reasons applicable alike to all persons, regardless of race, natural hair or natural hairstyles, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief, age, or disability the full enjoyment of the accommodations, advantages, facilities or privileges thereof.

3. Discrimination in employment prohibited.

It shall be unlawful for any employer, because of the race, natural hair or natural hairstyles, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief, age or disability or of any person to refuse to hire or

otherwise discriminate against him/her with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

The provisions of this section shall become effective on the thirtieth (30th) day after immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances: (a) Any decision of the North Carolina Supreme Court which reverses, in whole or in part, *Williams v. Blue Cross Blue Shield of North Carolina*, 357 N.C. 170, 581 S.E. 2d 415 (2003); or (b) Adoption of an amendment to the North Carolina Constitution which, in whole or in part, authorizes the Assembly to enact local, private or special acts regulating trade and labor.

4. Penalties and Enforcement.

- (a) Any person, firm, or corporation violating any provisions of this ordinance shall, ~~to G.S. 160-175,~~ be issued a citation setting forth a civil penalty of five hundred dollars (\$500.00). Each and every day during which such discrimination continues shall be deemed a separate offense. Violation of this ordinance shall not constitute a misdemeanor pursuant to G.S. 14-4(a).
- (b) In addition to, or in lieu of the remedy provided in subsection (a), any person, firm, or corporation violating any provisions of this ordinance 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 for a mandatory or prohibitory injunction commanding the defendant to correct the discrimination prohibited under this ordinance.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____ in 20 _____.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk