

AN ORDINANCE AMENDING TITLE XI OF THE CHATHAM COUNTY CODE OF ORDINANCES TO PROHIBIT DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS AND IN EMPLOYMENT

WHEREAS, S.L. 2016-3 (commonly known as “House Bill 2”) established statewide standards for discriminatory practices in employment and public accommodations, and preempted local governments from prohibiting or regulation discriminatory practices in employment and public accommodations; and

WHEREAS, S.L. 2017-4 repealed S.L. 2016-3 and, in Section 3, preempted local governments from enacting or amending ordinances regulating private employment practices or regulating public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 Board of Commissioners desires to provide 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 statuses or characteristics.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. Title XI: Business Regulations is hereby amended by adding a new Chapter 114 to read as follows:

“CHAPTER 114: NON-DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS AND IN EMPLOYMENT

SEC. 114-01 DEFINITIONS

The following definitions apply to this Chapter.

EMPLOYER. Any person employing one or more persons and any person acting in the interest of an employer, directly or indirectly.

GENDER IDENTITY or GENDER EXPRESSION. 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.

PERSON. One or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons.

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.

PREGNANCY. Includes, but is not limited to, pregnancy, childbirth, or any medical condition related to pregnancy or childbirth.

SEC. 114-02 DISCRIMINATION IN PLACES OF PUBLIC ACCOMODATIONS 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, natural hair or hairstyles, 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. 114-03 DISCRIMINATION IN EMPLOYMENT PROHIBITED

It shall be unlawful for any employer, because of the race, natural hair or hairstyles, 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. 114-04 PENALTIES AND ENFORCEMENT

Any person violating any provisions of this Chapter may be subject to an enforcement action brought by the County under G.S. 153-123(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 Chapter. A violation of this Chapter shall not constitute a misdemeanor or infraction. This Chapter is not intended to limit the remedies available to any person under state or federal law.

SEC. 114-05 APPLICABILITY

This Chapter shall be applicable to any part of the county not within a municipality unless the governing board of a municipality adopts a resolution permitting this Chapter to be applicable within the municipality.

SEC. 114-06 CONFLICT WITH STATE AND FEDERAL LAW

If the provisions of this Chapter conflict with any right or privilege of an employer or person who provides a public accommodation that is established or recognized by state or federal law, or the state or federal constitution, that right or privilege shall prevail over the requirements of this Chapter.”

Section 2. This ordinance shall become effective October 1, 2021.