

**ORDINANCE AMENDING TOWN CODE TO PROHIBIT DISCRIMINATION
IN PLACES OF PUBLIC ACCOMMODATIONS AND IN EMPLOYMENT**

WHEREAS, the Mayor and Town Council believe that the Town of Weaverville should be a welcoming and diverse community that is free from discrimination of any kind;

WHEREAS, consistent with the values established by the Town in the Title VI Non-Discrimination Policy and Implementation Plan adopted on April 27, 2020, Town Council hereby determines that it is in the best interest of the citizens and residents of the Town of Weaverville to enact protections against discrimination in order to reflect the community's shared values of equality, inclusion, and fair access, and that preserve the health, safety, and welfare of people without regard to certain actual or perceived status or characteristics;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, as follows:

1. The following is hereby added as Article I of Chapter 6 of the Weaverville Town Code of Ordinances:

CHAPTER 6 – BUSINESSES

**ARTICLE I. DISCRIMINATION PROHIBITED IN PLACES OF PUBLIC ACCOMMODATIONS
AND IN EMPLOYMENT**

Sec. 6-1. Definitions.

The following definitions apply to this article unless the context clearly indicates or requires a different meaning:

Conciliation – Attempted resolution of issues raised by a complainant through informal means not involving court process.

Discrimination – Any difference in treatment based on a protected class as defined herein.

Employer – Any person employing one or more persons within the Town of Weaverville and any person acting in the interest of an employer, directly or indirectly, including employment agencies.

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 – A natural person, a corporation, company, partnership, firm, association, or other entity with a separate legal existence.

Protected class – Includes any and all of the following: sexual orientation, gender identity, gender expression, race, ethnicity, creed, color, sex, national origin, national ancestry, marital status, familial status, pregnancy, veteran or military status, religion, religious beliefs or non-beliefs, age, disability, or income level.

Public accommodation or place of public accommodation – Any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public or which solicits or accepts the patronage or trade of any person. A public accommodation shall not include a religious organization or the activities of the religious organization, or a non-profit fraternal or social organization which restricts the use of facilities and services to members and their guests.

Religious organization – Includes any church, mosque, synagogue, temple, non-denominational ministry, faith-based mission or faith-based entity that is primarily devoted to the study, practice, or advancement of religion.

Sec. 6-2. Applicability.

This article shall apply within the jurisdictional limits of the Town of Weaverville.

Sec. 6-3. Discrimination in places of public accommodations prohibited.

It shall be unlawful for any owner, proprietor, employer, employee, agent, keeper, or manager in a place of public accommodation to deny the full and equal enjoyment of the accommodations, advantages, facilities, or privileges thereof because of that person's inclusion within one or more protected classes.

Sec. 6-4. Discrimination in employment prohibited.

- (a) It shall be unlawful for any employer, because of the protected class of any person, to fail or refuse to hire, discharge, or otherwise discriminate against that person with respect to tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment.
- (b) An unlawful employment practice is established when the complaining party demonstrates by clear, cogent, and convincing evidence that a personal characteristic or the status of the complaining party as a member of a protected class was a motivating factor for the employment practice. An employment practice shall not be considered unlawful if it is based upon a neutral, job-related aspect for the position in question and consistent with business necessity or an exception recognized by Title VII of the Civil Rights Act of 1964.
- (c) The Town of Weaverville interprets all legal prohibitions on sex discrimination to include discrimination on the basis of sexual orientation, gender identity, and gender expression.

Sec. 6-5. Administration.

This article shall be administered by the Town Manager, or their designee. The Town Manager is directed to develop and abide by a standard administrative procedure for the handling of complaints of discrimination relating to public accommodations and employment under this article. Such procedure should be in writing and shall include provisions on: (1) submission and review of complaints, (2) notice to the employer or place of public accommodation complained of and an opportunity to provide a response, (3) conciliation efforts, (4) staff review, findings and decisions, and (5) an opportunity to appeal any administrative finding or decision.

Sec. 6-6. Enforcement.

This article does not create, and is not intended to create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable by law or in equity, by any party against the Town of Weaverville, its agencies, departments, or any officers, elected officials, or employees, or any other person or entity, including respondents.

The provisions of Code Sec. 1-6 are not applicable to this article and are not enforceable by criminal penalties.

This article is not intended to limit the remedies available to any person under federal or state law.

Sec. 6-7. Compliance with laws.

Nothing in this article shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any existing federal, state, or local law or either the United States or North Carolina Constitutions, including, but not limited to the Free Exercise Clause of the First Amendment.

Sec. 6-8. Severability.

In the event any portion of this article, or the application thereof to any person, is declared or adjudged to be invalid or unconstitutional, then such declaration or adjudication shall not affect the remaining provisions of this article or its application to other persons; and this article shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this article.

2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

3. These amendments shall be effective on May 1, 2025, and codified immediately thereafter.

ADOPTED THIS the 28th day of April, 2025, by a vote of 7 in favor and 0 against.



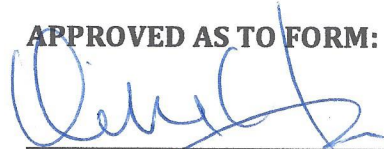
PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



TAMARA MERCER, Town Clerk

APPROVED AS TO FORM:



MICHAEL FRUE, Town Attorney