

BATH, WEST VIRGINIA NONDISCRIMINATION ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF BATH, WEST VIRGINIA AS FOLLOWS:

SECTION 1: The Municipal Code of the Town of Bath, West Virginia is hereby amended to create a new Article entitled "Unlawful Discrimination" to read as follows:

Sec. 1-1. Purpose and Intent. It is the purpose and intent of the Bath Town Council to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. The Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live and work in the Town of Bath. It is important for the Town to ensure that all persons within the Town have equal access to employment, housing, and public accommodations.

Sec. 1-2. Definitions. For the purposes of this ordinance, the following terms shall have the following meanings:

- (1) AGE. An individual's status as having obtained forty or more years of age.
- (2) Town CONTRACTOR. Any person, corporation, or entity that has a contract to do business with the Town of Bath.
- (3) DISCRIMINATE, DISCRIMINATION OR DISCRIMINATORY. Any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.
- (4) EMPLOYEE. Any individual employed by or seeking employment from an employer, excluding any individual employed by his or her parents, spouse, or child.
- (5) EMPLOYER. A person who employs one or more employees in the Town of Bath, or any agent of such person. Employer shall include the Town of Bath and any Town Contractor.

- (6) **FAMILIAL STATUS.** Means an individual's past, current or prospective status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (7) **GENDER IDENTITY.** The actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) **MARITAL STATUS.** An individual's past, current, or prospective status as single, married, domestically partnered, divorced, or widowed.
- (9) **NATIONAL ORIGIN.** An individual's or his or her ancestor's place of origin.
- (10) **PUBLIC ACCOMMODATION.** Any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.
- (11) **RELIGION.** All aspects of religious belief, observance, and practice.
- (12) **SEXUAL ORIENTATION.** Actual or perceived homosexuality, heterosexuality, or bisexuality.
- (13) **VETERAN STATUS.** An individual's status as one who served in the active military, naval or air service.

Sec. 1-3. Civil Rights Declared. The right of an otherwise qualified person to be free from discrimination because of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is recognized as and declared to be a civil right. This right shall include, but not be limited to, all of the following:

- (1) The right to obtain and hold employment and the benefits associated therewith without discrimination.
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any public accommodation without discrimination.

- (3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.
- (4) The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

Sec. 1-4. Exceptions. Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec. 1-3 of this ordinance:

- (1) A religious corporation, association, or society that employs an individual of a particular religion to perform work connected with the performance of religious activities by the corporation, association, or society.
- (2) An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system which is not a pretext to evade the purposes of this ordinance.

Sec. 1-5. Enforcement. A violation of this ordinance constitutes a civil infraction and can be enforced by a private right of action.

- (1) There is hereby established in the Town of Bath a private right of action for individuals who are aggrieved of any of the unlawful discriminatory practices described in section 1-3 of this ordinance. Plaintiff may file a complaint in Morgan County Circuit Court, in compliance with the relevant rules of that Court, and must show through clear and convincing evidence that the defendant committed an unlawful discriminatory practice as described in section 1-3 of this ordinance.

Sec. 1-6. - Other Remedies. This ordinance may not be construed to limit any other remedies available under local, state, or federal law.

SECTION 2: This ordinance shall become effective on **[date]**.