

ORDINANCE NO. 2023

**AN ORDINANCE OF THE CITY OF DANVILLE, KENTUCKY, AMENDING CHAPTER 5.5 TITLED FAIR HOUSING, PUBLIC ACCOMMODATIONS AND EMPLOYMENT TO ADD A DEFINITION OF NATIONAL ORIGIN TO PROHIBIT DISCRIMINATION BASED ON NATURAL HAIR TEXTURE AND STYLE.**

**WHEREAS, the City of Danville, Kentucky, by and through its Board of Commissioners (hereinafter “the City”) welcomes diversity, desires to be an inclusive community and believes that all individuals should be treated fairly with respect and dignity;**

**WHEREAS, the City believes the words of the Declaration of Independence that all people are created equal and are endowed by our Creator with certain unalienable rights and as such are of sacred value not deserving of discrimination;**

**WHEREAS, the City seeks to discourage discrimination against all individuals on the basis of race, color, religion, national origin, sex, familial status, age, disability, gender identity and sexual orientation and supports the treatment of all people with respect and dignity;**

**WHEREAS, the City wishes to prohibit discrimination against individuals in housing, employment and public accommodations on the basis of race, color, religion, national origin, sex, familial status, age, disability, gender identity and sexual orientation and provide for the enforcement of same under this ordinance; and**

**WHEREAS, the City previously enacted an ordinance codified in Chapter 5.5 of the City of Danville Code of Ordinances to protect all individuals within the City from discrimination in certain contexts in housing, employment and public accommodations; and**

**WHEREAS, the City recognizes a national campaign, led by the CROWN Coalition, which aims to prohibit race-based hair discrimination through the adoption of legislation known**

as the Creating a Respectful and Open World for Natural Hair (CROWN) Act; and

WHEREAS, the City finds it necessary and proper to address the purpose and intentions of the CROWN Act by adding a definition of national origin in the City's existing ordinance to prohibit race or national origin based natural hair and hairstyle discrimination; and

NOW, THEREFORE, be it ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

**SECTION ONE:**

Section 5.5-2 of the City of Danville Code of Ordinances, titled FAIR HOUSING, PUBLIC ACCOMMODATION AND EMPLOYMENT, and shall be amended to read as follows:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be superseded by KRS 344.010(4) and KRS 344.030(1) and applicable federal and state law that may be in effect at the time of a violation.

**AGE.** Age forty (40) years and older.

**BONA FIDE OFFER.** Any written offer to purchase, exchange, rent, or lease of any housing accommodation that is made in good faith without fraud or deceit.

**DISABILITY.** Any individual who: (a) has a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; (b) has record of such an impairment; or (c) is regarded as having such an impairment. The term does not include persons with current or past controlled substances abuse or alcohol abuse problems and persons excluded from coverage by the Americans with Disabilities Act of 1990.

**DISCRIMINATION.** Any direct or indirect act or practice of exclusion, restriction,

segregation, limitation, refusal, denial, or any act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing or compelling thereof made unlawful under this chapter.

**DISCRIMINATORY PRACTICE.** An act that is unlawful under this chapter.

**DWELLING.** Any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

**EMPLOYEE.** Any individual employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of the employer.

**EMPLOYER.** Any person who has eight (8) or more employees within the City in each of twenty (20) or more calendar weeks in the current or preceding calendar year and an agent of such a person, except for purposes of determining discrimination based on disability, employer means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person, excluding the United States, the Commonwealth of Kentucky or one of its agencies or corporations, and Indian Tribes.

**EMPLOYMENT AGENCY.** Any person regularly undertaking, either with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any agent of such person.

**FAMILIAL STATUS.** One or more individuals who have not attained the age of eighteen (18) years and are being domiciled with a parent or another person having legal custody

of such individual or individuals; or the designee of such parent or other person having custody, with the written permission of such parent or other persons. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

**GENDER IDENTITY.** Manifesting a gender identity not traditionally associated with one's biological or psychological maleness or femaleness.

**FAMILY.** Includes a single individual, spouse, and children, whether related by blood, legal guardianship, marriage, or adoption.

**NATIONAL ORIGIN.** The county where a person was born or, more broadly, the country from which the person's ancestors came. National origin includes natural texture and color of hair, hair styles and protective hair styles, including but not limited to braids, locks, twists and coverings, related to a person's place of birth or ancestry. This chapter is designed to prevent discrimination against people based on ethnic distinctions commonly recognized at the time of discrimination. National origin does not include the concept of United States regionalism.

**PERSON.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

**PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.** Any place, building, facility, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly by government funds; except that a

private club is not a place of public accommodation, resort or amusement if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests. This definition does not include a dwelling or rooming or boarding house containing not more than one room for rent or hire and which is within a building occupied by the proprietor as his or her residence. The exemptions afforded to a place of public accommodation, resort or amusement shall be the same as those contained in KRS 344.130.

**SEXUAL ORIENTATION.** An individual's actual or imputed heterosexuality, homosexuality or bisexuality.

**SECTION TWO:**

If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

GIVEN FIRST READING AND PASSED \_\_\_\_\_.

GIVEN SECOND READING AND PASSED \_\_\_\_\_.

DATE OF PUBLICATION \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
J. H. ATKINS, MAYOR  
CITY OF DANVILLE, KENTUCKY

ATTEST:

\_\_\_\_\_  
ASHLEY RAIDER, CITY CLERK  
CITY OF DANVILLE, KENTUCKY