

## CHAPTER 8

### TRADES AND BUSINESSES

Section 8-1 through 8-39 Reserved (*amend. 10/11/22*)

#### Subchapter I - Regulation of Licensing Businesses

##### ARTICLE I - INSULATION CONTRACTORS LICENSE

Section 8-40 Administrator  
Section 8-41 License Required  
Section 8-42 License Application, Issuance, Duration, Revocation  
Section 8-43 Appeals  
Section 8-44 Bond Required  
Section 8-45 Penalties and Remedies (*amend. 10/11/22*)  
Section 8-46 through 8-49 Reserved

##### ARTICLE II - TAXICABS

Section 8-50 Definitions  
Section 8-51 Reserved (*amend. 10/11/22*)  
Section 8-52 Operator's Permit  
Section 8-53 Taxicabs to Display Required Information  
Section 8-54 Waiver of Certain Requirements  
Section 8-55 through 8-59 Reserved

##### ARTICLE III - COMMERCIAL SOLICITATION

Section 8-60 Definitions  
Section 8-61 Commercial Solicitation Permit Required  
Section 8-62 Application Requirements; Grounds for Denial  
Sections 8-63 through 8-69 Reserved

##### ARTICLE IV - REGULATION OF SMOKING

Section 8-70 Findings and Purpose  
Section 8-71 Definitions  
Section 8-72 Smoking Prohibited in Public Places  
Section 8-73 Smoking in Eating Establishments  
Section 8-74 Smoking in Places of Employment  
Section 8-75 Signage  
Section 8-76 Exclusions  
Section 8-77 Enforcement

##### ARTICLE V – TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

Section 8-78 Applicability

Section 8-78.1	Limitation on Fees for Towing from Private Property
Section 8-78.2	Report to Police Department
Section 8-78.3	Release Prior to Tow
Section 8-78.4	Signs Informing that Credit and Debit Cards Okay for Towing Fees
Section 8-79	Reserved

ARTICLE VI - PENALTIES AND REMEDIES

Section 8-80	Penalties and Remedies ( <i>amend. 10/11/22</i> )
--------------	---

**Subchapter II- Reserved**

**Subchapter III – Anti-discrimination in Place of Public Accommodations and in Employment**

*(Amend. 1/12/21, 10/11/22)*

ARTICLE VII – DISCRIMINATION PROHIBITED IN PLACED OF PUBLIC ACCOMMODATIONS AND IN EMPLOYMENT

Section 8-81	Definitions
Section 8-82	Discrimination in Places of Public Accommodations Prohibited
Section 8-83	Discrimination in Employment Prohibited
Section 8-84	Penalties and Enforcement ( <i>amend. 10/11/22</i> )

**Sections 8-1 through 8-39 Reserved** (amend. 10/11/22)

**SUBCHAPTER I - REGULATION OF LICENSING BUSINESSES**

**Article I**

**INSULATION CONTRACTORS LICENSE**

**Section 8-40 Administrator**

As used in this article, the term “administrator” means the Town building inspector or any other person designated by the Town Manager to perform the functions assigned by this article to the administrator.

**Section 8-41 License Required**

(a) Subject to subsection (b), no person may, for a consideration, install, alter, or restore within the Town any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements without a license issued pursuant to this article.

(b) Subsection (a) shall not apply to:

- (1) General contractors licensed under Chapter 87 of the General Statutes; or
- (2) Persons working under the supervision of a registered architect or professional engineer; or
- (3) An owner working upon their own building.

**Section 8-42 License Application, Issuance, Duration, Revocation**

(a) Application for license under this article shall be made to the administrator on a form provided by the administrator and shall contain at least the following information:

- (1) The name and principal business address of the applicant;
- (2) The name, address, date of birth, and social security number of
  - a. The applicant, if an individual.
  - b. Each partner, if the applicant is a partnership.

c. Each corporate officer, if the applicant is a corporation.

(3) A complete record of the convictions of a felony or a crime involving dishonesty, fraud, or deceit by the applicant or any employee, partner, or officer of the applicant, whether in this state or any other jurisdiction;

(4) A complete record of the circumstances under which a license of the applicant (or any employee, partner or officer thereof) to do the type of work authorized by the license issued pursuant to this article has been suspended or revoked within the past three years.

(b) The application shall be accompanied by a fee of \$10.00.

(c) The administrator shall issue the license within fifteen days after receiving the completed application, unless the administrator finds that the applicant or any employee, partner, or officer thereof:

(1) Has been convicted within the last three years of a felony or a crime involving dishonesty, fraud, or deceit, whether in this state or any other jurisdiction; or

(2) Within the last three years has been refused a license to do the work authorized by the licensing provision of this article, or has had such a license suspended or revoked by any local, state, or federal agency and such agency has not subsequently granted or restored the license; or

(3) Has knowingly made a false statement in the application; or

(4) Has failed to post the bond or other security required by Section 8-44.

(d) Licenses issued pursuant to this article shall be valid for an annual period running from July 1st until the following June 30th. Renewal of such licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.

(e) A license may be revoked by the administrator, after notifying the licensee and giving the licensee an opportunity to be heard, upon a showing that any of the grounds for denying a license (as set forth in subsection (c)) then exist.

### **Section 8-43 Appeals**

If one administrator refuses to issue a license or revokes a license, the applicant or licensee may appeal this decision to the Board of Adjustment. The burden of justifying the refusal or revocation shall be on the administrator. The decision of the administrator may be reversed by a majority vote of those present at the hearing (assuming a quorum is present).

### **Section 8-44 Bond Required**

Before a license may be issued to an applicant, the applicant shall post with the Town a license bond or other sufficient security in the amount of one thousand dollars (\$1,000.00), in a form approved by the Town Attorney, conditioned upon the applicant's complying during the term of the applicant's license with the provisions of this ordinance and with the terms of any building permit issued to install insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code.

#### **Section 8-45 Penalties and Remedies**

(a) A violation of Section 8-41 shall subject the offender to a civil penalty of twenty-five dollars (\$25.00). If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. *(amend. 10/11/22)*

(b) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies specified in this section.

(c) This article may be enforced by any appropriate equitable action.

(d) This ordinance may be enforced by any one, all, or any combination of the remedies authorized by this section.

#### **Sections 8-46 through 8-49 Reserved**

**Article II**  
**TAXICABS**

**Section 8-50 Definitions**

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this article.

- (1) *Administrator*. The chief of police or any other person designated by the Town Manager to perform the responsibilities assigned by this chapter to the administrator.
- (2) *Conduct a taxicab business*. A person conducts a taxicab business when that person operates one or more taxicabs.
- (3) *Taxicab*. A motor vehicle that transports passengers for hire and has a capacity of not more than nine passengers.

**Section 8-51 Reserved** (amend. 10/11/22)

**Section 8-52 Operator's Permit**

- (a) No person may operate a motor vehicle as a taxicab without a taxicab operator's permit issued by the administrator in accordance with this section.
- (b) An applicant for a taxicab operator's permit shall be required to furnish to the administrator, on forms prescribed by the Town or otherwise, information deemed reasonably necessary by the administrator to determine whether the permit should be issued according to the criteria set forth in subsection (c).
- (c) The taxicab operator's permit shall be issued unless the administrator determines that the permit should be refused for one of the following reasons:
  - (1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;
  - (2) Violation of any federal or state law relating to the use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;
  - (3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;
  - (4) Violation of any federal or State law relating to prostitution; or

(5) Habitual violation of traffic laws or ordinances.

(d) The taxicab operator's permit may be revoked by the administrator for any reason that would have justified denial of the permit as specified in subsection (c). Before revocation, the administrator shall notify the permit holder of the administrator's intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the administrator shall notify the permit holder in writing of the administrator's decision and the reasons therefor.

### **Section 8-53 Taxicabs to Display Required Information**

Any person who conducts a taxicab business, as well as the driver of any taxicab, shall be responsible for ensuring that the following items are displayed within the taxi so as to be visible to passengers:

- (1) The taxicab operator's permit required by Section 8-52;
- (2) A photograph of the driver; and
- (3) The schedule of fares.

### **Section 8-54 Waiver of Certain Requirements**

(a) Notwithstanding the other provisions of this article, a privilege license may be issued to an applicant who does not comply with the provisions of Subdivisions 8-51(b)(2) and (3) if the applicant has received a privilege license from another local government where the headquarters of such applicant lies and, in the opinion of the police chief, the requirements of the foregoing subdivisions are thereby rendered superfluous.

(b) The police chief may waive the requirements of Section 8-52 with respect to any taxicab operators employed by a taxicab business that is licensed by another municipality if the police chief finds that such other municipality employs procedures adequate to ensure that persons who could not receive operators' permits under Section 8-53 are also prohibited from operating taxicabs by such other municipality.

### **Sections 8-55 through 8-59 Reserved**

## Article III

### COMMERCIAL SOLICITATION

#### **Section 8-60 Definitions**

Unless otherwise specifically provided or unless clearly required by the context, the following words and phrases shall have the meaning indicated when used in this article:

- (1) *Administrator*. The Chief of Police of the Carrboro Police Department, or the Chief's designee.
- (2) *Door-To-Door Salesperson or Solicitor*. Any person who, for themselves or as an agent for any other person or entity not otherwise exempt from this Article, without prior appointment with the occupants thereof, travels from dwelling to dwelling or place to place selling or offering for sale or taking orders for the sale of any services, goods, wares magazines, periodicals, or other merchandise of any kind.
- (3) *Itinerant merchant*. A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.
- (4) *Peddler*. A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

#### **Section 8-61 Commercial Solicitation Permit Required**

- (a) Pursuant to authority granted by, *inter alia*, General Statutes 160A-178, and for the purpose of protecting the public from fraudulent, unfair or unsafe practices of some individuals or entities engaged in door-to-door commercial solicitation, the Town has adopted the following regulations. Peddlers, solicitors, and itinerant merchants doing business inside the Town limits shall be required to secure a permit issued by the Commercial Solicitation Administrator prior to the sale of goods.
- (b) A permit issued under this article shall be valid for the period specified in the permit, which period shall be the period the permittee intends to conduct business within the Town. Permits may be issued for a period of up to sixty (60) consecutive calendar days, with one renewal period of up to sixty (60) additional, consecutive days.

#### **Section 8-62 Application Requirements; Grounds for Denial**

- (a) To obtain the permit required by Section 8-61 above, a permit applicant shall:

- (1) Provide a government-issued form of photographic identification;
- (2) Submit to the administrator the applicant's name, address, telephone number, photograph, and social security number;
- (3) Submit the name, address, and telephone number, taxpayer identification number and/or employer identification number, of any company, firm, organization, or person for whom the applicant is acting as an agent or employee;
- (4) State the type of service(s) or product(s) being sold or offered;
- (5) State the time period (not to exceed sixty [60] consecutive calendar days) for which the permit is sought;
- (6) Provide a statement of whether the applicant has been convicted of any misdemeanor or felony in any jurisdiction in any state in the past ten [10] years, and if so, provide details for each conviction;
- (7) State the applicant's date of birth, place of birth, height, weight, eye color, hair color and/or other unique identifying information (scars, tattoos, etc.); and
- (8) Pay the permit application fee and security deposit in such amount(s) as may be established by the Town.

(b) Upon receipt of a complete application, the administrator shall conduct a criminal background check through the North Carolina State Bureau of Investigation's Division of Criminal Investigation Network and shall otherwise investigate the applicant's background based on the following criteria:

- (1) For all applicants, a "NC Only – Criminal/Investigative Name Inquiry," shall be conducted.
- (2) For applicants that present an out-of-state identification, an additional "Out-of-State Name Query," from the applicant's state of origin shall be conducted.

Information obtained through this process shall be prima facie evident that the applicant possesses a documented criminal history.

(c) The administrator shall issue the permit requested under this article unless the administrator finds that:

- (1) Within the preceding ten years (for felonies) or five years (for misdemeanors), the applicant has been convicted of a Class A, B, C, D, E, F, or H felony as defined by G.S. 14-1. (or its equivalent from the applicant's state of origin), or of any crime involving moral turpitude, or other crimes of like nature; or

(2) The applicant is not in fact a legitimate agent or employee of the company, firm, organization, or person that the applicant purports to represent; or

(3) Any of the information provided by the applicant pursuant to subparagraph (a) above is false or incorrect; or

(4) The applicant has had a permit revoked within one year prior to the date of application.

(d) Upon completion of the investigation, the administrator shall forthwith either (i) issue the permit or (ii) deny the permit and provide the applicant with a written statement of the reasons for denial.

(e) An applicant to whom a commercial solicitation permit has been issued shall have such permit on their person, available for display, at all times while engaging in commercial solicitation activities.

### **Section 8-62.1 Revocation of Permit**

(a) If after a permit has been issued, the administrator (i) finds that any of the information provided pursuant to Section 8-62(a)(2), (a)(3), (a)(4), (a)(6) or (a)(7), is incorrect, or (ii) makes any finding described in Section 8-62(c)(1) through (3) above, or (iii) determines that it is in the interest of public health or safety to do so, the administrator shall revoke the permit.

(b) If the administrator determines that a permit should be revoked, the administrator shall give the permittee written notice of such determination, which notice shall state the reason(s) for revocation. Such revocation shall become effective two (2) days after the date such written notice is given.

(c) The permittee may request a conference with the administrator in writing. Such request for a conference shall be made within ten (10) days of permittee's receipt of the notice of revocation. If the permittee fails to request a conference, the administrator's determination shall become final.

(d) If the permittee requests a conference, the administrator shall conduct the conference within five (5) business days of the request. The administrator shall notify the permittee in writing of the administrator's determination on the permittee's revocation conference within two (2) business days after completion of the conference.

(e) The permittee may appeal the administrator's written determination to the Town Council by submitting a written notice of appeal to the administrator with a copy to the Town Clerk, within five (5) business days of the administrator's written determination.

(f) The Town Council shall hear and decide the appeal within thirty (30) days after the Notice of Appeal is filed, unless the hearing is continued for good cause. The

permittee/applicant shall be given at least five (5) business days' notice of the date and time of hearing and shall be served with a written copy of the Council's decision following the hearing. The burden of establishing the correctness of the administrator's decision to revoke the permit shall be on the administrator.

(g) Unless the administrator expressly suspends or delays enforcement of the permit revocation, the permit revocation shall be effective during any appeal.

(h) If the permittee fails to request a conference with the administrator pursuant to subparagraph (c) above, then the administrator's revocation determination becomes final.

### **Section 8-63 Exemptions**

The permit requirements of this Article shall not apply to:

- (1) Delivery of goods or services which have been ordered before delivery;
- (2) Circulation of petitions for signatures or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters;
- (3) Lawful promotion or expression of views concerning political, social, religious and other matters;
- (4) The solicitation of contributions or pledges thereof for bona fide nonprofit organizations;
- (5) The sale or delivery of goods to a business establishment.

### **Sections 8-64 through 8-69 reserved**

## Article IV

### REGULATION OF SMOKING

#### **Section 8-70 Findings and Purpose**

(a) The Town Council finds that:

(1) Exposure to environmental tobacco smoke (ETS) is a hazard to the public health. Scientific and medical evidence exists which documents this hazard including the 1992 report of the US Environmental Protection Agency on “Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders” which classified ETS as a Class A carcinogen and as one of the few agents known to cause cancer in people; and

(2) Studies have found that breathing ETS is a cause of disease, including lung cancer, in healthy nonsmokers. At special risk are children, elderly people, individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

(b) The purpose of this article is to protect and promote the public health and welfare by regulating smoking in public places, eating establishments, and places of employment to minimize the public's exposure to ETS. In fulfilling this purpose, this article recognizes that where individual needs conflict, the need to breathe smoke-free air shall have priority.

#### **Section 8-71 Definitions**

The following words and phrases shall have the meaning indicated when used in this article.

(1) “*Art/Entertainment Facility*” includes, but is not limited to, “theaters” meaning any enclosed facility engaged in the business of exhibiting motion pictures, plays or performances to an audience; concert halls, art galleries, auditoriums, indoor recreational areas, libraries, and museums.

(2) “*Eating Establishment*” means an establishment open to the public which is engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises. Eating establishments shall include businesses that are referred to as restaurants, cafeterias, or cafes. Eating establishments shall also include lunch stands, drink stands, grills, bars, lounges, snack bars, fast-food businesses, and other establishments (such as drugstores) which have a lunch counter or other section where food is sold to be eaten on the premises.

(3) “*Educational Facility*” means any public or private facility that is used for the principal purpose of providing instruction or training in a trade, craft, business, skill, or athletic or sports activity; or of providing child care; or primary, secondary, or higher education.

- (4) “*Employee*” means any person who is employed by any employer for compensation, direct or indirect.
- (5) “*Employer*” means any person, business, partnership, corporation, or non-profit entity, who employs the services of one or more individual persons.
- (6) “*Enclosed Area*” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, or similar structures.
- (7) “*Health Care Facility*” means any facility associated with the rendition of health care, including, but not limited to, laboratories, hospitals, public and private health care facilities.
- (8) “*Place of Employment*” means any enclosed area where an employee is engaged to work for an employer, except that:
- a. A private residence is not a “place of employment” unless it is used as a licensed childcare facility, licensed health care facility, or domiciliary home.
  - b. The dining area of an eating establishment is not a “place of employment.”
- (9) “*Private Club*” means an establishment which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member’s guest, and is not profit oriented.
- (10) “*Private Residence*” includes a resident’s room within a rest home or long-term care facility, a dormitory room, or a rooming house, or homeless shelter as long as the room is not shared by a non-smoker.
- (11) “*Public place or area*” means any enclosed area to which the public is invited or in which the public is generally permitted. The term does not include private residences, places generally restricted to employees, private offices, or other areas not generally available to the public except when accompanied by a person in charge of such premises or one who is employed by such person.
- (12) “*Smoking*” means inhaling, exhaling, burning, or carrying any lighted cigar, lighted cigarette, or other lighted tobacco product in any manner or in any form.
- (13) “*Sports Facility*” means an enclosed sports facility including, but not limited to, sports pavilions, bowling alleys, gymnasiums, health spas, swimming pools, roller and ice skating rinks, where members of the general public assemble either to engage in or witness physical exercise or events.

### **Section 8-72 Smoking Prohibited In Public Places**

(a) Smoking is prohibited within the enclosed areas of public places. Such public places include, but are not limited to, the following:

- (1) Elevators
- (2) Public rest rooms
- (3) Polling places
- (4) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (5) Busses and taxicabs
- (6) Public areas of art/entertainment facilities.
- (7) Public areas of retail stores, shopping malls, service establishments, offices, and other businesses or commercial facilities.
- (8) Public areas of sports facilities.
- (9) Public areas of health care facilities.
- (10) Public areas of educational facilities, including classrooms, gymnasiums, auditoriums, and other common areas.

(b) The smoking ban set forth in subsection (a) shall not apply to eating establishments of those areas within places of employment that are not generally open to the public.

### **Section 8-73 Smoking in Eating Establishments**

Smoking is prohibited in all enclosed areas of restaurants and bars, except as provided in G.S. 130A-496(b).

### **Section 8-74 Smoking in Places of Employment**

(a) Employers shall make reasonable efforts to provide a smoke-free environment for nonsmoking employees. Each employer shall have the right to designate any place of employment as a nonsmoking place of employment.

(b) Employers may define designated smoking areas for employees within their places of employment in accordance with this article. Effective July 1, 1995, any and all smoking areas in places of employment, other than individual, enclosed offices, must be (i) outside of

the facility, or (ii) serviced by a separate and adequate heating, ventilation, and air conditioning (HVAC) system according to current standards established by American Society of Heating, Refrigeration, and Air Conditioning Engineers so as to provide a smoke-free environment for nonsmoking employees in enclosed buildings.

### **Section 8-75 Signage**

(a) The owner of every public place or eating establishment where smoking is prohibited under the provisions of Sections 8-72 and 8-73 shall ensure that signs are conspicuously posted at the entrance to or within such places to give reasonable notice of the smoking ban to persons entering or occupying such places. Such signs shall have letters at least one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

(b) No person may remove or deface any placard required to be erected by or under the authority of this section.

### **Section 8-76 Exclusions**

The provision of this article shall not apply to those places listed in G.S. 130A-498(b1) and as defined in G.S. 130A-492.

### **Section 8-77 Enforcement**

(a) The proprietor, employer, or other person in charge of an eating establishment, public place or place of employment where smoking is regulated shall make reasonable efforts to prevent smoking in nonsmoking areas.

(b) No person may engage in smoking in violation of the provisions of this article. However, a violation of the provision of this article shall not subject the violator to the penalties set forth in Section 8-80 unless the violation occurs in an area where signs have been posted in accordance with Section 8-75 or the violator persists in smoking after having been informed by any person that smoking is unlawful in the location in question.

## Article V

### TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

#### **Section 8-78 Applicability**

The provisions of this article shall apply only to persons who are engaged in the business of towing motor vehicles, and only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed.

#### **Section 8-78.1 Limitation on Fees for Towing from Private Property**

The towing or storage firm must accept payment by major credit and debit cards in addition to cash for all fees charged for services regulated by this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a waiver by such operator of any entitlement to receive payment of such fee the towing or storage firm must provide a receipt for each payment at the time the payment is made.

#### **Section 8-78.2 Report to Police Department**

Within thirty (30) minutes after a vehicle has been placed at a storage site pursuant to this Article, the tow truck operator who removed the vehicle shall report by telephone to the Carrboro Police Department that the vehicle has been removed, a license tag number and description of the vehicle, and its present location.

#### **Section 8-78.3 Release Prior to Tow**

If, prior to the tow truck and vehicle having left the private property at which the vehicle was parked, the owner or operator or other person able to move the vehicle returns to the property, the tow truck operator shall release the vehicle to that person. No fee may be charged unless the vehicle has been attached to the tow truck prior to the arrival of the person.

#### **Section 8-78.4 Signs Informing that Credit and Debit Cards Okay for Towing Fees**

(a) Subject to subsection (b) of this section, no person may charge a fee for towing a motor vehicle from privately owned parking lots or areas unless the property from which the vehicle is towed contains signs that (i) (in accordance with Section 8-4(b) of the Town Charter) warn that vehicles parked on that property in violation of applicable parking restrictions will be towed at the owner's expense, and (ii) state towing operators are required by Town ordinance to accept payment by major credit and debit cards for vehicle towing and storage services.

(b) The limitations of subsection (a) of this section shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to

four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.

**Section 8-79 Reserved**

**ARTICLE VI**

**PENALTIES AND REMEDIES**

**Section 8-80 Penalties and Remedies.**

(a) A violation of sections 8-70 through 8-77 is punishable as provided for in G.S. 130A-498(c1). (*amend. 10/11/22*)

(b) A violation of sections 8-41, 8-52, 8-53, 8-61(a), and 8-62(a) and (b) shall subject the offender to a civil penalty of twenty-five dollars (\$25.00). A violation of the provisions of Sections 8-78 through 8-78.4 shall subject the offender to a civil penalty of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred fifty dollars (\$250.00) for each subsequent offense. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. (*amend. 10/11/22*)

(c) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies in this section.

(d) This subchapter may be enforced by any appropriate equitable action.

(e) This subchapter may be enforced by any one, all, or any combination of the remedies authorized by this section.

Subchapter II. Reserved

Subchapter III. Anti-discrimination in Places of Public Accommodations and in Employment

**ARTICLE VII**

(Amend. 1/12/21, 10/11/22)

**DISCRIMINATION PROHIBITED IN PLACES OF PUBLIC ACCOMMODATIONS  
AND IN EMPLOYMENT**

Section 8-81 Definitions.

The following definitions apply to this Article:

- (1) "Discrimination" means any difference in treatment based on race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.
- (2) "Employer" includes any person employing one or more persons within the Town of Carrboro and any person acting in the interest of an employer, directly or indirectly.
- (3) "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.
- (4) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons
- (5) "Place of public accommodation" includes, but is not limited to, any place, facility, store, other establishment, hotel, or motel, which supplies goods or services on the premises to the public or which solicits or accepts the patronage or trade of any person.
- (6) "Pregnancy" includes, but is not limited to, pregnancy, childbirth, or any medical condition related to pregnancy or childbirth.

Section 8-82 Discrimination in Places of Public Accommodations Prohibited.

It shall be unlawful for any proprietor or their 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 hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status,

pregnancy, veteran status, religious belief or non-belief, age, or disability the full enjoyment of the accommodations, advantages, facilities or privileges thereof.

Section 8-83 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 or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, 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.

Section 8-84 Penalties and Enforcement.

Any person, firm or corporation violating any provisions of this Article 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 but not limited to a mandatory or prohibitory injunction commanding the offender to correct the conduct prohibited under this Article. (*amend. 10/11/22*)

## **SCHEDULE A**

### **SCHEDULE OF EXEMPT BUSINESSES**

Amusements - manufacturing, selling, leasing or distributing moving picture films. (G.S. 105-36).

Attorneys, physicians, land surveyors, engineers, architects, photographers, real estate brokers, accountants, morticians, and similar professionals. (G.S. 105-41).

Private detective services. (G.S. 105-42).

Alarm system businesses. (G. S. 105-51.1).

Persons engaged in the business of reporting the financial standing of persons, firms, and corporations. (G.S. 105-57).

Persons operating, maintaining, or placing on location music machines. (G.S. 105-65).

Operators or distributors of merchandise dispensing machines. (G.S. 105-65.1).

Installment paper dealers. (G.S. 105-83).

Wholesale distributors of motor fuels. (G.S. 105-99).

Certain cooperative associations. (G.S. 105-102.1).

Banks. (G.S. 105-102.3).

Dealers in office machines, home appliances, burglar alarms, smoke alarms or other warning devices. [G.S. 105-102.5(e)]

Businesses that sell or lease computers [G.S. 105-102.5]

Soft drink manufacturers and bottlers. [G.S. 105-113.50(a)]

Railroads. (G.S. 105-115).

Utility companies (electrical power, gas, water, and sewer). (G.S. 105-116).

Telephone companies. (G.S. 105-120).

Bus companies. (G.S. 105-120.1).

Insurance companies and associations. (G.S. 105-228.10).

Building and loan associations. (G.S. 105-228.25).