

ORDINANCE NO.: 2008-024

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 11, Licenses, Permits and Miscellaneous Business Regulations,
to add Article X, Equal Enjoyment and Privileges to Public Accommodations

BE IT ORDAINED by the Mayor and Council this 5th day of March, 2008, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, is amended to add Article X, Equal Enjoyment and Privileges to Public Accommodations to read as follows:

ARTICLE X. EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS

Sec. 11-501. Title.

This article shall be known and may be cited as the City of Columbia "Public Accommodations Ordinance."

Sec. 11-502. Policy.

It is the policy of the City of Columbia, South Carolina, that no person shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation on the basis of race, color, religion, sex, age, national origin, familial status, handicap, disability or sexual orientation.

Sec. 11-503. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this article shall have the following meanings:

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, familial status, handicap, disability or sexual orientation in the aiding, abetting, inciting, coercing or compelling thereof.

Place of public accommodation means any place which serves the public and requires a license or permit issued by the State of South Carolina, its agencies or the City of Columbia to operate, including, but not limited to:

- (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;
- (3) any hospital, clinic, or other medical facility which provides overnight accommodations;
- (4) any retail or wholesale establishment;
- (5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and,
- (6) any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

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Sexual orientation means a person's real or perceived heterosexuality, homosexuality or bisexuality or gender identity or expression.

Sec. 11-504. Exemption from public accommodations provisions.

The provisions of this ordinance do not apply to a private club or other establishment not in fact open to the general public.

Sec. 11-505. Purpose of law; construction; effect.

The general purpose of this article is to safeguard all individuals within the city from discrimination in the equal enjoyment and privileges to public accommodations because of race, color, religion, national origin, sex, familial status, handicap, disability or sexual orientation; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Sec. 11-506. Enforcement.

In addition to appropriate civil and/or equitable remedies for enforcement of this article, a violation of this article shall constitute a misdemeanor punishable as provided by law. Each day of noncompliance with the provisions of this article constitutes a separate and distinct violation.

This ordinance is effective as of final reading.

Requested by:

Councilmember Isaac-Devine and
Councilmember Rickenmann

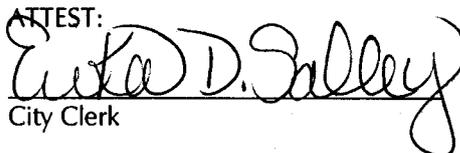

MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 2/20/2008
Final Reading: 3/5/2008