

**ORDINANCE D-2224-15**

**As Amended**

**A ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
PROHIBITING CERTAIN DISCRIMINATORY CONDUCT WITHIN THE CITY**

**WHEREAS**, it is the policy (“Policy”) of the City of Carmel, Indiana (the “City”) to encourage a diverse citizenry and to, within constitutional and statutory limits, make its businesses, housing, public accommodations, education, employment, contracts, programs, services, and amenities equally available and open to all persons; and

**WHEREAS**, the Policy serves a compelling governmental interest and is the least restrictive means of furthering that interest; and

**WHEREAS**, after appropriate discussion and deliberation, the Common Council of the City has determined that discrimination in the provision of and/or opportunity to participate or enter into businesses, housing, public accommodations, education, employment, contracts, programs, services, and amenities on the basis of a person’s race, color, religion, national origin, gender, disability, sexual orientation, gender identity or expression, family or marital status, ancestry, age, and/or veteran status is a burden to the objectives of the City’s Policy and contrary to the American principles of freedom and equal opportunity.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City as follows:

**Section 1.** The foregoing Recitals are incorporated herein by this reference.

**Section 2.** The following addition should be and the same is hereby made to the Carmel City Code, shall be codified therein as Chapter 6, Article 1, Section 6-8, and shall read as follows:

**“§ 6-8 City Nondiscrimination Policy**

(a) It is hereby declared to be the policy of the City that no person, corporation, partnership, company, or other individual or entity located within, or conducting business within, the City’s corporate limits shall discriminate against any other person in the provision of and/or opportunity to participate in or enter into a place of business, obtain housing, use public accommodations, obtain an education, obtain and maintain employment, enter into a contract, and/or participate in or obtain any program, service, or amenity provided to the general public on the basis of the latter’s race, color, religion, national origin, gender, disability, sexual orientation, gender identity or expression, family or marital status, ancestry, age, and/or veteran status.

(b) Any person or entity that violates the City’s Nondiscrimination Policy as set forth in subsection

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on 7/29/15 at 12:45 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

(a) above shall, in addition to any fines, penalties, and other terms and conditions imposed by any federal, state, or county court or administrative agency of competent jurisdiction, be subject to a fine of up to Five Hundred Dollars (\$500.00), plus reasonable attorney fees and costs, for each such violation, each act of discrimination against a person and each day during which an act of discrimination continues constituting a separate violation.

(c) **Exclusions:**

This section shall not apply to

(1) Religious worship and clergy while engaged in religious duties or activities; **including, but not limited to, schools, athletic and other educational programs;** however, **non-religious, for-profit business activities by entities or activities owned or engaged in by** religious institutions or clergy are not ~~excepted~~ **excluded;**

(2) A not-for-profit membership club organized exclusively for fraternal or religious purposes and/or any not-for-profit social club that is not open to the general public, so long as the same is exempt from taxation under the Internal Revenue Code, as amended;

(3) Any persons or property expressly exempted under Indiana Code 22-9 *et seq.*, Indiana Code 22-9.5 *et seq.*, or any other applicable and binding law or court decision;

(4) A private residence or private gathering not open to the general public;

(5) The maintenance of separate restrooms or dressing rooms for the exclusive use of persons of one gender;

(6) The hiring or referral for employment of a person for a job position on the basis of sex, religion, and/or age in those certain instances where the same are lawful bona fide occupational qualifications for the job position at issue.

**(7) The refusal to provide off-business premises personal services.**

**(8) The refusal to create or produce custom products requested by customers.**

**Section 4.** If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

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**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on 7/29/15 at 12:45 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

2015, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Kevin D. Rider

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Carol Schleif

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
W. Eric Seidensticker

\_\_\_\_\_  
Sue Finkam

\_\_\_\_\_  
Luci Snyder

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
\_\_\_\_\_ 2015, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
\_\_\_\_\_ 2015, at \_\_\_\_\_ .M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer  
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