



CITY OF CHARLESTON WEST VIRGINIA



Council Member – Ward 5

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Ordinance and Rules Committee, Chair
Parks and Recreation Committee

TO: Ordinance and Rules Committee
FROM: Jeanine Faegre, Chair
RE: Committee Meeting

**UNTIL FURTHER NOTICE, MEETINGS WILL BE MADE AVAILABLE TO THE
PUBLIC VIA ZOOM**

There will be a Committee meeting of Ordinance and Rules on May 27, 2021 at 5:45 PM

***Join via internet:**

<https://us02web.zoom.us/j/88312792582?pwd=L3NSTFpneUtJeHVhVzM2emJoUldZZz09>

Passcode: 579038

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 883 1279 2582

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 4-26-2021

BILLS

1. Bill No. 7907 – A BILL to amend the Municipal Code of the City of Charleston relating to updating the Charleston Human Rights Ordinance to include protections against discrimination because based on hair textures and protective hairstyles and defining terms.

ADJOURN

JF/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., APRIL 26, 2021

*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE ORDINANCE AND RULES COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., APRIL 26, 2021.

Committee Members Present:

Jeanine Faegre, Chair
Bobby Reishman, Vice Chair
John Kennedy Bailey
Bobby Haas
Robert Sheets
Keeley Steele

Absent:

Courtney Persinger

Councilmembers also Present:

Joseph Jenkins

1. Approval of Previous Minutes – Councilmember Reishman moved to approve the minutes of the previous meeting on 2-11-2021. Councilmember Haas seconded. There was no objection and the minutes were approved.

2. Bill No. 7897 – A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to updating the urban deer management to be consistent with state law.

The bill's sponsor, Councilmember Jenkins, added that he was contacted by Troy Lanham to request that the City update its Code to reflect the change in State Law regarding cross bows. Previously, it had been only allowed for those with a special license who could not use a full bow. The State law has been changed to allow crossbows during the normal archery hunting season. The City's Urban Deer Hunt will now match the State Code upon passage.

Councilmember Steele wanted to clarify the parameters for allowing cross bows. She added that the only City property that was part of the deer hunt was at Cato Park (it was later corrected by Troy Lanham that Pacific Street was also City owned). Councilmember Jenkins added that it does not change how the permits and tracts are allowed, nor the safety rules already in place. Councilmember Reishman agreed with Councilmember Steele over concerns with the hunt taking place at Cato Park. He clarified that hunters need to have a standard hunting license; cross bows used to be a Class Y license. Councilmember Jenkins added that the State has removed the distinction between a cross bow and a normal bow. Councilmember Faegre clarified with City Attorney, Kevin Baker, that the Urban Deer Hunt is only allowed during November through December at Cato Park. Councilmember Bailey confirmed that there are signs posted at Cato Park during the hunting season.

With no further discussion, Councilmember Reishman made a motion to approve the bill. Councilmember Sheets seconded. With the yeas being unanimous, Bill No. 7897 was approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Steele seconded. Meeting adjourned.

Bill No. 7907

Introduced in Council:

May 3, 2021

Introduced by:

Tiffany Wesley-Plear

Adopted by Council:

Referred to:

Ordinance & Rules

1 **Bill No. 7907** - A BILL to amend and reenact Section 62-3 of the Municipal Code of the
2 City of Charleston, as amended, relating to updating the Charleston Human Rights
3 Ordinance to include protections against discrimination because based on hair textures
4 and protective hairstyles, commonly referred to as CROWN—Create a Respectful and
5 Open World for Natural Hair; and defining terms.

6
7 **Now, therefore, be it ordained by the Council of the City of Charleston:**

8
9 That Section 62-3 of the Municipal Code of the City of Charleston be amended and
10 reenacted to read as follows:

11
12 **CHAPTER 62 – HUMAN RIGHTS.**

13 **ARTICLE I – IN GENERAL.**

14 **Sec. 62-3. - Definitions.**

15
16 When used in this chapter:

17
18 *Age* means 40 or above.

19
20 *Chair* means the chair of the Charleston Human Rights Commission.

21
22 *Commission* means the Charleston Human Rights Commission.

23
24 *Discriminate* or *discrimination* means to exclude from, or fail or refuse to extend to, a
25 person equal opportunities because of race, religion, color, national origin, ancestry,
26 sex, age, blindness, handicap, familial status, or sexual orientation and includes "to
27 separate" or "segregate". For the purposes of this chapter, discrimination because of
28 race includes, but is not limited to, discrimination based on hair textures and protective
29 hairstyles historically associated with a particular race.

30
31 *Employee* shall not include any individual employed by his parents, spouse or child,
32 or in the domestic service of any person.

33
34 *Employer* means any person employing 12 or more persons within the city and
35 includes an agent of such person, and its agencies. Provided, that such terms shall not

36 be taken, understood or construed to include a private club, which, in fact, is not open
37 to the public.

38
39 *Employment agency* includes any person regularly undertaking with or without
40 compensation to procure, recruit, refer or place employees. A newspaper engaged in
41 the activity of advertising in the normal course of its business shall not be deemed to be
42 an employment agency.

43
44 *Familial status* means one or more individuals (who have not attained the age of 18
45 years) being domiciled with:

46 (1) A parent or another person having legal custody of such individual or
47 individuals; or

48 (2) The designee of such parent or other person having such custody, with the
49 written permission of such parent or other person.

50
51 The protections afforded against discrimination on the basis of familial status shall
52 apply to any person who is pregnant or is in the process of securing legal custody of
53 any individual who has not attained the age of 18 years. Nothing in this definition
54 restricts advertisements of dwellings which are intended and operated for occupancy by
55 older persons and which constitute housing for older persons.

56
57 *Handicap* means a person who:

58 (1) Has a mental or physical impairment which substantially limits one or more of
59 such person's major life activities; "major life activities" includes functions such as
60 caring for one's self, performing manual tasks, walking, seeing, hearing, speaking,
61 breathing, learning and working;

62 (2) Has a record of such impairment; or

63 (3) Is regarded as having such an impairment.

64
65 For the purposes of this article "handicap" does not include persons whose current
66 use of or addiction to alcohol or drugs prevents such individual from performing the
67 duties of the job in question or whose employment, by reasons of such current alcohol
68 or drug abuse, would constitute a direct threat to property or the safety of others.

69
70 For the purposes of this article, a person shall be considered to be blind only if his
71 central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or
72 if his visual acuity is greater than 20/200 but is occasioned by a limitation in the field of
73 vision such that the widest diameter of the visual field subtends an angle no greater
74 than 20 degrees.

75
76 *Housing accommodations* means any building or portion thereof which is used or
77 intended for use as the residence or sleeping place of one or more persons. Nothing
78 contained in this definition or this article shall apply to the rental of a room or rooms in a
79 rooming house occupied by the owner as a place of residence and containing no more
80 than four rented rooms, or rooms to be rented.

82 *Labor organization* includes any organization which exists for the purpose, in whole
83 or in part, for collective bargaining or for dealing with employers concerning grievances,
84 terms or conditions of employment, or for other mutual aid or protection in relation to
85 employment.

86
87 *Owner* shall include the owner, lessee, sublessee, assignee, manager, agents or
88 other person having the right to sell, rent or lease any housing accommodation or real
89 property within the city or any agent of any of these.

90
91 *Person* means one or more individuals, partnerships, associations, organizations,
92 corporations, labor organizations, cooperatives, legal representatives, trustees, trustees
93 in bankruptcy, receivers and other organized groups of persons.

94
95 *Place of public accommodations* means any establishment or person, as defined
96 herein, including the city and any of its affiliated boards and commissions, or any
97 political or civil subdivision thereof, which offers its services, goods, facilities or
98 accommodations to the general public, but does not include any accommodations
99 which are in their nature private.

100
101 *Protective hairstyles* include, but are not limited to, hairstyles such as braids, locks,
102 and twists.

103
104 *Purchaser* includes any occupant, prospective occupant, lessee, prospective lessee,
105 renter, prospective renter, buyer or prospective buyer.

106
107 *Real estate broker* includes any person, firm or corporation who, for a fee,
108 commission or other valuable consideration, or by reason of a promise or reasonable
109 expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts
110 to negotiate a sale, exchange, purchase or rental of real estate or an interest therein, or
111 collects or offers or attempts to collect rent for the use of real estate or solicits for a
112 prospective purchaser, or assists or desists in the procuring of prospects or the
113 negotiation or closing of any transaction which does or is contemplated to result in the
114 sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, offers or
115 attempts or agrees to negotiate a loan secured or to be secured by mortgage or other
116 encumbrance upon transfer of any real estate for others, or any person who, for
117 pecuniary gain or expectation of pecuniary gain, conducts a public or private
118 competitive sale of lands or any interest in lands. In the sale of lots, the term "real
119 estate broker" also includes any person, partnership, association or corporation
120 employed by or on behalf of the owner or owners of lots or other parcels of real estate
121 at a stated salary, or upon a commission, or upon a salary and commission, or
122 otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who
123 shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of
124 any such lot or parcel of real estate. A newspaper engaged in the activity of advertising
125 in the normal course of its business shall not be deemed to be a real estate broker.

126
127 *Real estate salesman* includes any person who, for compensation, valuable

128 consideration or commission, or other thing of value, or by reason of a promise or
129 reasonable expectation thereof, is employed by and operates under the supervision of
130 real estate broker to sell, buy or offer to buy or negotiate the purchase, sale or
131 exchange of real estate, offers or attempts to negotiate a loan secured or to be secured
132 by a mortgage or other encumbrance upon or transfer of real estate for others, or to
133 collect rents for the use of real estate, or to solicit for prospective purchasers or lessees
134 of real estate, or who is employed by a licensed real estate broker to sell or offer to sell
135 lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a
136 salary and commission, or otherwise, to sell real estate, or any parts thereof, in lots or
137 other parcels.

138

139 *Real property* includes real estate, lands, leaseholds, commercial or industrial
140 buildings and any vacant land offered for sale or rent on which the construction of a
141 housing accommodation, commercial or industrial building is intended, and any land
142 operated as a trailer camp or rented or leased for the use, parking or storage of mobile
143 homes or house trailers.

144

145 *Rooming house* means a house or building where there is one or more bedrooms
146 which the proprietor can spare for the purpose of giving lodgings to such persons as he
147 chooses to receive.

148

149 *Sexual orientation* means actual or perceived heterosexuality, homosexuality,
150 bisexuality, or gender-related identity, appearance, or behavior of an individual, with or
151 without regard to the individual's assigned sex at birth.

152

153 *Unlawful discriminatory practices* includes only those practices specified in section
154 62-81.