

**CITY OF CARBONDALE, ILLINOIS  
ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE CARBONDALE REVISED CODE BY ADDING  
TITLE TWENTY-TWO HUMAN RIGHTS**

**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF CARBONDALE, ILLINOIS  
ON THE 11<sup>th</sup> DAY OF JULY 2023**

**Published in pamphlet form by the authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, on this 12<sup>th</sup> day of July 2023.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified and acting City Clerk of the City of  
Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify  
that this Ordinance was published in pamphlet form by the authority of the City Council  
on the 12<sup>th</sup> day of July 2023.**

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**Jennifer R. Sorrell, City Clerk**

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE CARBONDALE REVISED CODE BY ADDING  
TITLE TWENTY-TWO HUMAN RIGHTS**

**WHEREAS**, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City of Carbondale has a long history of recognizing basic human rights; and

**WHEREAS**, the City of Carbondale has never taken formal action to recognize the basic human rights; and

**WHEREAS**, several States have passed laws that restrict the freedom to bodily autonomy as it relates to reproductive health care and gender affirming health care; and

**WHEREAS**, the City Council for the City of Carbondale finds these restrictive laws to go against the natural born freedoms endowed to all persons; and

**WHEREAS**, the City Council recognizes that other basic freedoms exist; such as, with housing, employment, and religious beliefs; and

**WHEREAS**, the City Council for the City of Carbondale finds that it is important to establish these freedoms as a part of the Carbondale City Code, and that no person should suffer discrimination based upon these freedoms, and that any person or entity that chooses to discriminate against a person based upon these freedoms should not be permitted to do business with the City of Carbondale;

**WHEREAS**, the Council of the City of Carbondale finds that it is in the best interest of the health, safety, and welfare of the City of Carbondale to amend the Carbondale Revised Code by adding a Title Twenty-Two: Human Rights.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** That the Carbondale Revised Code of the City of Carbondale, is hereby amended by adding Title Twenty-Two: Human Rights , which shall read as shown in Attachment “A” attached hereto and incorporated herein.

**SECTION 2.** All of the remaining Sections of the Carbondale Revised Code shall remain in full force and effect.

**SECTION 3.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 4.** The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance shall be construed as a continuation of said prior ordinance.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
Carolyn Harvey, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

## Exhibit “A”

### TITLE 22: HUMAN RIGHTS

#### CHAPTER 1: PREAMBLE:

22-1-1: The City of Carbondale declares that all people are born with inalienable freedoms. The City wishes to ensure those who live within Carbondale and those who visit the City from time to time understand that these freedoms exist and that these freedoms will be actively protected by the City.

22-1-2: It is the policy of the City of Carbondale to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city. The City Council of the City of Carbondale hereby declares and affirms:

- A. That prejudice, intolerance, bigotry, and the discrimination occasioned thereby, and sexual harassment, threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and
- B. That behavior which denies equal treatment to any individual because of that individual's race, color, sex, gender identity or expression, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, or criminal record or criminal history undermines civil order and deprives persons of the benefits of a free and open society.
  - a. Use of credit history in determining the credit worthiness of an applicant seeking a loan in which the City is the originator or is acting as a fiduciary for another governmental agency, in which the City has a fiduciary duty to the tax payers of the City of Carbondale.
  - b. Use of criminal record or criminal history:
    - i. In determining the employment of a person in which there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held, or the granting or continuation of the employment would involve an unreasonable risk to property, or
    - ii. The safety or welfare of specific individuals or the general public.
- C. Nothing in this Title shall be construed as supporting or advocating any particular way of being. To the contrary, it is the intention of this chapter that all persons be treated fairly and equally and it is the express intent of this chapter to guarantee to all of our residents fair and equal treatment under law.

## **CHAPTER 2: DEFINITIONS:**

**22-2-1:** For purpose of this Title, the following definitions shall apply:

**DEPARTMENT:** Every City department, department, division, commission, council, committee, board, or other body or person established by authority of a City ordinance or resolution, City Council order, or executive order.

**AGENT:** Any person employed by or acting on behalf of a department.

**BODILY AUTONOMY:** Self-governance over one's own reproductive options and gender identity, including reproductive health care and gender-affirming care.

**DISABILITY:** With respect to a person: a) a physical or mental impairment which substantially limits one or more of such person's major life activities; or b) a record of having such an impairment; or c) being regarded as having such an impairment.

**DISCRIMINATE:** To extend differential treatment on the basis of the actual or perceived status, practice, or expression of race, sex, gender, gender identity, color, religion, ancestry, national origin, veteran status, sexual orientation, age, marital status, familial status, source of income, disability, housing status, military discharge status, order of protection status, or the actual or perceived association with such a person.

**FAMILIAL STATUS:** One or more individuals (who have not attained the age of 18 years) being domiciled with: a) a parent or another person having legal custody of such individual or individuals; or b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

**GENDER EXPRESSION:** A gender based appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth.

**GENDER IDENTITY:** An individual's internal sense of their own sex and a defining component of sex.

**GENDER-AFFIRMING CARE:** All services, supplies, drug therapies, and other care that an individual may receive to support and affirm the individual's gender identity.

**HOUSING STATUS:** The type of housing in which an individual resides, whether publicly or privately owned, an individual's ownership status with respect to the individual's residence, or the status of having or not having a fixed residence.

**LEASE:** Includes sublease, assignment and rental and includes any contract to do any of the foregoing.

**LENDING INSTITUTION:** Any bank, insurance company, savings and loan association, other persons in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans as agent or broker, and any person in the business of

buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real property.

**MATRICULATION:** The condition of being enrolled in a college or university, or in a business, nursing, professional, secretarial, technical or vocational school, or in an adult education program.

**MEDICAL CARE:** Any health care offered, arranged, or furnished which includes but not limited to gender-affirming care, reproductive health care, mental health care, vaccinations, and medical testing

**MILITARY DISCHARGE STATUS:** The fact of having been discharged from the armed forces of the United States, their reserve components or any national guard or naval militia other than by a "dishonorable discharge".

**OWNER:** Any person holding any interest in property which may be used for dwelling purposes, employment purposes, or purposes which involve the accommodation of the public at large.

**PUBLIC PLACE OF ACCOMMODATION:** Includes restaurants, hotels, stores, soft drink or ice cream parlors, barbershops, beauty shops, theaters, places of amusement, taxicabs, funeral homes, public swimming pools and other places of public accommodation. An operator of a public place of accommodation is any owner, lessee, proprietor, manager or an employee of any such person or persons.

**PURCHASE:** Includes any contract to purchase.

**REAL ESTATE BROKER:** Any person who for a consideration acts as an employee or agent to manage, or to negotiate the sale, purchase or rental of any real property or any interest therein. Real estate broker includes, but is not limited to, all persons required to be licensed pursuant to the provisions of an act in relation to the definition, registration and regulation of real estate brokers and real estate salespersons as heretofore and hereafter amended.

**REAL ESTATE TRANSACTION:** The purchase, sale, exchange or lease of any real property or interest therein or any negotiations, listings or contracts in connection therewith.

**REPRODUCTIVE HEALTH CARE:** Any health care offered, arranged, or furnished for the purpose of preventing pregnancy, terminating a pregnancy, managing pregnancy loss, or improving maternal health and birth outcomes. Reproductive health care includes but is not limited to contraception, sterilization, preconception care, maternity care, abortion care, and counseling regarding reproductive health care.

**RESTRICTIVE LAW:** Any statute, ordinance, rule, regulation, or other law that restricts an individual's bodily autonomy in a manner inconsistent with the laws of Illinois and includes laws of another state or jurisdiction that establish liabilities, penalties, or other discipline for any person performing, providing, administering, receiving, obtaining, seeking, or aiding a person seeking medical care.

**SEX:** Includes, but is not limited to, an individual's sex (male or female) assigned at birth, gender identity, gender expression, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

**SEXUAL ORIENTATION:** Actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

**SOURCE OF INCOME:** The amount of money or its equivalent received as compensation by a person during a period of time from a lawful source. Source of income shall include wages, alimony, child support, income derived from social security, federal or state public assistance, federal or state housing and rental subsidies, such as the federal housing choice voucher program and the state of Illinois rental housing support program (collectively referred to as "housing choice vouchers"), and other lawful compensation.

### **CHAPTER 3: FREEDOM OF BODILY AUTONOMY:**

#### **22-3-1: POLICY ON BODILY AUTONOMY:**

The City respects the fundamental right of individuals to make autonomous decisions about medical care. The City will work to protect people's medical care choices and will not aid or assist in the enforcement of laws passed by other jurisdictions that seek to impose civil or criminal liability on persons who seek and receive, or assist with the provision or receipt of, medical care. The City encourages all residents and visitors of the City to respect and protect the freedom of another person's choices in medical care.

#### **22-3-2: INCORPORATION OF THE ACT; CONFLICT:**

The Reproductive Health Act, 775 Illinois Compiled Statutes 55/1-1 et seq. (the "Act"), is incorporated herein by reference as part of this article. In the case of a conflict between a provision of the Act and a provision of this article, the provision of the Act shall control. The remedy for a violation of this article shall be as set forth in the Act.

#### **22-3-3: PROTECTION OF INFORMATION REGARDING MEDICAL CARE:**

Choice of medical care is a personal decision and that no person natural or created by law shall disseminate medical care information of any person who resides in the City of Carbondale or who travels to the City of Carbondale for medical care, even if that person is from another jurisdiction that has restrictive laws that prohibit the medical care received within the City of Carbondale, so long as the medical care services or products obtained are done so in conformance with the laws of the State of Illinois.

#### **22-3-5: OBJECTION TO SUBPOENA OR REQUESTS FOR INFORMATION:**

The City will object to any subpoena or requests for information from any out-of-state person or entity for the purposes of investigating a law criminalizing medical care as set forth in this Title or creates civil liability for medical care.



**CHAPTER 4: FAIR HOUSING RIGHTS:** Reserved

**CHAPTER 5: FAIR EMPLOYMENT RIGHTS:** Reserved

**CHAPTER 6: RELIGIOUS FREEDOM:**

**22-6-1: Freedom of Religious belief:** The City recognizes that all persons have the freedom to choose to worship or not worship in any form of religion, recognized or not. No person shall discriminate or be discriminated against upon the basis of their religion or anyone else's religion.

**CHAPTER 7: ENFORCEMENT:**

**22-7-1:** Any person either natural or created by law who is found to have violated any provision of this Title shall be prohibited from contracting or doing business directly or indirectly with the City.

**22-7-2: Exceptions:** The City is aware that there are times when freedoms come into conflict with one another; no person shall be required to violate their own freedoms in order to comply with this Title, in accordance with the Constitution of the United States and the State of Illinois.