

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS  
ESTABLISHING A SAFE HAVEN FOR ALL PERSONS FROM  
THE LEGAL IMPACTS OF PASSAGE OF ANTI-LGBTQ+  
LEGISLATION**

**WHEREAS**, Chapter 10, Article 1, Section 10-101 of the Code of the City of Lawrence, Kansas 2018 Edition and amendments thereto declares that the practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status is a matter of concern to the City, since such discrimination not only threatens the rights and privileges of the inhabitants of the City, but also menaces the institutions and foundations of a free democratic state; and

**WHEREAS**, it is the policy of the City, in exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government, and for the promotion of the City's trade and commerce, to eliminate and prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status; and

**WHEREAS**, it is the policy of the City to assure equal opportunity for all persons within the City to full and equal Public Accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies; and

**WHEREAS**, during the 2023 Kansas Legislative session, the Legislature passed, over the Governor's veto, the following:

- (1) Kansas Senate Bill 180, a definitional statute defining male and female as "biological sex, either male or female, at birth"; and
- (2) Kansas Senate Bill 228 requiring jails to keep prisoners housed by "biological sex, either male or female, at birth"; and
- (3) Kansas House Bill 2238 prohibiting transgender females from participating in academic sports; and

**WHEREAS**, Anti-LGBTQ+ Legislation would hurt the ability of the City to attract new business; and

**WHEREAS**, Anti-LGBTQ+ Legislation threatens the rights and privileges, the public safety, public health, and general welfare of persons located within the City, the City's trade and commerce, and menaces the institutions and foundations of a free democratic state; and

**WHEREAS**, the City is dedicated to building an inclusive community that creates a welcoming and safe environment for all individuals, regardless of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status. The City reaffirms its commitment to embrace all individuals and their numerous contributions to the cultural fabric and economic strength of the City while protecting the rights of all individuals; and

**WHEREAS**, the City has determined that any Anti-LGBTQ+ Legislation passed by the Kansas Legislature threatens the ultimate goals of the City to provide a safe and inclusive community for all persons;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1: FINDINGS OF THE GOVERNING BODY.** The City of Lawrence, Kansas is an inclusive City and shall be a Safe Haven established to protect the rights of all citizens, especially those currently threatened by the Kansas Legislature through Anti-LGBTQ+ Legislation passed in 2023 due to their sex, sexual orientation, gender, and/or gender identity.

**SECTION 2: DEFINITIONS.** As used in this Ordinance the following words and phrases shall have the following meanings:

- (1) **Anti-LGBTQ+ Legislation** means Kansas Senate Bill 180, Kansas Senate Bill 228, and Kansas House Bill 2238 passed during the 2023 Kansas Legislative session, and any legislation that might ever be passed that restricts, threatens, or removes the rights or privileges of LGBTQ+ Persons.
- (2) **City** means the City of Lawrence, Kansas.
- (3) **Gender Identity** means the internal perception of one's gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual, and without regard to the individual's actual or assigned sex at birth.
- (4) **Governing Body** means the Governing Body of the City of Lawrence, Kansas.
- (5) **Individuals** means persons.
- (6) **LGBTQ+ Persons** means individuals who self-identify, as perceived by the individual, as lesbian, gay, bisexual, transgender, queer, intersex, asexual, pansexual, any other non-binary, neither male nor female, identity, or any other identity in the context of sexuality or gender.
- (7) **Persons** means any person physically located within the City limits regardless of residency, race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status.

(8) **Public Accommodation** means any person, corporation, limited liability company, limited liability partnership, limited partnership, general partnership, sole proprietorship who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment, as defined by K.S.A. 36-501 and amendments thereto; any retail store, wholesale store, warehouse store, athletic facility, prison, detention facility, domestic violence shelter, rape crisis center, locker room, restroom, food service establishment, bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery, other areas that result in separate accommodations, that is open to the public; any public transportation facility; and all governmental departments or agencies that serve the public. Public accommodations do not include religious or nonprofit fraternal or social organizations.

**SECTION 3: USE OF CITY FUNDS PROHIBITED.** No department, agency, commission, officer, or employee of the City shall use any City funds or resources to assist in the enforcement of the following bills passed by the Kansas Legislature in 2023: Kansas Senate Bill 180, Kansas Senate Bill 228, or Kansas House Bill 2238 and any other Anti-LGBTQ+ Legislation. Further, no City funds shall be used to gather or disseminate information regarding any person's "biological sex, either male or female, at birth." The prohibition set forth in this Ordinance shall include, but shall not be limited to:

- (1) Assisting or cooperating, in one's official capacity, with any investigation, detention, or arrest procedures, public or clandestine, conducted by any state or federal agency in efforts to enforce Anti-LGBTQ+ Legislation.
- (2) Assisting or cooperating, in one's official capacity, with any investigation, surveillance, or gathering of information conducted by any state or federal agency related to any efforts to enforce Anti-LGBTQ+ Legislation.
- (3) Requesting information about, or disseminating information, in one's official capacity, regarding any person's "biological sex, either male or female, at birth."
- (4) Including on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City any question regarding any person's "biological sex, either male or female, at birth." Any such questions existing or being used by the City at the time this Ordinance is adopted shall be deleted within sixty days of the adoption of the Ordinance.

**SECTION 4: ENFORCEMENT.** The Human Relations Commission shall review the compliance of the City departments, agencies, commissions and employees with the mandates of this Ordinance in particular instances in which there is a question of noncompliance or when a complaint alleging noncompliance has been lodged. Sanctions and procedures outlined for employee misconduct in other sections of the Municipal Code shall apply.

**SECTION 5: CITY UNDERTAKING LIMITED PROMOTION OF GENERAL WELFARE.** In undertaking the adoption and enforcement of this Ordinance, the City is assuming an undertaking only to promote the general welfare. This Ordinance is not intended to create any new rights for breach of which the City is liable in money damages to any person who claims that such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

**SECTION 6: SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 7: EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:**

---

Lisa Larsen  
Mayor

**ATTEST:**

---

Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

---

Toni R. Wheeler  
City Attorney