

CHAPTER 22

HOUSING AND FAIR HOUSING

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SUBCHAPTER I: HOUSING CODE

22.01 TITLE. This subchapter shall be known and may be cited and referred to as the Housing Code of the City of Clintonville.

22.02 PURPOSE. The purpose of this code is to protect the health, safety and welfare of the people of the City by establishing minimum housing standards and eliminating and preventing the development of slum conditions, determining and establishing the responsibilities of owners and occupants of residential buildings and providing for administrative enforcement and penalties.

22.03 APPLICATION.

(1) **GENERAL.** The provision of this subchapter shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies and uses in existing dwellings may be continued if such use or occupancy was legal at the time of adoption of this code, provided such structures are not substandard and such continued use is not dangerous to life. The decision of the Health Officer therein shall be subject to appeal to the Board of Zoning Appeals, as provided in ch. 17 of this Code.

(2) **ALTERATIONS AND RELOCATIONS.** Existing dwellings which are altered or enlarged shall be made to conform to this code to this code insofar as new work is concerned and in accordance with the provisions of the Building Code. Existing buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this code.

22.04 DEFINITIONS. Certain words or terms in this subchapter are defined for the purpose hereof as follows:

(1) **APPROVED.** Approved shall mean approved by the Health Officer appointed to enforce the provisions of this subchapter.

(2) **BASEMENT.** A portion of a building located partly or wholly underground and having 1/2 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) **CELLAR.** A portion of a building located partly underground, but having less than 1/2 of its clear floor-or-ceiling height below the average grade of the adjoining ground.

(4) **DWELLING.** Any building or structure, or part thereof, which is used or intended to be used for living or sleeping.

(5) **DWELLING UNIT.** A room or group of rooms or part thereof located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used, for living, sleeping and cooking.

(6) **EXTERMINATION.** The control or elimination of insects, rodents or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food by poisoning, spraying, fumigating or trapping, by blocking their access to a dwelling, or by any other recognized and legal pest elimination methods approved by the Health Officer.

(7) **FIRST STORY.** That story of a dwelling at or next above the average grade of

adjoining ground.

(8) GARBAGE. The animal and/or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) HABITABLE ROOM. A room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

(10) INFESTATION. The presence, within or around a dwelling, or in or near waste disposal containers, of any insects, rodents or other pests.

(11) MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

(12) NUISANCE. Any thing or condition set forth in ch. 10 of this Code and the following:

(a) Whatever is dangerous to human life or detrimental to health.

(b) Overcrowding a room with occupants.

(c) Insufficient ventilation or illumination.

(d) Unsanitary sewer or inadequate fixtures.

(e) Uncleanliness.

(13) OCCUPANT. Any person living, sleeping, cooking or eating in or having possession or use of a dwelling unit.

(14) OPERATOR. Any legally responsible person who has charge, care or control of a building, or part thereof, in which dwelling units are leased or let.

(15) OWNER. Any legally responsible person who, alone or jointly or severally with others:

(a) Has legal title to any dwelling, with or without actual possession thereof; or

(b) Has charge, care or control of any dwelling as owner or agent of the owner, or an personal representative, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this subchapter to the same extent as if he were the owner.

(16) ORDINARY MINIMUM WINTER CONDITIONS. A temperature of 15 degrees F. above the lowest recorded temperature for the previous 10 year period.

(17) PLUMBING. Water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower

baths, catch basins, drains, vents and other similar supplied fixtures, including all connections to water or sewer lines.

(18) PREMISES. Includes any part of a dwelling or building and its land.

(19) ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(20) ROOMING HOUSE. Any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let by the owner or operator.

(21) RUBBISH. Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery or dust.

(22) SUBSTANDARD BUILDING. Any building, or portion thereof, used for human habitation which does not comply with this subchapter.

(23) SUPPLIED. Paid for, arranged, furnished or provided by or under control of the owner or operator.

22.05 COMPLIANCE WITH REQUIREMENTS. No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this subchapter.

22.06 REQUIREMENTS FOR SANITATION.

(1) SINK, FLUSH WATER CLOSET, LAVATORY BASIN AND BATHTUB OR SHOWER IN DWELLINGS.

(a) Every dwelling unit shall contain the following:

1. A kitchen sink in good working condition, properly connected to an approved water and sewer system.

2. A room or rooms affording privacy and equipped with a flush water closet, lavatory basin and bathtub or shower in good working condition, properly connected to an approved water and sewer system.

(b) No water closet shall be of the flush hopper, frostproof hopper, privy or similar type where a sewer system is available to the property; and where no sewer is available, such facilities shall be used only when approved by the Health Officer.

(2) ACCESS TO BATHROOMS AND WATER CLOSETS. Access to each bathroom or water closet compartment shall be provided without requiring passage through a sleeping room, bathroom or water closet compartment of another dwelling unit.

(3) FLOORS AND VENTILATION OF BATHROOMS AND WATER CLOSETS.

(a) Every water closet compartment and bathroom shall be floored with a surface which is reasonably impervious to water and which can be easily kept in a clean and sanitary condition.

(b) Every bathroom and water closet compartment shall be provided with windows meeting the requirements for light and ventilation of habitable rooms prescribed in sec. 22.07 of this subchapter or with an approved mechanical or gravity ventilation system affording adequate ventilation and maintained in good working condition at all times.

(4) PIPED HOT AND COLD RUNNING WATER.

(a) Every kitchen sink, lavatory basin and bathtub or shower required under this subchapter shall be connected and supplied with hot and cold running water.

(b) Every dwelling shall have supplied water heating facilities which are properly installed and connected to water lines maintained in safe and good working condition and of a sufficient capacity to supply an adequate amount of water at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F.

22.07 REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING.

(1) WINDOW AREA AND VENTILATION.

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area in every sleeping room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall be equal to at least 15% of the total floor area.

(b) Every habitable room shall have at least one window which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area required by this section except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.

(2) SCREENING.

(a) When flies or other pests are prevalent, all openable windows, as required by sub. (1) above, shall be effectively screened and screen doors shall be self-closing. Screens and screen doors shall be maintained in good condition.

(b) Every basement window used for ventilation and every other opening to a building which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(3) ELECTRICAL OUTLETS. Every habitable room shall contain at least one floor- or wall-type electric convenience outlet and one ceiling electric lighting fixture or 2 electric convenience

outlets, and every water closet compartment, bathroom or hall, furnace room or laundry room shall contain at least one wall- or ceiling-type electric light fixture. Every electrical outlet and fixture shall be properly installed and maintained in good and safe working condition and connected to an approved source of electric power in a safe approved manner.

(4) PUBLIC HALL LIGHTING. Every public hall and stairway in every multiple dwelling shall be lighted to at least 5 foot candles on the floor and stairs at all times.

(5) HEATING FACILITIES. Every dwelling shall have heating facilities which are properly installed and vented, are maintained in safe operating condition, and are capable of heating all habitable rooms, bathrooms and water compartments in each dwelling unit therein to a temperature of at least 70 degrees F. at a distance of 3 feet above floor level when the outside temperature is minus 20 degrees F.

22.08 REQUIREMENTS FOR FLOOR SPACE AND GENERAL OCCUPANCY.

(1) FLOOR SPACE.

(a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant in addition to the floor area included in water closet compartments, bathrooms, halls or passageways.

(b) Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for one occupant or 50 square feet of floor space for each occupant if more than one.

(2) ACCESS TO SLEEPING ROOMS. No dwelling unit shall be so located or arranged that access thereto requires passage through a habitable room of another dwelling unit.

(3) CEILING HEIGHT OF HABITABLE ROOMS. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 7 feet of unfinished ceiling height. The floor area of any part of a room where the ceiling height is less than 5 feet shall not be considered as part of the required floor area.

(4) CELLAR SPACE. No cellar space shall be used as a habitable room or dwelling unit; provided, however, that this subsection shall not prohibit a recreation room in a cellar as long as it is not used for sleeping purposes and provided that in a one- or 2-family home, cellar space may be used as a sleeping room by members of the immediate family of a resident owner or tenant, provided that:

(a) The floors and walls are impervious to leakage of underground and surface run-off water.

(b) The ceiling height throughout the unit is at least 7 feet.

(c) It is separated from heating equipment, incinerators or other equally hazardous equipment by a standard one-hour fire partition.

(d) Access can be gained to the unit without going through a furnace room. Such room cannot be used in computing the total floor area for the purpose of determining the maximum

permissible occupancy thereof.

(5) **BASEMENT DWELLING UNITS.** No basement space shall be used as a dwelling or rooming unit unless:

- (a) The floor and walls are impervious to leakage of underground and surface run-off water.
- (b) The total window area between stops in each room is equal to at least 8% of the floor area and is entirely above the grade of the ground adjoining such window area.
- (c) The total openable window area in each room is equal to 45% of the minimum window area, except where there is supplied a mechanical ventilation system to the outside air capable of completely changing the air in the room every 15 minutes.
- (d) The ceiling height throughout the unit is at least 7 feet.
- (e) It is separated from heating equipment, incinerators or other equally hazardous equipment by a standard one-hour fire partition.
- (f) Access can be gained to the unit without going through a furnace room.
- (g) Two independent means of egress are provided from every basement containing more than one dwelling unit or one rooming unit.

22.09 REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

- (1) **STRUCTURAL SOUNDNESS.**
 - (a) Members. Every foundation, door, outer wall, ceiling and roof shall be kept in good repair.
 - (b) Openings. Every window, exterior door and basement hatchway or stairway shall be weathertight, watertight and rodentproof and shall be kept in good working condition and repair.
 - (c) Stairs and Porches. Every inside and outside stair and handrail and every porch and porch rail shall be so constructed as to safely support the maximum load that normal use may require and shall be kept in safe condition and good repair at all times. The Health Officer may require a handrail for each stair if deemed necessary.
 - (d) Handrails. Every stairway of more than 3 risers must have a handrail of height corresponding to the Department of Industry, Labor and Human Relations requirements and be safely enclosed to handrail height.
- (2) **MECHANICAL SOUNDNESS OF PLUMBING.** All plumbing shall be properly installed and maintained in sanitary condition free from defects, leaks and obstructions.
- (3) **EXITS.** Every dwelling unit shall have a safe, unobstructed means of egress

leading to safe and open space ground level, as required by the Wisconsin Statutes and the provisions of this subchapter.

(4) **EXTERIOR WOOD SURFACES.** All exterior wood surfaces shall be reasonably protected from the elements.

(5) **EFFECTIVENESS.** Every supplied facility, piece of equipment or utility which is required under this subchapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

22.10 REQUIREMENTS FOR CLEANLINESS, AND GARBAGE AND TRASH DISPOSAL.

(1) **OWNER OR OWNER-OCCUPANT RESPONSIBILITY.** Every owner or owner-occupant shall be responsible for the cleanliness of all parts of a dwelling and premises shared in common by more than one family and for provision of the following utilities and services, except where such responsibility is assumed by an operator or an occupant by agreement, as follows:

(a) Provisions for garbage and rubbish disposal facilities or containers where the dwelling exceeds 2 units.

(b) Extermination of insects, rodents or other pests, except that where only one dwelling unit is infested, the occupant of such infested unit shall be responsible for its extermination, unless the dwelling is not maintained in a reasonably ratproof or insectproof condition.

(c) Provisions of all other facilities, utilities, service or conditions required by this subchapter.

(2) **OCCUPANT RESPONSIBILITY.** Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition at all times. Garbage and rubbish shall be disposed of or stored in proper containers in a neat and sanitary manner unless disposed of or stored by the owner or owner-occupant as provided in sub. (1) above.

22.11 ROOMING HOUSES. No person shall operate a rooming house or shall occupy or let to another for occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provision of this subchapter.

(1) **BATHROOM REQUIREMENTS.** At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Officer and in good working condition, shall be supplied for each 8 persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 of the required number of water closets. All such facilities shall be so located within the building as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(2) **TOWELS AND BED LINEN.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and

sanitary manner.

(3) **SHADES AND DRAPES.** Every window of every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the room.

(4) **SAFE MEANS OF EGRESS.** Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the elaws of the State and the City.

(5) **SANITARY CONDITIONS.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

22.12 EMERGENCY DISCONTINUANCE OF SERVICE OR UTILITIES. No owner, operator or occupant shall cause any service, facility, equipment or utility to be removed from or shut off from or discontinued in any occupied dwelling unit let or occupied by him, except for such temporary emergencies when discontinuance of service is approved by the Department of Public Works. Upon the discontinuance of gas or electric service for cause by a public utility company or upon discontinuance of any municipal or other service for cause, the Health Officer shall be notified and shall thereupon take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This section shall not be construed to prevent the cessation or discontinuance of any such service upon order of the Health Officer or any other authorized officials.

22.13 DANGEROUS DWELLINGS.

(1) **DANGEROUS DWELLINGS ENUMERATED.** All dwellings or parts thereof which have any of the following defects shall be deemed dangerous dwellings and shall be condemned as unfit for human habitation.

(a) Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide.

(b) Those which, excluding the foundation, show 33% or more of damage or deterioration of the supporting member or members, or 50% of more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(d) Those which have been damaged by fire, wind or other causes so as to no longer provide shelter from the elements and which have become dangerous to life, safety, morals or the general health and welfare of the occupants or the citizens of the City.

(e) Those which have become or are so dilapidated, decayed, unsafe, insanitary or vermin-infested or obsolete that they are likely to cause sickness or disease or injury to the health, morals, safety or general welfare of those living therein or of the citizens at large.

(f) Those which lack light, air and sanitation facilities as required by this subchapter to protect the health, morals, safety or general welfare of persons living therein.

(g) Those which lack the facilities required by this subchapter for egress in case of fire or panic or those which have insufficient stairways, elevators, fire escapes or other means of ingress and egress required herein.

(h) Those which have parts thereof which are so attached that they may fall and injure occupants or the public or other property.

(2) **DECLARATION OF NUISANCE AND ORDERS.**

(a) All dangerous dwellings or parts thereof within the terms of this subchapter are hereby declared to be public nuisances and shall be vacated and repaired or demolished in accordance with the provisions of sec. 22.15 of this subchapter.

(b) In any case where a dangerous dwelling is 50% or more damaged or decayed or deteriorated from its original structure, or where it cannot be repaired so as to comply with the terms of this subchapter, it shall be ordered vacated and demolished in accordance with the provisions of sec. 22.15 of this subchapter.

22.14 ENTRY AND INSPECTION OF DWELLINGS.

(1) The Health Officer shall make inspections to determine the condition of dwellings, dwelling units and premises located within the City in order to safeguard the health and safety of the occupants of such dwellings and of the general public. For this purpose and upon showing proper identification, the Health Officer may enter, examine and survey at any reasonable hour all dwellings, dwelling units and premises, and the owner, occupant or the person in charge thereof shall give the Health Officer free access thereto for the purpose of such inspection.

(2) Every occupant of a dwelling shall give the owner thereof or his agent or employe access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alternations which are necessary to effect compliance with the provisions of this subchapter or any lawful order issued pursuant thereto.

(3) No officer, agent or employe of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this subchapter. Any suit brought against any officer, agent or employe of the City as a result of the proper discharge of his duties under this subchapter shall be defended by the City Attorney until final determination of the proceedings therein.

22.15 ENFORCEMENT, SERVICE OF NOTICES AND ORDERS, AND HEARINGS.

(1) **NOTICES OF VIOLATION.**

(a) Whenever the Health Officer determines that there has been a violation of any provision of this subchapter, he shall give notice of such violation to the person or persons responsible therefore and order compliance with this subchapter as hereinafter provided. Such notice and order shall be in writing on an appropriate form and shall include the following:

1. A list of violations with reference to the section of this subchapter violated and an order as to the remedial action required to effect compliance with this subchapter.

2. Specification of a reasonable time for compliance.

3. Advice concerning the procedure for appeal.

Such notice and order shall be served upon the owner, occupant or agent in person; provided, however, that the notice and order shall be deemed to be properly served if such owner, occupant or agent is sent a copy thereof by registered mail to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected.

(b) Whenever the Health Officer determines that a dwelling is a dangerous dwelling, as defined in sec. 22.13 of this subchapter, he shall:

1. Affix upon the door or entrance to such dwelling a printed placard declaring that such dwelling is unfit for human habitation and is ordered vacated. No person shall deface or remove such placard from any dwelling which has been condemned as unfit for human habitation and placarded as such. The Health Officer shall remove the placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

2. Serve notice, as provided herein, to the owner and occupant or lessee of any building found by him to be a dangerous dwelling within the standards set forth in sec. 22.13 of this subchapter that:

a. The owner must vacate and repair or demolish said building in accordance with the terms of the notice and this subchapter.

b. The occupant or lessee must vacate said building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

(2) HEARINGS.

(a) Any person affected by a notice and order issued in connection with the enforcement of this subchapter may request and shall be granted a hearing on the matter before the Board of Zoning Appeals, provided such person shall file in the office of the Health Officer a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within 30 days after the date the notice and order are served. Upon receipt of the petition, the Health Officer shall set a time and place for hearing before the Board of Zoning Appeals and shall give the petitioner written notice thereof. Said hearing shall be held within 30 days after a petition has been filed, and the petitioner shall be given an opportunity to be heard and to show cause why the notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and to state his case at such hearing shall have the same effect as if no petition was filed.

(b) After the hearing, the Board of Zoning Appeals, by a majority vote, shall sustain, modify or withdraw the notice, depending on its findings as to whether the provisions of this subchapter have been complied with, and the petitioner and the Health Officer shall be notified within 10

days, in writing, of such findings.

(c) The proceedings of the hearing, including the findings and decision of the Board of Zoning Appeals and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice and order issued in connection with the case.

(3) ORDERS TO VACATE.

(a) When a notice of violation and order to comply have been served pursuant to this subchapter and upon reinspection at the end of the time specified for compliance and if no petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Health Officer may order the dwelling, or parts thereof affected by the continued violations, vacated in accordance with the following procedure.

1. Dwellings shall be vacated within a reasonable time, not to exceed 60 days.

2. Vacated dwellings shall have all outer doors firmly locked and the basement, cellar and first and second story windows barred or boarded to prevent entry.

3. Vacated dwellings shall not again be used for human habitation until written approval is secured from the Health Officer.

(b) If a dwelling or part thereof is not vacated within the time specified in the order to vacate, the Health Officer shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.

(4) EMERGENCY ORDER. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order so stating and, notwithstanding any other provision of this subchapter, such order shall take effect and shall be complied with immediately. Upon petition to the Board of Zoning Appeals, petitioner shall be afforded a hearing pursuant to sub. (2) above.

(5) VACATION AND DEMOLITION.

(a) If the owner, occupant or lessee fails to comply with the order of the Health Officer or the action of the Board of Zoning Appeals after hearing, the Health Officer shall cause such dwelling or part thereof to be vacated and repaired or demolished as the facts may warrant and shall, with the assistance of the City Attorney, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit against the owner.

(b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous dwelling, as defined herein, is immediately vacated and repaired or demolished, the Health Officer shall cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in par. (a) above.

22.16 BOARD OF ZONING APPEALS, POWERS AND DUTIES. For the purpose of this subchapter, the Board of Zoning Appeals shall:

(1) Adopt rules of procedure not inconsistent with this subchapter and keep a record of all proceedings, including the vote of each member on each case heard. No member of the Board shall take part in any hearing or determination in which he had directly or indirectly any personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.

(2) Interpret the intent of this subchapter in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal application of any section of this subchapter. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section provided the dwelling will vary only a reasonable minimum from the literal provision of this subchapter and will comply generally with the spirit and intent of the regulations as to sanitation, safety and rehabilitation. Any such variance shall be permitted only by the concurring vote of at least three members of the Board.

22.17 to 22.19 (Reserved)

22.20 PENALTY. Any person who shall violate any provision of this subchapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Health Officer constitute a defense.

SUBCHAPTER II: FAIR HOUSING CODE

22.21 POLICY STATEMENT. It is the policy of the City to provide, within constitutional limitations, for fair housing throughout the City of Clintonville.

22.22 DEFINITIONS. Certain words or terms in this subchapter are defined for the purpose hereof as follows:

(1) **DISCRIMINATE AND DISCRIMINATION.** To segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, sexual orientation as defined in ' 111.32 (13m), Wis. Stats., religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

(2) **HANDICAP.** Any physical disability or developmental disability as defined under ' 51.01(5)(a), Wis. Stats.

(3) **HOUSING.** Any improved property, including any mobile home as defined in ' 66.058, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be use or occupied, as a home or residence.

(4) **UNIMPROVED RESIDENTIAL LOT.** Any residential lot upon which no permanent building or structure containing living quarters has been constructed.

22.23 DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:

(1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.

(2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.

(5) For the person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

22.24 EXCEPTIONS.

(1) Nothing in this subchapter shall prohibit discrimination on the basis of age in

relation to housing designed to meet the needs of elderly individuals.

(2) Nothing in this subchapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(3) Nothing in this subchapter shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(4) This subchapter shall not apply to a religious organization, association or society, or any nonprofit institution or organization operating, supervised or controlled by, or in conjunction with, a religious organization, association or society which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin.

(5) This subchapter shall not apply to a private club not, in fact, open to the public which, as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(6) This subchapter shall not apply to any single-family house sold or rented by an owner, provided that:

(a) Such private individual owner does not own more than three such single-family houses at any one time.

(b) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period.

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time.

(d) The sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented:

1. Without the use, in any manner, of the sales or rental facilities or the rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employe or agent of any such broker, agent, salesman or person.

2. Without the publication, posting or mailing, after notice, of any advertisement of written notice in violation of the provisions of 42 United States Code Sec. 3604(c) of sec. 22.23 of this subchapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(7) This subchapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such living quarters as his residence.

(8) Nothing in this subchapter shall prohibit any owner or agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status which may include information from previous landlord such as payment completed compensation, good order and physical condition of the previous abode, but not concerning race, color, creed, sex, handicap, sexual orientation or national origin.

22.25 REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES PROHIBITED. No person may induce, or attempt to induce, any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status or by representations to the effect that such present or prospective entry will or may result in:

- (1) The lowering of real estate values in the area concerned;
- (2) A deterioration in the character of the area concerned;
- (3) An increase in criminal or anti-social behavior in the area concerned; or
- (4) A decline in the quality of the schools or other public facilities serving the area.

22.26 ENFORCEMENT PROCEDURE.

(1) The Equal Opportunities Commission shall have the right, power, authority and responsibility to investigate complaints charging violations of this subchapter, to make a prompt and full investigation of each such complaint, and to request the City Attorney to commence proceedings in the appropriate court in the name of the City for the enforcement of this subchapter. The City Attorney, upon the request of the Equal Opportunities Commission, may issue a complaint if, in his judgment, an action of discrimination is sustainable in court.

(2) Any person claiming to be aggrieved by an alleged discriminatory practice or act contrary to the provisions of this subchapter may, in person or through a duly authorized representative, make, sign and file a complaint with the Commission.

(3) The complaint shall be in writing and signed before a notary public on a form supplied by or acceptable to the Commission. Each complaint shall contain the following:

- (a) The full name and address of the person making the complaint.
- (b) The full name and address of the person against whom the complaint is made.
- (c) A plain and concise statement of the facts constituting the alleged unlawful discriminatory practice or act.
- (d) The date or dates of the alleged unlawful discriminatory practice or act.

(4) A complaint shall be filed with the Equal Opportunities Commission as soon as possible after the date of the alleged discriminatory practice or act, but it shall be filed within 30 days after the aggrieved person becomes aware of the alleged discriminatory practice or act, and in no event more than 60 days after the alleged discriminatory practice or act occurred.

(5) Upon receipt of a verified complaint as hereinabove provided, the Commission shall promptly conduct, or cause to be conducted, an investigation of the allegations contained therein. The person against whom such complaint has been made shall be notified of the complaint made and a copy of the complaint shall be served upon said respondent. The initial complaint shall be served prior to the commencement of the investigation by the Commission. The respondent shall be invited to respond in writing within 10 days of the date of receipt of the complaint. The answer shall be a written statement by the respondent which replies to the allegations of the complainant. Each answer shall contain the following:

- (a) The respondent's current address.
- (b) An admission of any allegations in the complaint that are true.
- (c) A specific denial of each and every allegation of the complaint that the respondent disagrees with.
- (d) A denial of any allegation for which the respondent does not have enough knowledge or information to form an opinion about its truth or falsity.
- (e) A statement of any matter constituting a defense to the complainant's charges.

(6) The Equal Opportunities Commission shall attempt to resolve the dispute between the complainant and the respondent by conference, conciliation and persuasion unless either party requests the Commission not to undertake conciliation. If the Commission cannot achieve a resolution acceptable to both parties, it may either forward the complaint, the answer and its findings to the City Attorney for prosecution under this subchapter or it may forward such information to the appropriate State and/or Federal agencies as it deems appropriate. The Commission may dismiss a complaint if the complainant fails to respond within 10 days from the receipt of any correspondence from the Commission concerning the complaint provided that such correspondence was sent by certified mail, return receipt requested, to the last known address of the complainant.

22.27 OTHER REMEDIES. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which said person might otherwise be entitled under State and/or Federal law.

22.30 PENALTY. Any person who willfully violates any provision of this subchapter shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

22.31 FAIR AND OPEN HOUSING.

WHEREAS, the Common Council of the City of Clintonville recognized its responsibilities under Section 101.22, Wisconsin Statutes, and endorses the concepts of fair and open housing for all persons

and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT the Fair Housing Ordinance of the City of Clintonville is amended to include as a protected class, families with children as defined by the Federal Fair Housing Act of 1988.