

## CHAPTER 15

### HOUSING DISCRIMINATION PROHIBITED

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## **15.01 DECLARATION OF FAIR HOUSING POLICY.**

It is hereby declared to be the policy of the Town of Somers that all persons regardless of sex, race, handicap, religion, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry are entitled to fair and equal access to housing and pursuant to §66.1011, Wis. Stats. enact this Fair Housing Code.

## **15.02 DEFINITIONS.**

The following definitions shall be applicable to §15.01 through §15.07 of these ordinances, which shall also be known as the Town of Somers Fair Housing Code:

(A) Discriminate or discrimination as used in this Ordinance means to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income age or ancestry.

(B) Handicap means any physical disability or developmental disability as defined in §51.01(5)(a), Wis. Stats.

(C) Housing shall mean any improved property including any mobile home or mobile home park which is used, occupied or is arranged, intended or designed to be used or occupied as a home or residence.

(D) Person shall mean any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, manager, trustees, trustees in bankruptcy or receivers, real estate brokers or salesman or any other employee or agent of any such defined person.

(E) To rent is defined to include leases, subleases, to let or otherwise grant for consideration the right to occupy a structure defined as housing in this Fair Housing Code.

(F) Unimproved residential lot as used in this Fair Housing Code means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

## **15.03 LIMITATIONS.**

Discrimination as set forth in this Fair Housing Code is limited to the factors herein set forth and shall be the sole basis for prohibiting discrimination.

## **15.04 DISCRIMINATION PROHIBITED.**

It shall be unlawful and in violation of this Fair Housing Code for any person as defined herein to discriminate:

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

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

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

(D) 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 state or indicates any discrimination in connection with housing.

(F) For a 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.

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

(H) To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this Fair Housing Code or with any person or agency that has aided or encouraged any person in the exercise or enjoyment of any right granted or protected by this Fair Housing Code.

### **15.05 EXCEPTIONS.**

(A) Nothing in this Fair Housing Code shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(B) Nothing in this Fair Housing Code 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.

(C) Nothing in this Fair Housing Code shall prohibit the development of housing designed specifically for persons with a handicap or discrimination on the basis of handicap in relation to such housing.

(D) A religious organization, association, or society supervised or controlled by or with a religious organization to limit sale, rental or occupancy of dwellings which it owns or operates for other

than commercial purposes to persons of the same religion, or which gives preference to such persons, provided membership in such a religious organization is not restricted by race, color, sex or national origin.

(E) A private club which is not in fact open to the public and which as an incident to its primary purpose provides lodgings in buildings which it owns or operates for its members and not for any other commercial purpose, and which limits the occupancy of such lodgings to its members or shall give preference to its membership.

## **15.06 GRIEVANCE PROCEDURE.**

Any person aggrieved by an unlawful practice prohibited by this Fair Housing Code may file a signed and verified complaint with the Clerk within sixty (60) days after the alleged unlawful practice has occurred. The Clerk shall receive such complaint and attempt to resolve the grievance. In the event the Clerk is unable to resolve the grievance, the Clerk shall forward the complaint to State of Wisconsin Department of Industry, Labor and Human Relation.

## **15.07 PENALTIES AND FORFEITURES.**

Any person convicted of willfully violating this Fair Housing Code or any lawful order issued under this Fair Housing Code shall be as set forth in §101.978, Wis. Stats.

## **15.08 PROPERTY MAINTENANCE CODE OF THE TOWN OF SOMERS.**

Section 15.08 through §15.21 of these Ordinances shall be known and may be cited as the "Property Maintenance Code".

## **15.09 POLICY.**

The Town Board hereby finds that there exists, and may in the future exist, within the Town, residential and non-residential buildings or structures that are likely to affect, by reason of their maintenance or lack of maintenance, the health, safety and general welfare of the citizens of this community. To prevent or correct the existence of such adverse conditions and to achieve and maintain such levels of building environmental quality as will protect and promote health and safety and general welfare, it is declared that there is a need for the establishment of certain standards relating to the maintenance and repair of buildings, structures and surrounding areas. It is further declared that failure to maintain buildings or other structures in a reasonable state of repair or to keep the exterior of buildings in a reasonably attractive condition affects the value of other properties in the area, and adversely affects the environment and living conditions in the area, and that each of the aforesaid conditions creates a public nuisance.

## 15.10 PURPOSE.

It is the purpose of this Property Maintenance Code to assist in preventing property deterioration and the creation of unsafe conditions in all buildings and structures by requiring an adequate level of maintenance and repair thereof; to fix certain responsibilities upon owners and occupants to authorize and establish procedures for the inspection of residential and non-residential premises; to fix penalties for the violations of this code; and to provide for the repair or razing of buildings or structures unfit for human habitation or occupancy or use.

## 15.11 APPLICABILITY.

The provisions of this Property Maintenance Code shall apply uniformly to the maintenance of all buildings or structures and areas surrounding the same, irrespective of when or under what condition or conditions such buildings were originally constructed.

## 15.12 DEFINITIONS.

For the purpose of this Property Maintenance Code, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage.

(A) **Accessory Building or Structure.** A detached structure which has a use subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

(B) **Approved.** Approved by the local authority having such administrative authority.

(C) **Basement.** That portion of any structure located partially or wholly underground.

(D) **Blight.** An impaired condition leading to deterioration.

(E) **Blighting Influence.** A condition having an adverse effect on surrounding properties.

(F) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

(G) **Deterioration.** The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

(H) **Dilapidated.** A condition of decay or partial ruin caused by neglect or misuse.

(I) **Debris**. Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; lumber (new or used), posts, trimmings, grass clippings, and other residues; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances; junk lawn mowers, abandoned vehicles, vehicle parts, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the Town of Somers in general.

(J) **Noxious Weeds**. Vegetation which gives the appearance of neglect, attracts rodents and/or which adds allergenic substances to the air including the following: Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), Burdock, Nettle, Poison Ivy, Grass or weeds of any kind where the height or length exceeds nine (9) inches.

(K) **Premises**. Lot, plot or parcel of land including the buildings or structures thereon or any part thereof.

(L) **Reasonably Tight**. That the item so described shall fit so as to exclude wind, rain or moisture or vermin, pests, bugs, insects, rodents or other similar items.

(M) **Rubbish**. Combustible and non-combustible waste materials, except garbage, including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard clippings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(N) **Refuse**. Debris as heretofore defined.

(O) **Workmanlike**. Accomplished in a reasonably skillful manner.

(P) **Yard**. An open space at grade on the same lot as the building or structure located between such building or structure and the adjoining lot line and/or street line.

### **15.13 DUTIES AND RESPONSIBILITIES OF OWNER OR OCCUPANT.**

No owner or other person shall occupy or rent to or permit another person to occupy any dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all the applicable legal requirements of the State of Wisconsin and the Town of Somers.

### **15.14 BUILDING REQUIREMENTS.**

No person, firm or corporation shall allow or permit any building or structure, whether dwelling or non-dwelling or accessory building or structure, on their property to remain in or deteriorate to a condition that is not in accord with the following provisions of this Property Maintenance Code.

(A) **Exterior Walls and Foundations**.

(1) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

(2) Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a reasonably good state of maintenance and repair. The foundation elements shall adequately support the building at all points.

(B) **Roofs and Drainage.**

(1) All roofs shall be maintained so as not to leak, and all water shall be so drained and conveyed therefrom so as not to cause damage to the exterior walls, eaves, soffits or foundation.

(2) Gutters and down spouts, when provided, shall be adequately secured, kept free of obstruction and in a reasonably good state of repair.

(C) **Porches, Railings, Stairways, Decks and Patios.** Every outside stair, every porch, deck, patio and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting loads to which it is subjected as required by the building code and shall be kept in sound condition and in good repair.

(D) **Doors, Windows and Basement Hatchways.**

(1) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in sound condition and good repair. Every window sash shall be fully supplied with glass window panes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame.

(2) Every exterior door, door hinge and door latch shall be maintained in good condition. Exterior doors, when closed, shall fit reasonably well within their frames.

(E) **Paint and Other Preservatives.** In a building or structure, the exterior surface or which has been painted or other preservatives applied, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a serious blighting influence on surrounding property.

(F) **Fence and Retaining Wall Requirements.** No person, firm or corporation shall allow or permit any fence or retaining wall to deteriorate to a condition that is not in accord with the following provisions of this Property Maintenance Code.

(1) All fences shall be properly maintained and kept in good repair or shall be

removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a serious blighting influence on surrounding property.

(2) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause the repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(G) **Exterior Area Requirements**. No person, firm or corporation shall allow or permit exterior areas of their property to remain in a condition that is not in accord with the following provisions of this Property Maintenance Code.

(1) All exterior areas of any premises shall be kept in a clean and sanitary condition; free from any accumulation of combustible or non-combustible materials, debris and refuse or any similar material which could or may cause fire, safety or health hazards or a serious blighting influence upon surrounding properties. The provisions of this section shall not apply to materials stored in conjunction with any mercantile, manufacturing, or normal residential use provided such materials are neatly stored, provide no rodent harborage and meet applicable fire and zoning restrictions.

(2) Sidewalks, walks, drives and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited upon the adjacent or private property shall be corrected.

(3) Exterior areas in a natural state shall be kept free of diseased or fallen trees, branches, brush, debris and noxious weeds.

(4) Whenever erosion of the soil repeatedly causes the same to spill over onto the sidewalk, street, alley or adjoining property, the condition shall be corrected by the construction of a suitable retaining wall, grading or sodding and/or planting of grass or other suitable ground cover.

## **15.15 PROPERTY MAINTENANCE INSPECTOR.**

The Building Inspector of the Town of Somers shall administer and enforce the provisions of this Property Maintenance Code.

## **15.16 POWER AND DUTIES OF INSPECTOR.**

The Building Inspector shall enforce the provisions of this Property Maintenance Code and is hereby authorized and directed to make inspections in response to a complaint or when he has good

reason to believe that a violation is being committed.

### **15.17 ENTRANCE INTO PROPERTY.**

For the purpose of making inspections, the Building Inspector is authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures or premises. In the event the Building Inspector is denied access to a building, structure or premise, he may apply to the Circuit Court for a special inspection warrant, as is provided in the Town Building Code.

### **15.18 NOTICE OF VIOLATION.**

Whenever the Building Inspector determines that any building or structure and/or other exterior area fails to meet the requirements as set forth in this Property Maintenance Code, he shall issue a notice in writing setting forth the following:

- (A) The alleged failures or violations.
- (B) Advise the owner, occupant, or agent that such failures or violations must be corrected, and
- (C) Specify a specific date for the correction thereof.

Notice shall be served personally or sent by certified mail upon the party shown on the tax assessment roll as being the owner of the premises.

### **15.19 ENFORCEMENT.**

The Building Inspector, with the aid of the Town Attorney, shall enforce the provisions of this Property Maintenance Code by forfeiture action and/or injunction.

### **15.20 APPEALS.**

Any party claiming to be aggrieved by an order of the Building Inspector in the enforcement of this Property Maintenance Code may, within thirty (30) days from the date of receipt of such order, appeal to the Town Board of the Town of Somers.

### **15.21 PENALTIES.**

Any person, firm, association, partnership or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Property

Maintenance Code shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution. In the default of payment thereof, he may be imprisoned in the County Jail for a period of not less than sixty (60) days or until such fine and costs are paid. Each day that a violation is permitted to exist shall constitute a separate offense.