

CITY OF OCONTO FALLS
NOTICE OF PUBLIC HEARING

Notice is hereby given, that The City of Oconto Falls Common Council will hold a Public Hearing on Tuesday May 14, 2024 at 6:30 PM in the Municipal Building, Council Chambers, 500 North Chestnut Avenue, Oconto Falls, Wisconsin. The purpose of this hearing is for the consideration of:

**Public Hearing Chapter 238 City of Oconto Falls Ordinances CITY OF
OCONTO FALLS FAIR HOUSING ORDINANCE IN REGARDS TO
(CDBG-PF) COMMUNITY DEVELOPMENT- PUBLIC FACILITIES
BLOCK GRANT APPLICATION FOR COLUMBIA STREET**

All residents of the City of Oconto Falls are encouraged to attend. The meeting room is handicapped accessible. A copy of proposed ordinances can be picked up at the Municipal Building. Persons needing additional accommodations should contact City Hall at (920) 846-4505.

*City of Oconto Falls, WI
Monday, March 25, 2024*

Chapter 238. Fair Housing

§ 238-1. Policy.

It is the policy of the Council to provide, within constitutional limitations, for fair housing throughout the City of Oconto Falls.

§ 238-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISCRIMINATORY HOUSING PRACTICE^[1]

- A. To refuse to sell or rent, after making a bona fide offer, or to refuse to negotiate for the sale or rental of or make unavailable or deny a dwelling to any person because of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age.
- C. To make, print, or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age.
- D. To represent to any person because of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- E. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or terms or conditions of such loan or other financial assistance because of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age of such person or persons.
- F. To deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service organization or facility relating to the business of selling or renting dwellings or to discriminate against such person in terms or conditions of such access, membership or participation on account of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age.

DWELLING

Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction thereon of any such building or structure.

FAMILY

Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

PERSON

Includes a single individual.

TO RENT

Includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 238-3. Discrimination prohibited; applicability.

A. It is unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice, except that this chapter shall not apply to any of the following:

(1) Any single-family house sold or rented by an owner, provided that in 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, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four-month period; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use of any real estate broker, agent, or salesman and without the publication, posting or mailing of any advertisement in violation of Subsection **C** of the definition of "discriminatory housing practice" in § **238-2**, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, or title companies to perfect or transfer title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independent of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

B. A religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society shall not be prohibited from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, national origin, ancestry, color, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

C. Nothing in this chapter shall prohibit a private club, not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

§ 238-4. Equal Opportunities Commission.

A. The Mayor, subject to Council confirmation, shall appoint an Equal Opportunities Commission, consisting of five members. One member shall be an Alderman whose term of office shall be one year. Four members shall be citizen members whose terms of office shall be for two years.

Commission members shall be residents of the City of Oconto Falls and shall receive no compensation for their services.

- B. The Commission shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities because of race, national origin, ancestry, color, religion, sex, sexual orientation, marital status, family status, lawful source of income, disability, or age in the City of Oconto Falls. It shall receive complaints alleging violation of this chapter arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In cases where Commission obtains compliance with this chapter or the Commission finds the complaint is without foundation, no public disclosure shall be made by the Commission of the person or persons named in the complaint. The Commission may adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. The services of an investigator shall be available to aid in the promoting of the purpose of this chapter.

§ 238-5. Enforcement.

Whenever the Commission is unable to eliminate or correct an alleged discriminatory housing practice by informal means, it may request the City Attorney to commence and prosecute a civil action to enforce the provisions of this chapter. The City Attorney may bring civil action in Circuit Court by filing with the Court a complaint setting forth the facts and requesting such preventive relief, including an application for a temporary or permanent injunction, restraining order or such other order, as he deems necessary to ensure the full enjoyment of the rights granted by this chapter.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

AN ORDINANCE 24-005 AMENDING CHAPTER 238 FAIR HOUSING OF THE MUNICIPAL CODE AS FOLLOWS:

THE COMMON COUNCIL OF THE CITY DOES ORDAIN AS FOLLOWS:

Chapter 238 City of Oconto Falls Ordinances

CITY OF OCONTO FALLS FAIR HOUSING ORDINANCE

City of Oconto Falls, WI / Part II. General Legislation

[HISTORY: Adopted by the Common Council of the City of Oconto Falls 9-7-1983 (Ch. 10D).; 4-16-2024 amended in its entirety at time of adoption of Code. Subsequent amendments noted where applicable.]

Title

City of Oconto Falls Fair Housing Ordinance (Fair and Open Housing)

I. Wisconsin Statutes

- A. Section 106.50, Wisconsin Statutes, as it currently exists or is subsequently revised, is incorporated herein by reference as if fully set forth.
- B. Section 66.1011, Wisconsin Statutes, as it currently exists or is subsequently revised, is incorporated herein by reference as if fully set forth.
- C. For the purposes of construction of this ordinance, all references to the Wisconsin Statutes shall be as those statutes currently exist or as they may be hereafter revised.

II. Intent and Declaration of Policy

- A. The intent and declaration of policy of this ordinance are as set forth in Sections 106.50(1) and 66.1011(1), Wisconsin Statutes respectively.
- B. *City of Oconto Falls hereby endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.*
- C. This ordinance provides a means for the implementation and enforcement of these concepts.

III. Definitions

- A. In this ordinance definitions are as set forth in Sections 66.1011(1m) and 106.50(1m), Wisconsin Statutes.

IV. Prohibitions

- A. This ordinance prohibits discrimination in housing as set forth in Sections 66.1011(2) and 106.50(2), (2m) & (2r), Wisconsin Statutes.
- B. Any act required to be performed or prohibited by Sections 66.1011(2) and 106.50(2), (2m) & (2r), Wisconsin Statutes is required or prohibited by this ordinance.

V. Exemptions and Exclusions

- A. The exemptions and exclusions from this ordinance are as set forth in Section 106.50(5m), Wisconsin Statutes.

VI. Administration and Enforcement

- A. The officials and employees of City of Oconto Falls, Wisconsin shall assist in the orderly prevention and removal of all discrimination in housing within the City of Oconto Falls, Wisconsin by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes.
- B. The City of Oconto Falls Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, and shall assist any person alleging a violation thereof in the City of Oconto Falls, Wisconsin to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes.

Chapter 238 City of the Oconto Falls Ordinances, is adopted and incorporated by reference in this chapter as the City of Oconto Falls Fair Housing Ordinance (Fair and Open Housing).

This amendment shall become effective upon the date of publication.

Adopted by the Common Council on the 14th day of May, 2024.

Offered by Council Person: _____

Seconded by Council Person: _____

AYES: ___ NAYS: ___ ABSENT: ___

Adopted: _____

Attest: _____

Mayor Clint Braun

City Administrator Peter Wills

**CERTIFICATION
IN WITNESS WHEREOF**

I, Jenny Friedman, Deputy City Clerk for the City of Oconto Falls, hereby certify this is a true and accurate copy of City of Oconto Falls Chapter 238 amendment – Ordinance 24-006, which was adopted by the Common Council of the City of Oconto Falls, at a regular meeting held on May 14, 2024, by the

vote of ___ Ayes, ___ Nays, and ___ Absent which affirmative vote was sufficient to adopt the
aforementioned ordinance.

Attest: _____
Deputy City Clerk, Jenny Friedman

(SEAL)

Date of Publication: April 19, 2024
Oconto County Times Herald

C. Consistent with in Section 66.1011(2), Wisconsin Statutes:

1. A complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred.
2. City of Oconto Falls, at any time after a complaint has been filed alleging an ordinance violation, may file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.
3. A forfeiture, as a penalty for violation of this subsection, is hereby established for an amount that is equal to the statutory forfeitures under Section 106.50(6)(h), Wisconsin Statutes.

VII. Non-Exclusivity

- A. The enactment, administration or enforcement of this ordinance are not exclusive and shall not:
1. preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 2. preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 3. limit any rights or remedies which may be available to any person.

VIII. Effective Date

This Amendatory Ordinance shall be in full force and effect from and after its enactment and publication.

(Ord. 2024-05; 05/13/2024)