

Chapter 19 – FAIR HOUSING CODE

INDEX

Section	Page
SUBCHAPTER I: HOUSING CODE	
19.01 – Title	1
19.02 – Purpose	1
19.03 – Application	1
19.04 – Definitions	1
19.05 – Compliance with Requirements	3
19.06 – Entry and Inspection of Dwellings	3
19.07 – Enforcement, Service of Notices and Orders, and Hearing	3
19.08 – Protection and Health Committee; Duties	5
19.09 – Minimum Standards for Basic Equipment and Facilities	5
19.10 – Minimum Standards for Light, Ventilation and Heating	6
19.11 – General Requirements for Safe and Sanitary Maintenance	6
19.12 – Minimum Space, Use and Location Requirements	7
19.13 – Responsibilities of Owners and Occupants`	7
19.14 – Designation of Unfit Dwellings and Legal Procedures of Condemnation	8
19.15 – Rooming Houses	8
19.16-19.19 – Reserved	9
19.20 – Penalty	9
SUBCHAPTER II: FAIR HOUSING CODE	
19.21 – Policy Statement	9
19.22 – Definitions	10
19.23 – Prohibited Acts	10
19.24 – Discrimination Prohibited; Exceptions	10
19.25 – Citizens Advisory Committee	11
19.26 – Enforcement	11
19.27 - Penalty	11

SUBCHAPTER I: HOUSING CODE

19.01 (TITLE)

This subchapter shall be known and may be cited and referred to as the Housing Code of the City of Prairie du Chien.

19.02 (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.

19.03 (APPLICATION)

(1) GENERAL. The provisions 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 Protection and Health Committee, as herein provided.

(2) ALTERATIONS AND RELOCATIONS. Existing dwellings which are altered or enlarged shall be made to conform 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 meet the requirements of the Wisconsin Uniform Building Code for 1- and 2-family dwellings.

19.04 (DEFINITIONS)

Certain words or terms in this sub-chapter are defined for the purpose hereof, as follows:

- (1) **BASEMENT.** A portion of a building located partly or wholly underground and having ½ or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (2) **CELLAR.** A portion of a building located partly underground, but having less than ½ of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (3) **DWELLING.** Any building or structure, or part thereof, which is used or intended to be used for living or sleeping.
- (4) **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, except hotels, motels, lodging houses or bed and breakfast establishments.
- (5) **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.
- (6) **FIRST STORY.** That story of a dwelling at or next above the average grade of adjoining ground.
- (7) **GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (8) **HABITABLE ROOM.** Any room used for sleeping, living or dining purposes, excluding such places as kitchens, closets, pantries, baths or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
- (9) **HEALTH OFFICER.** The City Health Officer or his duly authorized representative.
- (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 2 dwelling units.
- (12) **NUISANCE.** Anything or condition set forth in ch. 10 of this Code and the following:
 - (a) Whatever is dangerous to human life or detrimental 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 as 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) **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. See also 145.01(10), Wis. Stats.
- (17) **PREMISES.** Includes any part of a dwelling building and its land.

(18) 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.

(19) 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 to 5 or more persons who are not related to the owner or operator.

(20) 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.

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

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

19.05 (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.

19.06 (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 employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alterations which are necessary to effect compliance with the provisions of this subchapter or any lawful order issued pursuant thereto.

(3) No officer, agent or employee 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 employee 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.

19.07 (ENFORCEMENT, SERVICE OF NOTICES AND ORDERS, AND HEARING)

(1) NOTICES OF VIOLATION.

(a) Whenever the Health Officer or the Building Inspector determine 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 certified 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 or the Building Inspector determines that a dwelling is an unfit dwelling, as defined in sec. 19.14 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 or the Building Inspector 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 an unfit dwelling within the standards set forth in sec. 19.14 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 Protection and Health Committee, provided such person shall file in the office of the Health Officer or the Building Inspector 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 10 days after the date the notice and order are served. Upon receipt of the petition, the Health Officer or the Building Inspector shall set a time and place for hearing before the Protection and Health Committee and shall give the petitioner written notice thereof. Said hearing shall be held as soon as practicable 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 were filed.

(b) After the hearing, the Protection and Health Committee, 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 or the Building Inspector shall be notified within 10 days, in writing, of such findings.

(c) The proceedings of the hearing, including the findings and decision of the Protection and Health Committee and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Health Officer or the Building Inspector. Such period 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 re-inspection 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 or the Building Inspector 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 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 or the Building Inspector.

(b) If a dwelling or part thereof is not vacated within the time specified in the order to vacate, the Health Officer or the Building Inspector 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 or the Building Inspector 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 Protection and Health Committee, petitioner shall be afforded a hearing pursuant to sub. (2) above.

(5) APPEAL TO COURT. Any person aggrieved by the decision of the Protection and Health Committee may seek relief therefrom in any court of competent jurisdiction, as provided by law.

(6) VACATION AND DEMOLITION.

(a) If the owner, occupant or lessee fails to comply with the order of the Health Officer or the Building Inspector or the action of the Protection and Health Committee after hearing, the Health Officer or the Building Inspector 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 Building Inspector 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.

19.08 (PROTECTION AND HEALTH COMMITTEE; 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 Committee shall take part in any hearing or determination in which he had directly or indirectly any personal or financial interest. Three members of the Committee 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 Committee may permit a variance from the applicable section provided the dwelling will vary only a reasonable minimum from the literal provisions 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 3 members of the Committee.

19.09 (MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES)

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the applicable provisions of the Wisconsin Administrative Code and the following:

(1) KITCHEN SINK AND LAUNDRY TRAY. Every dwelling unit shall contain a kitchen sink and laundry tray in good working condition and properly connected to a water and sanitary sewer system approved by the Building Inspector.

(2) BATHROOM. Every dwelling unit shall contain a room within its walls, separate from the habitable rooms, which affords privacy to a person within said room and which is equipped with a flush water closet, a lavatory basin and a bathtub or shower and the necessary fixtures and accessories therefore in good working condition and properly connected to hot and cold water lines and sanitary sewer system approved by the Health Officer or Building Inspector.

(3) CONNECTION OF FACILITIES. The tub or shower required under this subchapter and every kitchen, sink, lavatory basin and bath shall be properly connected to the water line.

(4) PIPED HOT AND COLD RUNNING WATER.

(a) Every kitchen sink, lavatory basin and bathtub or shower required under this chapter 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.

(5) RUBBISH STORAGE. Every dwelling unit shall be supplied with adequate rubbish storage facilities.

(6) GARBAGE DISPOSAL FACILITIES. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers. (See sec. 11.07 of this Code)

(7) EGRESS. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State and this Code.

19.10 (MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING)

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the applicable provisions of the Wisconsin Administrative Code and the following:

(1) WINDOW AREA. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops for every habitable room shall be 8% of the floor area of such room.

(2) OPENABLE WINDOW AREA. Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to not less than 3.5% of the floor area, except where there is supplied a mechanical device affording adequate ventilation.

(3) BATHROOMS AND WATER CLOSETS. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subs. (1) and (2) above, except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a mechanical ventilation system approved by the Health Officer or Building Inspector.

(4) HEATING FACILITIES. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees F. at a distance of 30 inches above floor level, under ordinary minimum winter conditions.

(5) LIGHTING. Every public hall and stairway in every multi-family dwelling shall be adequately lighted.

(6) BASEMENT WINDOWS. Every basement shall receive natural and artificial light and shall be ventilated. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

19.11 (GENERAL REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE)

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following:

(1) FOUNDATIONS, FLOORS, CEILINGS AND ROOFS. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.

(2) SKYLIGHTS, EXTERIOR DOORS AND BASEMENT HATCHWAYS. Every window skylight, exterior door and basement hatchway shall be reasonably weather tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

(3) STAIRWAYS, PORCHES AND APPURTENANCES. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting any load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(4) PLUMBING FIXTURES AND WATER WASTE PIPES. Every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(5) BATHROOM FLOOR SURFACES. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and as to permit such floor to be easily kept in a clean and sanitary condition.

(6) SAFE INSTALLATION REQUIRED. Every supplied facility, piece of equipment or utility which is required under this section shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(7) SHUT-OFF OF UTILITIES PROHIBITED. No owner, operator or occupant shall cause any service facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruptions as may be necessary while actual repair or alterations are in progress or during temporary emergencies or when discontinuance of service is approved by the Health Officer or the Building Inspector.

(8) RENTED PREMISES TO BE FIT FOR HUMAN OCCUPANCY. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

19.12 (MINIMUM SPACE, USE AND LOCATION REQUIREMENTS)

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the applicable provisions of the Wisconsin Administrative Code and the following:

(1) GROSS FLOOR AREA. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, 100 square feet for the second occupant and 75 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(2) SLEEPING ROOMS. In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant thereof under 12 years of age.

(3) CEILING HEIGHTS. At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(4) BASEMENT DWELLING. No basement or cellar space shall be used as a dwelling unit unless it complies with the requirements of the Wisconsin Uniform Building Code for 1- and 2-family dwellings.

19.13 (RESPONSIBILITIES OF OWNERS AND OCCUPANTS)

(1) PUBLIC AREAS. Every owner of a dwelling containing more than 4 dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

(2) DUTY TO KEEP IN CLEAN AND SANITARY CONDITION. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(3) RUBBISH DISPOSAL. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish container required by sec. 19.09(5) of this subchapter. (See also sec. 11.07 of this Code.)

(4) GARBAGE DISPOSAL. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage storage containers required by sec. 19.09(6) of this subchapter. The owner shall supply such facilities or containers for all dwelling units in a dwelling containing 4 or more dwelling units and from all dwelling units located on premises where 4 or more dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers. (See also Sec. 11.07 of this Code)

(5) HANGING SCREENS. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under this section or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

(6) EXTERMINATION OF PESTS. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding such provisions, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

(7) PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

19.14 (DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION)

(1) REQUIREMENTS TO CONDEMN. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer or the Building Inspector.
- (b) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (c) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or of the public.
- (d) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of occupants or of the public.

(2) **VACATING PREMISES.** Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer or the Building Inspector shall be vacated within 60 days as ordered by the Health Officer or the Building Inspector.

(3) **REOCCUPATION OF PREMISES.** No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Health Officer or the Building Inspector. The Health Officer or the Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(4) **DEFACING OR REMOVING PLACARDS.** No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placard as such, except as provided in sub. (3) above.

(5) **HEARING.** Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Protection and Health Committee under the procedure set forth in sec. 19.07 (2) of this subchapter.

19.15 (ROOMING HOUSES)

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this chapter.

(1) **LICENSE REQUIRED.** No person shall operate a rooming house unless he holds a valid rooming house license issued by the Clerk-Treasurer upon the approval of the Building Inspector. The annual permit fee shall be \$10 for 5 units plus \$5 for each additional 5 units or fraction thereof. This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a license shall give notice, in writing, to the Clerk-Treasurer and the Health Officer within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house license shall expire at the end of one year following its date of issuance unless sooner suspended or revoked as hereinafter provided.

(2) **DENIAL OF LICENSE; HEARING.** Any person whose application for a permit to obtain a license to operate a rooming house has been denied may request and shall be granted a hearing on the matter under the procedure provided by sec. 19.07 of this subchapter.

(3) **VIOLATIONS; SUSPENSION OF LICENSE.** Whenever, upon inspection of any rooming house, the Health Officer or the Building Inspector finds that conditions or practices exist which are in violation of any provision of this subchapter, the Health Officer or the Inspector shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer or the Building Inspector, the operator's rooming house license will be suspended. At the end of such period, the Health Officer or the Inspector shall reinspect such rooming house and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's license has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any room therein.

(4) **SUSPENSION OF LICENSE; HEARING.** Any person whose license to operate a rooming house has been suspended, or who has received notice from the Health Officer or the Building Inspector that his license is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Protection and Health Committee under the procedure provided in

this subchapter; provided that if no petition for such hearing is filed within 10 days following the day on which such license was suspended, such license shall be deemed to have been automatically revoked.

(5) **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 the Building Inspector and in good working condition, shall be supplied for each 10 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 ½ 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.

(6) **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.

(7) **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.

(8) **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 laws of the State and the City.

(9) **SLEEPING ROOM AREAS.** Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant thereof over 12 years of age and at least 30 square feet for each occupant therein under 12 years of age, as computed in accordance with sec. 19.12(2) of this subchapter.

(10) **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 a 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.

(11) **APPLICABILITY TO MOTELS, ETC.** Every provision of this subchapter which applies to rooming houses shall also apply to efficiency apartments, motels, cabins, hotels and similar accommodations, except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State board or agency.

19.16 to 19.19 (Reserved)

19.20 (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.

SUBCHAPTER II: FAIR HOUSING CODE

19.21 (POLICY STATEMENT)

It is the Policy of the City of Prairie du Chien, pursuant to the United States and Wisconsin constitutions, that all persons, regardless of race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income, families with children, sex or marital status of the person maintaining the household or sexual orientation, are entitled to fair and equal access to housing; and prohibits any person, not herein excepted from discrimination against any other person by impairing to any degree, access to any housing or housing accommodations on basis of race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income families with children, sex or marital status of the person maintaining the household or sexual orientation; and creates a committee with the power and duty to enforce equal opportunity in housing for all citizens of the City of Prairie du Chien.

STATE STATUTES ADOPTED

The Common Council of the City of Prairie du Chien hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.

AUTHORITY AND ENFORCEMENT PROCEDURES IMPLEMENTED

The officials and employees of the City of Prairie du Chien shall assist in the orderly prevention and removal of all discrimination in housing within the City of Prairie du Chien by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

CONFLICT OF CODE PROVISIONS

If the provisions of Subchapter II of this Chapter conflict with or contravene Section 106.50, Wisconsin Statutes, as amended, the provisions of Section 106.50, Wisconsin Statutes, as amended, shall prevail as to all matters and questions arising out of the subject matter of Subchapter II.

19.22 (DEFINITIONS)

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

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

(2) FAMILY. An individual or a group of two (2) or more individuals who are related by blood, marriage or adoption, together with not more than three (3) additional persons not so related, living as single household in a dwelling unit.¹

(3) TO RENT. To lease, to sublease, to let and otherwise grant for a consideration, the right to occupy premises not owned by the occupant.

(4) COMPLAINANT. Any person who files a complaint with the City Administrator or with the committee pursuant to this Code.

19.23 (PROHIBITED ACTS)

It shall be a prohibited discriminatory practice for any person to:

(1) Print, publish, circulate, issue, display, post, mail or communicate in any other way any announcement, statement, advertisement, publication or sign, the import of which indicates to any degree a decision or purpose to impair in any way the access of any person, on the basis of his race, color, religion, sex ancestry, national origin, handicap, age, lawful source of income, families with children, sex or marital status of the person maintaining the household or sexual orientation to any transferable interest in any housing or housing accommodations.

(2) Refuse to sell, lease, sublease, rent or in any other manner deny, withhold, or impair the transfer of title, leasehold, or any other interest in any part of any housing or housing accommodation, when such refusal is based to any degree on a consideration of race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income, families with children, sex or marital status of the person maintaining the household or sexual orientation of the person refused.

(3) Refuse to lend money or security, guarantee any loan, accept any mortgage or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair, or degree on a consideration on the race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income, families with children, sex or marital status of the person maintaining the household or sexual orientation of the person refused.

(4) Refuse to furnish any facilities or services for any housing or housing accommodation, whether ordinarily provided pursuant to legal duty or local custom, when such refusal is based to any degree on a consideration of the race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income, families with

¹ Chapter 19.22 (2) - Amended by Ordinance 94-06

² Chapter 19.21 and 19.26 – Amended by Ordinance 2018-02

children, sex or marital status of the person maintaining the household or sexual orientation of the person refused.

(5) It shall be unlawful for any person to do or refuse to do any act which to any degree affects the purpose of any activity prohibited by this code.

19.24 (DISCRIMINATION PROHIBITED; EXCEPTIONS)

It shall be unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice, except that nothing in this subchapter shall:

(1) Prohibit discrimination on the basis of age in relation to housing designed to meet the needs of the elderly applicant.

(2) Prohibit the development of housing designed specifically for a person with a handicap and discrimination on the basis of handicap in relation to such housing.

(3) No prohibition in this code shall apply to an offer or advertisement to lease or rent, or to the lease or rental of single-occupancy room in an owner occupied dwelling; provided, however, that the number of persons, other than the owner and his immediate family who dwell therein, does not exceed 2.

(4) Nothing in this code shall bar any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised, or controlled by or in connection with religious organization which is operated, supervised, or controlled by or in connection with a religious organization from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selection as is reasonable calculated by such organization to promote the religious principles for which it is established or maintained.

19.25 (CITIZENS ADVISORY COMMITTEE)

(1) MEMBERSHIP. The Citizen's Advisory Committee shall consist of 7 citizens of the City appointed by the Mayor, subject to confirmation by the Council, for staggered 3 year terms.

(2) POWERS AND DUTIES. The Citizen's Advisory Committee shall have the power and duty to study the existence, character, cause and extent or the denial of equal opportunities because of race, color, religion, sex, ancestry, national origin, handicap, age, lawful source of income, families with children, sex or marital status or the person maintaining the household or sexual orientation in the City. It may disseminate information and attempt, by means of discussion and other means, to educate the people of the City to a greater understanding, appreciation and practice of human rights to the extent that the City will be a better place to live. It shall receive complaints alleging violation of this subchapter arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In those cases where the Committee finds that the complaint is without foundation, no public disclosure shall be made of the person or persons named in the complaint.

19.26 (ENFORCEMENT)

(1) COMPLAINT. Any complaint alleging any discriminatory practice prohibited by this Code shall be in writing. Such complaints may be initiated by (1) the complainant, (b) any agent of the complainant, or (c) any member of the Committee on his/her own initiative. All complaints shall include the following:

- (a) Name and address of the complainant.
- (b) Name and address of the respondent(s).
- (c) Statement setting forth the particulars of the alleged discrimination.
- (d) The date(s) of the alleged discrimination or discriminatory practice.

Complaints shall be filed with the City Administrator or any member of the Committee. Complaint alleging discriminatory practice shall be filed no later than ninety (90) days after the complainant knew or should reasonably have known that the alleged act(s) occurred. Upon filing of a complaint, the Committee shall serve a copy thereof upon the respondent within fifteen (15) days of said filing. A complaint may be amended or withdrawn at any time, with and subject to approval of the Committee.

(2) The City Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Prairie du Chien to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

(3) ENFORCEMENT. Whenever the Citizen's Advisory Committee 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 subchapter. The City Attorney may bring civil action in Circuit Court by filing with it 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/she deems necessary to insure the full enjoyment of the rights granted by this subchapter, provided, however, that nothing contained herein shall prevent the imposition of a forfeiture in addition to other remedies enumerated herein.

19.27 (PENALTY)

Any person who shall violate any provision of this subchapter shall be subject to a penalty as provided in Sec. 225.04 of this Code in addition to the specific penalties provided in this subchapter. A separate offense shall be deemed committed on each day which a violation of this subchapter occurs or continues.