

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 8 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HUMAN RELATIONS; FAIR HOUSING.

(Community and Economic Development Committee – 8-21-13)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Article II of Chapter 8 of the Municipal Code of the City of Appleton, relating to fair housing, is hereby amended to read as follows:

ARTICLE II. FAIR HOUSING*

Sec. 8-25. Policy.

It is the intent of this article to render unlawful discrimination in housing. It is the policy of the City to provide, within constitutional limitations, for fair housing throughout the city regardless of age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking. Enforcement of the article shall be considered an exercise of the police powers of the City for the protection of the welfare, health, peace, dignity and human rights of the people of this city.

Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means the City Safety and Licensing Committee.

Discriminatory housing practice means:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of any basis listed in §8-30.
- (2) 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 any basis listed in §8-30.
- (3) To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale, financing or

rental of a dwelling that indicates any preference, limitation or discrimination because of any basis listed in §8-30 or an intention to make such preference, limitation or discrimination.

- (4) To represent to any person because of any basis listed in §8-30 that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- (5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular economic status or a member of a protected class as set forth in §8-30, or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - a. The lowering of real estate values in the area concerned.
 - b. A deterioration in the character of the area concerned.
 - c. An increase in criminal or antisocial behavior in the area concerned.
 - d. A decline in the quality of the schools or other public service facilities in the area.
- (6) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part of 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, repairing or maintaining a dwelling, or to discriminate against such person in the fixing of the amount, interest, rate, duration or other terms or conditions of such loan or other financial assistance, because of any basis listed in §8-30 applicable to such person or to any associated person in connection with such loan or financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling in relation to which such loan or other financial assistance is given.
- (7) By advertising in a manner that indicates discrimination by a preference or limitation in violation of Sec. 8-30.
- (8) For a person in the business of insuring against hazards, by refusing to enter into, or to do so by exacting terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling in violation of Sec. 8-30.

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

Family includes one natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
- (3) A person's household includes one (1) or more minor or adult relatives.
- (4) A person's household includes one (1) or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (5) A person's household includes one (1) or more adults or minor children placed in his or her care under a court order, under guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child, or adopted person.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Protected classes are defined as:

- (1) **Age.** Persons 18 years of age or older.
- (2) **Color.** A person's skin color.
- (3) **Disability/Handicap.** A physical or mental impairment that substantially limits one or more major life activities.
- (4) **Domestic Abuse, Sexual Assault and Stalking Victims.** Persons who have been or are victims of domestic abuse, sexual assault or stalking.
- (5) **Family Status.** Household composition, including the presence of children.

- (6) **Gender Identity and/or Gender Expression.** A person's gender-related self-identity, appearance, expression or behavior, regardless of the person's assigned sex at birth.
- (7) **Lawful Source of Income.** A person's legal means of income, including such subsidized forms as Social Security, food stamps, unemployment compensation, etc.
- (8) **Marital Status.** Married, unmarried, single, divorced, widowed or separated.
- (9) **National Origin/Ancestry.** The country of one's birth and/or the nationality of one's ancestors.
- (10) **Race.** A person's race or the race of persons with whom one associates.
- (11) **Religion.** A person's religious beliefs or denominational affiliation.
- (12) **Sex.** A person's sex, including sexual harassment or intimidation.
- (13) **Sexual Orientation.** Individuals identified as heterosexual, gay, lesbian, bisexual or any sexual orientation identity.

To rent includes to lease, to sublease, to let and to otherwise grant for consideration the right to occupy premises not owned by the occupant.

Sec. 8-27. Reserved.

Sec. 8-28. Penalty for violation of article.

(a) Any person who violates this article or any lawful order issued under this article shall, for each violation, forfeit not more than ten thousand dollars (\$10,000) along with other relief deemed appropriate which may include economic and noneconomic damages suffered by the aggrieved person and injunctive or other equitable relief.

(b) Any person adjudged to have committed one (1) other discriminatory act under this article within a five (5) year period, based on the offense date of the prior discriminatory act, may be assessed a forfeiture not exceeding twenty-five thousand dollars (\$25,000). If a person is adjudged to have committed two (2) or more prior discriminatory acts under this article during the preceding seven (7) year period, based on the offense dates of the prior discriminatory acts, a forfeiture not exceeding fifty thousand dollars (\$50,000) may be assessed.

(c) In addition to the above, a prevailing complainant, including the City, may be awarded reasonable attorney's fees and costs.

Sec. 8-29. Administration and enforcement of article.

(a) The Safety and Licensing Committee shall administer this article. The Committee shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities on any basis listed in §8-30. It may disseminate information and attempt by means of discussion and other means to educate the people of the City to greater understanding, appreciation and practice of human rights.

(b) The Committee may receive and investigate a complaint charging a violation of this article if the complaint is filed with the City Clerk's Office within one year of the termination or occurrence of the alleged discriminatory practice. A complaint shall be a written statement of the essential facts constituting the discrimination charged.

(c) If the Committee finds probable cause to believe that any discrimination has been or is being committed in violation of this article, it shall endeavor to eliminate such discrimination by conference, conciliation and persuasion. If the Committee determines that such conference, conciliation and persuasion has not eliminated the alleged discrimination, the Committee may commence and prosecute a civil action to enforce the provisions of this article. In administering this article the Committee may hold hearings, subpoena witnesses, take testimony and make investigations.

(d) The City Attorney may bring a civil action in circuit court by filing with it a complaint setting forth the facts and requesting such preventative 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 article; provided, however, that nothing in this section shall prevent the imposition of fine or forfeiture in addition to other remedies enumerated in this section. Any person who shall violate any provisions of this article shall be subject to penalty as provided in §8-28.

(e) In addition to the remedies set forth in this Article, an aggrieved person may commence a civil action in any court of competent jurisdiction to obtain appropriate relief with respect to violations set forth in this Article.

Sec. 8-30. Discrimination prohibited.

Subject to other provisions of this article, no person may discriminate in the rental of housing, procurement of property owner's insurance or commit any sale or discriminatory housing practice against any person on the basis of actual or perceived: age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.

- (1) ***Discrimination against victims of domestic abuse prohibited.*** A person may not evict a tenant or refuse to rent or lease residential property based on the fact that a tenant or prospective tenant or a member of the tenant's or prospective tenant's household has been or may be the victim of domestic abuse, as defined in

§813.12(1)(a), Wis. Stats., or has been a victim of a crime prohibited by Chapter 948, Wis. Stats.

(2) ***Discrimination against persons with disabilities prohibited.*** For the purposes of this section, “discrimination” includes but is not limited to:

- (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
- (b) A refusal to make reasonable accommodation in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.
- (c) In connection with the design and construction of covered multi-family dwellings for first occupancy after March 31, 1991, a failure to design and construct the dwelling in a manner that the public use and common use areas of the dwelling are easily accessible to and useable by disabled persons; or, a failure to comply with the appropriate requirements providing accessibility and usability for physically disabled people as set forth within, or adopted by, this code including the American National Standard for buildings and facilities requirements.

(3) ***Animals assisting persons with disabilities.***

- (a) If an individual’s vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:
 - 1. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
 - 2. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

- (b) Subdivision (a) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

Sec. 8-31. Exceptions.

- (a) Nothing in this article shall prohibit:
 - (1) 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, 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.
 - (2) A private club, not in fact open to the public, which as incident to its primary purpose 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 or from giving preference to its members.
 - (3) Discrimination on the basis of age or persons with disability in relation to housing designed to meet the needs of the elderly or persons with disabilities.
- (b) With the exception of prohibitions against discriminatory advertising and statements, this article shall not apply to:
 - (1) An owner-occupied building containing no more than four units when the units are being sold or rented without the assistance of a real-estate broker, agent or such facilities or services in the business of selling or renting dwellings.
 - (2) A single-family residence if it is rented or sold by an owner who does not own more than three such single-family residences at any one time and; provided that in the case of the sale of any such single-family residence by a private individual owner not residing in the 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 a twenty-four month period and; provided any such single-family residence is being sold or rented without the assistance of a real-estate broker, agent or such facilities or services in the business of selling or renting dwellings.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

76-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 8-21-13)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the east side of Catherine Street between Green Bay Road and Washington Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

77-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 8-21-13)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the north side of Washington Street between Green Bay Road and Catherine Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

78-13

AN ORDINANCE AMENDING SECTION 23-206(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO GENERAL PROVISIONS; OFFICIAL MAPS AND REVISIONS; OFFICIAL MAPS.

(City Plan Commission – 8-21-13)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 23-206(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to general provisions; official maps and revisions; official maps, is hereby amended to read as follows:

Sec. 23-206. General provisions.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below and the revisions in the City of Appleton Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Division of Inspections of the Department of Public Works for the City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

Official maps:

- (1) Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study

(FIS), dated February 2009, volume number 55015CV000A.

- (2) Outagamie County Flood Insurance Rate Map (FIRM) panel numbers (55087C0304D, 55087C0308D, 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D) dated July 22, 2010: with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A
- (3) Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.
- (4) Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated July 22, 2010.
- (5) LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
- (6) Conditional Letter of Map Revision (CLOMR) for Apple Creek North Floodplain Lowering and Channel Re-Alignment approved by Wisconsin Department of Natural Resources on December 17, 2010 and Federal Emergency Management Agency (Case Number 11-05-2095R) on June 21, 2011.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

79-13

AN ORDINANCE AMENDING THE
COMPREHENSIVE PLAN FOR THE
CITY OF APPLETON.

The Common Council of the City of Appleton does ordain as follows:

Section 1: The *Comprehensive Plan 2010-2030* Future Land Use Map Amendments #1-

13 through #13-13, for the following areas of the city be amended as follows:

#1-13: For land generally located at the SW Corner of West Spring Street and North Sharon Street to change the current One and Two-Family Residential Land Use designation to Industrial and the Future Land Use Map be revised accordingly

#2-13: For land generally located at the SE Corner of West Eighth Street and South Story Street to change the current Parks and Open Space Land Use Designation to One and Two-Family Residential and the Future Land Use Map be revised accordingly.

#3-13: For land generally located at South Locust Street to change the current Public/Institutional Land Use Designation to One and Two-Family Residential and the Future Land Use Map be revised accordingly.

#4-13: For land generally located at West Schindler Place to change the current Commercial Land Use Designation to Multi-Family Residential and the Future Land Use Map be revised accordingly.

#5-13: For land generally located at East Hoover Avenue to change the current One and Two-Family Residential Land Use Designation to Commercial and the Future Land Use Map be revised accordingly.

#6-13: For land generally located at East Calumet Street, East Coolidge Avenue and South Madison Street to change the current Land Use Designation from One and Two-Family Residential to Commercial and the Future Land Use Map be revised accordingly.

#7-13: For land generally located at East McKinley Street and Harrison Street to change the current Land Use Designation from One and Two-Family Residential to Mixed Use and the Future Land Use Map be revised accordingly.

#8-13: For land generally located at East John Street to change the current Land Use Designation from One and Two-Family Residential to Multi-Family Residential and the Future Land Use Map be revised accordingly.

#9-13: For land generally located at the SW Corner of East Pauline Street and North Ballard Road to change the current Land Use Designation from Multi-Family Residential to One and Two-Family Residential and the Future Land Use Map be revised accordingly.

#10-13: For land generally located at North French Road to change the current Land Use Designation from One and Two-Family Residential to Multi-Family Residential and the Future Land Use Map be revised accordingly.

#11-13: For land generally located at East Fall Creek Lane and East Gazebo Hill Road to change the current Land Use Designation from Public/Institutional to One and Two-Family Residential and the Future Land Use Map be revised accordingly.

#12-13: For land generally located at Evergreen Dr. to change the current Land Use Designation from Commercial to Multi-family Residential and the Future Land Use Map be revised accordingly.

#13-13: The future alignment of Sommers Drive is currently shown incorrectly. Staff worked with the City's Engineering Division to identify the correct alignment. The City's Official Map has been updated to reflect this change and the Future Land Use Map should be revised accordingly.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.