

the county. "County facility" includes space leased or rented to the county in a building that has other tenants but the regulations set forth in this ordinance shall apply to that part of the leased or rented space that is partitioned off from the remaining space, including common areas, by floor-to-ceiling walls.

B. "County vehicle" is all self-propelled vehicles owned or leased by the county.

C. "Person in charge" means the county administrator or designee.

D. "Smoking" means to burn tobacco, to burn a tobacco substitute, to use or inhale smoke produced by a tobacco product, or to use or inhale any substance produced by a tobacco substitute such as a nicotine containing inhalant, whether by means of a cigar, cigarette, electronic cigarette, water pipe, or any other instrumentality. (148-29, Sec. 1, 2004; Ord. 158-004, Sec. 1, 2014)

9.60.030 Prohibited conduct.

A. It is unlawful for any person to smoke in any county facility or county vehicle.

B. It is unlawful for any person to remove, deface, or destroy any legally required "No Smoking" sign, or to smoke in any place where any such sign is posted. (148-29, Sec. 1, 2004)

9.60.050 Reasonable distance. Smoking is prohibited within a reasonable distance of 25 feet outside a county facility. Smoking is prohibited, so as to insure that tobacco smoke does not enter the facility through entrances, windows, ventilation systems or other means and to protect those entering facilities from exposure to secondhand smoke. (148-29, Sec. 1, 2004)

9.60.060 Notification to the public. All county facilities and vehicles shall be posted in accordance with this chapter and Wis. Stat. §101.123. The posting shall be at the entryway to all county facilities and such other locations that shall be deemed necessary by the person in charge of the facility or vehicle to appropriately notify any person of the fact that no smoking is allowed in the facility or vehicle. (148-29, Sec. 1, 2004)

9.60.070 Violation—Penalty—Enforcement. Any person who violates any provision of this chapter shall forfeit not less than \$10.00 and not more than \$50.00 for each violation. The Sheriff's Department shall be the enforcement agency or such other agencies or individuals as may be so designated by the Sheriff. (Ord. 148-29, 2004)

Chapter 9.65

SMOKING PROHIBITED

Sections:

9.65.010 Smoking prohibited-state statutes adopted.

9.65.010 Smoking prohibited-state statutes adopted. Wis. Stat. § 101.123 is adopted by reference and made a part of this chapter as if fully set forth herein except for county facilities and vehicles covered in Chapter 9.60. (Ord. 154-21, Sec. 2, 2010)

Chapter 9.70

COUNTY FAIR HOUSING ORDINANCE

Sections:

9.70.001 Declaration of policy.
9.70.005 Definitions.
9.70.010 Discrimination Prohibited.
9.70.020 Exceptions.
9.70.030 Administration and enforcement.
9.70.040 Penalty.
9.70.050 Other remedies applicable.

9.70.001 Declaration of Policy. It is the intent of this chapter to prohibit discrimination in housing within the boundaries of the County of Eau Claire pursuant to the authority granted to counties by Wis. Stat. § 66.1011 It is the duty of the County of Eau Claire to assist in the orderly prevention or removal of all discrimination in housing through the powers granted by the State of Wisconsin. It is declared, therefore, to be the policy of the County of Eau Claire, in the exercise of its police power on behalf of the public safety, health, and general welfare, that all persons shall have an equal opportunity for housing regardless of actual or perceived sex, race, color, physical condition, disability as defined in Wis. Stat. § 106.50 (1m)(g), sexual orientation as defined in Wis. Stat. § 111.32 (13m), religion, national origin, sex or marital status, family status as defined in Wis. Stat. § 106.50(1m)(k), lawful source of income, age, or ancestry as defined in the Wisconsin Statutes, and in all subsequent amendments to the definitions and provisions outlined therein and age, gender identity, gender expression or veterans status. (Ord. 163-034, Sec. 1, 2020; Ord. 137-23, 1993)

9.70.005 Definitions.

A. "Disability" means physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment.

B. "Discriminate" and "discrimination" means to segregate, separate, exclude or treat a person or class of persons unequally solely on the basis of being a member of a protected class.

C. "Housing" means any improved property, or any portion thereof, including any mobile home, that is used or occupied or intended, arranged or designed to be used or occupied, as a home or residence.

D. "Member of protected class" means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Wis. Stat. § 111.32(13m), religion, national origin, sex or marital status of the person maintaining a household, family status, lawful source of income, age, or ancestry, as defined in Wis. Stat. § 106.50(1m)(nm), and as subsequently amended and age, gender identity, gender expression or veterans status. (Ord. 163-34, Sec. 2, 2020; Ord. 137-23, 1993)

9.70.010 Discrimination Prohibited. It is unlawful for any person to discriminate:

A. By refusing to sell, lease, sublease, rent, finance, contract to construct, or to negotiate or 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 residence upon such lot.

D. By printing, publishing, circulating, issuing, displaying, posting, mailing, or communicating in any other way any announcement, statement, advertisement, publication, or sign, or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing by a preference or limitation.

E. 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.

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

G. In providing the privileges, services or facilities that are available in connection with housing.

H. By falsely representing that housing is unavailable for inspection, rental or sale.

I. By coercing, intimidating, threatening or interfering with any person in the exercise or enjoyment of a right granted or protected under this chapter, or with any person who has aided or encouraged another person in the exercise or enjoyment of any protected right.

J. By discriminating in the financing of housing, exacting different or more stringent terms for financing, or refusing to refinance housing or refusing to discuss the terms thereof, or refusing 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, improvement, repair, or maintenance of housing.

K. By inducing or attempting to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in:

1. the lowering of real estate values in the area concerned;
2. a deterioration in the character of the area concerned;
3. an increase in criminal or antisocial behavior in the area concerned; or
4. a decline in the quality of the schools or other public facilities serving the

area.

L. By discriminating against persons with disabilities as outlined in Wis. Stat. §§ 101.132 and 106.50 (1m)(g). (Ord. 137-23, 1993).

9.70.020 Exceptions

A. Nothing in this chapter shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

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

D. It is not discrimination based on family status to comply with any reasonable federal, state, or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

E. Nothing in this chapter prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed. (Ord. 137-23, 1993).

9.70.030 Administration and enforcement.

A. The provisions of this ordinance shall be administered by the county's fair housing officer (officer), who shall be the Eau Claire County Housing Authority's executive director. Administration shall include: 1) dissemination of information and other proper means to educate county residents to a greater understanding, appreciation, and practice of the basic right for all people to live in decent, safe, sanitary, and affordable housing, and 2) processing complaints of discrimination and possible resolution of complaints as follows:

1. Any person aggrieved by a practice prohibited by this chapter may file a complaint with the officer within 300 days from the date the alleged discrimination occurred.
2. A complaint shall be a written statement of the essential facts constituting the discrimination charged and shall be signed by the complainant.
3. The officer shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.
4. The officer shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits, choice of forums, and the right to bring a private civil action.