

## APPENDIXES

APPENDIX A

Adopted Amendments

to the

Comprehensive Plan

# CITY OF GLENDALE

## Land Use and Zoning Studies/Amendments to the Comprehensive Plan

The Comprehensive Plan, Glendale, Wisconsin (August, 1976)

Land Use, Zoning and Comprehensive Plan Review for Port Washington Road from Daphne Road to Bradley Road (September 20, 1983)

Port Washington Road Land Use and Zoning Study (Adopted, 198\_)

Carl Miller Lumberyard Site, Economic Development/Land Use Plan, Glendale, Wisconsin (July, 1984)

Former Schlitz Site, Economic Development Plan/Land Use Plan, Glendale, Wisconsin (July, 1984)

Land Use Plan for the North Green Bay Avenue Corridor, A Part of the Comprehensive Plan for Glendale, Wisconsin (Adopted January, 1987)

Port Washington Road Corridor, Green Tree Road Corridor to Brown Deer Road, Land Use Plan Recommendations (1986-1987)

Redevelopment Plan, City of Glendale, Wisconsin (adopted by the Community Development Authority of the City of Glendale, February 26, 1990; Adopted by the City of Glendale Common Council, February 26, 1990)

Port Washington Road Land Use and Zoning Study (Adopted 1990 around time of completion of Midway Motor Lodge)

Redevelopment Plan for the Glendale Technology District (Adopted by the Plan Commission on April 5, 1993)

West Silver Spring Drive Neighborhood Vision (Adopted March 7, 1995)

North Port Washington Road Land Use and Zoning Review, Cardinal Stritch College North to West Mall Road (adopted March 5, 1996)

Glendale Technology District, Phase One Redevelopment Plan (Adopted April 9, 1996)

North Green Bay Avenue Land Use and Zoning Review, West Bender Road North to North Fairlane Road (Adopted June 5, 1996)

Mill Road Land Use Plan, Amendment to the 1976 Comprehensive Plan (Adopted September 7, 1999)

Crestwood Neighborhood Plan, Amendment to the 1976 Comprehensive Plan (Adopted by the Plan Commission May 1, 2001)

# CITY OF GLENDALE

## Land Use and Zoning Studies/Amendments to the Comprehensive Plan

Glendale 2021 – Our Vision, Report of the Glendale Visioning Committee (Adopted by the City of Glendale Common Council on September 24, 2001)

Brantwood-South Neighborhood Plan, Amendment to the 1976 Comprehensive Plan (Adopted July, 2002)

Comprehensive Plan of Redevelopment for the Area Located Between Interstate Highway “43” and North Lydell Avenue Extending From West Silver Spring Drive to the Union Cemetery, also Including Parcel Located at the Southwest Corner of the Intersection of West Silver Spring Drive and North Port Washington Road (Adopted by the Common Council on October 22, 2001)

B-1 Land Use and Zoning Review, Volume I – Glendale Primary Commercial Center Encompassing the Larger Contiguous Area in the Vicinity of Port Washington Road (From West Marne Avenue to West Brentwood Lane) and West Silver Spring Drive (From Interstate 43 to North Lydell Avenue) (Prepared by the Community Development Planning Department, January, 2002; Approved by the Plan Commission August 6, 2002; Adopted by the Common Council March 24, 2003)

B-1 Land Use and Zoning Review, Volume II (Located in Body of Report) and Addendum to Volume II (Located in Appendix A), Dispersed B-1 Zoned Lands (Prepared by the Community Development Planning Department, March, 2002; Revised December, 2002 (Executive Summary Added and Addendum to Volume II Incorporated Herein as Appendix A; Adopted by the Common Council March 24, 2003)

Glen River Ridge Neighborhood Plan (Glendale Avenue Neighborhood), Amendment to the 1976 Comprehensive Plan (Adopted June, 2003)

Brantwood-North Neighborhood Plan, Amendment to the 1976 Comprehensive Plan (Adopted August, 2003)

Clovernook-West Neighborhood Plan, Amendment to the 1976 Comprehensive Plan (Adopted February, 2004)

Port Washington Road-North Land Use and Zoning Review, (Not Adopted, 2003)

River Edge Neighborhood Plan, Amendment to the 1976 Comprehensive Plan (Adopted March, 2004)

Port Washington Road-East Land Use and Zoning Review, (Not Adopted, January, 2008)

## APPENDIX B

Vision Plan, Glendale 2021 – Our Vision

# Glendale 2021-Our Vision

# Glendale

RICH PAST.  
BRIGHT FUTURE.



## Report of the City of Glendale Visioning Committee

Alderman Bob Whitaker, Facilitator  
Barbara Ann Blackwell, Joseph Colacino, Bruce Cole, Dr. Jerome Cornfield,  
Kristine Jenson, Ilmar Junge, David Kramer, Timothy Malm, Judy Nenno  
and Mayor R. Jay Hintze

Adopted by the City of Glendale Common Council on September 24, 2001

## Table of Contents

SECTION	Page No.
<b>1. Glendale 2021:Our Vision</b> .....	1
<b>2. Introduction</b> .....	3
Why do a Vision?	
Who got involved?	
The Visioning Committee	
The Consultant	
The Community Forums	
The Focus Groups	
The Community Survey	
The Analysis	
The Vision	
<b>3. Where Are We Now?</b> .....	6
<b>Glendale Today</b>	
Population, Gender, Age	
Households and Family Relationships	
Income	
Residential Housing	
Commercial/ Industrial Base	
<b>External Forces</b>	
Highways	
MMSD	
Tax Differences	
State and Federal Funding	
<b>4. A “Self” Audit</b> .....	11
Things Glendale Citizens Value	
Our Strengths	
Our Weaknesses	

<b>5. General Direction: With No Special Action, Where Are We Going? .....</b>	<b>13</b>
Population and Families	
Taxes	
Property values	
Housing Development	
Commercial and Industrial Development	
Green Space	
Watershed and Drainage	
Civic Involvement	
Streets, Highways and Traffic	
Crime	
Home Maintenance	
<b>6. Defining the Vision.....</b>	<b>18</b>
<b>7. Taking Action: Achieving Our Vision .....</b>	<b>20</b>
<b>8. Action Programs .....</b>	<b>21</b>
<b>9. Implementation .....</b>	<b>35</b>
<b>Appendix A .....</b>	<b>36</b>

## SECTION 1.

# Glendale 2021:Our Vision

In 2021, the citizens of Glendale have much to be proud of: their community is recognized as a model by urban planners, the economy of the community is thriving, the sense of community is strong and continues to build, and civic and neighborhood pride is a hallmark of Glendale.

Peaceful, stable and safe neighborhoods, most with very suburban environments, have mature trees and well-maintained homes. Neighborhoods have diverse amenities and distinct, unique attributes that add to the pride residents have in “their” neighborhood. Many Glendale neighborhoods include homes along lakes, rivers, streams, creeks and ponds giving residents a “country feel” just a few minutes from the center of metropolitan Milwaukee’s downtown.

Convenient and varied shopping abounds in Glendale led by a thriving Bayshore shopping area which is a regional destination. Upscale boutiques and restaurants in well designed groupings invite residents and travelers to stroll and gather along distinctive flower-adorned walks and enjoy a “European” style marketplace environment with fountains, benches, public art and sidewalk cafes. The City’s signature street lighting, City banners, markers, paving and public plaza add a distinctive character to the Glendale Centre, a mixed-use area along North Port Washington Road and West Silver Spring Drive.

The Milwaukee River is another focal point in the community. It hosts leisure and recreation activities from canoeing to fishing or just contemplating nature. An extensive system of green corridors, biking/walking trails and river walkways join the community’s neighborhoods, the City’s recreation center, commercial areas and Milwaukee County’s Oak Leaf Trail system, all adding to Glendale’s quality of life.

The area's mix of quality commercial architecture, site planning, landscaping and tasteful commercial signage blend well together to provide great visual interest without monotony.

A diverse economic base of single-family residential and commercial/industrial development provides a strong tax base which Glendale citizens enjoy while getting a great value for their tax dollar. The community is particularly attractive to families. Children benefit from the area's high quality schools and educational opportunities from grade schools to college all right within the community.

Citizens enjoy top quality and highly responsive police, fire and emergency medical services. Municipal services and the City's water system are also of top caliber.

Glendale residents treasure their green space. Landscaping surrounds not only homes, but commercial and industrial areas as well, maintaining the suburban environment and providing buffers where business and residential areas come together. County parks, neighborhood City parkettes and scenic parkways provide an added opportunity for residents to appreciate and experience nature. Community, ethnic and neighborhood festivals add a unique flair to the community's quality of life.

Over the years, development and redevelopment have made Glendale a much richer community with a wealth of vital business and industrial parks. And Glendale continues its programs to revitalize itself with its use of creative financing and progressive planning and development.

Glendale is recognized as a friendly community with lovely neighborhoods, low crime and a high quality of life. Glendale citizens feel part of and are proud of "their" community, which is considered the "gem" of the North Shore.

## **SECTION 2.**

### **Introduction**

#### **Why do a Vision?**

The rationale for conducting a Visioning process began with a motion made at the Glendale Common Council when the Council commissioned the Visioning study. The immediate value of the process is found in the combination of dollars expended by the Glendale Common Council for the study, the countless hours of work by the Visioning Committee and the existence of the Vision document as a guideline for planning and action based on the citizens' wishes. The true value of the process will only be realized by future residents of Glendale. Only they will reap the benefits of quality neighborhoods, community awareness and identity, green space and the other attributes of the Vision.

#### **Who got involved?**

In reality, all residents of Glendale and the Glendale business community had the opportunity to participate in the Visioning process through their ability to respond to the survey that was mailed to all residents and business operators. The process was introduced by Mayor R. Jay Hintze and approved unanimously by the Glendale Common Council. We had the benefit of participation of Glendale City staff members including: Richard Maslowski, City Administrator; Todd Stuebe, Director of Community Development and Planning; Mike Rambousek, Zoning and Planning Administrator; Jeff Fortin, Associate Zoning and Planning Administrator; and Mary Willis, Executive Secretary.

#### **The Visioning Committee**

The Visioning Committee consisted of 12 volunteers. They were: Barbara Ann Blackwell, Joseph Colacino, Bruce Cole, Dr. Jerome Cornfield, Kristine Jenson, Ilmar Junge, David Kramer, Timothy Malm, Judy Nenno, Alderman Bob Whitaker, Mayor R. Jay Hintze and the Glendale City staff members identified in the prior item.

#### **The Consultant**

Peter Maier and the staff of the Center for Urban Initiatives (CUIR) at the University of Wisconsin-Milwaukee assisted the Visioning Committee in developing the community forums, focus groups, conducting the survey and analyzing the survey results, formulating the vision and developing the plan of action to achieve the vision.

### **The Vision Development and Planning Process**

Vision Committee member, Bob Whitaker, volunteered to serve as facilitator of the visioning and planning process and he drafted this document.

### **The Community Forums**

Several hundred Glendale residents participated in the Visioning process through open community forums. Two forums were held in June of 2000 to obtain citizen opinions to provide overall direction for focus groups and the community survey. All residents were invited via mailed invitations to participate in the community forums. Residents were asked what they liked best about Glendale, what they would like changed and what concerns they had about the future.

### **The Focus Groups**

Four focus groups were convened in September 2000 to address the same issues that were addressed by the Community Forums, but in greater depth

### **The Community Survey**

During the first week of January 2000, a survey developed by the Visioning Committee was mailed to all City of Glendale property owners and business owners. A total of 5,324 surveys were mailed with a residential response rate of 36.5%.

### **Other Study Materials**

Members of the Visioning Committee studied information provided by the City of Glendale City Administrator, Planning Department, the Southeastern Regional Planning Commission and the 2000 United States Census. This information included past and present demographic profiles, past and present planning and survey information, land use plans, zoning, signage ordinances, current planning information and other projections. The Committee also studied the visioning work of other communities. In addition, a visual study of the Port Road and Silver Spring business areas developed by the Glendale Planning Department was reviewed.

### **The Analysis**

The forum results, focus group information, survey data, reports, projections and other research were shared with the Committee and discussed by the Committee at meetings over a nine month period.

### **The Vision**

The Visioning Committee developed a Vision for Glendale that will serve as a guideline for future action, decision-making, policy-making and law-making in order to achieve the Vision. The “Vision Statement” at the beginning of this report is the heart of this report. The section titled “Taking Action: Achieving Our Vision” provides direction that is necessary to achieve the vision.

### **In the Spirit of Integrity**

The Visioning Committee worked very hard to maintain the integrity of the survey results and follow the desires of the citizens of Glendale as expressed in the survey. While there was a wide diversity of opinions on some issues, the Committee ultimately deferred to the survey results for final direction.

## SECTION 3.

### Where Are We Now?

#### Glendale Today

##### **Population, Gender and Age**

Based on the recently released data from the Census 2000 "Profile of General Demographic Characteristics: 2000", the population of Glendale stands at 13,367. The largest age group in the population is the 45 to 54 years group at 16.0%, followed by the 35 to 44 years group at 13.8%, the 65 to 74 years group at 10.5%, the 25 to 34 years at 10.4%, and the 75 to 84 years group at 9.5%. Females comprise 53.6% of the total population, males comprise 46.4%. The median age of the current population is 45.6 years. Population age information for 1990 and 2000 is tabulated below:

#### **Population by Age Group**

	<u>1990</u>	<u>%</u>	<u>2000</u>	<u>%</u>
Under 5 years	703	5.0	578	4.3
5 to 9 years	751	5.3	709	5.3
10 to 14 years	799	5.7	772	5.8
15 to 19 years	720	5.1	750	5.6
20 to 24 years	567	4.0	500	3.7
25 to 34 years	1,887	13.4	1,393	10.4
35 to 44 years	2,058	14.6	1,839	13.8
45 to 54 years	1,611	11.4	2,136	16.0
55 to 59 years	757	5.4	757	5.7
60 to 74 years	902	6.4	624	4.7
65 to 74 years	1,536	10.9	1,405	10.5
75 to 84 years	1,207	8.6	1,271	9.5
85 years and over	590	4.2	633	4.7
Total	14,088	100.0	13,367	100.0

##### **Households and Family Relationships**

Census 2000 reports that there are a total of 5,772 households in the City of Glendale, of which 3,517 are family households (families), and 2,255 are nonfamily households. Average household size is 2.20 persons, average family size is 2.84 persons. The 1990 Census reported the number of households at 5,495, with 2.40 persons per household, and 3,755 families (1,740 nonfamily households), with 2.95 persons per family. Even though the number of households increased by 277 (5,772-5,495=277), the number of families

decreased by 238 (3,517-3,755=-238), and the number of nonfamilies increased by 515 (2,255-1,740=515). The following tables summarize 1990 and 2000 Household types and population relationships:

#### Household by Type

	<u>1990</u>	<u>2000</u>
Total households	5,495	5,772
Family households (families)	3,755	3,517
With own children under 18 years	N/A	1,401
<i>Married-couple family</i>	3,241	2,887
With own children under 18 years	1,158	1,073
With no own children under 18 years	2,083	1,814
<i>Other family</i>	514	N/A
Male householder, no wife present	106	N/A
With own children under 18 years	31	N/A
With no own children under 18 years	75	N/A
Female householder, no husband present	408	476
With own children under 18 years	183	252
With no own children under 18 years	225	224
Nonfamily households	1,740	2,255
Householder living alone	N/A	1,938
Householder 65 years and over	N/A	934

#### Population Relationships

	<u>1990</u>	<u>2000</u>
Total Population	14,088	13,367
In family households	11,074	12,711
Householder	3,755	5,772
Spouse	3,240	2,887
Child	3,772	3,295
Grandchild	45	N/A
Other relatives	222	277
Nonrelatives	40	480
In nonfamily households	2,061	2,255
In group quarters	953	656
Institutionalized	953	572
Noninstitutionalized	0	84

**Income**

Census 2000 "Age and Income" data have not yet been published; however, Census data from 1990 reported 1989 median household income at \$40,602 and median family income of \$47,506. Assuming that income grew at the same rate as the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers-Milwaukee Racine Area, median household income for the year 2000 would be at about \$56,107 and median family income would be at about \$65,647.

**Residential Housing**

City records indicate that there are 3,987 residential buildings in the City, of which there are 3,786 single-family homes, 11 condominium projects (606 dwelling units), 117 duplex buildings (118 rental dwelling units), 2 three-family buildings (4 rental dwelling units), 40 four-family buildings (120 rental dwelling units), 1 six-family (6 rental dwelling units), and 30 apartment buildings (1,326 dwelling units). There are a total of about 6,118 residential dwelling units in the City. Single-family residential comprises 95% of the residential buildings (64.4% of residential units), condominiums 0.3% of residential sites (9.9% of residential units), duplexes, three-family, four-family and six-family comprise 4.0% of residential buildings (4.0% of residential units), and apartment buildings (including senior housing and assisted living) comprise 0.75% of residential buildings (21.7% of residential units). Residential housing in Glendale is available across a full range of pricing, and remains affordable for most families.

**Commercial/Industrial Base**

Commercial and industrial land uses in Glendale comprise a significant component of the property tax base that supports the delivery of government services including, among others, City of Glendale services and public school education. For the year 2001, combined commercial and manufacturing contributed about \$13,450,000 (43%) of property taxes, while residential contributed about \$16,815,000 (57%). Maintaining and improving the viability of the residential, commercial and industrial components of the property tax base is important to the well being of the citizens of Glendale.

## **External Forces**

### **Highways**

One of the strengths of the City of Glendale, and a competitive advantage with respect to other cities, is its proximity to Interstate Highway "43". Since its construction as a four lane divided limited access highway in the early 1960's, the freeway (originally United States Highway "141") fueled rapid commercial, industrial and residential growth in Glendale. Glendale residents perceive ease of access to the freeway and, in turn, the entire metropolitan area, as being important to their quality of life.

As suburbs and cities to the north continue to grow (Mequon, Cedarburg, Grafton, Port Washington, Green Bay), the freeway carries increased commuter and inter-City traffic volume. Over the years the Wisconsin Department of Transportation (WDOT), having jurisdictional responsibility for the freeway, has attempted to improve the freeway to safely accommodate the increased traffic volume. In recent years the WDOT has installed sound barrier walls, and reconstructed the West Silver Spring Drive interchange. Both projects resulted in controversy in Glendale, more specifically, the green color of the sound barrier walls, and the noise generated by "tined" (grooved) concrete pavement. Concerns pertaining to the freeway and future reconstruction include continued ease of access, the potential loss of further residential, commercial and industrial space, the aesthetic appearance of the freeway from surrounding lands, and noise.

### **Milwaukee Metropolitan Sewerage District**

The Milwaukee Metropolitan Sewerage District (MMSD) is a state-chartered government agency providing wastewater services for 28 municipalities. With the exception of the City of South Milwaukee, the District's 420 square mile service area includes all cities and villages located within Milwaukee County, and all or part of the adjacent municipalities located in Ozaukee, Washington, Waukesha and Racine Counties. MMSD's mission statement is "to cost-effectively protect public health and the environment, prevent pollution and enhance the quality of area waterways". Most importantly, MMSD conveys wastewater to wastewater treatment facilities and treats the wastewater before releasing the water to Lake Michigan. MMSD has also become active in flood abatement and, most recently, has proposed a "Surface and Storm Water" rules that would be effective January 1, 2002. Other MMSD activities include water quality research and laboratory services, operating household hazardous waste and mercury collection programs, and involvement in various environmental partnerships.

Concerns pertaining to MMSD include flooding, sanitary sewer back-ups, and the impact of the proposed "Surface and Storm Water" regulations on redevelopment initiatives in Glendale.

## Tax Differences

Prospective home buyers consider and weigh many factors, including local property taxes, in deciding where to live. Glendale takes pride in maintaining one of the lowest local property tax rates in Milwaukee County. This has been accomplished without sacrificing the quality or quantity of local municipal services. Equalized tax rates for 2000 and 2001 are tabulated below:

### Equalized Net Tax Rates

	<u>2001</u>	<u>2000</u>
Glendale	26.02	26.35
Bayside	28.31	28.61
Brown Deer	28.05	27.71
Fox Point	26.70	27.35
River Hills	27.18	27.80
Shorewood	29.02	30.11
Whitefish Bay	24.89	26.91
Milwaukee	28.39	26.52
Cedarburg	20.78	21.75
Germantown	21.71	22.70
Grafton	21.14	20.42
Menomonee Falls	20.84	21.96
Mequon	17.83	19.41
Port Washington	21.18	21.35
Thiensville	21.74	23.08

## State and Federal Funding

A portion of Glendale's operation and maintenance budget is funded from state shared revenue. Although the amount of state financial assistance is slowly declining on an annual basis, Glendale received \$1,923,232 in 2001. The majority of the state financial assistance, totaling \$1,004,100 in 2001, is in the form of transportation or road aids. The remaining categories are for utility taxes, tax exemption payments, expenditure restraint incentives and law enforcement training. Glendale receives no federal funding assistance for its operation and maintenance programs.

Glendale has benefited from several state and federal brownsfield grants; however, each year the grants have become more competitive as many other communities are now applying for the same grants. Finally, each year the City applies for and currently receives about \$44,000 (also declining over time) in Housing and Urban Development Community Development Block Grant funds that can be applied to projects that benefit low income areas, handicapped persons, and senior citizens.

## **SECTION 4.**

### **A “Self” Audit**

The community forums, focus groups and the survey provided a “self audit” of Glendale based on the citizens’ opinions. This “self audit” was based on what citizens liked best about Glendale, what they would like changed and what concerns they had about the future. This information formed a natural strengths/weaknesses analysis as a basis for the Visioning process. Based on citizen input and ranked in order of their preference, following is a list of common values, strengths and weaknesses.

#### **Things Glendale Citizens Commonly Value**

- Quality and response of police, fire and emergency medical services
- Quality of schools
- Convenience of location
- Value gained from the tax dollar
- Stability of neighborhoods
- Walkable, safe neighborhoods
- Quality recreational opportunities
- Concern over appearance of public landscaping
- Concern over appearance of building design
- Proactive, efficient City government that is responsive to citizens

#### **Our Strengths**

- Convenient location and access
- Quality and response of police, fire and emergency medical services
- Quality and quantity of water supply
- Quality of public schools
- Quality of public services
- Sewer system
- Parks
- Mature trees
- Peaceful, safe friendly neighborhoods
- Quality of neighborhoods
- Suburban environment including lack of curbs and gutters
- Milwaukee River
- 4<sup>th</sup> of July celebration
- City property tax rate

## **Our Weaknesses**

- Lack of sense of community identity
- Lack of action against poor residential property maintenance
- Lack of variety of upscale stores and restaurants
- Perception of crime
- Too many nursing homes
- Lack of young families
- Lack of City center
- Lack of policy to foster green space
- Poor appearance of some areas of City (South Port Road, Mill Road, South Green Bay Avenue)
- Low percentage of households with children
- Too much senior citizen housing
- Lack of features allowing residents to walk to stores
- Lack of continuity of streetscapes

## **SECTION 5.**

### **General Direction: With No Special Action, Where Are We Going?**

This section discusses what may happen in the absence of any attempt by the City to define and implement special actions that vary from actions that the City is already taking. While Glendale has various programs and actions underway, the existing programs and actions are not presented in a comprehensive format that allows citizens to perceive and understand the various programs and actions within the context of an overall policy framework.

The work of the City includes those activities related to assessing the value of real estate and personal property, collecting property taxes, and delivering essential local municipal services that are paid for utilizing those funds. Essential local municipal services include police protection, fire protection, public works, and City administration services.

#### **Population and Families**

The population of the City is impacted by new births, migration into and out of the City, and deaths. Glendale faces uncertainty regarding the population of young families with children. Based on the Census 2000, the over-60 year age group totals 3,933, or 29.4% of the total population of the City. The 25 to 34 year age group totals only 1,393, or 10.4% of the total population. As the over-60 year age group departs, there is uncertainty over whether or not the City will attract young families with children, or older age families without children; the concern being the declining enrollment of students in the local school districts and the impact that declining enrollment has on funding that is provided through the State of Wisconsin.

The migration of people into and out of the City may be impacted by the perceptions that potential residents have about the City as a place to live and raise families. Absent any special action by the City to attract a target age group such as young families with children, the overall population of the City will be driven by natural population attrition, the perception of Glendale as a place to live, and the motivation (based on perceptions) of potential buyers of existing homes as they become available in the residential real estate market place.

#### **Taxes**

As indicated in Section 3, in comparison to other North Shore communities, Glendale has maintained a relatively low property tax rate. The City has managed to deliver the essential local municipal services to citizens in an efficient, cost-effective manner. Over the past several years, the City has been proactive in the redevelopment of certain areas

of the City that were in a state of physical decline that threatened to spread to additional areas of the City. As the redevelopment project costs are repaid and the value of the new development joins the property tax base, the City will reap the rewards of a strengthened property tax base. However, even though the City has been proactive with respect to the economic development of the City, absent special action by the City in the form of ongoing targeted economic development, the property tax base may eventually deteriorate and, accordingly, for the same level of public services property taxes may increase by a greater amount than would have been expected from general inflationary pressures.

### **Housing Development**

As a community that is substantially built-out, and given the existing zoning restrictions, the opportunities for new housing development have been limited. With the redevelopment initiatives that the City has undertaken in recent years, 165 units of senior housing were constructed (Silver Creek Village and Parkside Commons), and 100 additional units are approved (Parkside Commons). There have been 11 new single-family residential units constructed over the past three years. Absent any special actions on the part of the City to encourage or allow additional housing, there is little space available for housing development.

### **Commercial and Industrial Development**

As recently as 1995, portions of the Glendale commercial and industrial base were blighted or appeared to be in a downward spiral. One of the major old-line industrial manufacturing areas, located south of West Hampton Avenue and east of I-43, was no longer contributing significantly to the local economy in terms of jobs, wages or property taxes. In the commercial area located along West Silver Spring Drive in the area west of North Sunny Point Road, commercial businesses operated in antiquated, deteriorated buildings, on properties containing contaminated soils. The City commenced to address the problems in the aforementioned areas and the projects, including the Estabrook Corporate Park, the Glendale Technology Center, and West Silver Spring Corridor Revitalization, have become important building blocks for the City. While there were disagreements over why the City should be proactive in economic development, what should be done, and how it should be accomplished, there has been little dispute that the results have been a significant positive contribution to the economic well being of the City.

As evidenced by the aforementioned redevelopment areas, in the absence of any special actions by the City, deterioration and decline may occur over time. Also, in the absence of a larger vision for the future of Glendale, City redevelopment projects are subjected to challenges of validity, particularly as to the first question of why the City is involved at all.

## **Green Space**

For a built-out community lost green space is, for all practical purposes, irreplaceable. The City recently rezoned most of the identified remaining open space and green space, including the Milwaukee County owned park land, to C-1 Conservancy District. Absent any special action by the City, green space may not be preserved as an amenity for existing residents and future generations.

## **Watershed and Drainage**

The bucolic Milwaukee River, along with its tributary streams and channels, serves multiple purposes including, but not limited to, storm water drainage, recreation, and provides natural areas. The Milwaukee River is a significant natural asset and amenity for Glendale citizens, businesses, and visitors, affording a unique setting for riverfront homes and offices, and affords opportunities to experience natural beauty and panoramic views along the river course through Glendale. Other water bodies and stream channels, such as Glendale Lakes and Crestwood Creek, provide attractive and serene natural backdrops for comfortable residential living. Absent any special action by the City, there would be little ability to plan for or implement basin or channel improvement and management programs.

## **Civic Involvement**

Without active civic involvement, the residents of a City are disconnected from understanding the purpose, intent, and limitations of the actions taken by local government. Without an understanding of the purpose, intent and limitations of local government actions, it is difficult for citizens to support the means or ends of local government actions and, as a result, citizens will either criticize the actions (from many possible directions), or will reserve judgment until after the fact. This creates an opportunity for a relatively small segment of the population to potentially derail actions that would benefit the entire community. Where citizens have been afforded the opportunity to participate in the planning future actions, citizens will understand the purpose, intent, and limitations of the plan, broad-based support can be attained for the plan, and the criticisms of those that declined the opportunity to participate can be understood in that light. Absent any special action by the City, civic involvement will likely ebb and wane according to the informed or uninformed perceptions pertaining to whatever issue may be before the City at a given point in time.

## **Streets, Highways and Traffic**

Glendale grew as a City side-by-side with improvements to the street and highway transportation network that serves the City today. The construction of I-43 (then USH 141), which commenced in the early 1960's, provided quick access from Glendale to

downtown Milwaukee, fueling the explosion of suburban density single-family residential, highway strip commercial, and post-1960 industrial development found in the City. By 1980, Glendale was largely a built-out community. In addition to I-43, major north-south streets and highways include North Green Bay Avenue and North Port Washington Road. North Milwaukee River Parkway provides for north-south movement within Glendale. Major east-west streets include West Silver Spring Drive and West Good Hope Road. West Mill Road, West Bender Road, and West Green Tree Road provide additional east-west connections.

Even though the Glendale residential areas are somewhat fragmented by the Milwaukee River, various railroad corridors, and the I-43 right-of-way, all of the residential areas have tremendous ease of access to I-43 and the other major north-south and east-west streets and highways.

Streets are built to allow people to move between different locations. Streets primarily carry automobile traffic, although other modes of transportation such as transit, pedestrian and bicycle should be accommodated. The volume of automobile traffic on a street generally depends on the nearby land uses, with the lowest traffic volume on local residential streets, the highest volume on arterial streets (freeways), and something in between on collector streets that gather traffic between local and arterial streets. Retail businesses seek locations that they perceive makes them relatively easily accessible to a population base that seeks to make purchases. Accordingly, retail enterprises are generally located on busy streets and, also, streets in commercial areas tend to be designed to accommodate the traffic volumes that retail land uses are likely to demand. The point being that traffic is essential and should be expected in some areas of a thriving commercial district. However, traffic and land uses need to be balanced and managed so that traffic will not exceed the safe capacity of the street.

Absent special actions by the City, the party with jurisdictional responsibility (Wisconsin Department of Transportation, Milwaukee County, City of Glendale) would likely maintain the streets under their respective jurisdiction with little consideration of impacts or issues that affect the interests of the other jurisdictions.

## **Crime**

Based on the Glendale Police Department 2000 Annual Report, retail theft continues to be the largest contributor to the City crime rate. In the year 2000 there were 347 reported incidents of shoplifting. Also during 2000, there were no homicides and no reported sexual assaults. During 2000, a total of 789 arrests were made, of which 118 were repeat offenders and 671 were first time arrests. Absent any special action by the City, it would be expected that criminal activity would continue to fluctuate around existing levels. Absent any special actions by the City, physical decline or deterioration within any particular area of the City may result in increasing levels of criminal activity.

**Home Maintenance (Code Compliance)**

The City of Glendale currently has a code compliance upon change of ownership program under which at the time of sale, the property is inspected and, where code violations are identified, the property is required to be brought into compliance with the applicable code. The City also has a property maintenance code and minimum housing code, enforcement of which is triggered by citizen complaints, after which the property owner is contacted and the property is required to be brought into compliance.

## **SECTION 6.**

### **Defining the Vision**

Like most things involving public opinion, citizens involved in the community forums, focus groups and the survey had varying opinions on some subjects. However, for development of the Vision, the Visioning Committee focused on issues that received common support from the research.

Overall, the survey showed that with some exceptions, the majority of Glendale residents are pleased with the direction the City is moving. After a detailed analysis, the Visioning Committee felt that the key issues on the minds of residents were not structural in nature, but rather issues of direction and process. As a result, the Visioning Committee felt confident that the Vision and the desires of the citizens could be accomplished with the commitment of the Common Council, various commissions and boards and the City staff.

In order to focus the community's efforts on achieving the Vision, the Visioning Committee based its work on the common values, strengths and weaknesses identified in the community forums, focus groups and survey listed in Section 3. Once the Vision was complete and agreed upon, the Visioning Committee took on the task of providing actions that will dramatically improve the chance of achieving the Vision. The actions are designed to maintain the strengths and improve the areas of weaknesses using the common values as a guide.

During the initial efforts of the Visioning process in mid-2000, residents indicated that several issues, which had been prominent in their minds over the past several years, had been addressed by City government and were no longer perceived as stumbling blocks. These issues included:

- The ability of citizens to be heard and have a voice in government.
- The responsiveness of elected officials and City staff.

With these issues in the process of resolution, the Visioning Committee focused its efforts on the following key issues identified in the research:

#### **Maintaining or enhancing:**

- The quality and response of police, fire and emergency medical services
- The quality and quantity of water supply
- The quality of public schools (to the degree the City can)
- The quality of public services, City streets and common areas
- The City's sewer system and, to the degree the City can, the Metropolitan Milwaukee Sewerage District services to the City of Glendale
- Our own parks and, to the degree the City can, the Milwaukee county parks

- The trees on City land and, to the degree the City can, trees on private property
- The peacefulness, safety, friendliness and quality of our neighborhoods
- The suburban environment of our community
- The Milwaukee River, streams, creeks, ponds and lakes
- The 4<sup>th</sup> of July celebration and other neighborhood and ethnic festivals
- The value for the dollar of City property tax

**Improving:**

- The sense of community identity
- Residential property maintenance
- The variety of upscale stores and restaurants
- The amount and perception of crime
- Prohibiting additional nursing homes
- Increasing the number of young families
- Upgrading the City's shopping areas along North Port Washington Road and West Silver Spring Drive
- The strength of policies and actions to foster green space
- The appearance of areas of City including the south portion of North Port Washington Road, West Mill Road and the south portion of West Green Bay Avenue
- Increasing the percentage of households with children
- The features allowing residents to walk to stores
- The continuity of streetscapes

**And, reducing:**

- The percentage of non-owner occupied housing

## **SECTION 7**

### **Taking Action: Achieving Our Vision**

The Glendale of this vision requires a continuous commitment from elected officials, City staff, appointed members of boards and commissions and citizens as a whole. Achieving the vision will require difficult decisions that may not please all. And achieving the vision will also require enduring costs. However, we must not delay action due to cost, for delay will result in increasing costs, possibly to the point where the cost of achieving the vision is beyond reach. So, we must beware not to allow delays in action so as to make achievement impossible.

Achieving the vision will require action at all levels of government and the citizens. Elements of the Vision must be communicated to all departments, commissions and boards so that they can develop plans and carry out actions that will be in concert with the Vision. To that end, the following section of the Vision Report lays out components of the Vision followed by strategic actions that will assist in achievement of the Vision. The components are the paragraphs that make up the Vision.

## SECTION 8-ACTION PROGRAMS

### Vision Component 1

Peaceful, stable and safe neighborhoods (1.1) most with very suburban environments (1.2) have mature trees (1.3) and well-maintained homes (1.4). Neighborhoods have diverse amenities and distinct, unique attributes that add to the pride residents have in “their” neighborhood. (1.5) Many Glendale neighborhoods include homes along lakes, rivers, streams, creeks and ponds (1.5) giving residents a “country feel” (1.2) just a few minutes from the center of metropolitan Milwaukee’s downtown.

### Actions Required

#### 1.1 Peaceful, stable and safe neighborhoods

- 1.1A Focus police resources where problems exist.
  - 1.1A1 Increase police presence in problem areas.
  - 1.1A2 Develop a “tough on crime” reputation among those who want commit crimes.
  - 1.1A3 Strengthen the reputation of Glendale as a peaceful community with safe neighborhoods.
    - 1.1A3a Develop a communications program to reach key opinion leaders and audiences.
  - 1.1A4 Seek businesses that will not attract criminal activity.
- 1.1B Focus Crime-Watch and Block-Watch programs where problems exist.
- 1.1C Become more proactive in enforcing property maintenance codes.
  - 1.1C1 Educate public on property maintenance codes and how to report violations.

#### 1.2 most with very suburban environments

- 1.2A Retain the elements of suburban environment including larger lot sizes than most area suburbs and a lower density of homes.

- 1.2A1 Maintain a population of approximately 14,000.
- 1.2A2 Retain the suburban environment without sidewalks, street lighting and curbs unless residents desire those amenities.

**1.3 with mature trees**

- 1.3A Develop a “Tree City” plan.
  - 1.3A1 Adopt a “tree of the City” (Oak, Maple, etc.)
    - 1.3A1a Have City staff and Beautification Committee select a variety.
- 1.3B Develop a program to provide trees to residents at discounts including “City tree.”
  - 1.3B1 Develop a cooperative program with financial incentives.
- 1.3C Develop a plan so all streets are edged with trees.
- 1.3D Expand City’s program of tree planting on City land (along streets and common areas).

**1.4 and well-maintained homes**

- 1.4A Review codes to make sure that property maintenance codes will promote well maintained homes.
  - 1.4A1 Strengthen code enforcement by developing routine follow-up procedures.
  - 1.4A2 Include business and commercial in property maintenance codes.
  - 1.4A3 Make codes more stringent.
- 1.4B Become more proactive with ongoing code enforcement for residential and commercial.
  - 1.4B1 Inform residents how to make a complainant.
    - 1.4B1a Mail post card notices among other methods of education.

**1.5 Neighborhoods have diverse amenities and distinct, unique attributes that add to the pride residents have in “their” neighborhoods.**

1.5A If desired, promote formation of neighborhood associations for development of relationships among neighborhoods.

1.5B Retain the diversity of amenities in neighborhoods by allowing residents to determine desired amenities.

1.5B1 If desired by area residents, install suburban grade curbs and Glendale's distinctive street lighting adapted to residential usage.

**1.6 Many Glendale neighborhoods include homes along lakes, rivers, streams, creeks and ponds.**

1.6A Work with Department of Natural Resources and other agencies to develop and implement plan to maintain and enhance quality of water resources in lakes, rivers, streams, creeks, natural ponds and detention ponds.

1.6A2 Preserve natural habitat and embankment surrounding these areas.

1.6B Control geese and other annoying critters along waterways.

1.6B1 Participate with state and local groups to control geese and other annoying critters.

## Vision Component 2

Convenient and varied shopping opportunities abound in Glendale led by a thriving Bayshore shopping area, which is a regional destination (2.1). Upscale boutiques and restaurants (2.2) in well designed groupings (2.3) invite residents and travelers to stroll and gather along distinctive tree-lined, flower-adorned walks (2.4) and enjoy a “European” style marketplace environment with fountains, benches, public art and sidewalk cafes (2.5). The City’s signature street lighting, City banners, markers, paving (2.6) and public plaza (2.7) add a distinctive character to the Glendale Centre (2.8), a mixed-use area where North Port Washington Road and West Silver Spring Drive join.

### Actions Required

#### **2.1 Convenient and varied shopping opportunities abound in Glendale led by a thriving Bayshore shopping area that is a regional shopping destination.**

- 2.1A Create public/private partnerships with Bayshore and other business groups to upgrade the quality of stores and the environment to attract North Shore residents.
- 2.1B Strengthen property maintenance codes to include mandatory compliance for business properties.

#### **2.2 Upscale boutiques and restaurants**

- 2.2A Define desired retailers, develop a marketing program and proactively pursue them.
  - 2.2A1 Focus efforts only on businesses in the desired category.
  - 2.2A2 Increase marketing efforts for specific businesses with targeted efforts including marketing the specifications.
- 2.2B Reduce the concentration of fast food restaurants on North Port Washington Road and improve the facilities of the remaining establishments.

**2.3 in well designed groupings**

2.3A Develop design standards to achieve desired results and have the Plan Commission and Community Development Authority (CDA) adopt and enforced them.

2.3A1 Adopt same standards for Planned Unit Developments.

2.3A2 Limit variances.

**2.4 invite residents and travelers to stroll and gather along distinctive tree-lined, flower-adorned walks**

2.4A Continue work to implement current plans along West Silver Spring Drive and expand along North Port Washington Road (south to West Hampton Avenue and north to West Green Tree Road).

**2.5 and enjoy a “European” style marketplace environment with fountains, benches, public art and sidewalk cafes.**

2.5A Refine plans for West Silver Spring Drive (North Port Washington Road to North Lydell Avenue) and expand along North Port Washington Road from West Green Tree Road to West Hampton Avenue).

2.5A1 Provide parking for customers and visitors adjacent to businesses where parking has been displaced by architectural features.

2.5A2 Incorporate European style fixtures and features. (See appendix A for specifics on “European style.”)

**2.6 The City’s signature street lighting, City banners and markers, paving**

2.6A Expand use of signature street lighting, City banners, markers and paving along North Port Washington Road from Glendale’s northern to southern borders.

2.6B As a second phase of the planning, expand Glendale signature lighting, banners, markers and paving to West Good Hope Road and North Green Bay Avenue.

2.6C Expand use of signature street lighting, banners, markers and paving to other entrances of the City.

2.6D Offer signature street lighting (a residential adaptation) to those neighborhoods that want it.

**2.7 and public plaza**

2.7A Develop plan for plaza.

2.7A1 Work with Bay Shore and the Community Development Authority to develop the public plaza to potentially include “band shell” type structure, fountain, benches, flowers, sculpture garden, lighting, and place for farmers’ and flower market.

2.7A2 Once plaza is complete, promote things like music programs, artisan displays and similar programs.

**2.8 add a distinctive character to the Glendale Centre**

2.8A Expand concepts developed for Silver Spring along Port Road.

2.8B Define and promote the Glendale Centre concept and use it as a unifying element for the shopping areas along the West Silver Spring Drive and North Port Washington Road area.

2.8B1 Set design standards for all buildings in Glendale Centre.

2.8B2 Utilize Glendale Centre identification on banners in the Glendale Centre area.

### **Vision Component 3**

The Milwaukee River is another focal point in the community (3.1). It hosts leisure and recreation activities from canoeing to fishing or just contemplating nature (3.2). An extensive system of green corridors, biking/walking trails and river walkways join the community's neighborhoods, the City's recreation center, commercial areas and Milwaukee County's Oak Leaf Trail system (3.3), all adding to Glendale's quality of life

#### **Actions Required**

##### **3.1 The Milwaukee River is another focal point in the community**

3.1A Develop a strategy to make the River a focal point and instill that strategy into all actions related to the river.

3.1A1 Develop "river walk plan" to provide access where possible.

3.1A2 Work to connect river to neighborhoods, schools, City center through walking/biking trails.

3.1A3 Purchase land along the river and zone conservancy when there is a benefit to the community.

##### **3.2 It hosts leisure and recreation activities from canoeing to fishing or just contemplating nature.**

3.2A Work with County, DNR and other organizations and agencies like the Milwaukee River Watershed Association to maintain and improve water quality and recreational opportunities.

3.2A1 Seek to keep spillways and down-river dams from being removed.

##### **3.3 An extensive system of green corridors, biking/walking trails and river walkways join the community's neighborhoods, the City's recreation center, commercial areas and Milwaukee County's Oak Leaf Trail system.**

3.3A Develop plan for biking/walking trails and river walkways.

3.3B Coordinate work with County Government to gain best advantage of linking.

## **Vision Component 4**

The area's mix of quality commercial architecture, site planning, landscaping (4.1) and tasteful commercial signage (4.2) blend well together to provide great visual interest without monotony.

### **Actions Required**

#### **4.1 The area's mix of quality commercial architecture, site planning, landscaping**

4.1A Develop design quality standards that the Plan Commission and Community Development Authority adheres to in its actions

4.1A1 Standardized guidelines should be designed to make sure facilities have a quality and tasteful appearance.

4.1A2 Add design review.

4.1A3 Limit variances to true hardships as defined in state statutes.

#### **4.2 and tasteful commercial signage**

4.2A Continue to enforce current sign ordinance.

4.2A1 Limit variances to true hardships as defined in state statutes.

4.2B Upgrade standards for new construction.

4.2B1 Add design review.

4.2B2 Limit variances to true hardships as defined in state statutes.

## **Vision Component 5**

A diverse economic base of single-family residential (5.1) and commercial/industrial development (5.2) provides a strong tax base (5.3) and Glendale citizens enjoy a great value for their tax dollar (5.4). The community is particularly attractive to families. (5.5) Children benefit from the area's high quality schools (5.6) and educational opportunities from grade schools to college all right in the community (5.7).

### **Actions Required**

#### **5.1 A diverse economic base of single-family residential**

5.1A Focus residential development efforts on single family-owner-occupied housing.

5.1A1 Utilize tax and other incentives to encourage rental units to go condominium.

5.1B Prohibit additional nursing homes, senior housing and multi-family non-owner-occupied housing.

#### **5.2 and commercial/industrial development**

5.2A Set zoning guidelines to make sure that commercial/industrial development enhances quality of life, provides jobs and is environmentally friendly.

#### **5.3 provides a strong tax base**

5.3A Continue development and redevelopment activity needed to provide strong tax base.

#### **5.4 which Glendale citizens enjoy while getting a great value for their tax dollar**

5.4A Educate the public on the relationship between diverse development and property taxes.

#### **5.5 The community is particularly attractive to families.**

5.5A Continue to promote development to generate tax base that provides financial engine for school district.

5.5A1 Add a school representative to the Plan Commission.

5.5A2 Develop promotional materials including a City web site so realtors can gain greater awareness of the advantages of Glendale.

**5.6 Children benefit from the area's high quality schools**

5.6A Make sure City's actions enhance development and support of quality schools.

5.6A1 Seek opportunities to reduce costs through shared services between City and schools.

**5.7 and educational opportunities from graded schools to college all right within the community**

5.7A Make sure City's actions enhance development of quality schools at all levels.

## **Vision Component 6**

Citizens enjoy top quality and highly responsive police, fire and emergency medical services (6.1). Municipal services (6.2) and the City's water system (6.3) are also of top caliber.

### **Actions Required**

**6.1 Citizens enjoy top quality and highly responsive police, fire and emergency medical services**

6.1A Insure funding is available for equipment and personnel to ensure top quality service and response.

**6.2 Municipal services are also of top caliber.**

6.2A Build core Department of Public Works staff that can take care of basic duties.

6.2B Provide Department of Public Works with equipment that will enable a productive and efficient workforce.

6.2C Maintain roads in top quality condition.

6.2D Maintain clean common areas and bus stops.

**6.3 and the City's water system are also of top caliber.**

6.3A Continue to work with Water Commission to insure top water quality and supply.

6.3B Limit sale of water to other communities so as not to inhibit the supply of water for residents of owner-cities.

6.3C Continue to support and participate with other communities and organizations and to protect Lake Michigan water quality and quantity.

## Vision Component 7

Glendale residents treasure their green space (7.1). Landscaping surrounds not only homes, but commercial and industrial areas as well, maintaining the semi-rural feel (7.2) and beautifying and providing landscape buffers where business and residential areas come together (7.3). County parks (7.4), neighborhood City parkettes (small neighborhood parks) (7.5) and scenic parkways (7.6) provide an added opportunity for residents to appreciate nature. Community (7.7), ethnic (7.8) and neighborhood festivals (7.9) add a unique flair to the community's quality of life.

### Actions Required

#### **7.1 Glendale residents treasure their green space.**

7.1A Make green space a priority in all City actions.

7.1A1 Develop landscaping requirements for all property usage.

7.1B Purchase open land and zone as conservancy when there is a benefit to the community.

#### **7.2 Landscaping surrounds not only homes, but commercial and industrial areas as well, maintaining the semi-rural feel**

7.2A Increase landscaping requirements for new construction and remodeling.

7.2B Require professional landscaping and site design for new commercial and residential construction.

7.2C Develop minimum landscaping requirements for residential construction.

7.2D Require ongoing maintenance of landscaping.

7.2E Develop an expanded beautification program led by the Beautification Committee.

#### **7.3 and beautifying and providing landscape buffers where business and residential areas come together**

7.3A Develop and implement zoning and site design requirements for buffering business, industrial and retail areas from residential areas.

**7.4 County parks,**

7.4A Lobby and work with county government to make sure parkland is not lost or changed.

7.4A1 Maintain conservancy zoning for parklands.

**7.5 neighborhood City parkettes,**

7.5A Develop policy and supporting funding for parkettes.

7.5B Add additional parkettes.

**7.6 and scenic parkways**

7.6A Lobby and work with county government to make sure parkways are maintained and not lost or changed.

**7.7 Community-wide festivals**

7.7A Make sure that adequate resources, both financial and human, are available for the Fourth of July and other activities that are determined to be appropriate.

7.7A1 Encourage private funding to supplement public funding.

**7.8 Ethnic festivals**

7.8A Develop and implement policies to encouraging ethnic festivals that are held in the community.

**7.9 neighborhood festivals**

7.9A Continue policy of encouraging neighborhood block parties.

## Vision Component 8

Over the years, development and redevelopment have made Glendale a much richer community (8.1) with a wealth of vital business and industrial parks (8.2). And Glendale continues its programs to revitalize itself with its use of creative financing (8.3) and progressive planning and development (8.4).

### Actions Required

**8.1 Over the years, development and redevelopment have made Glendale a much richer community**

8.1A Review long range strategies and plans for business and industrial development and redevelopment every five years.

8.1B Redevelop residential areas and add additional residential facilities where opportunities occur that are adjacent to existing residential areas.

**8.2 with a wealth of vital business and industrial parks**

8.2A Work to get more corporate headquarters in Glendale.

8.2B Make sure businesses we attract are strong.

8.2C Maintain a beneficial balance between residential and commercial land.

**8.3 And Glendale continues its programs to revitalize itself with its use of creative financing**

8.3A Work with League of Municipalities and Alliance of Cities to make sure state laws are favorable to revitalization.

**8.4 and progressive planning and development**

8.4A Fund community development planning and economic development, long range planning and zoning administration to achieve vision.

## **SECTION 9**

### **Implementation - Improving the Chance of Achieving the Vision**

Successful plans have built-in components to increase the probability that planned results are achieved. Since this is a Visioning Process, considerably more latitude can be exercised through the term of implementation, reducing the chance that the intention of the Visioning process will be achieved.

Typically, in a successful implementation of a planning exercise, a system of checking to make sure what is desired to happen is happening is employed. Review meetings, appraisals of progress and re-planning takes place.

To provide accountability to Glendale citizens, the Visioning Committee will meet annually to review progress.

## Appendix A

Visioning Committee Meeting 7/11/2001

Revised Qualities/Definitions of:

### I. European Style Marketplace

- has a quaint, unique, one-of-a-kind, non-commercial atmosphere,
- feels old-world, not old-fashioned
- upscale, independently-owned shops/boutiques, outdoor cafes, and restaurants dominate
- tasteful, unobtrusive signage
- architecture is of high quality, distinctive, and uses natural materials
  - incorporates space for a plaza with a fountain, which is the heart of the marketplace
- encourages walking
- sitting benches, flower planters, and perennial beds are prevalent
- landscaping/streetscaping is predominant and accents the area
  - brick pavers used in interesting patterns set the marketplace apart from surrounding areas
- has a sense of energy and liveliness
- has an open farmers market and/or a flower market
- has an area for live performances

### II. Fast Food

- any national/regional franchise or chain that prepares food beforehand, and/or does not employ a wait staff, and does not have a drive-through window.
- examples of fast food establishments would be:
  - A & W Restaurants Inc.
  - Arbys
  - Back Yard Burgers Inc.
  - Boston Chicken
  - Bruggers Bagels
  - Burger King
  - Chick-fil-et
  - Culvers
  - Hardees
  - In N-Out Burgers
  - J Alexanders

Jack In the Box  
Jacks Family Restaurants  
Kentucky Fried chicken/KFC  
McDonalds  
Pizza Hut  
Popeyes  
Rally's Inc  
Steak N Shake  
Subway  
Taco Bell  
Quiznos (sub shop)  
Waffle House  
Wendys  
White Castle

## APPENDIX C

### Fair Housing

## 15.3 Fair Housing

15.3.1	Statement on Fair Housing
15.3.2	Definitions as Used in This Chapter
15.3.3	Unlawful Practices
15.3.4	Exemptions
15.3.5	Enforcement

### 15.3.1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the City of Glendale to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Section 66.432, Wis. Stats.

### 15.3.2 DEFINITIONS AS USED IN THIS CHAPTER.

- (a) **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 thereof of any such buildings or structure.
- (b) **Family.** 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.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed or acting on behalf of any of these.
- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a 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 real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### 15.3.3. UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase; rental, lease or financing of any housing accommodation, which indicates and discrimination or any intent to make discrimination.
- (g) To offer, solicit, accept or use a list of any homing accommodation for sale: purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
  - (1) The lowering of property values in the area;
  - (2) An increase in criminal or antisocial behavior in the area; or
  - (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any homing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or

- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, 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, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

#### **15.3.4 EXEMPTIONS.**

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operation supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such 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 any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any

fight to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, 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:

- (1) Without the use of any money of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
  - (2) Without the publication, posting or mailing after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
  - (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

### **15.3.5 ENFORCEMENT.**

Any person aggrieved by any unlawful practice prohibited by this Chapter may file a complaint with the common council within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and no event more than sixty (60) days after the alleged unlawful practice has occurred. The Common Council or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Common Council to forward the complaint and findings to appropriate state and federal agencies.

licensing; the department of health services; and legislators who are concerned with issues affecting the nursing profession.

(b) A statewide nursing center that receives a grant under par. (a) shall use the grant moneys to develop strategies to ensure that there is a nursing workforce that is adequate to meet the current and future health care needs of this state. The statewide nursing center may use those moneys to fund activities that are aimed at ensuring such a nursing workforce, including monitoring trends in the applicant pool for nursing education programs; evaluating the effectiveness of nursing education programs in increasing access to those programs and in enhancing career mobility for nurses, especially for populations that are underrepresented in the nursing profession; and facilitating partnerships between the nursing community and other health care providers, the department of regulation and licensing, the business community, the legislature, and educators to promote diversity within the nursing profession, enhance career mobility and leadership development for nurses, and achieve consensus regarding policies aimed at ensuring an adequate nursing workforce in this state.

History: 2009 a. 28.

### SUBCHAPTER III

#### EQUAL RIGHTS PROGRAMS

**106.50 Open housing. (1) INTENT.** It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

**(1m) DEFINITIONS.** In this section:

(ad) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.

(am) "Age", in reference to a member of a protected class, means at least 18 years of age.

(b) "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.

(c) "Complainant" means a person who files a complaint alleging discrimination in housing.

(d) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.

(e) "Condominium" has the meaning given in s. 703.02 (4).

(f) "Condominium association" means an association, as defined in s. 703.02 (1m).

(g) "Disability" means a 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. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a con-

trolled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

(h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

(i) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(j) "Family" includes one natural person.

(k) "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 or more minor or adult relatives.

4. A person's household includes one 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 or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

(km) "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

(L) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in s. 101.91 (10), manufactured home, as defined in s. 101.91 (2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(m) "Housing for older persons" means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(mm) "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

(nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

(om) "Political subdivision" means a city, village, town or county.

## 106.50 APPRENTICE AND EMPLOYMENT PROGRAMS

(q) "Relative" means a parent, grandparent, greatgrandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

(r) "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(s) "Respondent" means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

(t) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(u) "Status as a victim of domestic abuse, sexual assault, or stalking" means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in s. 813.12 (1) (am), sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32.

(1s) DEPARTMENT TO ADMINISTER. This section shall be administered by the department through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, or may provide that complaints may be consolidated for administrative convenience only.

(2) DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing 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 residential lot or to construct a home or residence upon such lot.

(d) By advertising in a manner that indicates discrimination 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 denying access to, or membership or participation in, a multiple listing service or other real estate service.

(j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

2. Selling, brokering or appraising residential real property.

(L) By otherwise making unavailable or denying housing.

(2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES. No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, 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 facilities serving the area.

(2r) DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PROHIBITED. (b) *Types of discrimination prohibited.* In addition to discrimination prohibited under subs. (2) and (2m), no person may do any of the following:

1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

2. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(bm) *Animals assisting persons with disabilities.* 1. 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:

a. 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.

b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

2. Subdivision 1. 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.

(c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b) and (bm) and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets the standards specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

(5m) EXEMPTIONS AND EXCLUSIONS. (a) 1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

1e. Under this paragraph, housing under sub. (1m) (m) 3. may qualify as housing for older persons only if the owner of the housing maintains records containing written verification that all of the following factors apply to the housing:

b. At least 80% of the dwelling units under sub. (1m) (m) 3. are occupied by at least one person 55 years of age or older.

c. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under sub. (1m) (m) 3. for persons 55 years of age or older. The owner or manager may document compliance with this subd. 1e. c. by maintaining records containing written verification of the ages of the occupants of the housing.

1m. No person may discriminate by refusing to continue renting to a person living in housing for older persons under sub. (1m) (m) 3. who is subject to a hardship condition.

2. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.

(b) Nothing in this section 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 section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.

(dm) It is not discrimination based on status as a victim of domestic abuse, sexual abuse, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

1. That the tenant is a victim of domestic abuse, sexual abuse, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was not the invited guest of the tenant.

2. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:

a. Sought an injunction under s. 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.

b. Upon receiving notice under s. 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

(e) 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.

(em) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71 (2) except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub. (2) (d); 42 USC 3604 (c), or any rules or regulations promulgated under this section or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(f) 1. Nothing in this section 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, disability, sexual orientation, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd. 2., age.

2. Notwithstanding subd. 1., an owner or agent may require that a person who seeks to buy or rent housing under sub. (1m) (m) 3. supply information concerning his or her age for the purpose of verifying compliance with par. (a) 1e. b.

(g) A person may not be held personally liable for monetary damages for a violation of sub. (2), (2m) or (2r) if the person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons. For purposes of this paragraph, a person may show reasonable reliance, in good faith, on the application of the exemption under this subsection relating to housing for older persons only if the person shows all of the following:

1. That he or she has no actual knowledge that the housing is not or will not be eligible for the exemption.

2. That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.

(6) FAIR HOUSING ADMINISTRATIVE ENFORCEMENT. (a) *Complaints.* 1. The department may receive and investigate a complaint charging a violation of sub. (2), (2m) or (2r) if the complaint

## 106.50 APPRENTICE AND EMPLOYMENT PROGRAMS

is filed with the department not later than one year after the alleged discrimination occurred or terminated.

2. The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.

3. The complaint may be filed by an aggrieved person, by an interested person, by the department of workforce development under par. (b) or, if the complaint charges a violation of sub. (2r) (c), by the department of commerce. The department of workforce development shall, upon request, provide appropriate assistance in completing and filing complaints.

4. The department shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under sub. (6m).

5. Upon the filing of an initial, amended, final or supplemental complaint, the department shall promptly serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.

6. The department may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known address of the complainant.

(b) *Powers and duties of department.* The department of workforce development and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department of workforce development may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department of commerce may make, sign and file complaints alleging violations of sub. (2r) (c). The department of workforce development shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department of workforce development shall develop and implement an investigation manual for use in conducting investigations under par. (c).

(c) *Investigation and finding of probable cause.* 1. The department shall investigate all complaints that allege a violation of this section and that are filed within the time specified under par. (a). The department may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant which is not alleged in the complaint, the department may advise the complainant that the complaint should be amended. If the complaint is amended, the department shall also investigate the allegations of the amended complaint.

2. At the conclusion of the investigation of the allegations, the department shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the department shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action. If the department determines that probable cause exists, the

department shall immediately issue a charge on behalf of the aggrieved person and refer the charge to the attorney general. If the attorney general concurs in the department's determination of probable cause, the attorney general shall represent the aggrieved person at the hearing under par. (f) or, if an election is made under subd. 2m., shall commence a civil action in the name of the state on behalf of the aggrieved person under sub. (6m).

2m. Service of copies of the charge shall be made on the complainant, the respondent, and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the department and to all other complainants and respondents to whom the charge relates. The department shall notify the aggrieved persons that an election is made.

3. No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (6m) or 42 USC 3613, seeking relief with respect to that discriminatory act.

4. If the department initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the secretary for a hearing on the issue by a hearing examiner. Service of the determination shall be made by certified mail, return receipt requested. If the hearing examiner determines that no probable cause exists, that determination is the final determination of the department and may be appealed under par. (j).

(d) *Temporary judicial relief.* At any time after a complaint is filed alleging discrimination in violation of sub. (2), (2m), or (2r), the department may request the attorney general to file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section. On receipt of the department's request, the attorney general shall promptly file the petition.

(e) *Conciliation.* 1. Upon the filing of a complaint alleging discrimination in violation of sub. (2), (2m) or (2r), the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.

2. Conciliation efforts may be undertaken by the department during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under par. (c) 4. or the issuance of a charge under par. (c) 2.

3. If conciliation resolves the dispute, a written conciliation agreement shall be prepared which shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant and the aggrieved person and is subject to approval by the department. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under s. 19.35, unless the parties to the agreement request that the record be exempt from disclosure and the department finds that disclosure is not required to further the purposes of this section.

4. Whenever the department has reasonable cause to believe that a respondent has breached a conciliation agreement, the department shall refer the matter to the attorney general with a recommendation that a civil action be filed for enforcement of the agreement.

(f) *Hearing procedures.* 1. After the department issues a charge under par. (c) 2., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the respondent to answer the charge at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the charge, and a place of hearing within the county in which the violation is alleged to have occurred.

2. If an election is not made under par. (c) 2m., the hearing shall be conducted by a hearing examiner. If the attorney general has concurred in the department's determination of probable cause under par. (c) 2., the aggrieved person on whose behalf the charge was issued shall be represented by the attorney general. Any other person who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by private counsel.

3. The department, the attorney general, or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in s. 805.07 (4) and shall be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the hearing examiner who is responsible for conducting the hearing.

4. The testimony at the hearing shall be recorded by the department. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.

5. If after the hearing the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (2), (2m) or (2r), the examiner shall make written findings and order the respondent to take actions that will effectuate the purpose of sub. (2), (2m) or (2r), and may order other penalties, damages and costs as provided in pars. (h) and (i). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant and the respondent. The order shall have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the order is automatically stayed upon the filing of a petition for review under par. (j).

6. If the examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the aggrieved party, the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

(g) *Time limitations.* 1. The department shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.

2. The department shall investigate the allegations of the complaint and complete the investigation not later than 100 days after receipt of the complaint. If the department is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

3. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is

unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(h) *Damages and penalties.* 1. If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under sub. (2), (2m) or (2r), the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.

2. In addition to any damages ordered under subd. 1., the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding \$10,000, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under sub. (2), (2m) or (2r) during the preceding 5-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is not a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) during the preceding 7-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.

3. In addition to any damages ordered under subd. 1., the administrative law judge may assess a forfeiture against a respondent who is a natural person in an amount not exceeding \$10,000, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$50,000.

(i) *Attorney fees and costs.* The hearing examiner may allow a prevailing complainant, including the state, reasonable attorney fees and costs. The state shall be liable for those fees and costs if the state is a respondent and is determined to have committed a discriminatory act under sub. (2), (2m) or (2r).

(j) *Judicial review.* Within 30 days after service upon all parties of an order or determination of the department under this subsection, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in ss. 227.52 to 227.58.

(6m) *CIVIL ACTIONS.* (a) Any person alleging a violation of sub. (2), (2m), or (2r), including the attorney general on behalf of an aggrieved person, may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.

(b) An action commenced under par. (a) may be brought in the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.

(c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropri-

## 106.50 APPRENTICE AND EMPLOYMENT PROGRAMS

ate, including monetary damages, actual and punitive, a forfeiture as provided in sub. (6) (h) and costs and fees as provided in sub. (6) (i).

(d) If the attorney general has reasonable cause to believe that any person is engaged in a pattern or practice of discrimination in violation of sub. (2), (2m) or (2r) or that any person has been denied any of the rights granted under sub. (2), (2m) or (2r), and such denial raises an issue of general public importance, the department of justice may commence a civil action.

(8) **DISCRIMINATION BY LICENSED OR CHARTERED PERSONS.** (a) If the department finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action prohibited under sub. (2), (2m) or (2r) and that the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

**History:** 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 30 s. 108; 2001 a. 109; 2005 a. 25; 2007 a. 11; 2009 a. 95.

**NOTE:** 1991 Wis. Act 295, which affected this section, contains extensive legislative council notes.

**Cross-reference:** See also ch. DWD 220, Wis. adm. code.

"Harassment" under sub. (2) (f) includes sexual harassment as defined in s. 111.32 (13). Sexual harassment injures the tenant's dignity and civil rights, and those injuries are compensable. *Chomicki v. Wittekind*, 128 Wis. 2d 188, 381 N.W.2d 561 (Ct. App. 1985).

A violation of sub. (2) (d) requires that an ordinary reader find that an advertisement suggests a particular class is preferred or "dispreferred." *Milwaukee Fair Housing Council v. LIRC*, 173 Wis. 2d 199, 496 N.W.2d 159 (Ct. App. 1992).

The state, in administering the fair housing act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. *County of Sawyer Zoning Board v. Department of Workforce Development*, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99–0707.

To establish a disability under this section, the complainant must show: 1) that he or she has an actual impairment, a record of impairment, or is regarded as having an impairment; and 2) that the impairment, whether real or perceived, is one that substantially limits one or more major life activities, or is regarded by the respondent as substantially limiting one or more major life activities. *Kitten v. DWD*, 2002 WI 54, 252 Wis. 2d 561, 644 N.W.2d 649, 00–3562.

The Wisconsin open housing law permits, but does not require, the department to receive and process class action complaints of housing discrimination. 70 Atty. Gen. 250.

The insurer of an apartment had a duty to defend an owner and manager for liability under this section. *Gardner v. Romano*, 688 F. Supp. 489 (E. D. Wis. 1988).

Federal rent vouchers are not clearly within the meaning of "lawful source of income." *Knapp v. Eagle Property Management Corp.* 54 F.3d 1272 (1995).

Closing the Door on Cohabitants Under Wisconsin's Open Housing Law. *Neuman*, 1995 WLR 965.

### 106.52 Public places of accommodation or amusement. (1) DEFINITIONS. In this section:

(a) "Complainant" means a person who files a complaint alleging a violation of sub. (3).

(b) "Conciliation" has the meaning given in s. 106.50 (1m) (d).

(c) "Disability" has the meaning given in s. 106.50 (1m) (g).

(cm) "Fitness center" means an establishment, whether operated for profit or not for profit, that provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. "Fitness center" does not include an organization solely offering training or facilities in an individual sport or a weight reduction center, as defined in s. 100.177 (1) (e).

(d) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61 (1).

2. A hotel, as defined in s. 254.61 (3).

3. A tourist rooming house, as defined in s. 254.61 (6).

4. A campground.

(e) 1. "Public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician, electrologist or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods or services are available either free or for a consideration, subject to sub. 2.

2. "Public place of accommodation or amusement" does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

a. Members of the organization or institution.

b. Guests named by members of the organization or institution.

c. Guests named by the organization or institution.

(f) "Respondent" means the person accused in a complaint or amended complaint of committing a violation of sub. (3).

(fm) "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(g) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(2) **DEPARTMENT TO ADMINISTER.** The department shall administer this section through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, and no rule may provide that complaints may be consolidated for administrative convenience only.

(3) **PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT.** (a) No person may do any of the following:

1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

1m. Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to s. 125.07.

2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry.

3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

3m. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to s. 125.07.

4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin or ancestry.

5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed,

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter DWD 220

### FAIR HOUSING

DWD 220.01	Purpose.	DWD 220.14	Notice of hearing.
DWD 220.02	Definitions.	DWD 220.15	Answer.
DWD 220.03	Housing for older persons; exemptions and exclusions.	DWD 220.16	Pre-hearing conference.
DWD 220.04	Complaints.	DWD 220.17	Subpoenas and motions.
DWD 220.05	Preliminary review of complaints.	DWD 220.18	Pre-hearing discovery.
DWD 220.06	Testing.	DWD 220.19	Disqualification of the administrative law judge.
DWD 220.07	Investigations.	DWD 220.20	Exchange of names of witnesses and copies of exhibits.
DWD 220.08	Initial determinations.	DWD 220.21	Hearing.
DWD 220.09	Appeal of initial determination of no probable cause.	DWD 220.22	Record of hearing.
DWD 220.10	Conciliation.	DWD 220.23	Decision and order.
DWD 220.11	Charge of discrimination.	DWD 220.24	Judicial review.
DWD 220.12	Election of civil action; certification to hearing.	DWD 220.25	Filing of documents by facsimile transmission or electronic mail.
DWD 220.13	Dismissal of complaint for lack of jurisdiction or other procedural basis following certification to hearing.		

**Note:** Chapter Ind 89 as it existed on September 30, 1994 was repealed and a new chapter ILHR 220 was created effective October 1, 1994. Chapter ILHR 220 was renumbered chapter DWD 220 under s. 13.93 (2m) (b) 1. and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, November, 1997, No. 503.

**DWD 220.01 Purpose.** The purpose of this chapter is to implement the laws prohibiting discrimination in housing and to provide an impartial and speedy procedure for resolving disputes of alleged housing discrimination.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.02 Definitions.** In addition to those terms defined in s. 106.50, Stats., the following are definitions for terms used in this chapter:

(1) "Act" means s. 106.50, Stats., unless the context requires otherwise.

(2) "Administrative law judge" means the examiner appointed to conduct hearings under s. 106.50, Stats.

(3) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(4) "Day", when used in time computations in this chapter, means a calendar day, except that if the last day of the time period is a Saturday, Sunday or legal holiday, the last day shall be the next business day.

(5) "Department" means the department of workforce development.

(6) "Division" means the equal rights division of the department.

(7) "Filing" means the physical receipt of a document at any division office.

(8) "Lawful source of income" includes, but is not limited to, lawful compensation or lawful remuneration in exchange for goods or services provided; profit from financial investments; any negotiable draft, coupon or voucher representing monetary value such as food stamps; social security; public assistance; unemployment compensation or worker's compensation payments.

(9) "Licensing or chartering agencies" means those regulatory agencies established under state law to license persons to perform activities which are covered by the act.

(10) "Person" includes, but is not limited to, one or more individuals, partnerships, associations, corporations, joint-stock companies, trusts, unincorporated organizations, legal representatives, trustees, or trustees or receivers in bankruptcy.

(11) "Probable cause" means a reasonable ground for belief, supported by facts and circumstances strong enough in themselves to warrant a prudent person to believe, that discrimination probably has been or is being committed. In making a determination of probable cause, the department shall consider whether the

facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action.

(12) "Reasonable cause," when used in s. 106.50 (6m) (d), Stats., means probable cause, as defined in sub. (11).

(13) "Receipt of service" means either the date that a document is delivered by certified mail or the date that the division is notified by the U.S. postal service that it was unable to deliver the document by certified mail.

(14) "Test" means a simulation of any transaction covered by the act for the purpose of comparing the responses given by persons such as landlords, sellers of real estate, and lenders of money for real estate to individuals such as renters or buyers of real estate or borrowers of money for real estate, to determine whether housing discrimination as defined under s. 106.50 (2), (2m) or (2r), Stats., is being or has been committed.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; corrections in (intro.), (1), (2), (12) and (14) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540; CR 06-062: am. (11) Register November 2006 No. 611, eff. 12-1-06.

**DWD 220.03 Housing for older persons; exemptions and exclusions.** (1) CERTIFICATION THAT HOUSING IS FOR OLDER PERSONS. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit may qualify as housing for older persons entitled to the exemption under s. 106.50 (5m) (a) 1e., Stats., only if that housing actually satisfied all of the factors required for such housing by s. 106.50 (5m) (a) 1e., Stats., at the time that the alleged discriminatory housing practice occurred.

(2) EXEMPTIONS FROM OCCUPANCY REQUIREMENTS. Housing shall not fail to qualify for the exemptions and exclusions for housing for older persons set forth in s. 106.50 (5m) (a) 1. and 1e. b., Stats., by reason of either of the following:

(a) The existence of unoccupied units, provided that such units are reserved for occupancy by persons 55 years of age or over.

(b) The occupancy of one or more units by bona fide employees of the housing (and family members renting in the same unit) who are under 55 years of age, provided that they perform substantial duties directly related to management or maintenance of the housing.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; corrections in (1) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.04 Complaints.** (1) WHO MAY FILE COMPLAINTS. A complaint may be filed by any person or by the person's duly authorized representative. A complaint filed by a representative shall state that the representative is authorized to file the complaint.

(2) PERSONS AGAINST WHOM COMPLAINTS MAY BE FILED. A complaint may be filed against any person alleged to be engaged

## Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

or to have engaged in a discriminatory housing practice prohibited under the act.

(3) WHERE TO FILE COMPLAINTS. (a) A complaint may be filed in person with any division office, or it may be mailed or sent by facsimile transmission to one of the following division offices:

1. Equal Rights Division, 201 East Washington Avenue, Madison, WI 53702. Facsimile number: 608-267-4592.

2. Equal Rights Division, 819 North 6th Street, Milwaukee, WI 53203. Facsimile number: 414-227-4084.

(b) A complaint filed by facsimile transmission shall conform with the requirements of s. DWD 220.25 (1).

(4) FORM AND CONTENT OF COMPLAINT. A complaint shall be written on a form which is available at any division office or on any other form acceptable to the department. Each complaint shall be signed by the person filing the complaint or by the person's duly authorized representative. The signature constitutes a certificate that the party or the representative has read the complaint; that to the best of that person's knowledge, information and belief the complaint is well-founded; and that the complaint is not being used for any improper purpose, such as to harass the party against whom the complaint is filed. Each complaint shall contain substantially the following information:

(a) The name and address of the complainant.

(b) The name and address of the known aggrieved persons, if different than the complainant.

(c) The name and address of the respondent.

(d) A description and the address of the dwelling which is involved.

(e) A concise statement of the essential facts, including pertinent dates, constituting the alleged discriminatory housing practice.

(5) DATE OF FILING OF COMPLAINT. A complaint is filed when it is received by the department in a form that reasonably meets the standards of sub. (4).

(6) DATE OF FILING OF DEFERRED COMPLAINT. A complaint which is deferred to the department by a federal or local fair housing agency with which the department has a worksharing agreement complies with the requirements of sub. (4) and is considered filed when received by the federal or local agency.

(7) AMENDMENT OF COMPLAINT. Subject to the approval of the department, a complaint may be amended no later than 45 days before hearing unless good cause is shown for the failure to amend the complaint prior to that time. If the complaint is amended prior to the issuance of an initial determination, the department shall investigate the allegations of the amended complaint. If the complaint is amended after the case has been certified to hearing, the chief of the hearing section or the administrative law judge may remand the complaint to the investigation section to conduct an investigation and issue an initial determination as to whether probable cause exists to believe that discrimination has been committed as alleged in the amended complaint. An amended complaint shall be dismissed if it does not meet the requirements of s. DWD 220.05 (1).

(8) WITHDRAWAL OF COMPLAINT. A complaint may be withdrawn at any time. A request for withdrawal shall be in writing and shall be signed by the complainant or by the complainant's duly authorized representative or attorney of record. Upon the filing of a request for withdrawal, the department shall dismiss the complaint by written order. Such dismissal shall be with prejudice unless otherwise expressly stated in the order.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: am. (7) Register March 2004 No. 579, eff. 4-1-04; CR 06-062: am. (3) Register November 2006 No. 611, eff. 12-1-06.

#### DWD 220.05 Preliminary review of complaints.

(1) REVIEW OF COMPLAINT. The department shall review every complaint filed to determine all of the following:

(a) Whether the complainant is protected by the act.

(b) Whether the respondent is subject to the act.

(c) Whether the complaint states a claim for which relief can be granted under the act.

(d) Whether the complaint was timely filed.

(2) PRELIMINARY DETERMINATION DISMISSING COMPLAINT. The department shall issue a preliminary determination dismissing any complaint, or any portion of a complaint, that fails to meet the requirements of sub. (1). The department shall send the order of dismissal by first class mail to the last-known address of each party and to their attorneys of record.

(3) APPEAL OF PRELIMINARY DETERMINATION. A complainant may appeal from an order dismissing a complaint under sub. (2) by filing a written request with the department. The appeal shall be filed within 20 days of the date of the order and shall state specifically the grounds upon which it is based. If a timely appeal is filed, the department shall serve a copy of the appeal upon all other parties. The matter shall be referred to the hearing section of the division for review by an administrative law judge. The administrative law judge shall issue a decision which shall either affirm, reverse, modify, or set aside the preliminary determination. The department shall serve the decision of the administrative law judge upon the parties. If the decision reverses or sets aside the preliminary determination, the complaint shall be remanded for investigation. If the decision affirms the preliminary determination, it is the final decision of the department. The department shall send a copy of the decision and order and notice of appeal rights by first class mail to the last known address of each party and to their attorneys of record.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: am. (2) and (3) Register March 2004 No. 579, eff. 4-1-04.

**DWD 220.06 Testing.** (1) CONDITIONS UNDER WHICH TESTING MAY BE DONE BY THE DEPARTMENT. The department may engage in testing for the purpose of establishing violations of s. 106.50 (2), (2m) or (2r), Stats. by verifying allegations of unlawful housing discrimination or to determine whether sufficient evidence exists to initiate its own complaint. Testing may occur under circumstances including but not limited to the following:

(a) Where no other means exists for verifying or refuting the allegations contained in a complaint, or where the findings of the investigator would be significantly strengthened by the inclusion of test results.

(b) Where the number or content of complaints against a specific respondent is sufficient to indicate that a pattern of unlawful discrimination may exist.

(c) Where demographic statistics would lead a reasonable person to believe that a pattern of unlawful discrimination exists in a particular geographical area.

(2) TESTING PROCEDURES. Any person engaged in testing for the department shall do so only after having specific authorization by the department. The results of each test for potential discrimination shall be submitted to the department in written form by those persons who conducted the test.

(3) NOTICE OF TESTING. The department may not give notice of testing to the person who shall be tested. If the testing is undertaken as the result of a complaint naming a specific respondent, the department shall delay sending the notice of the complaint to the respondent until after the completion of the testing.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.07 Investigations.** (1) CONDUCT OF INVESTIGATION. Except as provided under sub. (2), the department shall investigate all complaints that satisfy the review under s. DWD 220.05 (1). In conducting investigations under this chapter, the department may seek the cooperation of all persons to provide requested materials to the department; to obtain access to premises, records, documents, individuals, and other possible sources of information; to examine, record, and copy necessary materials; and to take statements of persons reasonably necessary for the fur-

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

therance of the investigation. The department may subpoena persons or documents for the purpose of the investigation. Subpoenas may be enforced pursuant to s. 885.11, Stats.

(2) **DISMISSAL OF COMPLAINT PRIOR TO COMPLETION OF INVESTIGATION.** (a) The department may dismiss a complaint prior to completion of an investigation under the following circumstances:

1. The complainant has failed to respond to correspondence from the department concerning the complaint within 20 days after the correspondence was sent by certified mail to the last known address of the person filing the complaint, in accordance with the provisions of s. 106.50 (6) (a) 6., Stats.

2. The allegations in the complaint have been previously dismissed by the department or by a state or federal court.

(b) A complainant may appeal from an order dismissing a complaint under this subsection by filing a written appeal with the department. The appeal shall be filed within 20 days of the date of the order and shall state specifically the grounds upon which it is based. If a timely appeal is filed, the department shall serve a copy of the appeal upon all other parties. The matter shall be referred to the hearing section of the division for review by an administrative law judge. The administrative law judge shall issue a decision which shall either affirm, reverse, modify, or set aside the dismissal of the complaint. The decision of the administrative law judge shall be served upon the parties. If the decision reverses or sets aside the dismissal, the complaint shall be remanded for further investigation. If the decision affirms the preliminary determination, the complainant may seek judicial review if it is a final decision and order as defined in s. DWD 220.24.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: m. to be (1) and am., cr. (2) Register March 2004 No. 579, eff. 4-1-04.

**DWD 220.08 Initial determinations.** (1) **GENERAL.** At the conclusion of the investigation, the department shall issue an initial determination which shall state whether or not there is probable cause to believe that housing discrimination occurred as alleged in the complaint. This initial determination shall set forth the facts upon which its conclusion is based.

(2) **INITIAL DETERMINATION OF PROBABLE CAUSE.** If the initial determination of the department is that probable cause exists, the department shall issue a charge under s. DWD 220.11.

(3) **INITIAL DETERMINATION OF NO PROBABLE CAUSE.** If the initial determination of the department is that there is no probable cause to believe that housing discrimination occurred as alleged in the complaint, it shall dismiss the complaint. The department shall notify the parties and their attorneys of record of the complainant's right to appeal as provided in s. DWD 220.09.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.09 Appeal of initial determination of no probable cause.** (1) **WHEN FILED.** Within 20 days after the date of an initial determination finding that there is no probable cause, a complainant may file a written request for a hearing on the issue of probable cause. The department shall notify the respondent that an appeal has been filed within 10 days of receiving the appeal.

(2) **DISMISSAL FINAL IF NO APPEAL FILED.** If no timely written request for a hearing is filed, the initial determination's order of dismissal shall be the final determination of the department.

(3) **CERTIFICATION TO HEARING ON ISSUE OF PROBABLE CAUSE; RIGHT TO STIPULATE THAT CASE MAY BE HEARD ON MERITS.** If a timely appeal is filed, the division shall certify the matter to hearing. A hearing on the issue of probable cause shall be noticed and conducted in accordance with the provisions of ss. DWD 220.14 and 220.16 to 220.23, except that the parties may stipulate prior to the hearing that the administrative law judge may decide the case on the merits.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.10 Conciliation.** (1) **CONCILIATION.** Upon the consent of all parties, the department may assist the parties to reach a mutually agreeable and just resolution of the complaint at any time during the proceedings. If conciliation resolves a dispute, the terms of the agreement shall be set forth in a conciliation agreement.

(2) **REMEDY FOR BREACH OF CONCILIATION AGREEMENT.** If, within one year after the effective date of a conciliation agreement, a complainant believes that the terms of the agreement have been breached by a respondent, the complainant may petition the department to re-open the complaint against that respondent. The department may conduct a hearing to determine whether the terms of the conciliation agreement have been breached. If the department determines that the respondent has breached the conciliation agreement, it may do either of the following:

(a) Refer the matter to the department of justice with a recommendation that a civil action be filed under s. 106.50 (6) (e) 4., Stats., for the enforcement of the terms of the conciliation agreement.

(b) Issue an order allowing the complainant to proceed with the complaint starting at the point in the administrative proceedings when the conciliation agreement became effective, provided that the complainant places any monetary proceeds which were received as a result of the conciliation agreement in an escrow account pending the final resolution of the complaint process.

(3) **STAY OF PROCEEDINGS.** Any proceedings before the division under this section shall be stayed pending any enforcement action by the department of justice or any contract action to enforce the conciliation agreement brought by the complainant in circuit court.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction in (2) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.11 Charge of discrimination.** (1) **WHEN CHARGE SHALL BE ISSUED.** If the department makes an initial determination that there is probable cause to believe that housing discrimination occurred as alleged in the complaint, or if it issues a decision finding probable cause after a hearing, it shall issue a charge on behalf of the complainant and shall refer the charge to the attorney general as required by s. 106.50 (6) (c) 2., Stats. The charge may be incorporated into an initial determination finding probable cause under s. DWD 220.08 (2) or into a decision of an administrative law judge finding probable cause under s. DWD 220.23 (1).

(2) **EXCEPTION IF CIVIL TRIAL HAS COMMENCED.** The department shall not issue a charge under this section if it has been informed, in writing, that an aggrieved person has commenced a civil action in court under the federal fair housing act, 42 USC 3613, or the Wisconsin open housing law, s. 106.50 (6m), Stats., seeking relief with respect to the alleged discriminatory housing practice, and that the trial in the action has begun. If a charge may not be issued because of the commencement of such a trial, the department shall dismiss the complaint. The department shall notify the parties of the dismissal of the complaint by first class mail.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540; CR 06-062: am. (1) Register November 2006 No. 611, eff. 12-1-06.

**DWD 220.12 Election of civil action; certification to hearing.** (1) **ELECTION OF CIVIL ACTION.** If a charge is issued under s. DWD 220.11, a complainant, a respondent or an aggrieved person on whose behalf the complaint was filed may elect, in lieu of an administrative proceeding under ss. DWD 220.14 to 220.23, to have the claims asserted in the charge decided in a civil action under s. 106.50 (6m), Stats. The election shall be in writing and shall be filed with the department no later than 20 days after the receipt of service of the charge by the electing person. The department shall notify the parties and their attorneys of record that an election has been made. Upon the filing of an elec-

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tion, the department shall dismiss the complaint. The order of dismissal shall become effective 90 days after the date the order is issued. The order of dismissal shall state that it is without prejudice to the parties' rights to proceed on the complaint in another forum. The administrative proceedings shall be concluded upon the effective date of the department's order of dismissal. The complainant or the aggrieved person shall have 90 days from the date of receipt of service of the notice of election to file a summons and complaint in circuit court. Thereafter, the complaint shall proceed as provided under s. 106.50 (6m), Stats.

(2) **CERTIFICATION TO HEARING ON THE MERITS OF THE COMPLAINT.** If an election is not made under this section, the department shall issue a notice certifying the matter to hearing. A hearing on the merits shall thereafter be noticed and conducted in accordance with the provisions of ss. DWD 220.14 to 220.23.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.13 Dismissal of complaint for lack of jurisdiction or other procedural basis following certification to hearing.** A complaint may be dismissed for the reasons set forth in s. DWD 220.05 (1) after the case is certified to hearing under either s. DWD 220.09 (3) or 220.12 (2). In determining whether to dismiss the complaint, the administrative law judge may consider documents and affidavits presented by any party and may hold a hearing to allow the parties to establish facts which may have a bearing on whether the complaint should be dismissed. If the administrative law judge issues an order dismissing the complaint under this section, a certified copy of the order and a notice of appeal rights shall be sent by first class mail to the last known address of each party and to their attorneys of record.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.14 Notice of hearing. (1) CONTENT.** In any matter which has been certified to hearing following the issuance of a charge under s. DWD 220.11 or an appeal of an initial determination of no probable cause under s. DWD 220.09 (3), the department shall send a notice of hearing to the parties and their attorneys of record, by first-class mail, advising them of the specific time, date and place established for the hearing. The notice of hearing shall fully identify the parties and the case number. It shall specify a time and date of hearing not less than 30 days after the date of mailing of the notice of hearing. The notice of hearing shall specify the nature of the housing discrimination which is alleged to have occurred and shall state the legal authority on which the hearing is based. A copy of the complaint shall be attached to the notice of hearing.

(2) **PLACE OF HEARING.** The hearing shall be held in the county where the alleged act of discrimination occurred, or at another location with the consent of the parties. For purposes of this subsection, the county where the alleged act of housing discrimination occurred is the county where the housing which is the subject of the complaint is located, unless no specific housing is involved, in which case the county where the alleged act of housing discrimination occurred is the county where the respondent resides.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.15 Answer. (1) WHEN REQUIRED.** Within 10 days after the date of a notice of hearing on the merits, each respondent shall file with the hearing section of the division an answer to the allegations of the complaint upon which there is a finding of probable cause, along with a certification that a copy of the answer has been mailed to all other parties.

(2) **CONTENT OF ANSWER.** The answer shall contain the respondent's current address. It shall also contain a specific admission, denial or explanation of each allegation of the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, the respondent shall so state and this shall have the effect of a denial. Admissions or denials may be to all or part of an allegation, but shall fairly meet the sub-

stance of the allegation. Any affirmative defense relied upon, including the statute of limitations, shall be raised in the answer unless it has previously been raised by a motion in writing. Failure to raise an affirmative defense in the answer may, in the absence of good cause, be held to constitute a waiver of such a defense.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: am. Register March 2004 No. 579, eff. 4-1-04.

**DWD 220.16 Pre-hearing conference.** In any case which has been certified to hearing, a pre-hearing conference may be held in accordance with the provisions of s. 227.44 (4), Stats.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.17 Subpoenas and motions. (1) SUBPOENAS.** The cost of service and witness and mileage fees shall be paid by the person requesting the subpoena. Witness and mileage fees shall be the same as set forth in s. 814.67 (1) (a) and (c), Stats. Subpoenas may be enforced pursuant to s. 885.11, Stats.

(2) **MOTIONS.** Motions made during a hearing may be stated orally and shall, with the ruling of the administrative law judge, be included in the record of the hearing. All other motions shall be in writing and shall state briefly the relief requested and the grounds upon which the moving party is entitled to relief. All written motions shall be filed with the administrative law judge assigned to the case. Any briefs or other papers in support of a motion, including affidavits and documentary evidence, shall be filed with the motion. Any party opposing the motion may file a written response. All written motions shall be decided without further argument unless requested by the administrative law judge.

**History:** Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.18 Pre-hearing discovery. (1) WHEN DISCOVERY MAY BEGIN.** Discovery may not be used prior to the time that a matter is certified to hearing, except that the taking and preservation of evidence shall be permitted prior to certification to hearing under the circumstances set forth in s. 227.45 (7), Stats.

(2) **DISCOVERY DIRECTED TO A PARTY NOT REPRESENTED BY LEGAL COUNSEL.** In the case of discovery directed to a party who is not represented by legal counsel, the party seeking that discovery shall, not less than 10 days prior to conducting such discovery, state in writing that it intends to seek discovery. The party seeking discovery shall send this notice to the party who is not represented by legal counsel and to either the chief of the hearing section or the administrative law judge, if one has been assigned to the case. All copies of demands for discovery and notices of depositions shall be filed with the department at the time they are served upon the party from whom the discovery is sought. Copies of responses to discovery by an unrepresented party and the original transcript of any deposition of an unrepresented party shall be filed with the department by the party which instituted those discovery requests as soon as practicable after the discovery has been taken.

(3) **SCOPE, METHOD AND USE OF DISCOVERY.** The scope of discovery, the methods of discovery and the use of discovery at hearing shall be the same as set forth in ch. 804, Stats.

(4) **FAILURE TO COMPLY WITH DISCOVERY REQUESTS; DUTY TO CONSULT WITH OPPOSING PARTY.** The administrative law judge may compel discovery, issue protective orders, and impose sanctions in the manner provided under ch. 804, Stats. All motions to compel discovery or motions for protective orders shall be accompanied by a statement in writing by the party making the motion that, after consultation in person or by telephone with the opposing party and sincere attempts to resolve their differences, the parties are unable to reach agreement. The statement shall state the date and place of such consultation and the names of all parties participating in the consultation.

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(5) FILING WITH DEPARTMENT. Copies of discovery requests and responses to discovery requests need not be filed with the division, except as required under sub. (2).

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: am. (2) and (4) Register March 2004 No. 579, eff. 4-1-04.

**DWD 220.19 Disqualification of the administrative law judge.** Upon the administrative law judge's own motion, or upon a timely and sufficient affidavit filed by any party, the administrative law judge shall determine whether to disqualify himself or herself because of personal bias or other reason. The administrative law judge's determination shall be made a part of the record and decision in the case.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.20 Exchange of names of witnesses and copies of exhibits.** By no later than the tenth day prior to the day of the hearing, the parties shall file with the division and serve upon the other party a written list of the names of witnesses and copies of the exhibits which the parties intend to use at the hearing. For the purpose of this section, service is complete on mailing rather than on receipt. The administrative law judge may exclude witnesses and exhibits not identified in a timely fashion pursuant to this section. This section does not apply to witnesses and exhibits offered in rebuttal which the party could not have reasonably anticipated using prior to the hearing.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 03-092: am. Register March 2004 No. 579, eff. 4-1-04.

**DWD 220.21 Hearing. (1) PROCEDURE.** Hearings shall be conducted in conformity with the act and the provisions of ch. 227, Stats.

(2) POSTPONEMENTS AND CONTINUANCES. All requests for postponements shall be filed with the administrative law judge or with the chief of the hearing section within 10 days after the date of the notice of hearing, except where emergency circumstances arise after the notice is issued but prior to the hearing. The party requesting a postponement shall mail a copy of the request to all other parties at the time the request is filed with the division. Postponements and continuances may be granted only for good cause shown and shall not be granted solely for the convenience of the parties or their attorneys.

(3) APPEARANCE OF PARTIES. Parties may appear at the hearing in person and by counsel or other representative.

(4) FAILURE TO APPEAR AT HEARING. If the complainant fails to appear at the hearing, either in person or by a representative authorized to proceed on behalf of the complainant, the administrative law judge shall dismiss the complaint. If the respondent fails to appear at the hearing, the hearing shall proceed as scheduled. If, within 10 days after the date of the hearing, any party who failed to appear shows good cause in writing for the failure to appear, the administrative law judge may reopen the hearing.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

**DWD 220.22 Record of hearing. (1) METHOD OF RECORDING HEARING.** A stenographic, electronic, or other record of oral proceedings shall be made at all hearings conducted under the act. Any party wishing to have a court reporter present to transcribe the proceedings shall be permitted to do so at their own expense. If the hearing is recorded on tape or digitally, the original recording shall remain in the division for 5 years following the hearing, after which it will be discarded.

(2) FILING TRANSCRIPTS WITH THE DIVISION. Transcription of the record shall be at the expense of any party who requests the transcription. The transcript shall be prepared by an independent, reputable, court reporter or transcriptionist. If a transcript is filed with the division, it shall include a certification by the transcriptionist that the transcript is an original, verbatim, transcript of the proceedings.

(3) TRANSCRIPTION OF RECORD AT DEPARTMENT EXPENSE. The department shall provide, without cost, a copy of the transcript for

the purpose of judicial review if a party submits a sworn affidavit of indigency and the inability to obtain funds to pay the cost of a transcript.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; CR 06-062: am. (1) Register November 2006 No. 611, eff. 12-1-06.

**DWD 220.23 Decision and order. (1) DECISION AND ORDER AFTER HEARING ON THE ISSUE OF PROBABLE CAUSE.** After a hearing on the issue of probable cause, the administrative law judge shall issue a written decision and order which dismisses the allegations of the complaint or which orders that a charge be issued under s. DWD 220.11, depending upon the administrative law judge's findings and conclusions on the issue of probable cause. If the decision of the administrative law judge concludes that no probable cause exists, a certified copy of the decision and order and a notice of appeal rights shall be sent by first class mail to the last known address of each party and to their attorneys of record.

(2) DECISION AND ORDER AFTER HEARING ON THE MERITS. After a hearing on the merits, the administrative law judge shall issue a written decision and an order which shall either dismiss the allegations of the complaint or shall order such action by the respondent as shall effectuate the purposes of the act, depending upon the administrative law judge's findings and conclusions on the merits of the complaint. Economic and noneconomic damages including, but not limited to, lost wages, medical expenses, the increased costs of alternative housing, and compensation for damages caused by emotional distress, damage to reputation, or embarrassment may be ordered. A forfeiture may be ordered under s. 106.50 (6) (h) 2. or 3., Stats., if the respondent's violation of the act was found to have been willful. A certified copy of the decision and order and a notice of appeal rights shall be sent by first class mail to the last known address of each party and to their attorneys of record.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.24 Judicial review.** Any party may file a petition for review of a final decision and order of the administrative law judge in the appropriate circuit court, pursuant to s. 106.50 (6) (j), Stats. A final decision and order is one which finally disposes of the entire complaint and leaves no further proceedings on that complaint pending before the division.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2000, No. 540.

**DWD 220.25 Filing of documents by facsimile transmission or electronic mail. (1) FILING OF DOCUMENTS BY FACSIMILE TRANSMISSION.** (a) Except where otherwise directed by the division, documents may be filed by facsimile transmission. Documents filed by facsimile transmission shall include a cover sheet setting forth all of the following information:

1. The name of the sender.
2. The individual to whom the transmission is directed, if that individual is known.
3. The number of pages being transmitted, including the cover sheet.

(b) The date of transmission recorded by the division's facsimile machine shall constitute the date of filing of a document under this section, except that documents filed by facsimile after the regular business hours of the division as established by s. 230.35 (4) (f), Stats., or on a day when the offices of the division are closed pursuant to s. 230.35 (4) (a), Stats., shall be considered filed on the next business day of the division.

(2) FILING OF DOCUMENTS BY ELECTRONIC MAIL. Documents may be filed by electronic mail only if expressly authorized by the equal rights officer or the administrative law judge assigned to the case.

History: CR 06-062: cr. Register November 2006 No. 611, eff. 12-1-06.

# Wisconsin Fair Housing Law

In Wisconsin it is illegal to discriminate in renting or selling because of:

SEX

RACE

COLOR

SEXUAL ORIENTATION

DISABILITY

RELIGION

NATIONAL ORIGIN

MARITAL STATUS

FAMILY STATUS

AGE

LAWFUL SOURCE OF INCOME

ANCESTRY

**STATUS AS A VICTIM OF DOMESTIC ABUSE, SEXUAL ABUSE OR STALKING**

For more information about your rights under Wisconsin's Fair Housing Law and how it affects renters, landlords, buyers and sellers, lenders or insurers or to voice your concern about a situation where you believe your rights have been violated, call the Equal Rights Division.

## STATE OF WISCONSIN DEPARTMENT OF WORKFORCE EQUAL RIGHTS DIVISION

201 E WASHINGTON AVE, ROOM A300  
P. O. BOX 8928  
MADISON WI 53708

819 N 6TH ST  
ROOM 255  
MILWAUKEE WI 53203

Telephone: (608) 266-6860  
TTY: (608) 264-8752

Telephone: (414) 227-4384  
TTY: (414) 227-4081

Website: <http://dwd.wisconsin.gov/er>

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

### **Fair Housing Law**

The Wisconsin Fair Housing Law protects the rights of people in the rental or purchase of housing.

- It is unlawful to discriminate against a person in housing, even in part, because of that person's protected class. The protected classes are shown on the chart on the following page.
- Essentially all housing is covered under the law, except when a person is seeking a **roommate to share a dwelling**.

### **What Are Examples Of Discrimination?**

- Refusing to rent or negotiate with someone for the rental or sale of a dwelling.
- Failing to renew a lease or lying about the availability of a dwelling.
- Applying different terms or rental conditions.
- Providing different rental privileges or services.
- Not allowing a person with a disability to make reasonable modifications to the unit.
- Applying different rental or mortgage application standards or fees.
- Failing to build accessible multi-family housing.
- Harassing or interfering with a person's quiet enjoyment of a dwelling.
- Steering persons to certain units or buildings within an apartment complex.

### **Are There Exceptions Under The Law?**

Yes, there are circumstances when discrimination may be legal. A few examples are:

- A family with "too many" people may be turned away, if a reasonable government requirement limits the number of occupants for the dwelling unit.
- Housing primarily intended and operated for older persons may, under certain conditions, be restricted to persons over a certain age.
- Housing may be denied to a person who poses a direct threat to the safety of others or whose tenancy would result in substantial physical damage to property, provided the risk can't be sufficiently reduced by a reasonable accommodation.

### **Can A Fair Housing Council Help?**

Yes, if a Fair Housing Council serves your area it can help you understand your rights under the law and outline a variety of ways to pursue a complaint. Fair Housing Councils may also be able to conduct investigations utilizing "testing", which is a method of investigating complaints that compares treatment of various home seekers to determine whether differences in treatment are occurring. Testing may later be used as evidence in administrative or judicial actions. A Fair Housing Council may also be able to refer you to an attorney experienced in fair housing matters. To determine if a Fair Housing Council serves your area of the state, contact the Metropolitan Milwaukee Fair Housing Council at (414) 278-1240.

### **How Is A Complaint Filed Under Wisconsin Law?**

A person alleging discrimination may file a complaint within **1 year** of the discriminatory action.

- A complaint form with instructions is available from the Equal Rights Division. Please see the last page of this document for the addresses and telephone numbers.
- Usually, settlement possibilities will be explored before an investigation begins. Many housing complaints are resolved by compromise, which is usually a good option for both parties.
- If the investigation finds **probable cause** to believe that discrimination may have occurred, the Equal Rights Division will issue a CHARGE of discrimination, along with the investigator's determination. Either party may elect to have the charge decided in a CIVIL ACTION filed by the complainant in Circuit Court.

If a civil action is not chosen, the complaint will be decided after a hearing held by an Administrative Law Judge of the Equal Rights Division.

Note that the Equal Rights Division does not provide legal representation for either party.

If **no probable cause** is found at the investigation, the case will be dismissed. The dismissal will become final unless the Equal Rights Division receives a written appeal letter within **20 days** of the determination.

<b>PROTECTED CLASSES</b>	<b>DESCRIPTION</b>	<b>Also covered in federal law</b>
Race	Generally, a member of a group united or classified together based on a common history, nationality or geography.	<b>X</b>
Color	The color of a person's skin.	<b>X</b>
Family Status	A household with minor children. A person who is pregnant or seeking custody of a child, or is planning adoption or guardianship is included.	<b>X</b>
Disability	Having a physical or mental impairment that substantially limits one or more major life activities, or having a record of, or being perceived as having a disability.	<b>X</b>
Sex	Being male or female.	<b>X</b>
National Origin	Generally, a member of a nation by birth or naturalization or having common origins or traditions.	<b>X</b>
Religion	Sincerely held religious, moral or ethical beliefs and practices.	<b>X</b>
Marital Status	The status of being married, widowed, single, divorced, or separated.	
Ancestry	The country, nation or tribe of the identifiable group from which a person descends.	
Source of Income	The lawful source of a person's income, including wages, a voucher having monetary value, social security, public assistance or other related payments.	
Sexual Orientation	Having a preference for heterosexuality, homosexuality, or bisexuality or having a history of being so identified.	
Age	Being at least 18 years of age.	
Status as a Victim of Domestic Abuse, Sexual Abuse or Stalking.		

## What Remedies Are Available Under The Law?

Relief varies with the circumstances of each case. Generally, persons who **prove** they were victims of discrimination may receive:

- Out of pocket losses and interest
- Attorney fees and costs
- Compensatory damages for losses or injury
- Punitive damages if filed in court
- Injunctive relief

Other remedies or fines may also be ordered. The U.S. Fair Housing Act provides remedies similar to those available under Wisconsin Law.

## Federal or Local Fair Housing Laws

Federal laws and local ordinances differ from state laws and, in some cases, provide greater protection to home seekers. Title VIII of the Civil Rights Act of 1968 is the primary federal fair housing law. To file a federal fair housing complaint or for additional information contact:

### The U.S. Department of Housing and Urban Development

77 West Jackson Boulevard, Room 2101  
Chicago, IL 60604-3507

1(800) 765-9372  
TTY 1(800) 927-9275

To file electronically: [www.hud.gov](http://www.hud.gov)

## Housing Discrimination Is Illegal!

If you believe that, you have been treated unfairly in the rental or purchase of housing because of:

Race	Family Status	Sexual Orientation
Source of Income	Disability	Ancestry
Sex	Marital Status	Religion
National Origin	Color	Age
Status as a Victim of Domestic Abuse, Sexual Abuse or Stalking		

If you would like more information about the law and your rights, contact one of the offices shown below:

**State of Wisconsin  
Department of Workforce Development  
Equal Rights Division**

201 E WASHINGTON AVE - ROOM A300  
PO BOX 8928  
MADISON WI 53708

819 N 6th ST  
ROOM 255  
MILWAUKEE WI 53203

Telephone: (608) 266-6860  
TTY: (608) 264-8752

Telephone: (414) 227-4384  
TTY: (414) 227-4081

Web Site: <http://dwd.wisconsin.gov/er>

DWD is an equal opportunity employer and service provider. If you need assistance to access services or need material in an alternate format, please contact us.

## APPENDIX D

### Public Participation Plan

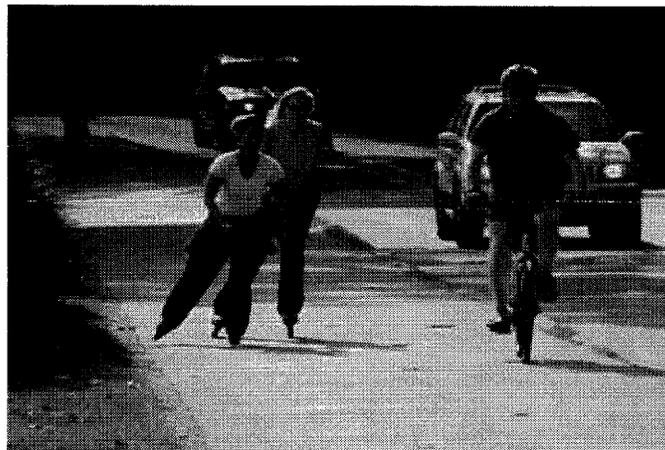
## **Public Participation Plan**

City of Glendale Smart Growth Plan  
2009

### **Introduction**

Comprehensive planning has changed throughout the years, and the public participation process has become a more integral part of the process since the City of Glendale adopted its first comprehensive plan in the 1970's. Planners and decision makers are interested in hearing the thoughts, opinions and ideas from citizens, stakeholder groups and neighboring communities. Incorporating public participation benefits the planning process in a number of ways, including:

- Public participation allows decision makers to have more information and feedback from citizens and businesses in the community.
- Public participation provides a forum for dialogue between citizens and decision makers, thus contributing to a community's sense of priorities.
- Public participation fosters improved understanding in the community of the planning challenges and key issues facing the community, and provides an educational component about public planning and process.



Key elements of the plan, such as transportation, planning for multi-modal use of the existing infrastructure and connectivity within a community are important to citizens.

The Smart Growth and Comprehensive Planning law in the State of Wisconsin requires that public participation is part of the planning process. As described in Wisconsin Statutes, Section 66.1001(4), in part, "the governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for a wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide every opportunity for written comments on the plan to be submitted by members of the public to the governing body to respond to such written comments."

The City of Glendale, responding to this requirement, will include the public participation component throughout the planning process, and will use this plan as its guide to accomplish this aspect of the comprehensive plan.

### **Public Participation Plan Methodology**

The City of Glendale will use a variety of methods to reach and involve the public. This approach is designed to reach a wide variety of citizen age groups, businesses, and stakeholders in the community.



A well planned public involvement process will help engage citizens and stakeholders, and develop a sense of ownership in the comprehensive plan.

1. Public Meetings
  - a. Public involvement at regularly scheduled Plan Commission and/or City Council meetings. Meetings are open to the public, and agendas and meeting minutes are available for public information. Progress report

updates will be made at each meeting, with an opportunity for public comment.

2. Open Houses
  - a. Two open house format public information meetings will be held to allow commentary on each key element of the comprehensive plan. Public comments will be documented, and citizens and stakeholders will be provided a comment card to record their ideas, suggestions and comments.
3. News Releases
  - a. The City will issue news releases as a way to inform the local press, and public about the progress and upcoming steps in the comprehensive planning process.
4. Citizen and Stakeholder Feedback/Comment Forms
  - a. Citizens and stakeholders will be provided feedback and comment forms to document their ideas, concerns, and suggestions throughout the planning process. Summaries of past surveys conducted in the City will be provided as a basis for follow up on key issues raised in past planning efforts.
5. City Website
  - a. The City's website will provide a link to the Smart Growth Planning process, identifying key elements of the plan, the critical steps of the planning process, meeting dates and will provide information on how the public can become involved with the process.
6. City Newsletter
  - a. The City's newsletter will offer an article summarizing the comprehensive planning process, the key elements of the plan, critical steps of the planning process, meeting dates, and provide information on how the public can become involved with the process.
7. Public Hearing
  - a. The City will conduct a public hearing to receive comments about the plan, prior to moving forward to adoption of the plan.

All of the above opportunities for public participation and involvement will be documented, and incorporated into the final plan document.

CITY OF GLENDALE -- COMMON COUNCIL  
July 13, 2009

Regular meeting of the Common Council of the City of Glendale held in the Municipal Building, 5909 North Milwaukee River Parkway.

The meeting was called to order by Mayor Jerome A. Tepper at 7:00 p.m.

Roll Call: Present: Mayor Jerome A. Tepper, Ald. Robert Whitaker, Joseph V. Colacino, Elliott L. Moeser, Richard W. Wiese, Izzy Goldberg and JoAnn Shaw. Absent: None.

Other Officials Present: Richard Maslowski, City Administrator; Mark Ferguson, Police Captain; and John Fuchs, City Attorney.

PLEDGE OF ALLEGIANCE.

The members of the Common Council, City staff and all those present pledged allegiance to the flag of the United States of America.

OPEN MEETING NOTICE.

The City Administrator advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, July 9, 2009, of the date of this meeting; that the agenda was posted on the official bulletin board of City Hall, the Glendale Police Department, and the North Shore Library; that copies of the agenda were made available to the general public in the Municipal Building and the Police Department, and those persons who requested, were sent copies of the agenda.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Whitaker, seconded by Ald. Wiese, approving the minutes of the meeting held on June 22, 2009. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- I. File No \_\_\_\_\_  
PUBLIC HEARING, re: 2010 Community Development Block Grant Program.

The City anticipates receiving approximately \$45,000 in Community Development Block Grant funds in the year 2010. Projects that are eligible for consideration for this federal program are directed toward low and moderate income families or groups, senior citizens or disabled persons. In addition to the above stated requirements, the proposed project must meet a specific objective of the Milwaukee County Consolidated Plan.

City staff recommends that the 2010 Community Development Block Grant funds be used to partially offset the costs associated with the planned reconstruction of West Marne Avenue from North Port Washington Road east to North Lydell Avenue.

Mayor Tepper opened the floor to public comment. There were no public comments.

Motion was made by Ald. Goldberg, seconded by Ald. Wiese, to close the public hearing. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion was made by Ald. Wiese, seconded by Ald. Whitaker, to approve the use of the 2010 Community Development Block Grant funds for the West Marne Avenue project. On Roll Call: Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT:

Carol Pierner, Chair of the Aesthetics & Beautification Committee, requested Council members to provide areas within their districts that the Committee could consider for landscape enhancements.

COMMUNICATIONS, APPLICATIONS AND PETITIONS:

II. File No

Communication from Ald. Bob Whitaker, re: 2010 Budget Considerations.

Ald. Whitaker stated that during the June Plan Commission review of the Riverview Business Improvement District (BID), several Plan Commissioners suggested that the City should be taking care of several items in the BID's operating plan. These items include trash receptacles at the bus stops along North Port Washington Road, repair of broken or missing curbs, removing weeds in the cracks of medians or sidewalks, repairing North Port Washington Road, cleaning up trash along the roads and sidewalks and planting flowers in the medians. Ald. Whitaker realizes that the 2010 budget process will be very difficult, but feels the City needs to respond to the residents who raised these issues.

The City Administrator stated that since 1990, the City has invested over \$52 million in this area, and that maintenance on the streets, medians and street lights continue on an annual basis.

Motion was made by Ald. Whitaker, seconded by Ald. Shaw, to refer this item to the City Administrator for consideration as part of the 2010 budget planning process. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No

Communication from Public Works Director Dave Eastman, re: Payment #1 to Payne & Dolan, Inc. for Street Resurfacing Program.

Based upon the recommendation of the Public Works Director, motion was made by Ald. Shaw, seconded by Ald. Whitaker, to approve Payment #1 in the amount of \$99,791.80 to Payne & Dolan, Inc. for the Street Resurfacing Program. On Roll Call: Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- IV. File No  
Application for Transient Merchant Permit filed by James Hair.

Motion was made by Ald. Whitaker, seconded by Ald. Colacino, to defer action on the Application for Transient Merchant Permit filed by James Hair, Galveston Seafood Company, until additional information is obtained on the applicant, and that verification of State licenses is obtained. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS:

- V. File No  
State Budget: Projected Impacts on City's 2010 Budget Preparations.

The League of Wisconsin Municipalities has prepared a brief summary regarding the financial aspects which will affect municipalities in the recently adopted and signed State budget. Shared revenue will be cut by 3.5% in 2010 and the cut will be distributed among municipalities on an equalized value basis with a 15% maximum payment reduction. The 3% levy limit also applies in 2010 and the State budget allows a municipality to carry forward from the previous two years any unused levy capacity when calculating its 2009 levy limits. In addition, the expenditure restraint program changes, and tipping fees on solid waste disposal will more than double.

Motion was made by Ald. Whitaker, seconded by Ald. Wiese, to place this information on file. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- VI. File No  
Resolution: Smart Growth Comprehensive Plan Public Participation Plan.

Based upon the recommendation of the Plan Commission, motion was made by Ald. Colacino, seconded by Ald. Whitaker, to adopt the Resolution regarding the Smart Growth Comprehensive Plan Public Participation Plan. On Roll Call: Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- VII. File No  
Scheduling Public Hearing on Proposed Change of Zoning of 4650 North Port Washington Road (Barnabas Business Center) from B-4 Business Office to PD-Planned Development.

The Plan Commission has recommended the rezoning of the Barnabas Business Center, 4650 North Port Washington Road, from B-4 Business Office to PD-Planned Development. The Common Council needs to schedule the required public hearing.

Motion was made by Ald. Goldberg, seconded by Ald. Whitaker, to schedule the public hearing on the proposed change of zoning of 4650 North Port Washington Road from B-4 Business Office to PD-Planned Development for Monday, August 10, 2009 at 7:00 p.m. Ayes:

Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS:

VIII. File No

Contract Renewal with Nicolet High School for School Liaison Program.

In anticipation of a continuation of the School Liaison shared services agreement with Nicolet High School, the Police Chief updated the cost projections to cover anticipated wage increases of 3.0% for 2009 and 2010. Nicolet will make payments of \$6,522.02 for September through December of 2009 and payments of \$6,717.68 for January through May of 2010. A one-half payment, or \$3,358.82 will be paid for June 2010.

Ald. Moeser inquired as to whether Nicolet High School has been making the scheduled payments to the City for the School Liaison Officer for the past year. The answer was affirmative. He also renewed his commitment and belief that the program is vital to both the City and to the school district.

Motion was made by Ald. Goldberg, seconded by Ald. Whitaker, to approve the contract renewal with Nicolet High School for the School Liaison Program as submitted by the Police Chief. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IX. File No

Ordinance Amending Section 1-1-7a (1 and 2) of the Code Pertaining to General Penalty.

Currently the City's ordinance provides that an individual be incarcerated in the House of Correction for one day for each \$25.00 owed, or fraction thereof, on a non-paid fine. The City Attorney stated that the City pays the County approximately \$20.60 per day per inmate, plus a \$35.00 commitment fee per inmate, but does not recover even 10% of that cost from defendants who do the time. He is recommending an ordinance amendment to call for a day in jail for every \$100.00 or fraction thereof.

Ald. Whitaker suggested that the City Attorney report back to the Council within six to nine months from the date of implementation, as to the impact or effect this ordinance will have. Mayor Tepper suggested that this be scheduled for the second meeting in March, 2010. Ald. Moeser questioned what, if any, reaction has been received from the Police Department and the Municipal Judge regarding this proposed ordinance. The City Attorney responded that both seemed to be in favor of the proposed ordinance.

Motion was made by Ald. Wiese, seconded by Ald. Shaw, to adopt Ordinance No. 1467 Pertaining to General Penalty, with the understanding that the City Attorney will report in March, 2010 on the impact or effect of this ordinance. On Roll Call: Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

APPROVAL OF ACCOUNTS PAYABLE.

Motion was made by Ald. Shaw, seconded by Ald. Whitaker, to approve the accounts payable register dated July 13, 2009 for check numbers 23682 to 23781 totaling \$377,333.10 and for prepaid checks, numbers 23497 to 23499 and 23592 to 23658 totaling \$12,638,171.42. On Roll Call: Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

COMMISSION, COMMITTEE AND BOARD REPORTS.

Several Council members briefly reported on the activities of the various Commissions, Committees and Boards they serve on. Mayor Tepper thanked the Glendale Days Committee for another successful event.

ADJOURNMENT.

There being no further business, motion was made by Ald. Colacino, seconded by Ald. Whitaker, to adjourn the meeting. Ayes: Ald. Whitaker, Colacino, Moeser, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously and adjournment of the Common Council was ordered at 7:35 p.m. until Monday, July 27, 2009.

Richard E. Maslowski  
City Administrator

Recorded: July 14, 2009

APPENDIX E

Common Council Ordinance No. 1505

And

Plan Commission Resolution

6a/8-8-11

STATE OF WISCONSIN :: CITY OF GLENDALE :: MILWAUKEE COUNTY

\*\*\*\*\*

AN ORDINANCE CREATING SECTION 13-1-9 OF THE  
CITY OF GLENDALE CODE OF ORDINANCES RELATING TO THE  
SMART GROWTH UPDATE  
AS RELATES TO:  
THE COMPREHENSIVE PLAN, CITY OF GLENDALE,  
AND AMENDMENTS THERETO

\*\*\*\*\*

WHEREAS, on December 28, 1950, the City of Glendale was incorporated as a City; and

WHEREAS, Sections 62.23(2) and (3) of the Wisconsin Statutes provides that the function and duty of the Plan Commission is to prepare and adopt a Master Plan for the physical development of the City; and,

WHEREAS, in August of 1976 the City of Glendale Plan Commission (the "Plan Commission") adopted a Comprehensive Plan for the City of Glendale, with subsequent amendments thereto over years; and,

WHEREAS, in 1999 Act 9 the State of Wisconsin passed legislation popularly known as the "Smart Growth Initiative"; encouraging local government units to develop plans that meet state standards: and,

WHEREAS, Section 66.1001(4)(f)(b) of the Wisconsin Statutes states that the Plan Commission may recommend the adoption or amendment of the comprehensive plan by adopting a resolution by a majority vote of the entire Commission, such vote to be recorded in the official minutes of the Plan Commission, referring to maps and other descriptive materials that relate to one or more of the elements of the comprehensive plan; and,

WHEREAS, on August 2, 2011, pursuant to the requirements of the Section 66.1001(4)(f)(d) of the Wisconsin Statutes, the Plan Commission held a public hearing and approved the

SMART GROWTH UPDATE  
AS RELATES TO:  
THE COMPREHENSIVE PLAN,  
CITY OF GLENDALE,  
AND AMENDMENTS THERETO

Including all referenced previously adopted plans and supporting documents, supporting maps, plats, charts, descriptive and other explanatory materials that together comprise the Comprehensive Plan, and has recommended adoption of the Plan by the Common Council.

THEREFOR, the Mayor and the Common Council of the City of Glendale, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

## SECTION I

Title 13, Chapter 1, Section 9 of the Glendale Code of Ordinances is hereby created to provide as follows:

13-1-9 SMART GROWTH PLAN. Pursuant to Section 66.1001(4)(f)(d) of the Wisconsin Statutes, the Smart Growth Plan, as prepared and approved by the City Plan Commission, as part of the Comprehensive Plan of the city, together with all amendments, referenced adopted plans, supporting documents, maps, charts, and other descriptive/explanatory materials that together comprise the Comprehensive Plan, is hereby approved and adopted.

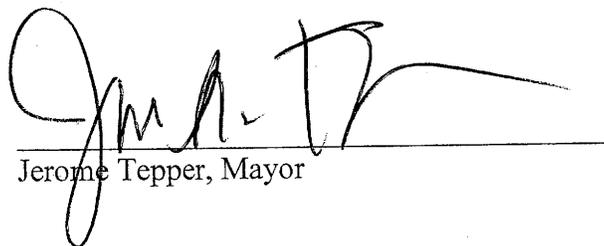
## SECTION II

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

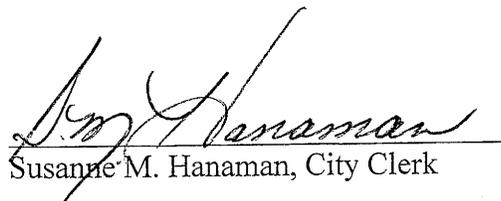
## SECTION III

This Ordinance shall take effect upon passage and publication as provided by law, and the City Clerk shall so amend the Code of Ordinances of the City of Glendale, and shall indicate the date and number of this amending ordinance therein.

**PASSED AND ADOPTED** by the Common Council of the City of Glendale, this 8th day of August, 2011.



Jerome Tepper, Mayor



Susanne M. Hanaman, City Clerk

\*\*\*\*\*

A RESOLUTION BY THE PLAN COMMISSION APPROVING

CITY OF GLENDALE  
SMART GROWTH UPDATE  
AS RELATES TO:  
THE COMPREHENSIVE PLAN, CITY OF GLENDALE,  
AND AMENDMENTS THERETO

AND RECOMMENDS THAT THE COMMON COUNCIL ADOPT SAME AS AN  
AMENDMENT TO THE COMPREHENSIVE PLAN

\*\*\*\*\*

WHEREAS, on December 28, 1950, the City of Glendale was incorporated as a City; and

WHEREAS, Sections 62.23(2) and (3) of the Wisconsin Statutes provides that the function and duty of the Plan Commission is to prepare and adopt a Master Plan for the physical development of the City; and,

WHEREAS, in August of 1976 the City of Glendale Plan Commission (the "Plan Commission") adopted a Comprehensive Plan for the City of Glendale, with subsequent amendments thereto over years; and,

WHEREAS, in 1999 Act 9 the State of Wisconsin passed legislation popularly known as the "Smart Growth Initiative"; encouraging local government units to develop plans that meet state standards: and,

WHEREAS, Section 66.1001(4)(f)(b) of the Wisconsin Statutes states that the Plan Commission may recommend the adoption or amendment of the comprehensive plan by adopting a resolution by a majority vote of the entire Commission, such vote to be recorded in the official minutes of the Plan Commission, referring to maps and other descriptive materials that relate to one or more of the elements of the comprehensive plan; and,

WHEREAS, on this date of August 2, 2011, pursuant to the requirements of the Section 66.1001(4)(f)(d) of the Wisconsin Statutes, the Plan Commission held a public hearing;

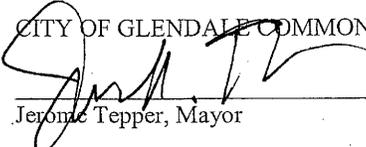
NOW, THEREFORE BE IT RESOLVED, the PLAN COMMISSION hereby approves:

CITY OF GLENDALE  
SMART GROWTH UPDATE  
AS RELATES TO:  
THE COMPREHENSIVE PLAN,  
CITY OF GLENDALE,  
AND AMENDMENTS THERETO

Including all referenced previously adopted plans and supporting documents, supporting maps, plats, charts, descriptive and other explanatory materials that together comprise the Comprehensive Plan, and,

And recommends that the COMMON COUNCIL adopt same as an amendment to the COMPREHENSIVE PLAN, GLENDALE, WISCONSIN.

RESOLUTION ADOPTED this 2<sup>nd</sup> day of August, 2011.

CITY OF GLENDALE COMMON COUNCIL  
  
Jerome Tepper, Mayor

Attest:

  
Richard E. Maslowski, City Administrator