

TITLE 15 Fair Housing – Village of Gays Mills

TITLE 15

Fair Housing

Chapter 1 Fair Housing Code

CHAPTER 1

Fair Housing Code

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SEC. 15-1-1 FAIR HOUSING.

(a) The Village Board of the Village of Gays Mills hereby adopts by reference Wis. Stat. § 106.50, and any amendments thereto, as if fully set forth herein.

(b) The officials and employees of the Village shall assist in the orderly prevention and removal of all discrimination in housing within the Village by implementing the authority and enforcement procedures set forth in Wis. Stat. § 106.50, as amended.

(c) The Village Clerk-Treasurer shall maintain forms for complaints to be filed under Wis. Stat. § 106.50, as amended, and shall assist any person alleging a violation thereof in the Village to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Wis. Stat. § 106.50, as amended.”

(d) If any portion of this section or its application on any person or circumstances is held invalid, the validity of this section as a whole or any other provision herein or its application shall not be affected.”

SEC. 15-1-2 DEFINITIONS.

Certain words or terms in this Chapter are defined for purposes of this Chapter as follows:

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- (a) **Accessible.** Able to be approached, entered, and used by persons with disabilities.
- (b) **Accessible Route.** A continuous, unobstructed path connecting accessible elements and spaces in a building, within a site or from a site to a vehicular route, that can be negotiated by all persons with a disability.
- (c) **Advertise.** 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.
- (d) **Age.** In reference to a member of a protected class, means at least eighteen (18) years of age.
- (e) **Aggrieved Person.** 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.
- (f) **Committee.** The Citizens Advisory Committee of the Village of Gays Mills, Crawford County, Wisconsin, which shall constitute a community relations-social development commission pursuant to Section 66.433, *Wis. Stats.*
- (g) **Complainant.** Any person who files a complaint with the Clerk of the Village of Gays Mills, Crawford County, Wisconsin, or with the Committee pursuant to this Chapter.
- (h) **Disability.** 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, but does not include the current illegal use of a controlled substance, as defined in Section 961.01(4), *Wis. Stats.*, or a controlled substance analog, as defined in Section 961.01(4m), *Wis. Stats.*, unless the individual is participating in a supervised drug rehabilitation program.
- (i) **Discriminate.** To segregate, separate, exclude or treat a person or class of persons unequally within the Village of Gays Mills in a manner described in Section 15-1-3, *infra*, because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry.
- (j) **Dwelling Unit.** 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 two (2) or more persons who are maintaining a common household, to the exclusion of all others.
- (k) **Family.** Includes one (1) natural person.
- (l) **Family Status.** Any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
 - (1) A person is pregnant.
 - (2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
 - (3) A person's household includes one (1) or more minor or adult relatives.
 - (4) A person's household includes one (1) or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
 - (5) A person's household includes one (1) or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
- (m) **Housing.** Any improved property or portion thereof, including a mobile home as defined in Section 66.058(1)(d), *Wis. Stats.*, or condominium, as defined in Section 703.02(4), *Wis. Stats.*, which is used or occupied, or is designed, arranged, or intended to be used or occupied, as a home or residence, and any vacant land which is offered for sale or rent for the construction or location thereon of any such building, structure, or portion thereof that is used or occupied, or is designed, arranged, or intended to be used or occupied, as a home or residence.
- (n) **Housing For Older Persons.** Any of the following:
 - (1) Housing provided under any State or federal program that the Secretary of the Wisconsin Department of Workforce Development determines is specifically designed and operated to

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- assist elderly persons, as defined in the State or federal program.
- (2) Housing solely intended for, and solely occupied by, persons sixty-two (62) years of age or older.
 - (3) Housing primarily intended and primarily operated for occupancy by at least one (1) person fifty-five (55) years of age or older per dwelling unit.
 - (o) **Interested Person.** An adult relative or friend of a member of a protected class or an official representative of a private agency, corporation, or association concerned with the welfare of a member of a protected class
 - (p) **Member of a Protected Class.** A group of natural persons, or a natural person, who may be categorized based on one (1) or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Section 111.32(13m), *Wis. Stats.*, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
 - (q) **Person.** Partnerships, associations, and bodies politic and corporate, as well as natural persons.
 - (r) **Relative.** A parent, grandparent, great-grandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, great-grandchild, first cousin, second cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother, half sister, or any other person related by marriage, consanguinity, or affinity.
 - (s) **Rent.** To lease, to sublease, to let and otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.
 - (t) **Respondent.** The person accused in the 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.
 - (u) **Sexual Orientation.** Has the meaning given in Section 111.32(13m), *Wis. Stats.*
 - (v) **Village.** The Village of Gays Mills, Crawford County, Wisconsin.
 - (w) **Village Attorney.** The attorney for the Village.
 - (x) **Village Board.** The Board of Trustees of the Village.
 - (y) **Village Clerk.** The Clerk for the Village.
 - (z) **Village President.** The President of the Village.

State Law Reference: Secs. 66.432 and 106.04, *Wis. Stats.*

SEC. 15-1-3 DISCRIMINATION PROHIBITED.

It is a prohibited practice under this Chapter and this Code of Ordinances for any person:

- (a) To discriminate by refusing to sell, rent, finance, or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
- (b) To discriminate 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) To discriminate by refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
- (d) To discriminate by advertising in a manner that indicates discrimination by a preference or limitation.
- (e) For a person in the business of insuring against hazards, to discriminate 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) To discriminate by refusing to renew a lease, causing the eviction of a tenant from rental housing, or engaging in the harassment of a tenant.
- (g) To discriminate in providing the privileges, services, or facilities that are available in connection with housing.
- (h) To discriminate by falsely representing that housing is unavailable for inspection, rental, or sale.
- (i) To discriminate by denying access to, or membership or participation in, a multiple listing service or

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- other real estate service.
- (j) To discriminate 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 Chapter, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this Chapter.
 - (k) To discriminate 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) To discriminate by otherwise making unavailable or denying housing.
 - (m) To 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:
 - (1) The lowering of real estate values in the area concerned.
 - (2) A deterioration in the character of the area concerned.
 - (3) An increase in criminal or antisocial behavior in the area concerned.
 - (4) A decline in the quality of the schools or other public facilities serving the area.
 - (n) To 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.
 - (o) To 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.
 - (p) To 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.
 - (q) To 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.
 - (r) If an individual's vision, hearing, or mobility is impaired, 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

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with impaired vision, hearing, or mobility if all of the following apply:

- (1) Upon request, the individual shows to the lessor, seller, or representative of the condominium association, as defined in Section 703.02(1m), *Wis. Stats.*, credentials issued by a school recognized by the Wisconsin Department of Workforce Development as accredited to train animals for individuals with impaired vision, hearing, or mobility.
- (2) The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

Provided, however, that this paragraph (r) 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.

- (s) To design or construct covered multi-family housing unless it meets all of the following standards:
- (1) There is at least one (1) accessible entrance for each building and that entrance is on an accessible route. All other entrances that are at grade level shall be accessible to the greatest extent feasible. The Wisconsin Department of Workforce Development's rules shall define the meaning of "to the greatest extent feasible." If the covered multi-family housing units are at grade level and are served by separate entrances, each unit shall be on an accessible route. If the units have a minimum number of required exits, as determined by rules promulgated by the Wisconsin Department of Workforce Development, all required grade-level exits shall be accessible.
 - (2) Public and common use areas are accessible to persons with disabilities.
 - (3) Interior and exterior doors, and interior passages, are sufficiently wide to allow passage by persons with disabilities who use wheelchairs.
 - (4) Light switches, electrical outlets, circuit controls, thermostats, and other environmental controls are all located in accessible locations; reinforcements in bathroom walls are installed to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, when such facilities are provided; kitchens and bathrooms allow an individual in a wheelchair to maneuver about the space; and, upon the request of a renter and without cost to a renter, lever door handles are on all doors and single lever controls, or other controls that are approved by the Wisconsin Department of Workforce Development by rule, are on all plumbing fixtures used by the residents.

The provisions of Section 106.04(2r)(d), (e), and (f), *Wis. Stats.*, shall apply to this paragraph (s) and are incorporated herein by reference.

State Law Reference: Secs. 66.432 and 106.04, *Wis. Stats.*

SEC. 15-1-4 EXEMPTIONS AND EXCLUSIONS.

Nothing in this Chapter:

- (a) Prohibits discrimination based on age or family status with respect to housing for older persons, subject to the requirements of Section 106.04(5m)(a)(1e) and (1m), *Wis. Stats.*
- (b) Prohibits 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) Prohibits the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
- (d) Requires 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

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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 which caused harm or damage, which directly threatened harm or damage, or which 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 fact that a tenant has been or may be the victim of domestic abuse, as defined in Section 813.12(1)(a), *Wis. Stats.*

- (e) Means compliance with any reasonable federal, State or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit constitutes discrimination based on family status.
- (f) 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 Section 101.71(2), *Wis. Stats.*, except that dwelling unit does not include any residence occupied by more than five (5) persons; provided, however, that any advertisement or written notice published, posted, or mailed in connection with the rental or lease of a dwelling unit may not violate Subsection 15-3-3(d), *supra*, 42 USC 3604(c), or any rules or regulations promulgated under Section 106.04, *Wis. Stats.*, 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.
- (g) Prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion, or creed.

State Law Reference: Secs. 66.432 and 106.04, *Wis. Stats.*

SEC. 15-1-5 THE COMMITTEE.

- (a) **Creation.** The Committee is hereby established pursuant to Sections 66.432 and 66.433, *Wis. Stats.*, and constitutes a community relations-social development commission pursuant to Section 66.433, *Wis. Stats.*
- (b) **Purposes and Functions.**
 - (1) The general purpose of the Committee is to study, analyze, and recommend solutions for the major social, economic, and cultural problems which affect people residing or working within the Village including, without restriction because of enumeration, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment, and public accommodations and facilities on the basis of sex, class, race, religion, sexual orientation or ethnic or minority status. The Committee specifically shall have the power and duty to study the existence, character, cause, and extent or the denial of equal opportunities in the Village because of the discrimination prohibited in Section 15-1-3, *supra*, and not excluded in Section 15-1-4, *supra*. It may disseminate information and attempt, by means of discussion and other means, to educate the people of the Village to a greater understanding, appreciation, and practice of human rights to the extent that the Village will be a better place to live. It shall receive complaints alleging violation of this Chapter arising from bona fide transactions, investigate complaints, and attempt to eliminate or remedy the violation by means of conciliation, persuasion, education, or any other means. In those cases where the Committee finds that the complaint is without foundation, no public disclosure shall be made of the person or persons named in the complaint.

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- (2) The Committee may:
 - a. Include within its studies problems related to pornography, industrial strife, and the inciting or fomenting of class, race, or religious hatred and prejudice.
 - b. Encourage and foster participation in the fine arts.
- (3) The Committee shall:
 - a. Recommend to the Village Board and Village President the enactment of such ordinances or other action as they deem necessary to establish and keep in force proper health standards for the community and beneficial zoning for the community area in order to facilitate the elimination of blighted areas and to prevent the start and spread of such areas and to ensure all Village residents, regardless of sex, race, sexual orientation or color, the rights to possess equal housing accommodations and to enjoy equal employment opportunities.
 - b. Cooperate with State and federal agencies and nongovernmental organizations having similar or related functions.
 - c. Examine the need for publicly and privately sponsored studies and programs in any field of human relationship which will aid in accomplishing the foregoing objectives, and initiate such public programs and studies and participate in and promote such privately sponsored programs and studies.
 - d. Have authority to conduct public hearings within the Village and to administer oaths to persons testifying before it.
 - e. Employ such staff as is necessary to implement the duties assigned to it.
- (c) **Composition of Committee.** The Committee shall be nonpartisan and composed of citizens residing in the Village, including representatives of the clergy and minority groups. The Committee shall consist of six (6) citizens of the Village appointed by the Village President, subject to confirmation by the Village Board. A member of the Village Board may serve on the Committee. Of the persons first appointed, one-third (1/3) shall hold office for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years from the first day of February next following their appointment, and until their respective successors are appointed and qualified. All succeeding terms shall be for three (3) years. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Every person appointed as a member of the Committee shall take and file the official oath.
- (d) **Organization.** The Committee shall meet in January, April, July and October of each year, and may meet at such additional times as the members determine or the chairperson directs. Annually, it shall elect from its membership a chairperson, vice chairperson and secretary. A majority of the Committee shall constitute a quorum for all purposes. Members of the Committee shall receive no compensation, but each member shall be entitled to actual and necessary expenses incurred in the performance of Committee duties. The Committee may appoint consulting committees consisting of either members or nonmembers or both, the appointees of which shall be reimbursed their actual and necessary expenses. All expense accounts shall be paid by the Committee on certification by the chairperson or acting chairperson.
- (e) **Open Meetings.** All meetings of the Committee and its consulting committees shall be publicly held and open to all citizens at all times as required by Subchapter V of Chapter 19, *Wis. Stats.*
- (f) **Designation of Committee as Cooperating Agencies Under Federal Law.**
 - (1) The Committee may be designated by resolution of the Village Board as the official agency of the Village to accept assistance under Title II of the Federal Economic Opportunity Act of 1964. No assistance shall be accepted with respect to any matter to which objection is made by the Village Board.
 - (2) The Committee may be designated by resolution of the Village Board as the official agency of the Village to accept assistance from the Community Relations Service of the U.S. Department

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of Justice under Title X of the Federal Civil Rights Act of 1964 to provide assistance to communities in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on sex, race, color, or national origin which may impair the rights of persons in the Village under the Constitution or laws of the United States or which affect or may affect interstate commerce.

State Law Reference: Secs. 66.432 and 66.433, *Wis. Stats.*

SEC. 15-1-6 PROCEEDINGS.

(a) **Complaint.**

- (1) Any complaint alleging any discriminatory practice prohibited by this Chapter shall be in writing and shall be signed by the complainant. All complaints shall include the name and address of the complainant, the name and address of the respondent(s), a statement setting forth the particulars of the alleged discrimination, and the date(s) of the alleged discrimination or discriminatory practice.
- (2) The complainant may be the aggrieved person, an interested person, or any member of the Committee on his or her own initiative.
- (3) Complaints shall be filed with the Village Clerk or any member of the Committee. Complaints alleging discriminatory practice shall be filed no later than ninety (90) days after the alleged discrimination occurred or terminated.
- (4) The Committee shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the right to bring an action under Section 106.04(6) and (6m), *Wis. Stats.*
- (5) A complaint may be amended, supplemented, or withdrawn at any time, with and subject to approval of the Committee.
- (6) The Committee may dismiss the complaint if the complainant fails to respond to the Committee within twenty (20) days from the date of mailing of any correspondence from the Committee concerning the complaint, if the correspondence requests a response and is sent by certified mail, return receipt requested, to the last known address of the complainant.

(b) **Service.** Upon filing of an initial, amended, final, or supplemental complaint, the Committee shall promptly serve a copy thereof and the notice described in this paragraph upon the respondent by certified mail, return receipt requested, before commencing its investigation. The notice served with the complaint shall include a written statement directing the respondent to respond to the complaint within twenty (20) days after the date of the notice and further stating that if the respondent fails to answer the complaint in writing the Committee will make an initial determination as to whether discrimination has occurred based on its investigation and information supplied by the complainant.

(c) **Enforcement.**

- (1) Whenever the Committee after investigation of the allegations makes a determination that probable cause exists to believe that discrimination has occurred or is about to occur and is unable to eliminate or correct an alleged discriminatory housing practice by informal means, it shall serve a written notice of hearing before the Committee specifying the nature and acts of discrimination which appear to have been committed and requiring the respondent to appear at the hearing, which notice shall be sent to the complainant, the respondent, and the aggrieved person, by certified mail, return receipt requested. If the Committee determines that there is no probable cause, it shall dismiss the complaint and shall notify the same parties of such determination and dismissal by the same manner of mailing.
- (2) The hearing before the Committee shall be conducted as expeditiously and as inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing.
- (3) If after the hearing the Committee finds by a fair preponderance of the evidence that the

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respondent has violated this Chapter, it shall notify the aggrieved person, the complainant, and the respondent of such determination and shall recommend to the Village Board that it request the Village Attorney to commence and prosecute a civil action to enforce the provisions of this Chapter. If the Committee finds that the respondent has not violated this Chapter, it shall dismiss the complaint and shall notify the same parties of such determination and dismissal.

- (4) At the request of the Village Board, the Village Attorney may bring civil action in Circuit Court by filing a complaint setting forth the facts and requesting such preventive relief, including an application for a temporary or permanent injunction, restraining order or such other order as he/she deems necessary to insure the full enjoyment of the rights granted by this Chapter; provided, however, that nothing contained herein shall prevent the imposition of a forfeiture in addition to other remedies enumerated herein. The Village Board, in its determination of whether to request the Village Attorney to bring a civil action, may consider all factors that it deems relevant, including, but not limited to, whether the discrimination is sufficient to warrant the initiation of a civil action.
- (5) All proceedings before the Committee and the Village Board concerning the complaint shall be completed within five (5) months following filing of the complaint with the Village Clerk of any member of the Committee and a civil action may be commenced thereafter.
- (d) **Damages and Penalties.** Any person who shall violate any provision of this Chapter shall be subject to the forfeitures specified in Section 106.04(6)(h), *Wis. Stats.*, reasonable attorneys' fees and costs, 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. A separate offense shall be deemed committed on each day which a violation of this Chapter occurs or continues.

State Law Reference: Secs. 66.432, 66.433, and 106.04, *Wis. Stats.*