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**MOTION BY SHOWALTER, SECOND BY PUGH, TO APPROVE THE INTRODUCTION OF ORDINANCE 21-06, FAIR HOUSING.**

**FAIR HOUSING ORDINANCE**

**ORDINANCE NO. 21-06**

AN ORDINANCE PROHIBITING AND MAKING UNLAWFUL DISCRIMINATION IN HOUSING AND/OR REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, OR DISABILITY IN THE CITY OF WEST BRANCH

THE CITY OF WEST BRANCH ORDAINS:

WHEREAS, the City of West Branch, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters; and,

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Article I (Section 2) "...no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin..." (Section 4) "...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief..." (Section 9) "...Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state..." and,

WHEREAS, the Congress of the United States has provided that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States" and has established by law the following provisions:

"... it shall be unlawful:

- a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin ..."

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEST BRANCH, MICHIGAN, AS FOLLOWS:

**SECTION 1 - DECLARATION OF POLICY**

- a. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City of West Branch, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

- b. It is the policy of the City of West Branch that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village/City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
- c. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

## **SECTION 2 - DEFINITIONS**

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this SECTION and as used in this Ordinance.

- a. **DISCRIMINATE** - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.
- b. **HOUSING ACCOMMODATION** - The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
- c. **REAL PROPERTY** - The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City of West Branch, Michigan.
- d. **REAL ESTATE BROKER** - The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.
- e. **FINANCIAL INSTITUTION** - The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
- f. **OWNER** - An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
- g. **DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS** - "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

### **SECTION 3 - PROHIBITED ACTS**

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the City of West Branch, Michigan:

- a. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village/City or in furnishing of any facilities or services in connection therewith.
- b. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
- c. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
- d. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.
- e. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
- f. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- g. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.

- h. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

**SECTION 4 - PENALTY**

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than fifteen hundred dollars (\$1,500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City of West Branch, Michigan, to specifically enforce, by any legal means, any of the provisions of this Ordinance.

**SECTION 5**

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 6**

That it is the intention of the City Council of the City of West Branch, Michigan that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 7**

That this Ordinance shall be known as Ordinance No. \_\_\_\_\_ of the City of West Branch, Michigan, and shall be in full force and effect from and after its passage, approval, recording, and publication in pamphlet form in accordance with law.

**Yes —Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY JACKSON, TO APPROVE THE CDBG GRANT NON-DISCRIMINATION ON BASIS OF HANDICAP POLICY.**

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY FRECHETTE, TO APPROVE RESOLUTION 21-29, EXCESSIVE FORCE POLICY.**

RESOLUTION NO. 21-29

A RESOLUTION OF THE CITY COUNCIL OF WEST BRANCH, MI, ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.

WHEREAS the Congress of the United States has passed the Armstrong/Walker “Excessive Force” Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the

use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS the City of West Branch has received a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker "Excessive Force" Amendment;

AND WHEREAS the use of excessive force against demonstrators may cause the CITY to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WEST BRANCH, MICHIGAN:

It is POLICY of the CITY that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in nonviolent civil rights demonstrations within the City.

The City will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions

The City Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY FRECHETTE, SECOND BY JACKSON, TO APPROVE RESOLUTION 21-28, INDUSTRIAL PARK FUND BUDGET.**

**RESOLUTION #21-28**

WHEREAS, City reviews the revenues and expenditures on a monthly basis; and

WHEREAS, the expenses in Fund 251, Industrial Park Fund, were understated due to the omission of the Industrial Park billboard rental, and

**NOW, THEREFORE, BE IT RESOLVED, that the West Branch City**

**Council hereby adopts the following budget amendment:**

GL NUMBER	DESCRIPTION	2021-22 CURRENT BUDGET	2021-22 AMENDED BUDGET
Fund 251 - INDUSTRIAL PARK FUND			
Revenues			
Dept 000.000			
251-000.000-642.400	SALES OF LOTS	0.00	0.00
251-000.000-664.400	INTEREST INCOME	300.00	300.00
Total Dept 000.000		300.00	300.00
TOTAL REVENUES		300.00	300.00
Expenditures			
Dept 000.000			
251-000.000-703.700	SALARIES AND WAGES	1,140.00	1,140.00
251-000.000-714.700	MANDATORY MEDICARE	17.00	17.00
251-000.000-715.700	SOCIAL SECURITY (EMPLOYER)	71.00	71.00
251-000.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	0.00	0.00
251-000.000-718.700	MERS RETIREMENT (EMPLOYER)	15.00	15.00
251-000.000-720.700	WORKERS COMPENSATION PREMIUM	43.00	43.00
251-000.000-724.700	UNEMPLOYMENT INS. BENEFIT	3.00	3.00
251-000.000-782.700	ADMINISTRATION	935.00	935.00
251-000.000-801.700	CONTRACTUAL SERVICES	0.00	1,500.00
251-000.000-941.700	EQUIPMENT RENTAL	2,472.00	2,472.00
251-000.000-956.700	EXPENSES	390.00	390.00
251-000.000-977.700	CAPITAL ACQUISITIONS	0.00	0.00
Total Dept 000.000		5,086.00	6,586.00
Dept 965.000 - TRANSFERS			
251-965.000-999.700	TRANSFER TO OTHER ACCOUNTS	0.00	0.00
Total Dept 965.000 - TRANSFERS		0.00	0.00
TOTAL EXPENDITURES		5,086.00	6,586.00
Fund 251 - INDUSTRIAL PARK FUND:			
TOTAL REVENUES		300.00	300.00
TOTAL EXPENDITURES		5,086.00	6,586.00
NET OF REVENUES & EXPENDITURES		(4,786.00)	(6,286.00)

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY PUGH TO APPROVE THE SPECIAL EVENT PERMITS SUBMITTED BY THE CHAMBER OF COMMERCE FOR THE SANTA TRAIN AND CHRISTMAS LIGHT PARADE.**

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY PUGH, SECOND BY ADAIR TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD NOVEMBER 15, 2021.**

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY JACKSON, SECOND BY PUGH, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; THE MINUTES FROM THE FIRE DEPARTMENT BOARD MEETINGS HELD JULY 20, OCTOBER 20, AND DECEMER 15, 2020 AND JANUARY 19, 2021; AND THE MINUTES FROM THE AIRPORT BOARD MEETING HELD OCTOBER 20, 2021.**

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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Communications from the Michigan Public Policy Survey, Charter Communications, the Rifle River Outlet Drain Drainage Board Meeting Notice and a reminder about the Council Open house that is scheduled for December 20<sup>th</sup> was shared. Mayor Frechette also shared a communication from Representative John Moolenar congratulating the City on receiving the USDA Grant for the new police vehicle and being pro active to keep our City safe.

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City Manager Dantzer noted that a motion needed to be made to accept the Audit findings.



**MOTION BY SHOWALTER, SECOND BY JACKSON TO APPROVE THE AUDIT REPORT AS PRESENTED BY CINDY SCOTT WITH STEPHENSON AND COMPANY.**

**Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman**

**No – None**

**Absent – None**

**Motion carried**

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Member Showalter noted that Downtown is looking nice and very festive. He also applauded DPW for their efficiency clearing the roads after the latest snowfall.

Member Jackson stated that Houghton Ave was the only clear road on his way to work, noting that the DPW crew was out working all night to clear the roads and it was appreciated.

Member Zimmerman stated the audit report was awesome, congratulating Manager Dantzer and staff and expressing her pride for being a part of a great city.

Manager Dantzer reminded Council about the Voice customer appreciation party and commended the City staff for all of their hard work and noted they were the ones responsible for making the audit report come out so great.

Mayor Frechette adjourned the meeting at 6:43 pm.

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Paul Frechette, Mayor

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Amanda Stang, Clerk