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May 23, 2008

Thomas J. Pavlik  
City Clerk  
City of Berwyn  
6400 W. 26<sup>th</sup> St.  
Berwyn, IL 60402

**Re: Community Relations Ordinance**

Dear Mr. Pavlik:

Please put an item on the May 27, 2008 City Council agenda regarding the Amended Community Relations Ordinance for consideration by Council. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Richard F. Bruen, Jr."

Richard F. Bruen, Jr.

RFB/jt

**THE CITY OF BERWYN  
COOK COUNTY, ILLINOIS**

ORDINANCE  
NUMBER 08-\_\_\_

**AN ORDINANCE AMENDING CHAPTER 620 OF THE MUNICIPAL CODE OF  
THE CITY OF BERWYN, ILLINOIS REGARDING COMMUNITY RELATIONS**

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ORDINANCE NO. 08 - \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 620 OF THE MUNICIPAL CODE OF THE CITY OF BERWYN, ILLINOIS REGARDING COMMUNITY RELATIONS**

WHEREAS, the City of Berwyn, Cook County, Illinois (the "*City*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

WHEREAS, the Mayor and City Council believe that the City of Berwyn's diversity is one of its strongest assets; and,

WHEREAS, the Mayor and City Council believe that the City of Berwyn is and should always endeavor to be a community welcoming to all individuals, regardless of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability; and,

WHEREAS, the Mayor and City Council find that discrimination based on any of the above characteristics is intolerable and detrimental to the overall public good.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, in the exercise of the City's home rule powers as follows:

**SECTION 1:** That the above recitals are incorporated herein and made a part hereof.

**SECTION 2:** Chapter 620 of the Codified Ordinances of the City of Berwyn, Illinois, is amended by striking Chapter 620 in its entirety and replacing it with the following:

## **Chapter 620 HUMAN RIGHTS**

### **620.01 DECLARATION OF POLICY: PURPOSES**

(a) It is hereby declared to be the policy of the City and the purpose of this chapter, in the exercise by the City of its police and regulatory powers, for the protection of the public health, safety and welfare and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent or occupy housing or other real estate, to provide all persons desiring employment in the City fair and equal employment opportunities, and to provide all persons full and equal access to all public places of accommodation, regardless of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(b) This chapter complies with regulations and standards promulgated by the City of Berwyn, the State of Illinois and the Federal Government.

### **620.02 CONSTRUCTION**

This chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the policy and purposes stated in Section 620.01 and the special purposes of the particular provisions involved.

### **620.03 DEFINITIONS**

As used in this chapter:

(1) "Accessible" means, when used with respect to public and common use areas of a building containing covered multifamily dwellings, that the public or common use areas of the building can be approached, entered and used by individuals with physical disabilities.

(2) "Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. A route that complies with the appropriate requirements of the American National Standards Institute's ANSI A117.1-1986 or a comparable standard is an "accessible route".

(3) "Adjudicative agency" means the agency designated by the corporate authorities of the Municipality to conduct hearings and adjudicate charges of violations of this chapter.

(4) "Administering agency" means the agency designated by the corporate authorities of the Municipality to investigate, conciliate, receive and initiate complaints pertaining to violations of this chapter.

(5) "Age" means a chronological age of not less than forty years.

(6) "Aggrieved party or person" means a person who is alleged or proved to have been injured, or in good faith believes he or she will be injured, by a violation of any of the provisions contained in this chapter.

(7) "Aiding and abetting" and "coercion" mean to aid, abet, compel or coerce a person to commit any violation of this chapter.

(8) "ANSI A117.1-1986" means the 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people.

(9) "Broker" means any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations or contracts and the administration of matters regarding such offers, solicitations or contracts, or any residential real estate related transactions.

(10) "Building" means a structure, facility or portion thereof that contains or serves one or more dwelling units.

(11) "Building entrance on an accessible route" means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones or to public streets or sidewalks, if available.

(12) "Charges" means an allegation contained in a complaint.

(13) "Civil rights violations" includes and shall be limited to only those specific acts set forth in this chapter.

(14) "Commission" means the Community Relations Commission established by this chapter.

(15) "Common use area" means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

(16) "Community residence" means a group home or specialized residential care home serving unrelated persons with disabilities.

(17) "Complainant" means a party/person, including the administering agency, who files a complaint.

(18) "Complaint" means the document filed by a complainant with the administering agency.

(19) "Conciliation" means the attempted resolution of issues raised by a complaint, or the investigation of such charge, through informal negotiations involving the aggrieved party, the respondent and the Community Relations Commission. Conciliatory meetings shall be held in closed session.

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

(21) "Controlled substance" means any drug or other substance, or immediate precursor, included in the definition in Section 102 of the Controlled Substance Act (21 USC 802).

(22) "Covered multifamily dwelling" means a building consisting of four or more units, if such building has one or more elevators, and ground floor units in other buildings consisting of four or more units.

(23) "Director" means the person designated by the corporate authorities of the Municipality to administer the provisions of this chapter.

(24) "Disability" means, with respect to a person, a determinable physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment or being regarded as having such an impairment.

(25) "Discriminate" means to treat any person differently from others because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

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

(27) "Elderly person" means a person fifty-five years of age or older.

(28) "Employee".

A. "Employee" includes:

I. Any individual performing services for remuneration within the City;

2. An apprentice; and
3. An applicant for any apprenticeship.

B. "Employee" does not include:

1. Domestic servants in private homes;
2. Individuals employed by persons who are not employers;
3. Elected public officials or the members of their immediate personal staff;
4. Principal administrative officers of the State or any political subdivision, municipal corporation or other governmental unit or agency; and
5. A person in a vocational rehabilitation facility certified under Federal law who has been designated an evaluatee, trainee or work activity client.

(29) "Employer".

A. "Employer" includes:

1. Any person employing fifteen or more employees within the State of Illinois twenty or more calendar weeks during the calendar year of or preceding the alleged violation;
2. Any person employing one or more employees when a complainant alleges a civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to his or her ability or to sexual harassment;
3. The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;
4. Any party to a public contract, without regard to the number of employees; and
5. A joint apprenticeship or training committee, without regard to the number of employees.

B. "Employer" does not include any religious corporation, association, educational institution society or nonprofit nursing institution conducted

by and for those who rely upon treatment by prayer through spiritual means, in accordance with the tenets of a recognized church or religious denomination, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or nonprofit nursing institution of its activities.

(30) "Employment" means the performance of services for an employer for remuneration, as a volunteer or as a participant in a training or apprenticeship program.

(31) "Employment agency" means a person who undertakes to procure employees, or opportunities to work for potential employees, through interviews, referrals or advertising, or any combination thereof.

(32) "Entrance" means any access point to a building or portion thereof used by residents for the purpose of entering.

(33) "Exterior" means all areas of the premises outside of an individual dwelling unit.

(34) "Familial status" means one or more individuals who have not attained the age of eighteen years, being domiciled with:

- A. A parent or a person having legal custody of such individual or individuals;
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person; or
- C. Persons who are pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(35) "Financial institution" means any bank, credit union, insurance company, mortgage banking company, savings and loan association or other entity or organization which makes or purchases loans or provides other financial assistance and which operates or has a place of business in the State of Illinois.

(36) "Hearing" means that part of an adjudicative proceeding that involves the submission of evidence, either by oral presentation or written submission, and includes the submission of briefs and oral arguments on the evidence and applicable law.

(37) "Hearing agency" means the agency designated by the corporate authorities of the Municipality to conduct hearings on, and adjudicate the question of, ordinance violations.



(38) "Housing accommodation" means any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

(39) "Housing for older persons" means:

- A. All housing that is provided under State and Federal programs for elderly persons, as defined by the specific programs, provided that U.S. HUD approval has been secured;
- B. Housing that is intended for and solely occupied by persons sixty-two years of age or older; and
- C. Communities in which at least eighty percent of all units are occupied by one person fifty-five years of age or older, if the existence of significant facilities and services specifically designed to meet the physical and social need of older persons can be documented.

(40) "Housing status" means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

(41) "Interference" means to willfully interfere with the performance of a duty of, or the exercise of a power by, the Commission or one of its members, or representatives.

(42) "Interior" means the spaces, parts, components or elements of an individual dwelling unit.

(43) "Lease" includes any sublease, assignment or rental and any contract to enter into any of the foregoing.

(44) "Loan" includes, but is not limited to, the providing of funds, for consideration, which are:

- A. Sought for the purpose of purchasing, constructing, improving, repairing or maintaining a housing accommodation;
- B. Sought for any commercial or industrial purpose; or
- C. Secured by residential real estate.

(45) "Marital status" means the status of being single, married, divorced, separated or widowed.

(46) "Modification" means any change to the public or common use areas of a building or any change to a dwelling unit.

(47) "National origin" means the place in which a person or one of his or her ancestors was born.

(48) "Offer" means and includes every attempt, by means of written or oral communications to present for acceptance or rejection, to hold out or proffer, to make a proposal to or to exhibit real estate that may be taken or received with the intention of ultimately entering into a real estate transaction.

(49) "Operator" means any owner, lessee, proprietor, manager, superintendent, agent or occupant of a place of public accommodation or an employee of any such person or persons.

(50) "Owner" means any person who holds legal or equitable title to, who owns any beneficial interest in, or who holds legal or equitable title to shares of, any real estate.

(51) "Panic peddling" means, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(52) "Person" includes individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, or trustees in cases under Title 11 of the United States Code.

(53) "Persons in the business of selling or renting dwellings" means any person who:

- A. Within the preceding twelve months has participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
- B. Within the preceding twelve months, has participated as an agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities, or sales or rental services, in two or more transactions involving the sale or rental of any dwelling or interest therein; or
- C. Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(54) "Physical or mental impairment" means:

- A. Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organ; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- B. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(55) "Premises" means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

(56) "Protected classes" includes, but is not limited to, race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(57) "Public contract" means every contract to which the City of Berwyn, any of its political subdivisions or any municipal corporation is a party.

(58) "Public use areas" means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

(59) "Real estate transaction" means the purchase or sale of the fee simple interest in, the equitable title to, or a beneficial interest in, or the rental or lease of, any real property, or an option to do any of the foregoing, or any negotiation, listing, contract or agreement in connection therewith. "Real estate transaction" also includes the brokering or appraising of residential real property and the making or purchasing of loans, or providing other financial assistance, for purchasing, constructing, improving, repairing or maintaining a dwelling.

(60) "Real property" means buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

(61) "Religion" means all aspects of religious observance and practice, as well as belief, and all aspects of religious nonobservance, nonpractice and nonbelief.

(62) "Religion with respect to employers" means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(63) "Respondent" means:

- A. The person or other entity against whom a discriminatory practice has been alleged in a complaint; and
- B. Any other person or entity identified in the course of an investigation and notified as required by Section 288.11.

(64) "Retaliation" means to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or sexual harassment in higher education, or discrimination in employment based on citizenship status, or because he or she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding, or hearing under this chapter.

(65) "Sex" means the status of being male or female.

(66) "Sexual Orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual Orientation" does not include a physical or sexual attraction to a minor by an adult.

(67) "Solicit" or "solicitation" means any communication by or on behalf of a real estate agent with the owner or occupant of a dwelling:

- A. Which is intended to induce the sale or rental of such dwelling;
- B. Which is intended to offer or promote services in connection with the sale, rental or listing of such dwelling; and
- C. Which is carried out by means of:
  - 1. In-person contacts at the dwelling;
  - 2. Written material mailed or delivered directly to the dwelling, such as direct mail, leaflets or pamphlets; or
  - 3. Telephone contacts with the owners or occupants of the dwelling.

The term "solicit" or "solicitation" shall not include communications carried out by means of print or electronic media of general circulation, such as a newspaper, radio, television or the yellow pages.

(68) "Source of income" means the lawful manner by which an individual supports himself or herself and his or her dependents.

(69) "Steering" means influencing or attempting to influence, by words or acts, the choice or location of housing of a prospective purchaser, occupant or tenant, in connection with viewing, buying, leasing or occupying real estate based on race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability so as to limit choice or to promote or maintain segregation.

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

(71) "Varying terms" includes, but is not limited to, the following practices:

- A. Requiring a greater down payment than is usual for the particular type of a loan involved;
- B. Requiring a shorter period of amortization than is usual for the particular type of loan involved;
- C. Charging a higher interest rate than is usual for the particular type of loan involved; and
- D. Under-appraising real estate or other items of property offered as security.

#### **620.04 PROHIBITED ACTS IN GENERAL**

No person shall:

(a) **Discriminatory Terms.** 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, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(b) **Refusal to Negotiate, Deal, Sell or Rent.** Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(c) **Withholding Dwellings.** Represent to any person because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability that any dwelling is not available for inspection, sale or rental when such dwelling is in fact available.

(d) **Discriminatory Notices, Statements and Advertisements.** Make, print, circulate or publish, or cause to be made, printed, circulated or published, any written or oral notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, sex,

sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability , or that indicates an intention to make such preference, limitation or discrimination. Discriminatory notices, statements and advertisements include, but are not limited to:

(1) Using words, phrases, photographs, illustrations, symbols or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(2) Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of the race, color, religion, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(3) Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(4) Refusing to publish advertising for the sale or rental of dwellings, or requiring different charges or terms for such advertising, because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(e) Panic Peddling. For profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

Prohibited actions under this subsection include, but are not limited to:

(1) Engaging, for profit, in conduct (including uninvited solicitations for listings) which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of persons residing in it, in order to encourage persons to offer a dwelling for sale or rent.

(2) Encouraging or discouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability can or will result in undesirable consequences for the community, such as a lowering of property values, an

increase in criminal or antisocial behavior or a decline in the quality of schools or other services or facilities.

(f) Lending. Discriminate in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise financing a real estate transaction, on the grounds of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(g) Lending Terms. Deny or delay the processing of a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or discriminate in the fixing of that amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(h) Appraising; Insurance. Discriminate in the appraisal of the value of real estate or in the sale of insurance in connection with a real estate transaction because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(i) Varying Rents; Sale Price. Impose different sale prices or rental charges for the sale or rental of a dwelling upon any person because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(j) Qualification Criteria. Use different qualification criteria or applications, or different sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses or sale or rental approval procedures or other requirements, because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(k) Evictions. Evict tenants because of their race, color, sex, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability, or because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of a tenant's guest.

(l) Listings. Enter into a listing agreement which discriminates against any person because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(m) Discrimination in Membership or Service. Deny any person access to, or membership or participation in, any multiple-listing service, real estate broker's

organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation, on account of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of such person.

(n) Steering (Restriction of Choice). Restrict or attempt to restrict, because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or, disability the choices of a person, by words or acts, in connection with buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing. Prohibited actions under this subsection, which are generally referred to as unlawful steering practices, include, but are not limited to, the following:

(1) Discouraging any person from inspecting, purchasing or renting a dwelling because of the race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability of persons in a community, neighborhood or development so as to perpetuate, or tend to perpetuate, segregate housing patterns, or to discourage or obstruct integrated housing.

(2) Discouraging or encouraging the purchase or rental of a dwelling because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or, by disability exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(3) Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

(4) Assigning any person to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

(5) Failing to inform any person of available housing opportunities in a particular section of a community, neighborhood or development, or in a particular building or particular floor of a building, because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or, disability so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.



(o) Solicitation. Solicit any owner to sell, rent or list residential property at any time after such person has notice that such owner does not desire to sell, rent or list such residential property. For the purpose of this subsection, notice must be provided as follows:

(1) The notice may be given by the owner personally or by a third party in the owner's name, either in the form of an individual notice or a list, provided that it complies with paragraph (o)(2) hereof.

(2) Such notice shall be explicit as to whether each owner on the notice seeks to avoid both solicitation for listing and sale, or only for listing, or only for sale, as well as the period of time for which any avoidance is desired. The notice shall be dated and either of the following shall apply:

A. Each owner shall have signed the notice; or

B. The person or other entity preparing the notice shall provide an accompanying affidavit to the effect that all the names on the notice are, in fact, genuine as to the identity of the persons listed and that such persons have requested not to be solicited as indicated.

(3) The individual notice or notice in the form of a list with the accompanying affidavit shall be served personally or by certified or registered mail, return receipt requested.

(4) The Community Relations Commission shall publish and make available, without charge, appropriate forms which may be executed by any owner or occupant of a dwelling to provide such notice. The Commission shall prepare a list of names and addresses of such owners and occupants and shall update such list no less than annually during the month of January and shall publish the same as follows:

A. By maintaining a copy of said list in the office of the Commission and making it available for inspection.

B. By furnishing a copy of said list annually to every real estate firm belonging to the local multiple-listing service.

C. By furnishing a copy of said list upon request and payment of reproduction costs to any person having an interest in the sale or rental of any dwelling in the City.

This paragraph (o) (4) is drawn from Ill. R.S. Chapter 38, "Criminal Law and Procedure", Sections 70-51, 70-52 and 70-53.

(p) Participation in Discrimination. Act or undertake to act as a real estate broker, salesman or agent with respect to any dwelling the disposition of which requires said person to participate in discrimination.

(q) Restrictions. Perform any act of discrimination with the intention or effect of restricting or limiting the housing choice of any person.

(r) Aiding and Abetting. Aid or abet acts performed in violation of this chapter.

(s) Interference, Coercion or Intimidation. Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of such person having exercised or enjoyed, or on account of such person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

#### **620.05 PROHIBITED ACTS AGAINST DISABLED PERSONS**

In addition to the prohibited acts identified in Sections 620.04 and 620.06, no person shall:

(a) Discrimination Against the Disabled.

(1) Discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

- A. The buyer or renter;
- B. A person residing in or intending to reside in such dwelling after it is sold, rented or made available; or
- C. Any person associated with that person.

(2) Make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that person, has a disability, or make an inquiry as to the nature or severity of a disability of such a person. However, this paragraph does not prohibit the following inquiries, provided that these inquiries are made of all applicants, whether or not they have disabilities:

- A. An inquiry into the applicant's ability to meet the requirements of ownership or tenancy.
- B. An inquiry to determine whether an applicant is qualified for a dwelling available only to persons with a particular type of disability.

- C. An inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability.
- D. An inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance.
- E. An inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

(3) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(b) Unit Modifications. Refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises, occupied or to be occupied by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted.

(c) Rules and Policies. Refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy the dwelling, including public and common use areas.

(d) New Construction. Fail to design and construct dwellings, after March 13, 1991, in such a manner that:

(1) The public use and common use portions of such dwelling are readily accessible to and usable by a disabled person;

(2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(3) All premises within such dwellings contain the following features of adaptive design:

- A. An accessible route into and through the dwelling;
- B. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- C. Reinforcement of bathroom walls to allow later installation of grab bars; and

D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(e) Guide and Support Dogs. Refuse to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to:

(1) 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 to otherwise make unavailable or deny property to any blind, hearing-impaired or physically disabled person because he or she has a guide, hearing or support dog;

(2) Discriminate against any blind, hearing impaired or physically disabled person in the terms, conditions or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he or she has a guide, hearing or support dog; or

(3) Require, because a blind, hearing-impaired or physically disabled person has a guide, hearing or support dog, an extra charge in a lease, rental agreement or contract of purchase or sale, other than for actual damage done to the premises by the dog.

#### **620.06 PROHIBITED ACTS BY FINANCIAL INSTITUTIONS**

In addition to the prohibited acts identified in Sections 620.04 and 620.05, no financial institution shall:

(a) Deny any person any of the services normally offered by such an institution;

(b) Provide any person with any service which is different from, or provided in a different manner than, that which is provided to other persons similarly situated;

(c) Deny or vary the terms of a loan because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability;

(d) Deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area;

(e) Deny or vary the terms of a loan without having considered all of the regular and dependable income of each person who would be liable for repayment of the loan;

(f) Utilize lending standards that have no economic basis; or

(g) Refuse to purchase or impose different terms or conditions on loans or other debts or securities which support the purchase, construction, improvement, repair or maintenance of a dwelling, or which are secured by residential real estate, because of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

## **620.07 APPLICATION OF CHAPTER**

Nothing in this chapter, other than the prohibition against discrimination in advertising, shall:

(a) Apply to the following:

(1) The rental, lease or occupancy of a room in an owner-occupied single-family dwelling, provided that the following conditions are met:

- A. The owner does not own or have any interest in more than three single-family houses at any one time; and
- B. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facility of any person in the business of selling or renting dwellings.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(b) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates, for other than commercial purposes, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability;

(c) Prohibit a private club that is 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 purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;

(d) Prohibit the rental or sale of a dwelling on the basis of age or disability when such dwelling is authorized, approved, financed or subsidized, in whole or in part, by a unit of State, local or Federal government;

(e) Limit the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;

(f) Require the rental or sale of a unit to any person convicted of the illegal manufacture or distribution of a controlled substance;

(g) With regard to discrimination based on familial status, apply with respect to housing for older persons;

(h) Apply to persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals;

(i) Prohibit financial institutions from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include the following:

(1) The willingness and the financial ability of the borrower to repay the loan;

(2) The market value of any real estate or other item of property proposed as security for any loan; and

(3) The diversification of the financial institution's investment portfolio;  
or

(j) Prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, sex, sexual orientation, religion, creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability.

## **620.08 COMMUNITY RELATIONS COMMISSION**

(a) Establishment; Membership; Terms; Appointments; Chairperson. There is hereby established a Community Relations Commission, consisting of eleven members who shall be residents of the Municipality and who shall serve for a term of three years. Each member shall be appointed by the Mayor with the advice and consent of the City Council. The Director shall be appointed annually by the Mayor with the advice and consent of the City Council. Five Commission members shall be a quorum for the transaction of all business.

(b) General Powers. The Commission shall have and exercise the power to:

(1) Act to eliminate discriminatory practices;

(2) Act to assure to persons living or desiring to live in the Municipality, or in any particular dwelling, the opportunity to purchase, lease or rent a dwelling without discrimination because of race, color, sex, sexual orientation, religion,

creed, ancestry, national origin, age, military discharge status, marital status, familial status or disability;

(3) Engage in such recruitment, research and public communication and create such advisory councils as may be authorized to effectuate the purpose of this chapter;

(4) Coordinate its activities with Federal and State agencies in conformity with this chapter; and

(5) Gather and provide for the exchange of information relative to the provisions of this chapter among real estate brokers and salespeople, lenders, developers, employers, Municipal officials and community groups, within and without the Municipality.

(c) Enforcement Powers. The administrative responsibilities for this chapter shall be with the Community Relations Commission. The Commission shall have and exercise, in addition to the general powers cited in subsection (b) hereof, with respect to all dwellings and persons subject to this chapter, the power to:

(1) Issue, receive, initiate and investigate complaints charging discrimination. Any complaint initiated by the Commission shall be in writing and signed by the Director of the Commission and shall state such details as to substantially apprise any properly concerned party as to the time, place and facts surrounding the charged violation of this chapter.

(2) Seek conciliation with respect to any such complaint, and, if conciliation fails, refer such complaint to the Community Relations Review Committee where the process will proceed as set forth in Section 620.09(b).

(3) Render, from time to time, but not less than every month, a written report to Municipal officials of its activities and recommendations, which written report shall be made public after submission to the Mayor and City Council.

(4) Adopt, after approval by the Mayor and the City Council, such rules and regulations as may be necessary or desirable to carry out the purpose of this chapter.

#### **620.09 COMMUNITY RELATIONS REVIEW COMMITTEE**

(a) Establishment; Membership; Appointments; Chairperson. There is hereby established a Community Relations Review Committee, consisting of three members of the Council. No person shall simultaneously serve as a member of the Community Relations Commission. Each member shall be appointed by the Mayor, with the advice and consent of the Council. The Chairperson shall be appointed annually by the Mayor, with the advice and consent of the Council.

(b) **Adjudicative Responsibilities.** The adjudicative responsibilities for this chapter shall be with the Community Relations Review Committee. The Community Relations Review Committee shall have and execute, with respect to all dwellings and persons, subject to this chapter, the power to:

- (1) Hold hearings and make findings of fact and conclusions of law with respect to any complaint;
- (2) Administer oaths, take sworn testimony and subpoena witnesses and pertinent documents;
- (3) Seek temporary relief (judicial enforcement) and enforce its orders in conformity with this chapter;
- (4) Publish its findings of fact and issue orders in accordance with the provisions of this chapter;
- (5) Render, from time to time, but not less often than every month, a written report to Municipal officials of its activities and recommendations, which written report shall be made public after submission to the Mayor and Council; and
- (6) Adopt, promulgate, amend and rescind, after approval of the Mayor and City Council, such rules and regulations as may be necessary and desirable to carry out the purpose of this chapter.

#### **620.10 DIRECTOR**

The Director shall have such duties, responsibilities and powers as are necessary for the implementation of this chapter and as may be provided by the Community Relations Commission, the Mayor and City Council, including the issuing, initiation, receipt and due processing of complaints.

#### **620.11 COMPLAINTS; CONCILIATION AND HEARING PROCEDURES**

(a) **Complaints.**

(1) Any person aggrieved in any manner by a violation of any provision of this chapter may file with the Community Relations Commission a written verified complaint setting forth his or her grievance within one year after the date of the alleged violation. The complaint shall state, on a printed form provided by the Commission, such detail as to substantially apprise any party properly concerned as to the time, place and facts surrounding the alleged violation of this chapter.

(2) A complaint may be filed against any person alleged to have engaged, or is about to engage, in a discriminatory practice.



(3) A complaint may also be filed against any person who directs or controls, or has the right to direct or control, the conduct of another person with respect to any aspect of the sale, rental, advertising or financing of dwellings or the provision of brokerage services relating to the sale or rental of dwellings if that other person, acting within the scope of his or her authority as employee or agent of the directing or controlling person, is engaged, has engaged or is about to engage in a discriminatory housing practice.

(b) Notice of Complaint.

(1) Within ten calendar days after a complaint has been received or initiated by the Community Relations Commission, the Commission shall serve or cause to be served, either in person or by certified mail, a copy of said complaint on the person alleged to be in violation of this chapter, hereinafter referred to as the respondent.

(2) The Director shall also, within ten days of the date on which the complaint was filed, send written notice to the complainant informing the complainant of his or her option to file a complaint with U.S. HUD, the Illinois Human Rights Department or Federal or State courts, including the dates within which the complainant may exercise such options.

(c) Injunctive Temporary Relief.

(1) At any time after a complaint is filed and determined to constitute a violation of this chapter, the Community Relations Commission may petition the appropriate court for temporary relief, pending final determination of the proceedings under this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffective a recommendation with respect to the complaint. Such petition shall contain a certification by the Community Relations Commission that the particular matter presents exceptional circumstances in which irreparable injury will result from a violation of this chapter in the absence of temporary relief.

(2) The petition shall be filed in the Circuit Court of Cook County.

(3) When the petition is based upon a civil rights violation, any relief or restraining order entered by the court shall not exceed five days unless:

- A. A longer period is agreed to by the respondent; or
- B. The court finds that there is substantial evidence to demonstrate that the respondent has engaged in violations of this chapter.

(d) Respondent Response; Notice of Default.

(1) The respondent shall serve a verified copy of his or her response to all allegations contained in the complaint within ten calendar days of the date on which respondent was served a copy of the complaint.

(2) The Director shall issue a notice of default directed to any respondent who fails to file a verified response to a complaint within ten calendar days of the date on which the complainant was served, unless the respondent can demonstrate good cause as to why such notice should not be issued.

(e) Complainant Response. Within ten calendar days of the date the complainant receives the respondent's response, he or she may file a reply to said response. If he or she chooses to file a reply, the complainant shall serve a copy of said reply on the respondent or his or her representative. A party shall have the right to supplement his or her response or reply at any time that an investigation of the complaint is pending.

(f) Investigation of Complaint.

(1) The Community Relations Commission shall order a prompt investigation of the complaint, completing such investigation within 100 calendar days after the filing of the complaint.

(2) Unless it is impossible to do so, upon review of the report and within 100 calendar days after the filing of the complaint, the Director shall determine whether there is substantial evidence that the alleged violation of this chapter has been committed.

(3) If the Community Relation Commission is unable to make the determination within 100 calendar days after the filing of the complaint, the Director shall notify the complainant and the respondent, in writing, of the reasons for not doing so.

(4) If the Community Relations Commission determines that there is no substantial evidence, the complaint shall be dismissed and the complainant notified that he or she may seek review of the dismissal order before the Community Relations Review Committee. The complainant shall have thirty calendar days from receipt of notice to file a request for review by the Community Relations Review Committee. The Community Relations Review Committee shall:

- A. Uphold the finding of insubstantial evidence; or
- B. Reverse the finding of insubstantial evidence and remand the complaint to the Community Relations Commission for conciliation.

(5) If the Community Relations Commission determines that there is substantial evidence it shall immediately notify the parties and schedule a conciliation meeting.

(g) Conciliation.

(1) During the period beginning with the filing of a complaint and ending with a dismissal or a referral to the Community Relations Review Committee, the Community Relations Commission or the Director shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) If the Director determines that:

- A. Conciliation is feasible, then the complainant and the respondent shall be notified of the time and place of the conciliation meeting, by registered or certified mail, at least seven calendar days prior thereto and both parties shall appear at the meeting in person or represented by attorney; or
- B. Attempts at conciliation would not further the objectives of this chapter, or the complaint cannot be resolved by conciliation, then the Director shall report and transfer the complaint and filings to the Community Relations Review Committee.

(3) The Director shall attempt by all accepted methods of conciliation and lawful persuasion to resolve the grievance delineated in the complaint.

(4) Nothing occurring at the conciliation meeting shall be made public or used as evidence in a subsequent proceeding for the purpose of providing a violation under this chapter, unless a complainant and respondent agree in writing that such disclosure be made.

(5) An agreement arising out of such conciliation shall be treated as a settlement pursuant to subsection (j) hereof.

(6) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award relief as provided for in this chapter.

(h) Hearing on Complaint.

(1) Within fifteen days of receiving a complaint from the Community Relations Commission, the Community Relations Review Committee shall, upon due and reasonable notice to all parties, schedule a public hearing on the complaint. The public

hearing shall be scheduled no sooner than thirty days, nor later than sixty days, from the date of the notice.

(2) All parties shall be entitled to be represented by legal counsel and shall have the right to call witnesses. All parties to the proceeding may apply to the Community Relations Review Committee to have subpoenas issued in the name of the Community Relations Review Committee. Testimony taken at the conference/hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Community Relations Review Committee and with the Director.

(i) Reports on the Decision.

(1) The Community Relations Review Committee shall issue a written report within thirty days of the conclusion of the public hearing. The report/decision shall include a summary of the testimony and a finding of whether a violation of this chapter was proven by a preponderance of the evidence. The report/decision shall also contain a recommendation/order of the relief that may include one or more of the elements provided for in Sections 620.12 and 620.99.

(2) If the Community Relations Commission determines that a respondent has not complied in a timely manner with the decision, the Commission shall refer the matter to the City Attorney who shall seek judicial enforcement of the decision.

(j) Settlement.

(1) Circumstances. A settlement of any complaint may be effected at any time prior to a report/decision by the Community Relations Review Committee upon agreement of the parties and the approval of the Community Relations Review Committee.

(2) Publicity. Each settlement agreement shall be made public unless the complainant and respondent agree and the Director determines that disclosure is not required to further the purpose of this chapter.

(3) Form. Settlements of complaints prior to the issuing of a report/decision shall be issued in writing by the Director, signed by the parties, and submitted by the Director to the Community Relations Review Committee.

(4) Settlement violation. When either party alleges that a settlement order has been violated, the Director shall conduct an investigation into the matter. If substantial evidence demonstrates that a settlement has been violated, the Director shall refer the matter to the City Attorney for enforcement in the Circuit Court of Cook County.

## 620.12 REMEDIES

(a) In addition to the penalties and fines delineated in Section 620.99, the Community Relations Review Committee may undertake additional actions, including, but not limited to, the following:

(1) Directing the respondent to pay compensatory/actual damages (including damages to compensate for mental anguish), punitive damages and attorneys' fees and costs;

(2) Directing the respondent to provide other equitable relief, including, but not limited to, access to the dwelling at issue or to a comparable dwelling, the provision of services or facilities in connection with a dwelling or other specific relief;

(3) Directing the respondent to provide other injunctive relief appropriate to the elimination of discriminatory practices affecting the aggrieved person or other persons; or

(4) Directing the Director to send copies of the report/decision to the Department of Professional Registration of the State and recommend appropriate disciplinary action, including, where appropriate, the suspension or revocation of the license of the respondent.

(b) Further, any persons violating any provision of this chapter may also be required to undertake actions to prevent further discriminatory practices, to undertake remedial affirmative activities to overcome discriminatory practices or to undertake various report requirements, including, but not limited to:

(1) Requiring the respondent and all of the respondent's brokers, associate brokers, salespeople and agents, and employees who are employed as sales or rental agents or who have a contractual relationship with the respondent and who are responsible for the sale and/or rental of any residential properties, to attend a fair housing training session conducted by U.S. HUD or an agency acceptable to the Mayor and Council. Such training session shall cover Federal, State and local fair housing laws, applicable case law and real-life or role-playing situations. Costs of such training session shall be borne by the respondent.

(2) Requiring all agents and employees of any respondent, owner and/or management company to utilize the fair housing logo and slogan in all advertising and telephone directories and on all company stationery, forms, pamphlets and brochures;

(3) Requiring all agents and employees of any respondent, owner and/or management company to post and maintain in a manner conspicuous to tenants, prospective tenants, buyers and prospective buyers, the fair housing poster and logo; or

(4) Requiring any respondent owner and/or management company to provide quarterly reports in writing, for a period of five years, of the names, addresses, race and sex of each prospective buyer/renter who seeks the respondent's aid in locating housing, the subsequent showings to each prospective buyer/renter and the final disposition.

### **620.13 APPEALS**

Any persons aggrieved by a decision of the Community Relations Review Committee shall have the right to appeal in accordance with the following procedure:

(a) First, the appellant shall request initial reconsideration by the full membership of the Community Relations Review Committee. This appeal shall be made within seven calendar days of the decision by filing with the Committee, a written statement setting forth specifically the grounds for reconsideration. These grounds shall be supported by argument and served on all parties at the time they are filed with the Committee. The Community Relations Review Committee, after reviewing the statement, shall:

- (1) Render a revised decision notifying all parties within fourteen calendar days of the filing of the statement for initial reconsideration; or
- (2) Issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or
- (3) Uphold the decision.

(b) Second, the appellant shall appeal to the Mayor and Council in cases where the Community Relations Review Committee's decision has been upheld. The appeal shall be initiated within seven calendar days of the initial decision or the upholding of the initial decision by filing with the Community Relations Review Committee a written statement as delineated in subsection (a) hereof. After reviewing the statement and hearing record, the Mayor and Council shall:

- (1) Render a revised decision notifying all parties within thirty calendar days of the filing of the appeal statement;
- (2) Issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or
- (3) Uphold the decision of the Community Relations Review Committee.

The decision of the Mayor and Council on such appeals shall be final.

(c) After a decision by the Mayor and Council, the aggrieved person may apply for judicial review under a writ of certiorari.

#### **620.99 PENALTY**

In addition to the remedies set forth in Section 620.12, any person violating any provision of this chapter may be directed to:

- (a) Cease and desist from such violation; and
- (b) Pay a civil penalty to vindicate the public interest:

(1) In an amount not exceeding ten thousand dollars (\$10,000) if the respondent has not been adjudged to have committed any prior violations of any provision of this chapter;

(2) In an amount not exceeding twenty-five thousand dollars (\$25,000) if the respondent has been adjudged to have committed one other violation of this chapter during the five-year period prior to the filing date of the current complaint; or

(3) In an amount not exceeding fifty thousand dollars (\$50,000) if the respondent has been adjudged to have committed two or more violations of this chapter during the seven-year period prior to the filing date of the current complaint.

**SECTION 3:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not effect any of the other provisions of this ordinance.

**SECTION 4:** All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
(Mayor O'Connor)				
<b>TOTAL</b>				

Michael A. O'Connor  
MAYOR

ATTEST:

Thomas J. Pavlik  
CITY CLERK