

Chapter 16

HOUSING

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Chapter 16

HOUSING

ARTICLE I. IN GENERAL

Sec. 16-1. Declaration of policy.

The Board of Trustees of the Village of Freeburg hereby declares it to be the public policy of the Village to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, religious affiliation, physical handicap and without regard to whether a family has children. This ordinance will be deemed an exercise of the police powers of the Village of Freeburg, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Freeburg.

(Ord. 156, §1)

Sec. 16-2. Definitions.

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

- (a) Person – shall include any individual, firm, partnership or corporation.
- (b) Aggrieved Person – shall include any person who is attempting to provide housing for himself and/or his family in the Village of Freeburg, Missouri
- (c) Discriminate – shall mean distinctions in treatment because of race, sex, color, religion or national origin of any person.

(Ord. 156, §2)

Sec. 16-3. Discriminatory practices.

It shall be a discriminatory practice and a violation of this ordinance for any person to:

- (a) 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, sex, color, religion, religious affiliation, or national origin of any person.
- (b) Discrimination 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, sex, color, religion, religious affiliation, or national origin.
- (c) Make, print, or publish, cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any

preference, limitation, or discrimination based on race, sex, color, religion, religious affiliation, or national origin, or an intention to make any such preference, limitation or discrimination.

- (d) Represent to any person because of race, sex, color, religion, religious affiliation, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
 - (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, sex, color, religion, religious affiliation, or national origin.
 - (f) Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.
 - (g) Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.
- (Ord. 156, §3)

Sec. 16-4. Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in make of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount or conditions of such loan, because of race, sex, color, religion, religious affiliation or national origin or such person or of any person associated with him in connection with such financing.

(Ord. 156, §4)

Sec. 16-5. Exemptions.

The provisions of this ordinance, and particularly Section 3 hereof, shall not apply to the following:

- (a) A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his family reside in such dwelling unit.
- (b) A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.
- (c) Any single family house sold or rented by an owner provided that such house is sold or rented:
 - 1. Without the use of sales or rental facilities or services of real estate brokers, agents, salesman, or persons in the business of selling or renting dwellings, and

2. Without the publication, posting or mailing of any advertisements in violation of Section 3 (c) of this ordinance, provided however, that:
 - (a) Nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
 - (b) That any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single family houses any one time.
- (d) For the purpose of subsection d, a person shall be in the business of selling or renting dwelling if:
1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. He has, within the preceding twelve months, participated as agent, other than in the sale of his 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 any interest therein, or
 3. He is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

(Ord. 156, §5)

Sec. 16-6. Administration.

- (a) There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the Village with the approval of the Board of Trustees.
- (b) Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at the time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in the event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- (c) If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event, the Fair Housing Committee shall forward said complaint to the Village Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the Village Attorney.
- (d) (Ord. 156, §6)

Sec. 16-7. Enforcement.

- (a) Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred (\$200.00) or by confinement in the Village Jail for not more than thirty (30) days, or both such fine and imprisonment.
- (b) The Village Attorney, instead of filing a complaint in Municipal Court of said Village, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

(Ord. 156, §7)

Sec. 16-8. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end the provisions of this ordinance are hereby declared to be severable.

(Ord. 156, §8)

Sec. 16-9. Savings Clause.

This ordinance shall not affect violations of any other ordinance, code or regulation of the Village of Freeburg existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. 156, §9)

Secs. 16-10 to 16-14. Reserved.

Sec. 16-15. Mobile Home and Mobile Homes Park - Definitions.

- (a) Mobile home is defined as any structure affording shelter, used or capable of being used for human habitation and living as a family dwelling which may be comprised of one or more units, which has been designed and manufactured for transportation of its own wheels and arrival at the site ready for occupancy as a dwelling.
- (b) Mobile home community is defined as any lot, area, piece, parcel or plot of land, park or other site where mobile homes are placed, located or maintained, whether for or without compensation.
- (c) Unit of land is defined as a section of ground for a mobile home or a mobile home community of not less than four thousand (4,000) square feet, designated with a location for an automobile and one mobile home and not for any other purpose whatsoever.

- (d) A mobile home as used in this Ordinance does not include a trailer which is equipped for wheels to be used by persons en route from one locality to the other, commonly known as travel trailer, camping trailer or other similar description. The trailers described herein shall not qualify as a residence nor for the permit described in Section 4. herein.
(Ord. 189, §1)

Sec. 16-16. Nonconforming Uses.

- (a) Mobile homes presently in existence. All presently existing mobile homes have the right to continue at their present location even though they are outside of an area authorized by the Board of Trustees as a mobile home community or a mobile home location.
- (b) Abandonment of mobile home located in a non-designated area. Once a mobile home is removed from an area not designated as a mobile home community or a mobile home location another mobile home may not be placed on that site unless done so within fifteen (15) days of the original removal and then only if the mobile home is occupied or lived in by the owner of the mobile home which was originally moved. This provision shall be applicable to all mobile homes which are not located in a properly designated mobile home community or location on or before the passage of this Ordinance.
(Ord. 189, §2)

Sec. 16-17. Use of Mobile Homes.

Mobile homes may be used as a permanent place of abode or a permanent dwelling for indefinite periods of time and may be permitted as a substitute for permanent dwellings erected for residential purposes if such mobile homes are in compliance with this Ordinance.
(Ord. 189, §3)

Sec. 16-18. Permit for Use of Land as Mobile Home Community or Mobile Home Location, Hearing and Notice.

- (a) It shall be unlawful for any person to establish, place, maintain, operate, permit or locate any mobile home or any mobile home community on any premises within the Village of Freeburg, Missouri, without first securing a permit from the Board of Trustees of the Village of Freeburg, Missouri.
- (b) Any person desiring to establish and thereafter maintain a mobile home community or a mobile home location on any premises in the Village of Freeburg, Missouri, shall file a written application with the Board of Trustees of the Village of Freeburg, Missouri. If such application is made by a person other than the owner of the premises in fee, it shall be made by both the owner of the mobile home and the owner of the premises in fee, all of which shall be duly verified by affidavit.
- (c) Every application shall state the name and address of the owner of the premises in fee, the owner of the mobile home and shall include a legal description on which the proposed mobile home community or mobile home location is to be located.

- (d) Every such application for a mobile home community or a mobile home location shall describe the general size and scope of the community and location which the applicant desires to establish the mobile home community or mobile home location.
 - (e) No permit for a mobile home community or a single mobile home location shall be issued until after public hearing in relation thereto at which all parties in interest shall have an opportunity to be heard. At least fifteen (15) days' notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the Village of Freeburg, Missouri. The notice shall set forth the purpose of the public hearing and the date, place and time of the hearing. The notice will be published once a week for two consecutive weeks with the last publication being at least seven days prior to the hearing.
 - (f) Each application for such a permit shall be accompanied by a deposit of money sufficient to pay the estimated cost of the newspaper publication. Any excess deposit shall be refunded to the Applicant.
- (Ord. 189, §4)

Sec. 16-19. Size and Specifications of Mobile Home Communities and Single Mobile Home Locations.

Every mobile home community shall have an area of at least thirty-two thousand (32,000) square feet to permit accommodation for not less than eight (8) mobile homes on units of land each unit having an area of not less than four thousand (4,000) square feet. The width of each unit shall not be less than forty (40) feet. Each mobile home community shall abut a public street. Each unit of land shall be defined on the ground by markers at each corner. Streets and driveways within the mobile home community shall be at least sixty (60) feet in width, shall abut each unit within the mobile home community, shall have hard and dustless streets.

Every single mobile home location shall be on a unit of land as described in Section 1. Paragraph C. herein.
(Ord. 189, §5)

Sec. 16-20. Utility Service.

Every unit within the mobile home community and every single mobile home location shall have access to and be connected city water services and such services shall be connected in accordance with the ordinances of the Village of Freeburg, Missouri. Each unit within a mobile home community or single mobile home location shall have access to the city sanitary sewer service and shall be connected to such service in accordance with the ordinances of the Village of Freeburg, Missouri. Arrangements (including all fees) for such connection shall be included in the application and no permit shall be issued in the absence of such assurances as the Board of Trustees of the Village of Freeburg, Missouri, shall determine.
(Ord. 189, §6)

Sec. 16-21. Compliance with the Village of Freeburg, Missouri, Ordinances.

All mobile home communities and all single mobile home locations shall comply in all respects with all ordinances of the Village of Freeburg, Missouri. Failure to comply with such ordinances after being given written notice of noncompliance and a reasonable period of time to cure to noncompliance will authorize the Village of Freeburg, Missouri, to terminate the permit for the occupancy of the mobile home not in compliance with such ordinances of the Village of Freeburg, Missouri.

(Ord. 189, §7)

Sec. 16-22. Violation.

Every person convicted of a violation of this Ordinance may be sentenced to pay a fine which does not exceed two hundred dollars (\$200.00) for each day of failure to comply with this Ordinance Both the owner of the mobile home and the owner of the land upon which the mobile home is located shall be jointly and severally responsible for compliance with this Ordinance.

(Ord. 189, §7)

Sec. 16-23. Repeal of Existing Ordinances.

Any ordinances as well as any provisions of any other of the ordinances of the Village of Freeburg, Missouri, which are inconsistent herewith, are hereby repealed.

(Ord. 189, §8)

