

TITLE 2
BOARDS AND COMMISSIONS

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**CHAPTER 1
PLANNING AND ZONING COMMISSION**

SECTION:

- 2-1-1: Definitions
- 2-1-2: Creation of Commission
- 2-1-3: Appointing Commission
- 2-1-4: Rules; Organizations and Meetings
- 2-1-5: Duties

2-1-1: **DEFINITIONS:** As used in this Chapter:

APPOINTIVE MEMBERS: All members of the Commission.

COMMISSION: The Planning and Zoning Commission created by this Chapter. (Ord. 79-433, 10-1-79)

2-1-2: **CREATION OF COMMISSION:** The Commission shall consist of at least three (3) and not more than nine (9) members. They shall be appointed by the Mayor of the City and confirmed by a majority vote of the City Council. All members must have been residents of the county in which they are residing for at least two (2) years prior to their appointment and must reside within the City while serving on the Commission; provided, however, that at least one (1) and no more than three (3) of the Commission shall reside outside the City limits, provided they reside within the City impact area, but at no time shall a majority of members live outside the city. The terms of office for the appointive members shall be for three (3) years, except those members initially appointed who shall serve terms, as set by lottery, of one, two, and three years, in order to provide for annual appointment of at least one member. All vacancies shall be filled in the same manner as original appointments. Members may be removed for cause after public hearing by a majority vote of the City Council. However, members who are absent from one-half (1/2) or more of regularly scheduled meetings within any calendar year may be removed by majority vote of the Council. (Ord. 88-519, 2-16-88; amd. Ord. 92-561, 12-16-1992)

2-1-3: **APPOINTING COMMISSION:** The existing Planning Commission is hereby declared to be the City of Salmon Planning and Zoning Commission, and the existing members of the Planning Commission are hereby appointed members of the City Planning and Zoning Commission. The terms of the existing members shall continue as the terms of the City Planning and Zoning Commission. New members when needed, may be appointed as stated herein for the unexpired terms of the resigning or retiring members. (Ord. 79-433, 10-1-79)

2-1-4: **RULES; ORGANIZATIONS AND MEETINGS:** The Commission shall elect its own chairman and create and fill such offices as it may determine necessary for the proper conduct of the affairs and business of the Commission. Meetings of the Commission shall be held when duly called by the chairman by written or oral notice. At least one regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the Commission shall constitute a quorum. All meetings shall be open to the public. Written rules consistent with this Chapter and the laws of the State for the transaction of business of the Commission shall be adopted. Written records of meetings, hearings, resolutions, findings, studies, permits and actions shall be maintained and open to the public. (Ord. 79-433, 10-1-79)

2-1-5: **DUTIES:** It shall be the duty of the City Planning and Zoning Commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan for the city and area of city impact as required by I.C. 67-6508. The commission shall exercise all powers granted to it by the Local Planning Act and fulfill all duties required by this ordinance. (Ord. 92-561, 12-16-1992)

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CHAPTER 2

PARK BOARD

REPEALED (Ord.15-805, 09-02-15)

**CHAPTER 3
FAIR HOUSING**

SECTION:

- 2-3-1: Title and Purpose
- 2-3-2: Definitions
- 2-3-3: Unfair Housing Practices Forbidden
- 2-3-4: Exclusions
- 2-3-5: Salmon Fair Housing Commission
- 2-3-6: Remedies for Persons Accused of Unfair Housing Practices
- 2-3-7: Judicial Review and Penalties

2-3-1: TITLE AND PURPOSE:

- A. This shall be known as the SALMON FAIR HOUSING CHAPTER and will hereinafter be referred to as this "Chapter".
- B. The purpose of this Chapter is to establish fair housing practices by ordinance in the City and to avoid discrimination and segregation in housing on the basis of race, color, religion, national origin, sex, age, disability, marital status, and/or sexual orientation or affectional preference. (Ord. 74-426, 8-21-74)

2-3-2: DEFINITIONS:

COMMISSION: The Salmon Fair Housing Commission established by this Chapter.

DWELLING: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

DWELLING UNIT:	A suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities.
HOUSING ACCOMMODATIONS:	Shall include any dwelling house, building, apartment, dwelling unit, or other structure, facility, lot or parcel of land in the City which is used or intended to be used for the accommodation of one or more human beings, and shall include rooming units in dwellings or boarding houses.
LENDER:	Banks, insurance companies, savings or building and loan associations, credit unions, trust companies, mortgage companies, or other persons engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.
MANAGER:	A person who operates, manages, controls, has charge of, or has the right of management or control over housing accommodations on behalf of another, but does not own housing accommodations.
OWNER:	A person who owns a housing accommodation.
PERSON AGGRIEVED:	Any person against whom any alleged unfair housing practice has been committed.
PERSONS:	One or more individuals, partnerships or other organizations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.
PROSPECTIVE BORROWER:	A person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.
PROSPECTIVE OCCUPANT:	A person who seeks to purchase, lease, rent, or sublease a housing accommodation.

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REAL ESTATE AGENT, SALESPERSON OR EMPLOYEE:

Any person employed by a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

REAL ESTATE BROKER:

Any person who, for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases, or subleases or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, rent or sublease of a housing accommodation of another, or hold himself or herself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, renting, or subleasing of a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.

RESPONDENT:

Any person who is alleged to have committed an unfair housing practice.

ROOM OR ROOMING UNITS:

Includes individual sleeping rooms with or without private bath in a home, boarding house or rooming house. A room in which two (2) or more persons sleep constitutes a single room or rooming unit.

SEX:

Refers to gender, male or female.

UNFAIR HOUSING PRACTICE:

Any act prohibited by this Chapter. (Ord. 74-426, 8-21-74)

2-3-3: UNFAIR HOUSING PRACTICES FORBIDDEN:

A. An owner or manager shall not, because of race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference of an occupant, purchaser, prospective occupant, or prospective purchaser:

1. Refuse to sell, lease, rent, or sublease a housing accommodation to a prospective occupant.
2. Expel or evict an occupant from a housing accommodation.

3. Discriminate against an occupant or prospective occupant in the price, terms, conditions, or privileges of sale, lease, rent, or sublease, or occupancy of a housing accommodation, or in the furnishing of any related facilities or service.
- B. A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference of an occupant, purchaser, prospective occupant, or prospective purchaser:
1. Refuse or intentionally fail to list a housing accommodation for sale, lease, rent, or sublease.
 2. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, lease, rent, or sublease.
 3. Refuse or intentionally fail to transmit to an owner any reasonable offer to purchase, lease, rent, or sublease a housing accommodation.
- C. A lender shall not, because of race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference of a borrower or prospective borrower:
1. Deny a prospective borrower a loan for the acquisition, construction, repair, or maintenance of a housing accommodation.
 2. Discriminate against a borrower or prospective borrower in the terms, conditions, privileges of such a loan.
- D. An owner, manager, real estate broker, agent, salesman, employee, or lender shall not:
1. Require any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference in connection with the sale, lease, rent, or sublease of any housing accommodation.
 2. Post, publish, circulate, or cause to be posted, published or circulated any notice, statement or advertisement which relates to the sale, lease, rent, or sublease, acquisition or financing of any housing accommodation which indicates directly or indirectly a preference, limitation, specification, or discrimination, based on

race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference.

3. Discriminate against a person in any manner because such person has complied or proposes to comply with the provisions of this Chapter or has filed a complaint, testified, or assisted in any proceeding under this Chapter.

4. Induce or attempt to induce for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference.

5. Represent to any person because of race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference that any dwelling is not available for inspections, sale, or rental when such dwelling is in fact so available. (Ord. 74-426. 8-21-74; 1995 Code)

2-3-4: **EXCLUSIONS:**

- A. Nothing in this Chapter shall be construed to include, or to apply to any bona fide club, fraternal or religious organization but where public use for the purpose of profit is carried on by a bona fide club, fraternal or religious organization such use is banned by this Chapter.
- B. Nothing in this Chapter shall be interpreted to prohibit any person from making a choice from among prospective purchasers and tenants of property on the basis of factors other than race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference.
- C. Nothing in this Chapter shall prohibit the use of lawyers, escrow agents, title companies, and such other professional assistance as may be necessary to perfect or transfer the title to property.
- D. Nothing in this Chapter shall limit an owner's right to expel or evict an occupant or tenant from a housing accommodation for any reason permitted by law, or lawfully agreed upon by contract; provided, that such action is not based on race, color, religion, national origin, sex, age, disability, marital status and/or sexual orientation or affectional preference of the occupant. (Ord. 74-426, 8-21-74; 1995 Code)

2-3-5: SALMON FAIR HOUSING COMMISSION:

- A. **Creation, Membership, Term:** There is hereby created the Salmon Fair Housing Commission. This Commission shall consist of seven (7) members, each to be appointed by the Mayor and confirmed by the Council, to serve without compensation for a term of three (3) years, subject to removal by the Mayor with the approval of the Council. Not more than one member of the Commission shall be an officer or employee of the City. If a vacancy occurs on the Commission, it shall be filled by the Mayor before the next regular meeting of the Fair Housing Commission.
- B. **Original Terms:** The original appointees to said Commission shall serve staggered terms with the terms of three (3) expiring January 1, 1982, the term of two (2) expiring January 1, 1981, and two (2) terms expiring January 1, 1980. The term of the Commissioners shall expire January 1. No member of the Commission may serve more than two (2) successive terms.
- C. **Chairman:** The Mayor shall appoint one member of the Commission to serve as the chairman for the period of one year. No person may serve as the chairman for more than two (2) successive years. After January 1, 1981, no person may be appointed chairman until such person has served a year or more on the Commission.
- D. **Counsel:** The City Attorney shall serve as counsel for the Salmon Fair Housing Commission and the Commission shall be empowered with permission of the City Council to employ legal and clerical personnel and pay for the transcripts of testimony in connection with hearings conducted by the Commission.
- E. **Powers and Duties:** The Salmon Fair Housing Commission shall have the following powers and duties:
1. **Rules and Regulations:** The Commission shall adopt the rules and regulations for its own procedures not inconsistent with the provisions of this Chapter or any other ordinance of the City. These rules shall provide for notification of Commission members by the chairman in advance of meetings.
 2. **Meetings, Quorum:** Meetings of the Commission shall be held at least once every four (4) months, at the call of the chairman and at such other times as the Commission may determine. A quorum of four (4) or more members shall be necessary before the Commission may transact business.

3. Complaints: Any person aggrieved by an unfair housing practice may file with the Commission a statement of complaint upon form prescribed by the Commission and sworn to under oath by the person aggrieved. Such statement of complaint shall state the name of the person who is alleged to have committed the unfair housing practice, the address of the housing accommodation concerning which the alleged unfair housing practices have been committed, and a brief statement of the facts giving right to the statement of complaint.

4. Investigation and Review: The Commission shall investigate and review as soon as possible, each statement of complaint to determine whether there are reasonable grounds for believing that an unfair practice has been committed.

5. Issuance of Complaint by Commission: If fifty one percent (51) or more of the Commission members present at a Commission meeting having a quorum, determines that such reasonable grounds exist, it shall issue its complaint against the person who is alleged to have committed the unfair housing practice. Such complaint need not be limited to matters contained in the aggrieved person's statement of complaint, but such complaint issued by the Commission shall be limited to matters which are pertinent to offenses under this Chapter. Such complaint shall state the name of the respondent, his or her address, the name of the person aggrieved, the address of the housing accommodation concerning which the alleged unfair housing practice has been committed, a statement that the Commission has reasonable grounds to believe that the respondent has committed an unfair housing practice, and a brief statement of the facts upon which the Commission bases such belief.

6. Service of Complaint(s): The Commission shall cause a copy of the complaint or complaints to be served upon the respondent by certified or registered mail, or by personal service, stating the time and place of hearing on a complaint or complaints.

7. Attempt to Eliminate Unfair Practice: The Commission shall attempt, by means of education, conference, conciliation, mediation, negotiation and persuasion, to eliminate any unfair housing practice which is the subject of a statement of complaint filed with the Commission.

The Commission is specifically authorized and encouraged to engage in informal discussions with the respondent, or the

respondent's representative, for the purposes of reaching an agreement to the effect that any violation of this act will not be continued or repeated. Upon arriving at such an agreement satisfactory to the Commission, further proceedings shall be terminated as long as the termination agreement is not violated. The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into a conciliation agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. The chairman of the Commission shall sign such agreement on behalf of the Commission. It shall be an unfair housing practice to violate or fail to adhere to any provision contained in a conciliation agreement.

8. Hearings: The Commission may hold hearings, call witnesses, administer oaths, take testimony, and request the production of examination of any books, papers, documents, or records relating to any proceeding before the Commission. However, these powers will not be invoked in informal discussions as described in subsection E7 above. Nothing in this Chapter shall be construed to permit searches without permission of the owner of a house, apartment, or other housing accommodation for the administration of this Chapter.

9. Probative Evidence: The Commission, at any hearing, shall admit and give probative evidence which would commonly be accepted by a reasonably prudent person in the conduct of his or her affairs as having probative value.

10. Record of Evidence: The Commission shall make a record of evidence admitted at the hearing, including a verbatim transcript if requested by the person aggrieved, the respondent, or Commission; provided, that the Commission may require that the cost of any such transcript or of the reproduction thereof shall be borne by the party requesting such transcript or reproduction.

11. Findings: The Commission shall, as soon as possible, make findings and determine whether or not an unfair housing practice has been committed.

12. Order Directed to Respondent: If fifty one percent (51) or more of the Commission members present at a Commission meeting having a quorum find that an unfair housing practice has been committed, it shall issue an order directed to the respondent setting forth the findings of the Commission and directing the respondent to cease the practices set forth in the order. Failure to comply with

said order shall constitute a violation of this Chapter punishable under Section 5-4-7 of this Chapter.

13. Order Dismissing Complaint: If the Commission finds that the respondent has not engaged in an unfair housing practice, the Commission shall issue an order dismissing the complaint.

14. Service of Order: The Commission shall serve its order on the person aggrieved and the respondent in accordance with the procedure set forth in subsection E6 of this Section.

15. Power to Summons: To administer Sections 5-4-5 and 5-4-6 and other sections of this Chapter, the Salmon Fair Housing Commission shall have the right to summon persons making accusation and persons accused of unfair housing practices and other persons as witnesses. Any peace officer of the City must serve a summons at the request of the Commission. Any person who willfully refuses to obey a summons to appear before the Salmon Fair Housing Commission shall be guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code.

16. Research and Study: The Commission may conduct research on and study unfair housing practices in order to develop more effective methods for eliminating unfair housing practices, and may publish or cause to be published the results of such research and study when in the judgment of the Commission such publications will aid in the elimination of unfair housing practices. However, the Salmon Fair Housing Commission shall not expend City funds for research or call in an outside consultant for this research without the approval of the Salmon City Council.

17. Federal and State Law: The Commission shall keep abreast of Federal and State law affecting open housing and make recommendations to the Mayor and City Council of changes in the Salmon Fair Housing ordinances necessary to keep the ordinances in conformity with Federal and State law. The Commission shall render to the Mayor at least once per year a written report of the activities of the Commission since the last report of the Commission.

The Fair Housing Commission is authorized to accept Federal, State, or other assistance in formulating or carrying out programs to prevent or eliminate discriminatory housing practices, and to cooperate with Federal, State and local agencies in carrying out such programs.

- F. Time Limitation: No statement of complaint may be filed with the Commission more than six (6) months after the alleged unfair housing practice has been committed; provided, that in the event of a continuing violation of alleged unfair housing practice, such period shall not commence until after the last day upon which the alleged unfair housing practice has been committed. (Ord. 74-426, 8-21-74)

2-3-6: **REMEDIES FOR PERSONS ACCUSED OF UNFAIR HOUSING PRACTICES:** It is the intent of this Chapter to protect persons unfairly accused of discrimination as well as persons who may be discriminated against in the matter of unfair housing practices. Any person aggrieved by an act prohibited or alleged to be prohibited by this Chapter is given the right under Section 5-4-5 of this Chapter to file with the Commission a statement of complaint. If such person does not file a complaint under Section 5-4-5 of this Chapter and continues to make public his or her complaint in speech, writing, or demonstration, the person or group accused of discrimination in matters pertaining to this Chapter shall have the right to bring this accusation to the attention of the Salmon Fair Housing Commission. The Salmon Fair Housing Commission shall hear the views of the person or group accused of discrimination and the person making the accusation, shall investigate the accusation, and shall render an opinion as soon as possible as to whether the accusation was true or false. The Salmon Fair Housing Commission may request the person making the accusation and the person or group accused of discrimination to refrain from airing their controversy to the public during the period of investigation of the complaint by the Salmon Fair Housing Commission. The records of the Salmon Fair Housing Commission shall be open to any court in libel or other proceedings resulting from an unfair accusation made under this Chapter. (Ord. 74-426, 8-21-74)

2-3-7: **JUDICIAL REVIEW AND PENALTIES:**

- A. Any person against whom an order is issued or directed by the Commission shall have a right to seek review of the Commission's order by trial de nova, in the Magistrate Court of Lemhi County, State of Idaho.
- B. Where any person or owner refuses to comply with an order issued by the Commission within ten (10) days following the effective day of the order, then and in that event the Commission shall submit and file a written report of the complaint or complaints, and the proceedings had thereon with the City Prosecutor as a basis for the

issuance of a criminal complaint against such person or owner and the prosecution thereunder in the same manner as violations of other criminal ordinances are prosecuted.

The person aggrieved shall make, sign, and swear to the complaint before the City Prosecutor.

- C. Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense up to a total of three (3) days. However, each new violation will constitute a separate offense also subject to penalty as provided in Section 1-4-1 of this Code.
- D. Continuance of an alleged unfair housing practice on any day or days during the pendency of a hearing before the Magistrate Court, Lemhi County, State of Idaho, during a subsequent appeal to a higher court shall not constitute an offense for the purpose of this Chapter.
- E. In the event that the Commission finds that a violation of this Chapter will result from a pending or threatened sale or transfer which violates this Chapter as contemplated herein, said Commission, by and through the City Attorney, shall have the right to apply to the District Court of the State to enjoin such pending or threatened transfer or sale. Such action shall be predicated upon:
 - 1. Finding by the Commission that the person aggrieved will be irreparably injured unless the court issues such order.
 - 2. That said person aggrieved has no adequate remedy at law. (Ord. 74-426, 8-21-74; 1995 Code)