ORDINANCE NUMBER 58

ENTITLED "FAIR HOUSING ORDINANCE OF THE TOWN OF GRENVILLE

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ORDINANCE NUMBER 58

BY VIRTUE OF AUTHORITY GRANTED UNDER JOINT POWERS OF AGREEMENT, SOUTH DAKOTA STATUTE 9-19,

AN ORDINANCE CREATING THE GRENVILLE HUMAN RELATIONS COMMISSION, PRESCRIBING ITS MEMBERSHIP, TERMS OF OFFICE, POWERS AND DUTIES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE TOWN OF GRENVILLE TO ESTABLISH THE HUMAN RELATIONS COMMISSION AS FOLLOWS:

SECTION 1. Declaration of Purpose

It is the desire of Grenville to foster and encourage growth and development in a manner that will assure to all persons equal opportunity to live free of discrimination imposed because of race, creed, color, sex, national origin, ancestry, or physical impairments. Discriminatory practices are contrary to the public policy of Grenville. The City Human Relations Commission shall direct its efforts and resources toward eliminating discriminatory practices within the areas of housing, employment, governmental services and programs, education, recreation, and public accommodations where they exist.

SECTION 2. Commission Created, Membership, and Terms of Office

There is hereby created a Human Relations Commission which shall consist of three voting members. The membership of such Commission shall be composed of the members of the Town Board of which the members' term on the Human Relations Commission shall coincide with his/her term of public office and serve on the Commission for the same period of time as that of the public office.

SECTION 3. Vacany

In the event of a vacancy occurring, his/her successor shall be appointed within sixty (60) days to serve for the unexpired portion of the term for which the vacancy occurred.

SECTION 4. Officers, Compensation

The Commission shall elect from its membership, a chairman, vice-chairman, secretary, and other such officers as deemed necessary.

The members, when acting as the Human Relations Commission, shall serve without compensation.

Section 5. Powers and Duties of Commission

A. To make such surveys and studies concerning conditions of human relations and problems as it may determine, and to promote in every way possible the betterment of human relations. The Commission also may make recommendations to other governmental jurisdiction as well as to organizations and institutions within the private sector;

B. To enlist the cooperation of various groups in the community, including business, labor, and community organizations, schools, colleges, and universities, fraternal and benevolent associations for the purpose of participating in educational campaigns, demonstrating the need to eliminate group prejudice, intolerance, disorder and discrimination, and to further encourage and assist such groups to take such affirmative action as is necessary to eradicate the vestiges of prior prejudice, intolerance, disorder, and discrimination;

C. To cooperate, within the provisions of this Ordinance, with federal, state, county, and municipal agencies in eliminating prejudice, intolerance, disorder, and discrimination wherever they exist within the area, and encourage the participation of such agencies and departments in such affirmative actions as in the Commission's judgement are necessary to eradicate vestiges or prior prejudice, intolerance, disorder and discrimination;

D. To promote the establishment of local community organizations, when deemed desirable, consisting of representatives of different groups within the community, for the purpose of improving human relations and recognizing human rights among all groups and persons within the area of specified governing body;

E. To receive complaints as to situations and incidents involving division and conflict in the community, to conduct investigations as to the facts, to hold hearings and take such evidence as may bear a relationship to any matter under investigation by or of concern to the Commission.

Section 6. Complaints

A. Procedure for Filing Complaints

The Commission shall receive written complaints of alleged conflicts within the area. All complaints shall state:

1. The alleged act constituting the alleged discrimination.

2. The time and place of the alleged act.

3. The person, group, association, partnership, business or body committing the act of discrimination.

4. Any known witnesses to the alleged act.

B. Procedures for Handling Complaints

1. If the Commission determines that probable cause exists for crediting the allegations of the complaint, the Commission will attempt to conciliate the matter with the parties involved within twenty (20) days.

2. If the Commission determines probable cause does not exist for crediting the allegations of the complaint, the Commission shall dismiss the complaint and take no further action thereon other than informing the complainant and respondent by registered mail of such dismissal within thirty (30) days after complaint registration. In the event a complainant is dissatisfied with the decision of the Commission to dismiss the complaint, the complainant may present their case to the South Dakota Civil Rights Commission.

3. No finding of discrimination nor recommendations of the Commission shall be made until a hearing has been held on the complaint. The hearing may be waived by the respondent if it so chooses. The respondent, complainant, witnesses, and Commission members must be given ten (10) days notice in writing of said hearing. All testimony given at these hearings shall be under oath. A failure of the complainant to attend this hearing shall be grounds for dismissal of the complaint.

4. If after considering all of the evidence, a majority of the Commission finds that discrimination has or may not occurred, it shall state its findings of fact and recommendations to the parties. The final findings and recommendations shall be available as public information.

5. In the event the respondent refuses or fails to comply with the recommendations of the Commission, then the Commission may certify the entire record to the South Dakota Civil Rights Commission to obtain justice and carry out the purposes of this Ordinance.

6. A public record shall be kept on file for all proceedings and testimonies concerning all complainants, respondents, witnesses and proceedings.

Section 7. Access to Information Relating to Investigation

The written complaint shall be available to the person, group, association, corporation, partnership, business or body named in the complaint as the respondent. The complainant shall have the option to withdraw the complaint rather than allowing it to be made available to the respondent.

When the written complaint is filed, the Commission shall notify the respondent within fifteen (15) days that a complaint has been filed against it and that unless the complainant chooses to withdraw the complaint, the respondent shall have access to said complaint and any other information furnished the Commission.

Section 8. Maximum Penalty for Violations

Upon conviction by a court of law, any person, firm or corporation in violation of the provisions of this Ordinance shall be punishable for each violation thereof by a fine not exceeding one hundred ($100) dollars or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment.

Section 9. Withdrawal

The Human Relations Commission may be dissolved by the governing body by the adoption of a resolution to that affect. Such withdrawal shall be effective twenty (20) days after publication of the resolution to dissolve.

Section 10. Quorum and Minutes

No action shall be taken by the Commission unless a quorum of the Commission members are present. The Commission shall keep minutes of all its meetings and proceedings.

Section 11. Severability Clause

The provisions of this Ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which the Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Placed on First Reading, December 12, 19
Placed on Second Reading January 2, 1979
Passed and Approved January 2, 1979

Charles Arnold
Chairman of the Board

Attest: Esther L. Kwiatkowski, Clerk