

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING LIMITATIONS ON THE USE OF CAMPER
VEHICLES AND OTHER NON-PERMANENT STRUCTURES FOR
PERMANENT HUMAN HABITATION

ADOPTED FEBRUARY 8, 2011

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Section one: To create Town of Sioux Creek Ordinance Pertaining to the Use of Camper Vehicles and other Non-Permanent Structures for Permanent Human Habitation.

SECTION 1. TITLE/PURPOSE, AUTHORITY AND SCOPE

1.1 TITLE/PURPOSE

The title of this Ordinance is the Town of Sioux Creek Ordinance Regarding Limitations on the Use of Camper Vehicles and other Non-Permanent Structures for Permanent Human Habitation.

The purpose of this Ordinance is to limit the use of camper vehicles and other non-permanent structures for permanent human habitation because it is the determination of the Town Board that their use in the Town for permanent human habitation is deleterious to the health, safety and welfare not only of the persons residing therein but, additionally, of the public at large. Portable heating devices, non-standard electrical connections, a lack of approved sanitary facilities including, but not limited to, bathrooms with toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthy, unsanitary and hazardous living conditions, if utilized for extended periods of time, occasioned in part because camper vehicles and other non-permanent structures are not intended for use as places of permanent human habitation and do not adequately provide for the needs associated with human habitation.

Notwithstanding the foregoing, this Ordinance shall make allowance for safe, comfortable and sanitary use of camper vehicles and other non-permanent structures for short term, temporary use for human habitation purposes so as to facilitate enjoyment of camping, hunting, silviculture, and other out-of-door pursuits.

1.2 AUTHORITY

- A. The Town Board of the Town of Sioux Creek has the authority and power pursuant to §§60.10(2)(c) and 61.34(1), Wis. Stats., to enact this Ordinance as an exercise of the general police power, to regulate human conduct and act in the best interests of the public health, safety and general welfare.
- B. As a further basis for this Ordinance, the Town electors of the Town of Sioux Creek granted Village Powers to the Town Board by action taken at a Town Meeting held on 4-3-1962.

1.3 SCOPE

This Ordinance shall apply to the use of camper vehicles and other non-permanent structures for human habitation purposes throughout the entire territory of the Town of Sioux Creek.

1.4 INTERPRETATION

- A. Abrogation. Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal any other ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule or regulation, the more restrictive of them shall control.
- B. Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town of Sioux Creek to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Sioux Creek.
- C. General. Where used herein the word “shall” is mandatory. the word “may” is permissive.
- D. Severability and Non-Liability
 - (1) If a court of competent jurisdiction adjudges any section or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
 - (2) If any application of this Ordinance to a particular parcel or lot of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land or parcel not specifically included in said judgment.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

Auxiliary Structure. A structure or structures not intended for human habitation on the same parcel or lot, including, but not limited to, a shed, deck, garage or picnic shelter.

Campground. Any parcel or tract of land owned by a person, state or local government which is designed, maintained, licensed, inspected and intended or used for the purpose of providing sites for non-permanent, overnight use by four (4) or more camper vehicles or tents and is considered a business, whether for profit or not.

Camper Vehicle. Means a vehicle, whether factory or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self propelled, including, but not limited to, recreational vehicles, hitch mount pull behind trailers, pop up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self contained water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use and having a maximum main floor area of four hundred (400) square feet. "Camper Vehicle" does not include mobile homes, manufactured homes and "Park Models".

Clerk. The Town Clerk for the Town of Sioux Creek

County. The County of Barron, Wisconsin.

Improved Parcel. An improved parcel may have, include or possess any one or more of the following: a dwelling as defined in the Town Building Ordinance, a septic system, a water well and/or indoor plumbing.

Inspector. The Town Building Inspector for the Town of Sioux Creek or other person designated by the Town Board.

Non-permanent structure. A physical shelter having form and substance, including, but not limited to floor, walls, windows, doors and a roof, which is not permanently affixed to a foundation and whose supplies

of potable water, sewage disposal and electrical current, among other utility services, are not permanently attached or incorporated into the design of the structure in accord with applicable state or local codes. This includes, but is not limited to, what are commonly referred to as tents and tent platforms.

Owner. Any person having a legal or equitable interest in a parcel or lot.

Parcel or Lot. A unit of land legally described and of record with the County Register of Deeds.

Person. Natural persons, partnerships, associations and all other bodies corporate or public.

Sewage. Includes all liquids and water waste from sinks, bathing and toilet facilities.

Special event. A privately organized, not-for-profit, event wherein people congregate on private property to share and enjoy common interests of the group.

Temporary Human Habitation. The occupation of a camper vehicle or other non-permanent structure for a period of time not to exceed the limits set forth in this Ordinance.

Tent. Any temporary place of shelter, including, but not limited to, the traditional canvas or synthetic coverings which provide human sleeping and living quarters for a short period of time.

Town. The Town of Sioux Creek, Barron County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

Town Board. The Town Board of Supervisors for the Town of Sioux Creek.

Unimproved parcel. A parcel that lacks all of the following: dwelling as defined in the Town Building Ordinance, septic system, water well and indoor plumbing.

SECTION 3. REGULATIONS

3.1 LIMITS ON DURATION OF USE

- A. No person may make use of or permit other persons on land under their ownership or control to make use of a camper vehicle or other form of non-permanent structure, whether on or off wheels, for permanent human habitation purposes.
- B. For purposes of this ordinance, “permanent human habitation purposes” means the use and occupation by a human being or beings of a given camper vehicle or non-permanent structure as a place for shelter, sleeping, cooking, eating and other occupation typical of what is commonly understood as being that of a living quarter for a period of occupation exceeding an accumulated one hundred-fifty (150) days within any contiguous twelve (12) month calendar period, excepting Special Events in 3.3

3.2 MAXIMUM NUMBER OF UNITS ALLOWABLE

The maximum number of camper vehicles, or any other form of non-permanent structure for human habitation, whether occupied or unoccupied, shall not exceed three (3) on any one parcel or lot, excepting Special Events in 3.3

3.3 SPECIAL EVENTS

Notwithstanding the limitations contained in Sections. 3.1 and 3.2 above, a person may hold a special event wherein the maximum number of allowable camper vehicles or other non-permanent structures may be exceeded for a maximum of twenty (20) consecutive days. The maximum allowable number of these short term special event days shall not exceed sixty (60) within any contiguous twelve (12) month calendar period. All other provisions contained in this Ordinance shall apply to Special Events.

3.4 LICENSING AND EQUIPMENT REQUIREMENTS

- A. All camper vehicles must be maintained in legal road-worthy condition and licensed as required by Wisconsin DOT.

- B. The wheels or similar devices for transportation of any camper vehicle shall not be removed except for repairs lasting no more than ten (10) days.
- C. No camper vehicle or non-permanent structure shall be fixed, mounted or attached to the ground, another vehicle or auxiliary structure in any manner which would prevent the ready removal and transport of the camper vehicle or non-permanent structure.

3.5 SEWAGE

- A. No auxiliary vessels external to the camper vehicle or non-permanent structure intended for the accumulation of sewage shall be allowed, including, but not limited to, rolling containers, barrels, pits, buckets, and non-County approved holding tanks or privies.
- B. Commercially manufactured portable toilets, commonly referred to as "Porta Potties", may be permitted if they are regularly serviced by a Wisconsin State licensed provider of portable toilet services.
- C. No sewage shall be permitted to be deposited upon the ground or into lakes, rivers, ponds, streams or wetlands.
- D. All septic systems, holding tanks or privies on the parcel or lot shall have a sanitary permit issued by the County.
- E. No camper vehicle or other non-permanent structure intended for or used as a place of human habitation shall be placed upon any parcel of real estate that is serviced by a drilled water well unless the parcel also contains a County permitted septic system or holding tank for the disposal of sewage.
- F. A camper vehicle or non-permanent structure on an improved parcel may employ the sanitary facilities and water supply associated with said improvements.

3.6 EXCEPTIONS

- A. This ordinance shall not apply to the use and occupation of recreational vehicles and non-permanent structures which are located in a duly recognized campground, subject to such regulations as may be enforced by the Town or County pertaining to the length of time such a camper vehicle or non-permanent structure can be used continuously at any given time for human occupation purposes under regulations for campgrounds.
- B. The provisions of this ordinance do not apply to commercial operations engaged in the sales and/or repair of unoccupied camper vehicles.
- C. The provisions of this Ordinance do not apply to “Temporary Habitations” as defined in Sec. 5.2 of the Town’s Building Ordinance.

SECTION 4. PENALTIES FOR NON-COMPLIANCE

4.1 Violations

- A. The use of any camper vehicle or other form of non-permanent structure for human habitation purposes in violation of this ordinance shall result in the issuance by the Town of a letter directed to the owner of the camper vehicle or other non-permanent structure used for human habitation purposes, if ascertainable, or, if the owner cannot be identified, to the owner of the parcel of real estate upon which it is situated, informing that person or persons of the need to cease and desist from making use of said camper vehicle or other non-permanent structure used for human habitation purposes. The time period allowed for vacation of the temporary structure shall be limited to the period identified in Sec. 3.1 or Sec. 3.3 above, subject to the following provisions: if the Town obtains verifiable information as to the initial date upon which human

habitation use of said camper vehicle or other non-permanent structure began, said date shall constitute the beginning of the time period; in all other events, the time period shall commence with the date of issuance of the letter to the owner of the parcel or lot on which it is situated.

- B. Any person who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.
- C. The Town Building Inspector, any law enforcement officer, or any other officer designated from time to time by the Town Board may require owners of camper vehicles or other forms of non-permanent structures used for human habitation to effect compliance with the terms of this ordinance within thirty (30) days or such time period as is specified in written notice directed to their attention. In the event that the owner of the camper vehicle or other form of non-permanent structure used for human habitation cannot be located, said notice shall be directed to the owner of the parcel of real estate upon which it is found.

4.2 Penalties

- A. Each failure to obey a written order shall constitute a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:
 - 1. Failure to comply with first written notice: \$100.00
 - 2. Failure to comply with second written notice: \$150.00
 - 3. Failure to comply with third written notice: not less than \$150.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.
- B. If use of a camper vehicle or other form of non-permanent structure used for human habitation is not brought into full compliance with this ordinance within the time period specified in the written order under Sec. 4.1.C., at the option of the Town Board, any member thereof, the Town Building

Inspector or any law enforcement officer, may issue a citation for such violation. In addition, the Town of Sioux Creek reserves the right to pursue injunctive relief to effect compliance with this ordinance on a case-by-case basis.

SECTION 5. SHORELAND, FLOODPLAIN AND COUNTY HIGHWAY ORDINANCES

Nothing in this ordinance shall be deemed to supersede or contravene any County ordinance or policy regarding the use of land located in shoreland wetland zoning districts nor the use of land controlled by the County Highway Department.

SECTION 6. VARIANCES

Variances

Variances to the standards of this Ordinance may be recommended by the Town of Sioux Creek Plan Commission or designee and authorized by the Town Board. The Town Board shall consider the decision of the Town of Sioux Creek or designee as part of the variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth by the Town of Sioux Creek and must demonstrate that:

- A. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
- B. The hardship described in para. A., above, shall of necessity relate to special circumstances pertaining to the owner or occupant of the camper vehicle or other form of non-permanent structure used for human habitation.
- C. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.
- D. The granting of the variance will not materially compromise the goals and policies of the Town of Sioux Creek Comprehensive

Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this Ordinance.

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance first approved January 11, 2011

Ordinance first Adopted February 8, 2011

Ordinance first Published March 3, 2011

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

TOWN BOARD CHAIR

Michael Wick

Michael Wick, Chairman (Signature)

TOWN CLERK

Kathleen L. Martin

Kathleen L. Martin, Clerk (Signature)