ENCAMPMENTS

ORDINANCE NO. 423

An ordinance regulating homeless encampments in the Town of Bergen, Vernon County, State of Wisconsin, and providing penalties in connection therewith.

The Town Board of the Town of Bergen, Vernon County, State of Wisconsin, does ordain as follows:

A. DEFINITIONS

(1) "Encampment" means a place where multiple people stay for a continuous time with built structures, including a tent, recreational vehicle, bus, van, or pickup truck.

(2) "Homeless" means an individual or family who lacks a fixed, regular, inadequate nighttime residence, meaning:

   a. Has a primary nighttime residence that is a public or private place not meant for habitation; or

   b. Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or

   c. Is exiting an institution where he/she has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

B. MINIMUM REQUIREMENTS

(1) The owner or lessee of any land in the Town shall not allow that land to be used for a homeless encampment unless minimum provisions and standards for encampments are met including, but not limited to:

   a. Portable drinking water connections;

   b. Solid waste disposal;

   c. Human waste disposal provisions;

   d. Outdoor fire and burning standards;

   e. Electrical systems; and

   f. Structures and bedding of fire-resistant materials.

(2) The owners and/or lessees of land providing for homeless encampments shall also be subject to any licensing requirements of Vernon County Sanitation and meet the applicable requirements of Chapter ATCP 79 of the Wisconsin Administrative Code.

(3) The purpose of this ordinance is to regulate homeless encampments that may be dangerous and deadly for the homeless and thus tend to exaggerate the existing inequities that the homelessness already manifests.

C. PENALTIES

Any person or landowner that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than $1,000.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

D. EFFECTIVE DATE

This ordinance is effective on publication or posting and the town clerk shall properly publish this ordinance as required under Section 60.80, Wis. Stats.

Adopted this 10th day of April, 2023.

TOWN OF BERGEN

By: Jeff Cermak
Jeff Cermak, Town Chair

By: Tina Dahl
Tina Dahl, Town Clerk