

TOWN OF CLEARFIELD JUNEAU

COUNTY, WISCONSIN

Ordinance 33-2015

**AN ORDINANCE REGARDING LIMITATIONS ON THE USE OF RECREATIONAL
VEHICLES AND OTHER NON-PERMANENT STRUCTURES FOR PERMANENT
HUMAN HABITATION**

ADOPTED on April 22, 2015

AMMENDED on *March 14, 2023*

SECTION 1. Title/Purpose, Authority and Scope

1.1 Title/Purpose

1.2 Authority

1.3 Scope

1.4 Interpretation

SECTION 2. Definitions

SECTION 3. Regulations

3.0 Land Division & Setbacks

3.1 Duration of Use

3.2 Maximum Number of Units

3.3 Special Events

3.4 Licensing and Equipment Requirements

3.5 Sewage

3.6 Exceptions

3.7 Park Models

SECTION 4. Violations and Penalties

4.1 Violations

4.2 Penalties

SECTION 5. Shoreland, Floodplain and County Highway Ordinances

SECTION 6. Variances

Section one: To create Town of Clearfield Ordinance Pertaining to the Use of Recreational 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 Clearfield Ordinance Regarding Limitations on the Use of Recreational vehicles and other Non-Permanent Structures for Permanent Human Habitation.

The purpose of this Ordinance is to limit the use of recreational 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 state 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 unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time, occasioned in part because recreational 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 recreational 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

The Town Board of Town of Clearfield has the specific authority under s. 66.0119, s. 66.0435, s. 101.645 and s.101.935 Wisconsin Stats and Village Powers under s. 60.22 to adopt and enforce this Ordinance.

1.3 SCOPE

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

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 Clearfield 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 Clearfield.
- 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, pole building, and 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 – see recreational vehicle

Clerk The Town Clerk for the Town of Clearfield

County The County of Juneau, Wisconsin.

DOT Department of Transportation

Dwelling A house, apartment, or other place of residence.

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 Clearfield 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.

Park Model Built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode and the manufacturers comply with the ANSI A119.5 standard for recreational park trailers.

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

Recreational Vehicle Motorhome, housecar, travel trailer, truck camper, or camping trailer; with or without motive power; designed for human habitation or other occupancy. 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. "Recreational vehicle" does not include mobile homes, manufactured homes and "Park Models".

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 the common interests of the group.

Temporary Human Habitation The occupation of a recreational 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 Clearfield, Juneau County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

Town Board The Town Board of Supervisors for the Town of Clearfield.

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

3.0 LAND DIVISION & SETBACKS

- A. Axillary structures, tents, park models, motorhomes, house cars, travel trailers, truck campers, or camping trailers; with or without motive power; designed for human habitation or other occupancy must follow all land divisions and setbacks, zoned commercial or residential listed in the Town of Clearfield's Zoning ordinance.

3.1 LIMITS ON DURATION OR 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 recreational 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 recreational vehicle 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 more than thirty (30) calendar days in a year unless located in a licensed and authorized public or commercial campground or mobile home park. Subject to terms and conditions consistent with the express intent of this Ordinance. Non-property owners must have written permission from the property owner, excepting Special Events in 3.3

- C. It shall be unlawful to use a vehicle, auxiliary building, garage, or shed for a dwelling or residential purposes. Evidence of human habitation includes, but is not limited to, any combination of two or more of the following activities: sleeping; setting up any bedding, sleeping bags, bedroll, pillow or other sleeping materials in such a manner as to be used for sleeping; engaging in housekeeping or cooking activities; storing cookware, cooking equipment; or bodily fluids in a vehicle, auxiliary building, garage, or shed; storing personal possessions in such a manner that some or all of the vehicle's windows are obscured; using sanitation, plumbing and/or electrical systems or equipment in a manner inconsistent with any provision of State, County, or the Town of Clearfield's ordinances, or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle, auxiliary building, garage, or shed as a living accommodation.
- D. It shall be unlawful for any person to place or to be placed or leave standing any camping unit, camping trailer, or motor home for more than thirty (30) days on any private or public land within the town which is not otherwise licensed as a campground or mobile home park. At no time shall more than three (3) units be stored on an individual premises that also contains a permanent dwelling unit and shall not be left on any vacant property between December 1 and April 1.

Exception: Campers Vehicles may remain on the property for more than thirty (30) days if these conditions exist:

1. If the recreational vehicle is connected to a state approved septic system, section 3.5 or if the property has a properly maintained, state approved "Porta Potty", described in section 3.5(B). All permits must be registered and on file with the Town of Clearfield Clerk.
2. The Recreational vehicle maintains registration with the DOT, described in section 3.4.

3.2 MAXIMUM NUMBER OF UNITS ALLOWABLE

The maximum number of recreational 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 unless located in a licensed and authorized public or commercial campground or mobile home park.

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 recreational vehicles or other non-permanent structures may be exceeded for a maximum of fifteen (15) consecutive days per calendar year and shall

get approval with the board of Supervisors before the said event. All other provisions contained in this Ordinance shall apply to Special Events.

3.4 LICENSING AND EQUIPMENT REQUIREMENTS

- A. All recreational 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 recreational vehicle or non-permanent structure shall be fixed, mounted or attached in any manner which would prevent the ready removal and transport of the recreational vehicle or non-permanent structure.
- E. Any parcel with a recreational vehicle must have a fire number and a driveway permit, which can be obtained from the Town of Clearfield, Clerk.
- F. Any change from the original camper permit such as sanitation, water wells, additional camper units, change in camper units or any other deviations from the original camping permit, the person or persons must complete a new application and file it with the Town of Clearfield, Clerk.

3.5 SEWAGE

- A. No auxiliary vessels external to the recreational 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", shall have a state sanitary permit and are regularly serviced by a Wisconsin State licensed provider of portable toilet services. A copy of the sanitary permit must be on file with the Town of Clearfield, Clerk.
- 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, 300 gallon above ground septic tank, or privies on the parcel or lot shall have a state sanitary permit. A copy of the sanitary permit must be on file with the Town of Clearfield, Clerk.
- E. No recreational 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 or sand-point water well unless the parcel also contains a state permitted septic system or holding tank for the disposal of sewage.

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 recreational vehicle or non-permanent structure can be used continuously at any given time for human occupation purposes under regulations for campgrounds.
- F. The provisions of this ordinance do not apply to commercial operations engaged in the sales and/or repair of unoccupied recreational vehicles.

3.7 PARK MODELS

- A. No more than one Park Model Recreational Vehicle shall be placed on a parcel.
- B. Park Model Recreational Vehicles are a place for shelter, sleeping, cooking, eating and other occupations typical of what is commonly understood as being that of a living quarter for a period of not more than Six (6) calendar months in a year.
- C. Shall have a building permit issued the Town of Clearfield, Clerk and inspected by the Town of Clearfield appointed building inspector.
- D. Shall have a driveway permit.
- E. Shall have a fire number.
- F. Shall be hooked up to a properly maintained, state approved sewage system. Portable toilets are not permitted.
- G. Shall have a state approved water supply.
- H. Shall have a state certified electrical connection by a master electrician.
- I. Shall not be placed, hooked up, or used on any private property if a dwelling exists on that property.
- J. Hitches may be removed but kept on the property. Axels must remain attached.
- K. May be tied down to the property to guard against wind damage.
- L. No additions, auxiliary buildings or any other types of structures shall be attached or affixed to park model recreational vehicle, except skirting around the perimeter.

- M. No decks shall be attached or affixed to the park model recreational vehicle, except if the deck is standard equipment on the park model recreational vehicle.

3.8 Auxiliary Buildings and Other Structures

- A. Any structures built on the property must obtain a building permit from the Town of Clearfield, Clerk.
 - 1. Any structures that are built or hauled onto a parcel must obtain a building permit from the Town of Clearfield, Clerk.
 - 2. Any structures that are built or hauled onto a parcel must be inspected by the appointed Town of Clearfield building inspector.
 - 3. Concrete, blacktop, and gravel do not require a building permit, but may require a driveway permit.
- B. All Structures must comply with the Town of Clearfield zoning and building ordinances.
- C. No structure(s), auxiliary buildings(s), or decks shall be affixed or attached to a recreational vehicle or park model.
- D. No more than one auxiliary building, out building, garage, shed, pole building, or any type of structure shall be placed on the parcel with the absence of a dwelling or unless located in a licensed and authorized public or commercial campground or mobile home park.
- E. No auxiliary building, out building, garage, shed, pole building, or any type of structure shall be used for sleeping accommodations including a licensed and authorized public or commercial campground or mobile home park.

SECTION 4 PENALTIES FOR NON-COMPLIANCE

4.1 Violations

- A. The use of any recreational 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 recreational 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 recreational 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 recreational 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 recreational 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 recreational 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: *see Town of Clearfield's fee schedule.*
 - 2. Failure to comply with second written notice: *see Town of Clearfield's fee schedule.*
 - 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 recreational 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 Clearfield 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 either 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 Clearfield Plan Commission or designee and authorized by the Town Board. The Town Board shall consider the decision of the Town of Clearfield 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 Clearfield and must demonstrate that:

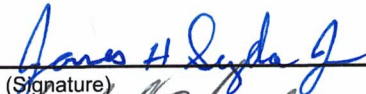
- A. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
- B. The hardship described in para. A., above, shall of necessity relate to special circumstances pertaining to the owner or occupant of the recreational vehicle or other form of non-permanent structure 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 Clearfield Comprehensive Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this Ordinance.

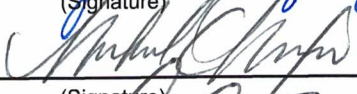
Effective Date: This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

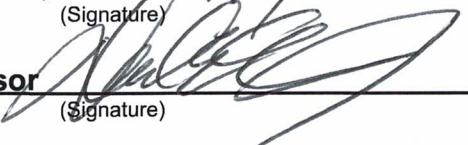
Adopted this 14th day of March 2023.

TOWN OF CLEARFIELD, JUNEAU COUNTY, WISCONSIN

TOWN BOARD OF SUPERVISORS

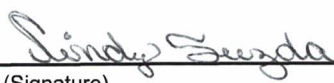
James Suzda Jr., Chairman 
(Signature)

Michael Meixner, Supervisor 
(Signature)

David Anderson Jr., Supervisor 
(Signature)

TOWN CLERK

Cindy Suzda

Attest by Cindy Suzda, Clerk 
(Signature)