

TOWN OF CANAAN, VERMONT
Municipal Land Loitering, and Encampment
Ordinance

1. PURPOSE

The purpose of this Ordinance is to ensure:

- The Town has an effective way to prohibit excessive loitering on Town-owned land and buildings.
- The Town has a safe, respectful, and effective response to homeless encampments on municipal property,
- The Town balances the rights of individuals without an adequate place to sleep against its duty to maintain public safety and health.

2. SCOPE

This Ordinance establishes procedures for the Town of Canaan to address loitering and homeless encampments on municipal property. This Ordinance provides the municipality with effective and respectful practices when interacting with either persons loitering on Townlands or camping on municipal property. The Ordinance also establishes a respectful procedure for removing persons and their property from municipal property through either a voluntary or involuntary approach.

3. APPLICATION

This Ordinance applies to all municipal property: Town Office, Town Garage, Transfer Station, Alice M. Ward Memorial Library, Cemeteries, Treatment Plant, Pump/Well Houses, Recreation Park, Fletcher Park, Beecher Falls Park, which includes sidewalks and roadways within the Town of Canaan.

This Ordinance does not restrict camping in the Meadow Lot during weekends, where the Rec Park Commission sanctions camping for fundraising purposes. At all other times, this Ordinance is enforced in the Meadow Lot.

This Ordinance does not apply to private property.

This Ordinance shall not restrict law enforcement from responding to an incident involving persons camping on municipal property committing a criminal act.

4. LOITERING IN PUBLIC WAYS, BUILDINGS, AND LAND.

1. No person shall sit or stand and loiter in or about any street, sidewalk, municipal land, building, or any other public place in the Town, except the owners or tenants thereof, after having been requested by any owner, tenant, or custodian thereof or by any police officer to depart therefrom. This shall not apply to persons who have a legitimate purpose for sitting or standing in such public places; persons who are attending an approved public function; or persons who have authorization to use public property from the Town Selectboard, a member of a Town Commission, or other designated Town official.
2. No person shall block or cause to be blocked any public sidewalk, street, or other public way, nor shall any group of persons assemble in such a manner as to impede or block the orderly progress of pedestrian or vehicle traffic within the Town.
3. No person shall sit, stand, or loiter in or about any municipally owned or municipally maintained land, park, building, or parking lot between the hours of 10:00 p.m. and 5:00

a.m. unless authorized by the Town Selectboard, member of a Town Commission, or other designated town official to do so. This section does not supersede additional more restrictive hours which may be posted by proper authority or allow any person to loiter about any municipally owned property or building when said property or building is closed or prohibits access by other means.

4. Any person who violates this portion of the Ordinance will be asked to disperse and leave the public area. If the person chooses not to leave the public area, the Selectboard will post the area against Trespassing and have the individual cited and/or removed in coordination with the State's Attorney.

5. HOMELESS ENCAMPMENTS OR OTHER UNLAWFUL CAMPING ON TOWN LAND

When implementing this Ordinance, the Town shall respond to persons camping on municipal property respectfully and adhere to the following procedures.

5.1 Initial Contact with Persons Camping on Municipal Property.

1. Municipal employees encountering persons camping on municipal property shall notify the Town Office immediately and shall not interact with the persons.
2. Upon receiving a report of an encampment, the Town Office will contact the Selectboard to notify them of the situation.
3. The Selectboard or their designee shall start a report on the situation using the attached form (see APPENDIX 1).

5.2 Contact with Persons Camping on Municipal Property.

The Selectboard or their designee shall take the following steps when investigating a report of an encampment:

1. Visit the site and make an initial assessment of whether the persons need medical attention, and if so, contact the 45th Parallel EMS.
2. Contact Essex County Sheriff or Vermont State Police to obtain possible background information on the encampment prior to visiting the site,
3. Make an initial assessment of whether there is possible criminal activity, and if so, contact the Essex County Sheriff's Department.
4. Assess whether the individuals intend to remain on the property.
5. If the individuals intend to remain on the property, politely ask that they voluntarily leave the property.
6. Provide the individuals with information regarding available human resources and services.

5.3 Compliance

The Selectboard or their designee shall adhere to the following procedures regarding possible removal of individuals from an encampment.

1. Ask the individuals to leave the property voluntarily.
2. If the persons do not leave the property voluntarily, call a representative of an appropriate state or local agency to assist.
3. If individuals are unable or unwilling to voluntarily comply, the Selectboard may intervene and consider the following options.
 - a). Seek out restorative justice opportunities and sleeping options.
 - b). Post the area against Trespassing and have the individuals cited and/or removed in coordination with the State's Attorney.

5.4 Unattended Encampment Clean-up

The Selectboard or designee shall adhere to the following procedures regarding removal of materials from an unattended encampment in which no individuals are present.

1. Leave a packet of materials and instructions to include:
 - a). Sleeping on municipal property is not allowed,
 - b). The time and date of visit and the time and date when Town representatives will return to the site to remove materials, which will be seven days after the initial visit,
 - c). A statement that any materials taken from the site will be stored out of the elements and properly labeled.
 - d). Copies of supportive resources.
2. Take photos of the site and materials prior to removing any materials,
3. Take photos of the site after the removal of all materials,
4. Leave a note at the site providing contact information on how to retrieve materials.
5. Store removed material in the basement of the municipal building.

5.5 Disposal of Unclaimed Property

The Selectboard or their designee shall make a reasonable effort to allow the owner of the unclaimed material to retrieve their property. If the unclaimed property is not retrieved within 30 days from the date of removal from the encampment site, the Town is authorized to dispose of all unclaimed property.

6. SEPARABILITY OF PROVISIONS

It is the intention of the Selectboard that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Selectboard that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

7. EFFECTIVE DATE

This Ordinance shall become effective 60 days after its adoption by the Town Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

ADOPTED ON THIS 21ST DAY OF AUGUST 2023 A.D.



Mark Bullard, Chairman



Alfred Buckley



Michael Daley

Adoption History:

1. Agenda item at a regular Selectboard Meeting held on August 07, 2023.
2. Read and approved at a regular Selectboard Meeting held on August 21, 2023.
and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places _____.
4. Notice of adoption, which included a notice of the right to petition, published in the
_____ and _____ editions of the News and Sentinel.
5. Other Actions:

TOWN OF CANAAN, VERMONT
Encampment Ordinance Appendix 1 - Response Form

Location: _____ Date and Time of Meeting: _____

Staff/Community Partners Present: _____

1. General Description of the Encampment Site:

2. General Staff Observations of Encampment:

3. Health and Safety Findings:

4. Interaction (if any) with Unhoused Camper:

5. Next Steps: