

ORDINANCE NO. 2013-02
AN ORDINANCE PROVIDING FOR THE REGULATION
OF PORTABLE TOILETS

BE IT RESOLVED BY THE TOWNSHIP SUPERVISORS OF BRADY'S BEND TOWNSHIP:
Sec. 1.

Subd 1. PURPOSE:

The purpose of this ordinance is to preserve and protect the health, safety and general welfare of persons and the property and waterways in the Township of Brady's Bend by regulating the location and maintenance of portable toilets and requiring a permit for their use and placement.

Subd 2. DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply.

- a. **Portable Toilet** means a free standing, movable toilet structure equipped with a water-tight impervious container which receives waste discharged through a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals. For the purposes of this ordinance, portable toilet and chemical toilet shall have the same meaning.

- b. **Parks/Open Space** means public passive or active recreation areas including but not limited to parks hiking trails, natural areas, wild life areas, arboretums, open grass areas, baseball diamonds, tennis courts, basketball courts, play fields, playgrounds, outdoor swimming pools, fitness courses and driving ranges. For the purposes of this section common areas owned and operated by homeowners associations are also included in this definition.

- c. **Allowable Use of Portable Toilets.** Portable toilets may only be used to provide temporary bathroom facilities for special events, seasonal bathroom facilities on public and private parks and open recreational spaces, or as part of construction projects. In no case shall portable toilets be used as permanent sanitary facilities for residential or

nonresidential uses, or as secondary sanitary facilities on existing developed lots.

Subd. 3. GENERAL REGULATIONS:

a. **Permit Required.** No person, firm, partnership, corporation, non-profit or franchise (hereinafter "individual") shall place or install a portable toilet in the Township without first obtaining a permit. The following information shall be provided as part of the permit application forms provided by the township.

- (1) The owner of the property.
- (2) The owner of the portable toilets.
- (3) Dates during which toilets are to be provided.
- (4) Site plan identifying the proposed location of toilets.
- (5) Emptying and maintenance schedule and procedures.
- (6) Current license certificate and license

b. **Permit Exemption.** No permit shall be required in the following instances:

- (1) Community Events: The placement of portable toilets on public property for community events lasting up to 7 calendar days.
- (2) Public Road and Utility Projects: Portable toilets placed on public or private property in conjunction with public road and utility construction projects, as long as the location is approved by the Township.
- (3) Private Events: The placement of portable toilets on private property for private outdoor events lasting up to 4 days, as long as an outdoor events permit has been approved by the Township.
- (4) Private Development Construction Projects: Portable toilets placed on private property in conjunction with private development road and utility construction projects, or

individual building projects, as long as the location is approved as part of the permit for the project.

- (5) Other Projects. Any portable toilet placed on a site as part of a project which receives Township review and approval.

c. **Location and Orientation:**

- (1) Setback from Residential and Non-Residential Property: Portable toilets will not be placed within (10 feet) from property lines.
- (2) Setback from Nonresidential Property: Portable Toilets shall be located at least 10 feet from any nonresidential property line.
- (3) Setback from river or stream: Portable toilets shall be set back the maximum serviceable distance from the ordinary high water elevation of any river or stream.
- (4) Setback from Wetlands: Portable toilets shall be located at least 30 feet from the edge of any wetland or pond, and shall not be located within any required wetland buffer.
- (5) Orientation: Portable toilets shall be oriented in such a way that the opening or door faces away from any residential dwelling unit unless screened by a solid fence of at least six (6) feet in height equipped with a door or screen wall which completely blocks the view of the portable toilet.

- d. **Screening.** Any portable toilet located within parks and open space as defined herein and located less than 20 feet from a dwelling unit must be screened by a solid fence at least six (6) feet in height.

- f. **Emptying and Maintenance Schedule:** All portable toilets shall be emptied by a person, firm or corporation engaged in the business of cleaning or emptying portable toilets and licensed and recharged at a sufficient frequency to prevent the escape of offensive odors or spillage. Every individual engaged in the business of

cleaning or emptying portable toilets shall use a suitable vehicle properly provided with water-tight, completely closed tanks or boxes designed to prevent leakage onto the streets or highways and further designed to prevent the escape of offensive odors in the atmosphere. Required proof of maintenance shall be submitted to the township within (10 days) of the maintenance.

- g. **Permit Term:** Portable toilet permits are valid from April 1st through September 30th. All portable toilets must be removed on or before September 30th. Any portable toilet that remains after September 30th will be subject to a fine of \$50 per day until it is removed, unless written permission is granted by the township to extend the Permit. The township will consider extending the "Permit Term" if they receive a written request from the landowner outlining the following:
- 1) Reason for the request
 - 2) Identification of location
 - 3) How the unit will be maintained
 - 4) Flood management plan
 - a. How fast a unit can be removed in the event of rising water/ice
 - b. Who will remove it
 - c. Phone number(s) of the owners
 - 5) The expected removal date

Subd. 4.

PENALTY:

Any person or business violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) and ninety (90) days in jail.

BRADY'S BEND TOWNSHIP

SUPERVISORS: JAMES CURRAN

James Curran

RON FORD

Ronald Ford

JOSEPH BAYNE

Joseph Bayne

INTRODUCED: March 4, 2013

ADOPTED: April 1, 2013