

**ORDINANCE NO. 2017-\_\_\_\_\_**

**PORTABLE TOILETS, PRIVIES & PORTA POTTIES ORDINANCE**

**WHEREAS**, The Turkey Creek Regional Sewer District (“District”) has heretofore established, constructed and financed a sewage works and now owns and operates the sewage works pursuant to I.C. § 13-26, and other applicable laws; and

**WHEREAS**, the District considered and passed a Sanitary Sewer Use Ordinance (“Use Ordinance”) on or about that 16<sup>th</sup> July, 2016 entitled “Ordinance 2016-1, Turkey Creek Regional Sewer District Sanitary Sewer Use Ordinance”; and

**WHEREAS**, the purpose(s) of said Use Ordinance is to regulate the connection to and use of public and private sanitary Sewers and drains, the installation and connection of Building Sewers and the discharge of waters and wastes in the public sanitary systems of the District, Kosciusko and Noble Counties, Indiana, and providing violations thereof; and

**WHEREAS**, the Districts Use Ordinance prohibits the use and operation of privies, portable toilets and/or porta potties; and

**WHEREAS**, the District recognizes the need for a process and procedure by which to allow temporary portable toilets and/or temporary porta potties.

BE IT ORDANED BY THE BOARD OF TRUSTEES OF THE TURKEY CREEK REGIONAL SEWER DISTRICT AS FOLLOWS:

**A. PURPOSE AND APPLICABILITY:**

The purpose of this Ordinance is to preserve and protect the health, safety, and general welfare of persons and property in the District by regulating the location and maintenance of privies, portable toilets, and/or porta potties and requiring a permit for their use and placement.

**B. DEFINITIONS:**

As used in this Ordinance, any and all terms used herein shall have the meanings set forth in the Use Ordinance known as “Ordinance 2016-1, Turkey Creek Regional Sewer District Sanitary Sewer Use Ordinance” and/or any other Ordinance in effect at the time.

The following terms shall have the meaning defined herein (so long as same are not in conflict with “Ordinance 2016-1, Turkey Creek Regional Sewer District Sanitary Sewer Use Ordinance” and/or any other Ordinance in effect).

1. “Community Event”. A planned occasion or activity open to the general public and sponsored by the City, another governmental entity, or a private party.

2. "Offensive Odor." Any noxious or unpleasant odor escaping from the Portable Toilet structure that can be detected outside of said structure.

3. "Owner." The owner of the Portable Toilet and the owner of the property on which the Portable Toilet is located.

4. "Portable Toilet/Porta Potty." A free-standing, movable toilet structure equipped with a watertight 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, and which is not designed or intended for connection to a sewer system with a standard connection. For the purposes of this section, Portable Toilet and chemical toilet shall have the same meaning.

5. "Private Parks". Privately-owned passive or active recreation areas which occupy a discrete area, including but not limited to: parks, beaches, docks, hiking trails, natural areas, wildlife areas, arboretums, open grassy areas, baseball and football fields, tennis courts, basketball courts, play fields, playgrounds, outdoor swimming pools, fitness courses and tracks, and golf courses and driving ranges. For the purposes of this definition, common areas owned and maintained by homeowners associations are also included.

6. "Responsible Party." Any person or entity renting or leasing a Portable Toilet.

7. "Seasonal Use." Use that is dependent upon or accompanying the seasons of the year or some particular season, and that is repeated or intended to be repeated annually, but for no more than one-hundred eighty (180) consecutive days in a calendar year.

8. "Special Event/Private Function." A planned occasion or activity open only to a limited group of people invited by the host or sponsor. A Special Event may occur only on private property.

9. "Temporary Use." Use that lasts, exists, serves, or is effective for a limited time only, not exceeding three (3) consecutive days, and which is not repeated, or intended to be repeated, subsequently within the calendar year.

### **C. ALLOWED AND PROHIBITED USES:**

1. Portable Toilets and/or porta potties may only be used to provide: bathroom facilities for community and special events; seasonal bathroom facilities in conjunction with commercial activities; bathroom facilities in conjunction with and during public or private construction activities; bathroom facilities located on public property for members of the public; and bathroom facilities for Temporary Use under special circumstances when adequate permanent bathroom facilities are unavailable.

2. In no case shall portable toilets, privies and/or porta potties be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the District's sanitary sewer system.

3. No person shall construct or maintain a privy in the District.

**D. PERMIT REQUIRED:**

1. Except as provided in subsection 5, no portable toilet and/or porta potty for an allowed use shall be placed or maintained on public or private property without first obtaining a permit from the District.

2. The following information shall be provided as part of the permit application:

- a. The site address where the portable toilet and/or porta potty will be located.
- b. The date(s) during which the portable toilet and/or porta potty is to be located on the property.
- c. The name, address and phone number of the owner of the portable toilet and/or porta potty and contact information for the owner of the property upon which the portable toilet and/or porta potty will be placed.
- d. The name, address and phone number of the Responsible Party.
- e. A description of the Allowed Use for which the portable toilet and/or porta potty is requested.
- f. A site plan identifying the proposed location of the portable toilet and/or porta potty and any proposed handwashing/hand-sanitizing stations.
- g. A description of the emptying and maintenance schedule and procedures for the portable toilet and/or porta potty and any handwashing/hand-sanitizing station, together with identification of the location of disposal of waste materials from the portable toilet and/or porta potty and documentation of authorization for said disposal.
- h. A rendering, showing the location of the portable toilet and/or porta potty on the property.

3. If the portable toilet and/or porta potty is part of a proposed new use, the project in its entirety (including screening of the portable toilet and/or porta potty) may be subject to review by the District prior to the issuance of a permit.

4. The following costs shall be paid by the Owner or Responsible Party as follows:

-\$25.00 for each Permit.

5. A portable toilet and/or porta potty placement permit shall not be required for:

- a. The placement of portable toilets and/or porta potties by any State, County, Township or Town entity on public property for Temporary Use in conjunction with community events.

- b. Any placement of portable toilets and/or porta potties by any State, County, Township or Town entity for use by the public on property owned, leased, or maintained by any State, County, Township or Town entity.
- c. The placement of portable toilets and/or porta potties at public transit or public access sites, PROVIDED, the District shall approve the location of the placement.
- d. The placement of portable toilets and/or porta potties on public or private property in conjunction with public road and utility construction projects, PROVIDED, the District shall approve the location of the placement.
- e. The placement of portable toilets and/or porta potties on private property in conjunction with private development, construction, road and utility projects during periods of active construction PROVIDED, the District shall approve the location of the placement.
- f. The placement of portable toilets and/or porta potties to support emergency services operations during emergencies and natural disasters, and during interruption of sewer service due to emergencies or planned upgrades/repairs.
- g. The placement of portable toilets and/or porta potties on private property for no more than three (3) consecutive day(s) for a Special Event or Private Function without a permit. If portable toilets and/or porta potties are placed or maintained for more than one (1) Special Events or Private Functions on the same property in the same calendar year, a permit shall be required.

#### **E. STANDARDS; LOCATION AND ORIENTATION.**

1. Setbacks, lakes, streams, and swales. Portable toilets and/or porta potties shall be located at least fifty (50) feet from the ordinary high water elevation of any lake or stream, and not within any swale or infiltration basin.

2. Location.

- a. All portable toilets and/or porta potties shall be located in such a manner as to allow for the appropriate servicing and to ensure that any vehicle required for said servicing shall not cause damage to property.
- b. Portable toilets and/or porta potties shall be located on the site so as to not obstruct existing structures or driveways. Portable toilets and/or porta potties shall be located in such a manner as to not be potentially impacted by site conditions such as slopes, ditches, or prevailing winds.

3. All portable toilets and/or porta potties shall comply with all Wastewater, Building, Fire, and other applicable codes and regulations, including the Americans With Disabilities Act. The Owner and/or the Responsible Party are responsible for ensuring compliance with all applicable codes and regulations.

4. All portable toilets and/or porta potties utilized in conjunction with the preparation, service or consumption of food shall be equipped with, or shall be accompanied by, an approved handwashing/hand-sanitizing station.

5. Portable toilets and/or porta potties for Seasonal Use in conjunction with a commercial activity are allowed only by permit issued by the District.

#### **F. MAINTENANCE.**

1. All portable toilets and/or porta potties shall be monitored and serviced by a person, firm or corporation engaged in the business of cleaning or emptying portable toilets and/or porta potties and recharged at a sufficient frequency to prevent the escape of offensive odors or spillage.

2. Every person, firm or corporation cleaning or emptying portable toilets and/or porta potties shall use a suitable vehicle which utilizes water-tight, completely closed tanks or boxes designed to prevent leakage and the escape of Offensive Odors. The Owner or Responsible Party shall provide proof of an agreement to monitor and service the portable toilet and/or porta potties prior to placement.

3. Portable toilets and/or porta potties, including any handwashing/hand-sanitizing stations, shall be kept in good working condition without any broken surfaces or leaks. Doors must be in good working condition and must be able to be securely latched while in use.

4. It is the Owner's and the Responsible Party's responsibility to ensure that portable toilets and/or porta potties are not used in a dangerous or inappropriate manner. This may be accomplished by monitoring or securing the portable toilets and/or porta potties during periods of inactivity, such as night time and weekend hours, or by other effective means as appropriate.

5. The Owner and the Responsible Party shall be responsible for and liable for any and all damages associated with any spills or leaks associated with the use of any portable toilet and/or porta potty and shall hold The District harmless for any alleged liability for same.

#### **G. PUBLIC NUISANCE.**

Any portable toilet and/or porta potty that is placed without the required permit (unless an exception applies), emits an offensive odor, is leaking, is located in violation of the requirements of this Ordinance, is located in such a manner as to block any public or private right of way, or that in any way causes a hazard to the public health safety and welfare is declared a public nuisance.

#### **H. ENFORCEMENT.**

Any authorized District official may enforce the provisions of this Ordinance by declaring a public nuisance and requiring the immediate removal of any portable toilet and/or porta potty, and the Owner and Responsible Party of said portable toilet and/or porta potty shall be responsible for such removal and any cost thereof. The declaration of public nuisance may be in addition to any penalt(ies) provided by the 2016 Use Ordinance, which are incorporated herein by reference and applicable herein, or other remedy provided by law.

**I. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.

ALL OF WHICH IS ORDAINED THIS \_\_\_\_\_ DAY OCTOBER, 2017.

TURKEY CREEK REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES

\_\_\_\_\_  
Rex A. Heil, President

\_\_\_\_\_  
Dan Mikolajczak, Secretary

\_\_\_\_\_  
Robert Dumford, Trustee

\_\_\_\_\_  
Donald Dewitt, Trustee

\_\_\_\_\_  
James Boone, Trustee

\_\_\_\_\_  
James A. Young Sr., Trustee

\_\_\_\_\_  
Keith Ort, Trustee

ATTEST:

\_\_\_\_\_  
Dan Mikolajczak, Secretary