

ARTICLE 1126
Portable Toilets

1126.01	Portable toilets.	1126.05	Location and orientation.
1126.02	Definitions.	1126.06	Screening.
1126.03	Allowable use of portable toilets.	1126.07	Emptying and maintenance schedule.
1126.04	Permit required.	1126.08	Public nuisance.
1126.04.1	Required information.	1126.09	Enforcement.
1126.04.2	Permit duration.	1126.10	Severability.
1126.04.3	Permit exemption.	1126.99	Penalty.

1126.01 PORTABLE TOILETS.

No person, firm, partnership, corporation, non-profit or franchise (hereinafter “individual”) shall place or install a portable toilet in the City except as provided for in this Article. (Ord. 15-2013. Passed 11-19-13.)

1126.02 DEFINITIONS.

For the purposes of this Article, the following definitions shall apply and absent a specific definition herein all words and phrases shall have their ordinarily accepted meanings:

- (a) “Offensive odor” means any odor escaping from the portable toilet structure that can be detected outside of said structure.
- (b) “Portable toilet” means a free standing, movable toilet structure equipped with a water-tight impervious container which receives waste discharged through of a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals. For the purposes of this section, portable toilet and chemical toilet shall have the same meaning.
- (c) “Parks/Open Space” means public passive or active recreation areas including but not limited to: parks, hiking trails, natural areas, wildlife areas, arboretums, open grass areas and tot lots, 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. (Ord. 15-2013. Passed 11-19-13.)

1126.03 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. (Ord. 15-2013. Passed 11-19-13.)

1126.04 PERMIT REQUIRED.

Permit required. No individual shall place or install a portable toilet in the City without first obtaining a Portable Toilet Permit. Application for such permit shall be made to the Office of Permits, Planning and Zoning of the City of York. The application fee shall be established by resolution of Council.

(Ord. 15-2013. Passed 11-19-13.)

1126.04.1 REQUIRED INFORMATION.

Permit applicants shall provide the following information when applying for a Portable Toilet placement permit, incomplete applications shall be rejected:

- (a) The owner of the property.
- (b) The owner of the portable toilet(s).
- (c) Dates during which the portable toilets are to be provided.
- (d) A site plan of sufficient detail identifying the proposed location of portable toilet(s).
- (e) Emptying and maintenance schedule and procedures.

(Ord. 15-2013. Passed 11-19-13.)

1126.04.2 PERMIT DURATION.

A permit shall be valid for not more than fifteen (15) days and may, upon written request and subject to approval of the Building Code Official, be extended for one (1) additional fifteen (15) day period. (Ord. 15-2013. Passed 11-19-13.)

1126.04.3 PERMIT EXEMPTION.

Under the following specific instances a portable toilet placement permit shall not be required:

- (a) Community events. The placement of portable toilets by the City of York on public property for community events lasting up to seven (7) calendar days and
- (b) The seasonal placement of portable toilets by the City of York at public recreational facilities.
- (c) Private Events: The placement of portable toilets on private property for private outdoor events lasting up to four (4) days, as long as an outdoor event permit has been approved by the City.
- (d) 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 City.
- (e) Private Development Construction Projects: Portable toilets placed on private property in conjunction with private development road and utility projects, or individual building projects, as long as the location is approved as a part of the permit for the project.
- (f) Emergencies and Natural Disasters: Any portable toilet placed to support emergency services operations during emergencies and natural disasters.

(Ord. 15-2013. Passed 11-19-13.)

1126.05 LOCATION AND ORIENTATION.

Any individual that places or causes to be placed a portable toilet shall comply with the requirements of this section irrespective of a requirement for permitting.

- (a) Setback from Residential Property. Portable toilets shall be located at least ten (10) feet from any residential property line.

- (b) Setback from Non-Residential Property. Portable toilets shall be located at least ten (10) feet from any non-residential property line.
- (c) Setback from Lake or Stream. Portable toilets shall be set back at least fifty (50) feet from the ordinary high water elevation of any lake or stream.
- (d) Setback from Wetlands. Portable toilets shall be located at least thirty (30) feet from the edge of any wetland or pond, and shall not be located within any required wetland buffer.
- (e) Orientation. Portable toilets shall be oriented in such a way that the opening or door face 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.
- (f) In addition to the above requirements, all portable toilets shall be located in such a manner as to allow for the appropriate servicing of said portable toilet and to ensure that any vehicle required for said servicing shall not cause damage to adjoining properties.
(Ord. 15-2013. Passed 11-19-13.)

1126.06 SCREENING.

Any portable toilet located within parks and open space as defined herein and located less than fifty (50) feet from a dwelling unit must be screened by a solid fence at least six (6) feet in height. (Ord. 15-2013. Passed 11-19-13.)

1126.07 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 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 in 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.
(Ord. 15-2013. Passed 11-19-13.)

1126.08 PUBLIC NUISANCE.

Any portable toilet that is placed without the required permit, emits an offensive odor, is leaking, is located in contradiction to the requirements of this article, 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 shall be declared a public nuisance. The Building Code Official and/or his designee shall immediately cause to be removed any portable toilet that is deemed a public nuisance, and the owner of said portable toilet shall be responsible for such removal and any cost thereof. The declaration of public nuisance and removal of the portable toilets may be in addition to the penalty section of this article.
(Ord. 15-2013. Passed 11-19-13.)

1126.09 ENFORCEMENT.

The Building Code Official and/or his designee(s) shall have the authority to enforce this article and shall have the authority to institute summary criminal proceedings as a means of enforcement and shall, when acting within the scope of their employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power to arrest.
(Ord. 15-2013. Passed 11-19-13.)

1126.10 SEVERABILITY.

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

(Ord. 15-2013. Passed 11-19-13.)

1126.99 PENALTY.

Any person who shall violate a provision of this article, or fail to comply with any of the requirements thereof, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected violation and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety (90) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 15-2013. Passed 11-19-13.)