

AN ORDINANCE AMENDING CITY OF OAKRIDGE CODE OF ORDINANCE, TITLE IX GENERAL REGULATIONS CHAPTER 93: NUISANCES AND CREATING SECTION 93.18 REGULATIONS ON PORTABLE TOILETS

(1ST DRAFT)

Title IX Section 93.18: PORTABLE TOILETS;

A. Purpose And Applicability: The purpose of this section is to preserve and protect the health, safety, and general welfare of persons and property in the city by regulating the location and maintenance of portable toilets, and requiring a permit for their use and placement.

B. Definitions: As used in this section, the following terms shall have the meaning defined herein:

CESSPOOL: An underground structure or tank used for storage of liquid wastes and sewage.

COMMUNITY EVENT: A planned occasion or activity open to the general public and sponsored by the city, another governmental entity, or a private party.

OFFENSIVE ODOR: Any noxious or unpleasant odor escaping from the portable toilet structure that can be detected outside of said structure.

OWNER: The owner of the portable toilet and the owner of the property on which the portable toilet is located.

PORTABLE TOILET: A freestanding, 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.

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.

PRIVY: An outbuilding with one or more seats and a pit serving as a toilet.

RESPONSIBLE PARTY: Any person or entity renting or leasing a portable toilet.

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 twenty (120) consecutive days in a calendar year.

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/private function may occur only on private property.

TEMPORARY USE: Use that lasts, exists, serves, or is effective for a limited time only, not exceeding seven (7) 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 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 be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the city's sanitary sewer system.

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

D. Permit Required:

1. Except as provided in subsection D(4) of this section, no portable toilet for an allowed use shall be placed or maintained on public or private property without first obtaining an administrative permit from the city.

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

a. The site address where the portable toilet will be located.

b. The date(s) during which the portable toilet is to be located on the property.

c. The name, address and phone number of the owner of the portable toilet and contact information for the owner of the property upon which the portable toilet 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 is requested.

f. A site plan identifying the proposed location of the portable toilet and any proposed hand washing/hand sanitizing stations.

g. A description of the emptying and maintenance schedule and procedures for the portable toilet and any hand washing/hand sanitizing station, together with identification of the location of disposal of waste materials from the portable toilet and documentation of authorization for said disposal.

h. A rendering, showing the location of the portable toilet on the property, how it will be screened from the street and/or adjacent residential areas, and a description of materials to be used for screening, shall be provided for review by the planning department. (Requirements for screening of service areas can be found in the downtown design guidelines and commercial design guidelines.)

3. If the portable toilet is part of a proposed new use, the project in its entirety (including screening of the portable toilet) may be subject to review by the design review commission under title 17, chapter 17.09, article IV, "Design Review Procedures", of this code, prior to the issuance of a permit.

4. A portable toilet placement permit shall not be required for:

a. The placement of portable toilets by the city on public property for temporary use in conjunction with community events.

b. Any placement of portable toilets by the city for use by the public on property owned, leased, or maintained by the city.

c. The placement of portable toilets at public transit sites, provided, the city shall approve the location of the placement.

d. The placement of portable toilets on public or private property in conjunction with public road and utility construction projects, provided, the city shall approve the location of the placement.

e. The placement of portable toilets on private property in conjunction with private development, construction, road and utility projects during periods of active construction.

f. The placement of portable toilets 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 on private property for no more than three (3) consecutive days for a special event or private function. If portable toilets are placed or maintained for more than three (3) special events or private functions on the same property in the same calendar year, a permit shall be required and screening provided for the portable toilet.

E. Standards; Location And Orientation:

1. Setbacks: Nonscreened portable toilets shall be located at least eight feet (8') from any property line.

2. Setbacks, Lakes, Streams, And Swales: Portable toilets shall be located at least fifty feet (50') from the ordinary high water elevation of any lake or stream, and not within any swale or infiltration basin.

3. Orientation; Screening:

a. Portable toilets shall be oriented in such a way that the opening or door faces away from any right of way or residential dwelling unit unless screened by a sight obscuring fence or enclosure at least six feet (6') in height equipped with a door or screen wall which completely blocks the view of the portable toilet from said right of way or residential dwelling unit.

b. Screening of portable toilets must be provided whenever a permit is required under this section and for any permanent installation unless a determination is made by the community planning director that the screening requirement can be waived due to site conditions that sufficiently block the portable toilet from view from rights of way or adjacent residential areas.

c. Screening, when required, must comply with the requirements of the building and fire codes adopted by the city. Examples of appropriate screening may be obtained from the planning department.

4. Location:

a. All portable toilets 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 shall be located on the site so as to not obstruct existing structures or driveways. Portable toilets shall be located in such a manner as to not be potentially impacted by site conditions such as slopes, ditches, or prevailing winds.

5. Compliance With Codes: All portable toilets 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.

6. Hand Washing Station: All portable toilets utilized in conjunction with the preparation, service or consumption of food shall be equipped with, or shall be accompanied by, an approved hand washing/hand sanitizing station.

7. Seasonal Use: Portable toilets for seasonal use in conjunction with a commercial activity are allowed only within zones of the City Oakridge Zoning Ordinance (COZO) that are not used primarily for residential purposes.

Allowed Zones;

Neighborhood commercial district (C-1)

Central commercial district (C-2),

Highway commercial district (C-3),

Mixed use district (M-1)

Light industrial district (I-1)

Heavy industrial district (I-2)

Open space/aggregate extraction district (OS/AE)

Public facilities district (PF)

Park, recreation and open space district (PRO)

F. Maintenance:

1. All portable toilets shall be monitored and serviced 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.

2. Every person, firm or corporation cleaning or emptying portable toilets shall use a suitable vehicle which utilizes watertight, 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 prior to placement.

3. Portable toilets, including any hand washing/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 are not used in a dangerous or inappropriate manner. This may be accomplished by monitoring or securing the portable toilets during periods of inactivity, such as nighttime and weekend hours, or by other effective means as appropriate.

G. Public Nuisance: Any portable toilet that is placed without the required permit, emits an offensive odor, is leaking, is located in violation of the requirements of this section, 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 city official may enforce the provisions of this section by declaring a public nuisance and requiring the immediate removal of any portable toilet, and the owner and responsible party of said portable toilet shall be responsible for such removal and any cost thereof. The declaration of public nuisance may be in addition to any penalty provided by this code or other remedy provided by law.

I. Severability: If any provision of this section or the application thereof to any person or circumstance 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. 3655 §8, 2020: Ord. 3538, 2016)