

ORDINANCE NO. _____

BOROUGH OF PORT CARBON

**AN ORDINANCE OF THE BOROUGH OF PORT CARBON PROHIBITING THE
PLACEMENT OF PORTABLE TOILETS WITHIN THE BOROUGH WITHOUT A
PROPER PERMIT AND ENFORCEMENT AND PENALTIES FOR VIOLATION
THEREOF**

WHEREAS, the Borough of Port Carbon, Pennsylvania is obligated to protect the health, safety and welfare of the public; and

WHEREAS, the placement of portable toilets has a direct impact on the health, safety and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED, that the Council of the Borough of Port Carbon, Pennsylvania hereby establishes Chapter 171 Regulation of Portable Toilets of Port Carbon Borough Codified Ordinances as follows:

**CHAPTER 171
REGULATION OF PORTABLE TOILETS**

§ 107-1 PORTABLE TOILETS.

No person, firm, partnership, corporation, non-profit or franchise (hereinafter "individual") shall place or install a portable toilet in the Borough except as provided for in this Article.

§ 107-2 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** - Any odor escaping from the portable toilet structure that can be detected outside of said structure.
- B. **PORTABLE TOILET** - 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 devices 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 SPACES - Public passive or active recreation areas including but not limited to; parks, natural areas, wild life areas, open grass areas, baseball diamonds, tennis courts, basketball courts, play fields, and playgrounds..

§ 107-3 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.

§ 107-4 PERMIT REQUIRED.

Permit required. No individual shall place or install a portable toilet in the Borough without first obtaining a Portable Toilet Permit. Application for such permit shall be made to the Borough of Port Carbon. The application fee shall be established by resolution of Council.

§ 107-4-1 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

§ 107-4-1-2 PERMIT EXEMPTION.

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

- F. Community events: The placement of portable toilets by the Borough of Port Carbon on public property for community events lasting up to seven (7) calendar days and
- G. The seasonal placement of portable toilets by the Borough of Port Carbon at public recreational facilities

- H. 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 Borough.
- I. 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 Borough.
- J. 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 part of the permit for the project.
- K. Emergencies and Natural Disasters: Any portable toilet placed to support emergency services operations during emergencies and natural disasters.

§ 107-5 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.

- D. Setback from residential property - Portable toilets shall be located at least ten (10) feet from any residential property line.
- E. Setback from non-residential property - Portable toilets shall be located at least ten (10) feet from any non-residential property line.
- F. 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.
- G. Setback for 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.
- H. 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.
- I. 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.

§ 107-6 SCREENING.

Any portable toilet located with 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.

§ 107-7 EMPTYING AND MAINTENANCE SCHEDULE.

All portable toilets shall be emptied by a person, firm or corporation engaged in the business of cleaning of 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 property 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.

§ 107-8 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 Code Enforcement Officer and/or his or her 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 addition to the penalty section of this article.

§ 107-9 ENFORCEMENT.

The Code Enforcement Official and/or his or her 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 Borough; provided, however, that under no circumstances shall they have the power to arrest.

§ 107-10 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.

§ 107-11 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 \$100.00 nor more than \$1000.00. The person violating the terms of this ordinance shall be

responsible for costs of prosecution including all costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ADOPTED this 21st day of December, 2021.

PORT CARBON BOROUGH

ATTEST:

Loretta Boufalas

Borough Secretary
(Seal)

BY: SCOTT KRATER, Council President

Ronald Zimmerman
VICE

APPROVED on the date above written.

HAROLD HERNDON, Mayor