

**ORDINANCE 846**  
**AN ORDINANCE OF THE OGDEN DUNES TOWN COUNCIL AMENDING SECTION 51**  
**OF THE OGDEN DUNES TOWN CODES**

**IT IS HEREBY ORDAINED** by the Ogden Dunes Town Council as follows:

**SECTION 1** The Ogden Dunes Town Code Chapter 51 shall be amended to cover the use of portable toilets within the Town as follows:

**SECTION 2** – SELF-CONTAINED PORTABLE TOILETS DEFINED

Add to 51.02.

As used in this chapter, the following definitions shall apply:

“Long-term use” means any use of one or more self-contained portable toilets for a period of more than 3 consecutive calendar days.

“Privy” means an outbuilding with one or more seats and a pit serving as a toilet.

“Self-contained portable toilets” means one or more commercially manufactured or assembled self-contained toilet that is portable and is not designed or intended for connection to a sewer or septic system with a standard connection.

“Site” means any property or properties, consisting of one or more lots, whether developed or undeveloped, that make up an individual location. Examples of a site include but are not limited to a parking lot or lots, a business location consisting of one or more buildings, and a residential property consisting of one or more lots.

“Temporary use” means any use of one or more self-contained portable toilets for a period of 3 calendar days or less.

“Use” means the presence of one or more self-contained portable toilets on a site which are intended for use, even if not actually being used. This would include periods when the toilets are physically security or maintenance periods.

**SECTION 3** – ALLOWED USES, RESTRICTIONS, PERMITS AND PENALTIES

Add as 51.04

Allowed uses

Nothing in this chapter shall prohibit any use of self-continued portable toilets that is required by another code or statute. Unless otherwise authorized by another code or statute, self-contained portable toilets shall be prohibited except as provided for herein.

- (1) The use of self-contained portable toilets shall be allowed in the commercial, business, parks, and residential districts subject to the following limitations:
  - (A) The temporary use of self-contained portable toilets for constructions, rehabilitation projects, special events, interruption of sewer or septic service for emergencies or planned upgrades/repairs is allowed.
  - (B) The long-term use of self-contained portable toilets for construction, rehabilitation projects, special events, interruption of sewer or septic service for emergencies or planned upgrades/repairs is allowed only by a written request and subsequent approval issued by the Town Sanitation Manager.
- (2) Uses similar in nature and impact as those listed above are allowed subject to approval/waiver as described in 51.07 and 51.08.

Add as:

#### 51.05 Prohibited uses.

- (1) Unless a waiver is granted in accordance with OD Code of Ordinances, the use of self-contained portable toilets in lieu of connection to a sewer or septic system is prohibited.
- (2) The use of self-contained portable toilets for the purpose of providing sanitary service to a site, facility, or dwelling when sewer and water service has been discontinued due to delinquency of the utility account is prohibited.
- (3) The use of privately manufactured or constructed self-contained portable toilets is prohibited.
- (4) The use of a privy is prohibited.

Add as:

#### 51.06 Maintenance requirements.

It is the responsibility of the property owner of the site where self-contained portable toilets are located to ensure compliance with the maintenance requirements in this section. For special events that obtain a permit, it is the event coordinator's responsibility to ensure compliance with the maintenance requirements in this section. The following maintenance requirements shall apply to all uses of self-contained portable toilets:

- (1) For temporary uses, in addition to the requirements of subsection (3) of this section, the self-contained portable toilets must be in good working condition without any broken surfaces or leaks.
- (2) Doors must be in good working condition and must be able to be securely latched while in use. The toilet(s) must be monitored and/or permanently secured or serviced by a licensed disposal contractor if the holding tank becomes full during the period of use.
- (3) For long-term uses, in addition to other requirements of this section, a long-term use of self-contained portable toilets requires written proof of a service contract with a

licensed disposal contractor to provide periodic inspections and pump outs as necessary.

- (4) For all uses, in addition to the other requirements of this section, the following shall apply to the use of self-contained portable toilets. Toilet(s) shall be located on the site so as to be free from obstruction from, nor present an obstruction to, existing structures or driveways. The toilet(s) shall be located in such a manner as not to be potentially impacted by site conditions such as slopes, ditches, or prevailing winds. Toilet(s) located in residential zones shall be located to provide the maximum practical screening from roads and adjacent properties as the site allows.

Add as:

#### 51.07 Long-term use approval.

- (1) Requests for the use of self-contained portable toilets for construction projects shall be included with the application for development reviews or permits as applicable. Application shall be made on forms provided by the Town. The Sanitation Manager or his designee will review and approve/deny requests made under this section.
- (2) An application for uses authorized by this chapter that do not require an application for development review shall be made directly to the Sanitation Manager or his designee on forms provided by the Town. The Sanitation Manager or his designee will review and approve/deny requests made under this section.

Add as:

#### 51.08 Application for waiver.

A request for the waiver of one or more condition of this chapter may be made by any affected party. The request shall be in writing in the form of a letter addressed to the Town Council. The letter must indicate the condition or conditions from which a waiver is being requested, the basis for the request, and the action requested. The Council shall review the request and recommendations from appropriate staff at a regular meeting. The Council may grant a waiver, either partial or in full, from one or more conditions of this chapter where it finds the strict application of said condition(s) would create one or more of the following conditions:

- (1) It is not practicable based on the circumstances of the event, activity, or physical conditions of the site.
- (2) It would create an unusual hardship to the applicant that is not common to similar events, activities, or sites.
- (3) It would not create an unsafe condition, nuisance, or hazard; either on site or to adjacent properties.
- (4) The waiver is not simply for the convenience of the applicant, especially in circumstances where other similar events, activities, or sites have complied with the conditions of this chapter.

Add as:

#### 51.09 Effect on existing self-contained portable toilets.

Any self-contained portable toilet currently either located on a site or in a manner which is in violation of the provisions of this chapter shall be removed within 5 days of the effective date of the ordinance codified in this chapter.

Replace as:

#### 51.15 Permit Required.

(A) Any person, firm, or corporation desiring to collect, remove, or dispose of garbage, refuse, or waste for hire or otherwise to act as a waste hauler or scavenger in the Town shall first file with the Town Council an application for a permit. Such application shall be filed at least 45 days prior to the regular scheduled December meeting of the Town Council.

(B) Any person, firm, or corporation desiring to provide temporary portable toilet service within the Town shall first file with the Town at the Clerk/Treasurer's Office an application for a permit. Such application shall be filed at least 30 days prior to the event requiring the placement of the temporary portable toilet. Such application will be considered only if accompanied by insurance and bonding documents at the time of application.

(1) The placement of the temporary portable toilets will be decided at the discretion of the Street Department Manager.

(2) The cost of a permit will be \$25.00 per portable toilet.

Replace as:

#### 51.99 Penalty

- (1) Any person, firm, or corporation violating any of the terms of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation and/or five days of the issuance of a citation; and thereafter shall be subject to a fine of \$100 for the violation if docketed with the Porter County Courts.
- (2) Every day that any violation of any provision of this chapter occurs or continues shall constitute a separate offense.
- (3) Any deviation from the maintenance and use requirements of this chapter shall constitute a violation and the penalty provisions of this code shall be applied.
- (4) Any person, firm, or corporation violating the terms of this chapter shall reimburse the Town for any damages sustained by reason of such violations. This section shall not be construed to limit the remedies of the town for violations of this of this chapter but shall be construed to supplement any existing remedies available to the Town.

This ordinance shall be in full force and effect from and after its adoption by the Town Council of the Town of Ogden Dunes.

**ALL OF WHICH IS PASSED AND ADOPTED** by the Ogden Dunes Town Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Scott Lehmann, President

\_\_\_\_\_  
Mike Webber

\_\_\_\_\_  
Carolyn Saxton

\_\_\_\_\_  
Doug Cannon

\_\_\_\_\_  
Nate Ball

**ATTEST:**

\_\_\_\_\_  
Jean Manna, Clerk-Treasurer