

**ORDINANCE NO. 2008-02**  
**AN ORDINANCE PROVIDING FOR THE REGULATION**  
**OF PORTABLE TOILETS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRIMONT:

Sec. 1.

Section 3.03 be added to the Trimont City Code to read as follows:

Subd 1.        PURPOSE:

The purpose of this ordinance is to preserve and protect the health, safety and general welfare of persons and the property in the City of Trimont by regulating the location and maintenance of portable toilets and requiring a permit for their use and placement.

Subd 2.        DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply.

- a.        **Portable Toilet** means a free standing, movable toilet structure equipped with a water-tight 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. For the purposes of this ordinance, portable toilet and chemical toilet shall have the same meaning.
  
- b.        **Parks/Open Space** means public passive or active recreation areas including but not limited to parks hiking trails, natural areas, wild life 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.
  
- c.        **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.

Subd. 3. GENERAL REGULATIONS:

- a. **Permit Required.** No person, firm, partnership, corporation, non-profit or franchise (hereinafter “individual”) shall place or install a portable toilet in the City without first obtaining a permit. The following information shall be provided as part of the permit application forms provided by the City:
  - (1) The owner of the property.
  - (2) The owner of the portable toilets.
  - (3) Dates during which toilets are to be provided.
  - (4) Site plan identifying the proposed location of toilets.
  - (5) Emptying and maintenance schedule and procedures.
  - (6) Current license certificate and license Number issued by the Minnesota Pollution Control Agency (MPCA).
  
- b. **Permit Exemption.** No permit shall be required in the following instances:
  - (1) Community Events: The placement of portable toilets on public property for community events lasting up to 7 calendar days.
  - (2) 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 Engineer.
  - (3) Private Events: The placement of portable toilets on private property for private outdoor events lasting up to 4 days, as long as an outdoor events permit has been approved by the City.
  - (4) Private Development Construction Projects: Portable toilets placed on private property in conjunction with private development road and utility construction projects, or

individual building projects, as long as the location is approved as part of the permit for the project.

- (5) Other Projects. Any portable toilet placed on a site as part of a project which receives City review and approval.

c. **Location and Orientation:**

- (1) Setback from Residential Property: Portable toilets shall be located at least 25 feet from any residential property line.
- (2) Setback from Nonresidential Property: Portable Toilets shall be located at least 10 feet from any nonresidential property line.
- (3) Setback from Lake or Stream: Portable toilets shall be set back at least 50 feet from the ordinary high water elevation of any lake or stream.
- (4) Setback from Wetlands: Portable toilets shall be located at least 30 feet from the edge of any wetland or pond, and shall not be located within any required wetland buffer.
- (5) Orientation: Portable toilets shall be oriented in such a way that the opening or door faces 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.

- d. **Screening.** Any portable toilet located within parks and open space as defined herein and located less than 50 feet from a dwelling unit must be screened by a solid fence at least six (6) feet in height.

- f. **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 licensed by MNPCA 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 with 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.

Subd. 4.

PENALTY:

Any person or business violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) and ninety (90) days in jail.

Thomas Eckmann  
Mayor

INTRODUCED: September 15, 2008

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