

**Porter Township  
Cass County, Michigan**

**ORDINANCE NO. 8-11-20**

**ADOPTED: August 11, 2020  
EFFECTIVE: September 25, 2020**

**Portable Toilet Regulation Ordinance**

An ordinance to regulate the placement of portable toilets, including port-a-potties and port-a-johns within Porter Township; to set forth the events for which a portable toilet may be placed and used and to proscribe a time limit for the removal thereof from the premises; to repeal all ordinances and parts of ordinances in conflict herewith and to provide an effective date.

**Section 1  
Name and Purpose**

This ordinance shall be known and cited as the “Porter Township Portable Toilet Regulation” Ordinance. The purpose of this ordinance is to preserve and protect the public health, safety and general welfare of persons and the property in the Township of Porter by regulating the location and maintenance of portable toilets and by requiring removal of such portable toilet within 48 hours of the cessation of the event for which the same is placed.

**Section 2  
Definitions**

The following definitions shall apply to this Ordinance:

- a. **“Portable Toilet”** means a free standing, movable toilet structure equipped with a water-tight impervious container which receives human waste and fecal matter 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. The brand names “Port-a-Potty” and “Porta-a John” are included in this definition.
- b. **“Special Event”** shall mean a private activity conducted on private property to which more than thirty (30) persons are invited such as a sporting event; an outdoor party; barbeque; bar mitzvah; anniversary party; birthday party; musical event; outdoor seasonal theater; road race; triathlon; biathlon; charity event; wedding; or other outdoor event of limited duration to which more than 30 persons are invited.
- c. **“Campground”** shall mean a state licensed overnight camping facility with more than five (5) overnight spaces. For purposes of this ordinance, campground does not mean a single camper located on a parcel of property for seasonal overnight or camping purposes as may be authorized by the Township Zoning Ordinance.

- d. **“Construction Project”** shall mean a public or private construction project for roads, streets, culverts, buildings, residences, commercial units or entities, parking lots, and utility installations subject to a building permit or other authorization during the period of active construction thereon.
- e. **“Community Event”** shall mean an outdoor festival, activity, sporting event, outdoor theater, musical event, ice cream social, or similar activity sponsored by a municipal or public entity and held on municipal or public grounds for a period not to exceed seven (7) calendar days.
- f. **“Agricultural Worker Sanitary Supply”** shall mean a field or location where agricultural workers are present during the planting or harvesting of crops as required by health regulations.

**Section 3**  
**Regulation of Portable Toilets**

**A. Allowable Use of Portable Toilets.** Portable toilets may only be used to provide temporary bathroom facilities for the following defined activities:

- 1. Community Events
- 2. Construction Projects.
- 3. Public Road and Utility Projects.
- 4. Special Events.
- 5. Private Development Construction Projects. Portable toilets may be placed on private property in conjunction with private development road and utility construction projects, or in conjunction with individual building projects, so long as there is a valid building or construction permit for the project.
- 6. On state licensed campgrounds as defined herein if approved as part of the campground permit.
- 7. For agricultural worker sanitary supply as defined herein.

**B. Location and Orientation of Portable Toilets.**

- 1. Setback from Residential Property: Portable toilets shall be located at least 20 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 50 feet from the edge of any wetland or pond, and shall not be located within any regulated wetland buffer in accordance with the State of Michigan wetlands map applicable to Porter Township.
  5. **Orientation:** Portable toilets shall be oriented in such a way that the opening or door faces away from any adjoining residential dwelling unit.
- C. Emptying and Maintenance Schedule:** Owners and occupants of properties upon which a portable toilet is placed shall ensure that the same is emptied by a person, firm or corporation engaged in the business of cleaning or emptying portable toilets and licensed by the State of Michigan Department of Community Health; EGLE; and/or the Michigan Department of Natural Resources and recharged at a sufficient frequency to prevent the escape of offensive odors or spillage.
- D. Prohibition on use of Portable Toilets:** Portable toilets shall not be utilized or placed except in accordance with this Ordinance. The following uses and locations of portable toilets are prohibited:
1. 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.
  2. In no case shall portable toilets be permitted to be installed, maintained, retained or utilized as part of a seasonal camping facility on which five (5) or fewer campsites are provided and utilized.
  3. In no case shall a portable toilet be installed for purposes of allowing additional access to a lake or stream within the township by a person not residing on the lake or stream or to permit or allow access in violation of the township zoning ordinance's anti-funneling regulations.
- E. Removal of Portable Toilets:** Portable toilets shall be removed within 48 hours of the cessation of the event for which the portable toilet was placed. If the placement of the portable toilet was authorized as part of a construction project, such portable toilet shall be removed within 48 hours of the receipt of the final permit or occupancy permit related to the construction.

#### **Section 4 Violation and Penalty**

- A.** Any person, firm, corporation or business entity that causes, permits, allows, places or otherwise allows the placing or retaining of a portable toilet on premises other than those authorized herein shall be deemed to be in violation of this ordinance. Every person, firm, corporation or entity that fails to remove a portable toilet within 48 hours of the cessation of the event for which the portable toilet was placed shall be deemed

to be in violation of this ordinance. Each day that a violation occurs or continues shall be deemed to be a separate offense.

- B.** Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Porter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

- C.** A landlord, tenant, land contract vendor, land contract vendee, co-tenant or tenant by the entirety shall be liable as principal herein.

**Section 5  
Validity**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

**Section 6  
Repeal**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7  
Effective Date**

This ordinance shall take effect 30 days following publication, following adoption by the Porter Township Board.

Porter Township  
Cass County, MI  
Beth Russell, Clerk

Adopted August 11, 2020  
Published August 25, 2020  
Effective September 25, 2020