

**ORDINANCE NO. 462**

**AN ORDINANCE PROVIDING THE REQUIREMENTS AND RESTRICTIONS FOR THE USE OF PORTABLE TOILETS WITHIN THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS that:**

**WHEREAS**, it is in the best interest of the citizens of West Orange to keep our city safe from unsanitary conditions.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST ORANGE, TEXAS:**

**Section 1. Definitions.**

*Person* shall include any individual, firm, partnership, association, business, corporation, or other entity.

*Portable toilet* means one or more commercially manufactured or assembled toilet facilities that are portable and are not designed or intended for connection to a sewer system with a standard connection. Portable toilets shall include, but not be limited to commercially manufactured pump out of portables, privy vaults, water flush toilets or chemical toilets that have a water tight, impervious pail or tank containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.

**Section 2. Maintenance and operation.**

(a) The following maintenance requirements shall apply to all uses of portable toilets:

- (1) Portable toilets must be maintained in a clean and sanitary manner at all times to prevent trash, vermin, or the production of noxious or offensive odors, and must be on a regular maintenance schedule. If the holding tank becomes full, the portable toilet must be immediately serviced.
- (2) Portable toilets must be structurally sound, safe, and in good working condition at all times.
- (3) Portable toilets shall not obstruct public property or access to public property.
- (4) Contents of portable toilets shall not be discharged into storm sewers, placed, spilt, or deposited onto the surface of the ground, or allowed to flow, seep, or drain into any adjacent waters.

**Section 3. Prohibited uses.**

(a) The following uses of portable toilets are prohibited:

- (1) The use of portable toilets for the purpose of providing sewer service to a site or facility when service has been discontinued due to delinquency of the utility account is prohibited.
- (2) The use of portable toilets in lieu of connecting a permanently constructed toilet facility to the sanitary sewer system is prohibited.
- (3) The use of any portable toilet that is not commercially manufactured is prohibited.
- (4) Installing or maintaining a portable toilet is prohibited unless otherwise authorized by federal, state, or local law, or except as provided herein.

**Section 4. Enforcement & Penalty**

(a) A person, owner, lessee, tenant, agent, or person responsible for any property subject hereto that knowingly violates any of the provisions or terms of this article shall be guilty of a misdemeanor. Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined an amount allowed by state law for violation(s) of City Ordinances or as the case may be, Laws of the State of Texas, for each offense. Each and every day any such violation shall continue constitutes a separate offense.

(b) The following uses are exceptions to this article:

- (1) Use by governmental agencies for public benefit on public rights-of-way, parks, and public recreation areas.
- (2) Use for emergency operations by police departments, fire departments, or other municipal, state, or federal government authorities.

- (3) Use during construction periods on a property with an active building permit.

**Section 5. Severability.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 6. Publication and Effective Date** This Ordinance shall take effect from and after its passage by the City Council and publication. The City Secretary is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of West Orange.

**READ, PASSED and APPROVED** this the 8<sup>th</sup> of November 2021.



\_\_\_\_\_  
Mayor Randy Branch  
City of West Orange, Texas

ATTEST:



\_\_\_\_\_  
Theresa Van Meter, City Secretary

APPROVED:



\_\_\_\_\_  
Chris Leavins, City Attorney

