



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		December 12, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady 5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas adding Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances of the City of Plano, Texas, to regulate portable toilet facilities in areas that are subject to a Land Occupancy Permit where the property is used as Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area pursuant to the City of Plano Zoning Ordinance; and providing a penalty clause, a severability clause, a savings clause, a repealer clause, and an effective date. (Tabled at the November 14, 2011 meeting).</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: An Ordinance for the use of Portable Toilet facilities relates to the City's goal of a Safe Large City and Great Neighborhoods.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will provide needed regulations for portable outdoor toilet facilities for outdoor commercial amusement, fair grounds/ exhibition area or private recreation facility areas.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas adding Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances of the City of Plano, Texas, to regulate portable toilet facilities in areas that are subject to a Land Occupancy Permit where the property is used as Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area pursuant to the City of Plano Zoning Ordinance; and providing a penalty clause, a severability clause, a savings clause, a repealer clause, and an effective date.

WHEREAS, the City of Plano currently does not have portable toilet regulations for properties that have intense athletic and recreation use and lack permanently constructed toilet facilities; and

WHEREAS, the health, safety and livability of the community could be better served by the implementation of regulations requiring portable toilets on properties that are subject to a Land Occupancy Permit where the property is used as Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area pursuant to the City of Plano Zoning Ordinance and where these types of activities regularly occur; and

WHEREAS, the City Council of the City of Plano, after consideration of the recommendations of staff and all matters attendant and related thereto, is of the opinion that the addition of portable toilet regulations should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities, Chapter 6 Buildings and Building Regulations of the City of Plano Code of Ordinances are hereby added to read as follows:

“Article XXI Outdoor Toilet Facilities.

Sec. 6-711. – 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.

Sec. 6-712. – Requirements for Portable Toilets

(a) The use of portable toilets shall be required as follows:

(1) All properties subject to a Land Occupancy Permit where the property is used as Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area pursuant to the City of Plano Zoning Ordinance shall have the following:

- (i) a minimum of two portable toilets on the property at all times; and
- (ii) additional portable toilets as required by the chart below with the two portable toilets required by Section 6-712(a)(1)(i) above counting towards the totals required by the chart:

Persons on Site	Average Hours at Event							
	3	4	5	6	7	8	9	10
250 - 499	2	3	3	3	4	4	5	6
500 - 999	4	5	6	7	9	9	10	12
1000 - 1999	8	8	9	9	11	12	13	13
2000 - 2999	9	12	14	16	18	20	23	25
3000 - 3999	12	16	20	24	26	30	34	38
4000 - 4999	16	22	25	30	35	40	45	50
5000 - 9999	20	25	31	38	44	50	56	63
10,000 – 14,999	38	50	63	75	88	100	113	125
15,000 – 19,999	56	75	94	113	131	150	169	188
20,000 – 24,999	75	100	125	150	175	200	225	250
25,000 – 29,999	99	130	160	191	221	252	282	313
30,000 – 34,999	119	156	192	229	266	302	339	376
35,000 and above	139	181	224	267	310	352	395	438

- (2) At construction project sites pursuant to Section 6-37 of the City Code of Ordinances.
- (3) For itinerant vendors on private property pursuant to Section 11-156 of the City Code of Ordinances.
- (4) For special events pursuant to Section 11-314 of the City Code of Ordinances.

Sec. 6-713. – 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.
- (5) Portable toilets required by Section 6-712 (a) (1) that remain on the property in excess of seventy two (72) hours shall be screened by an enclosure on three sides with a swinging gate on the maintenance side. The minimum height of the enclosure and gate shall be eight feet and shall be constructed of wood fencing or an alternate fencing material that has been approved by the Building Official.

6-714. – 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 city's 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.

6-715. – Enforcement

- (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 and, upon conviction, punished as provided in subsection 1-4(a) of the Code of Ordinances of the City of Plano 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.

Section II. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as provided by law.

PASSED AND APPROVED THIS THE 12th day of December, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY