

MACON TOWNSHIP

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO REGULATE
PORTABLE TOILETS**

THE TOWNSHIP OF MACON HEREBY ORDAINS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend the Township's Zoning Ordinance to regulate portable toilets within the zoning classifications of AG (agriculture), C (commercial), and I (industrial). Portable toilets are strictly prohibited in the zoning classifications of R-1 (single-family residential), R-2 (single-family residential), or RM (Multi-family residential).

SECTION 2. AMEND ARTICLE IV

Article IV of the Zoning Ordinance is hereby amended to add Section 4.25 as follows:

"Section 4.24. PORTABLE TOILETS. The following section regulates the placement of portable toilets, including Port-a-Potties and Port-a-Johns within the 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.

A. Definitions. For the purpose of enforcement, the following definitions shall apply:

1. Portable Toilet. A portable toilet is a free-standing, movable toilet structure equipped with a water-tight, impervious tank 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 section, "portable toilet" and "chemical toilet" shall have the same meaning. The brand names "Port-a-Potty" and "Port-a-John" are included in this definition.
2. Special Event. A 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 thirty (30) persons are invited.
3. Construction Project. A 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.
4. Community Event. A 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 and will not require a permit. If a community event exceeds seven (7) calendar days, then it will require a permit.

5. 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.
- B. Regulation of Portable Toilets. Portable toilets shall only be allowed in the Township to provide temporary bathroom facilities as part of community events, construction projects, public road and utility projects, special events, private development construction projects, or for agricultural worker sanitary supply. Such use, however, is prohibited unless a permit has been obtained from the Township Board or its designee prior to placement. The Zoning Administrator shall otherwise be charged with administering and enforcing the provisions of this Section of the Ordinance.
- C. Applications and Permits. Applications for the use of portable toilets shall be filed with the Zoning Administrator upon forms furnished and approved by the Township Board. Said application shall be printed in ink or typewritten and shall furnish the name of the applicant, a general description of the need and use of the portable toilet(s), the location and orientation of the portable toilet(s), the period of time the portable toilet(s) will be utilized, the date the portable toilet(s) will be removed, and other detailed information affecting the use and maintenance of the portable toilet(s).
- D. Fees. The Township Board shall, by Resolution, determine and set the fees to be charged for all applications, permits, and fees for appeals to the Board of Appeals. The Township Board may revise said fees from time to time by Resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Zoning Administrator prior to issuance of said permit.
- E. Location and Orientation. Approved portable toilets shall be subject to the following regulations:
 1. Portable toilets shall be enclosed from public view with a material that is solid, opaque and constructed from durable materials, ensuring the portable toilet is not visible from adjacent properties or public rights-of-way. The enclosure must be maintained in good condition and provide adequate ventilation.
 2. No portable toilet may be located within forty (40) feet from any residential property line, and at least twenty (20) feet from any nonresidential property line.
 3. All portable toilets shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times comply with any applicable federal, state, or local law, rule or regulation, including any requirements of the county health department.

- F. 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.
- G. Prohibition on use of Portable Toilets. Portable toilets shall not be utilized or placed except in accordance with this Ordinance. In no case shall portable toilets be used as permanent sanitary facilities for residential or non-residential uses, or as secondary sanitary facilities on existing developed lots.
- F. Removal of Portable Toilets. Portable toilets shall be removed within forty-eight (48) hours of the cessation of the event for which the portable toilet was placed in accordance with the approved permit.

SECTION 4. SEVERABILITY.

If any provision of this Ordinance is declared invalid for any reason, then that declaration does not affect the validity or all other sections of this Ordinance.

SECTION 5. REPEALER.

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance to the extent necessary to give this Ordinance full force and effect.

SECTION 6. EFFECTIVE DATE.

This Ordinance takes effect seven (7) days after publication of this Ordinance or a summary of it as permitted by law.

YEAS:

NAYS:

ABSENT:

ORDINANCE DECLARED ADOPTED ON _____, 2025.

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Julia Dejonghe Marshall, the duly elected Clerk of the Township of Macon certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Macon on _____, 2025, and published in _____, a newspaper circulated in the Township of Macon on _____, 2025.

Julia Dejonghe Marshall
Township Clerk

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PROPOSED TO THE MACON TOWNSHIP BOARD