



## CITY of NOVI CITY COUNCIL

Agenda Item E  
July 22, 2019

**SUBJECT:** Approval of Ordinance No. 19-104.11, an ordinance to amend the City of Novi Code Of Ordinances, at Chapter 21, "Nuisances," Article II, "Related to Property," in order to repeal Division 6, "Portable Toilets." **SECOND READING**

**SUBMITTING DEPARTMENT:** City Manager

**CITY MANAGER APPROVAL:** AX

**BACKGROUND INFORMATION:** The City Council's Ordinance Review Committee (ORC) has been evaluating, with the assistance of City administration, the City's Code of Ordinances to determine whether there are any outdated or obsolete provisions that can be simply removed from the code. This draft ordinance repeals a section relating to the placement of portable toilets on "any land zoned residential." (Section 21-07) The ordinance creates some exceptions for toilets required for construction sites and for special events of more than 100 people.

Discussion by the ORC revealed that portable toilets would not generally be permitted within residential properties, under the Zoning Ordinance (neither a principal nor typical accessory use), and that the uses otherwise allowed by the section can be authorized in other ways.

The ORC recommended adoption of the attached ordinance at its June 3, 2019, meeting.

**RECOMMENDED ACTION:** Approval of Ordinance No. 19-104.11, an ordinance to amend the City of Novi Code Of Ordinances, at Chapter 21, "Nuisances," Article II, "Related to Property," in order to repeal Division 6, "Portable Toilets." **SECOND READING**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 19-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," IN ORDER TO REPEAL DIVISION 6, "PORTABLE TOILETS."

THE CITY OF NOVI ORDAINS:

**PART I.** That Chapter 21, "Nuisances," Article II, "Related to Property," of the City of Novi Code of Ordinances is hereby amended to repeal Division 6, "Portable Toilets."

~~DIVISION 6. -- PORTABLE TOILETS~~

~~Sec. 21-106. -- Defined:~~

~~*Portable toilet* means a receptacle for human waste temporarily in a location for human use.~~

~~Sec. 21-107. -- Prohibited:~~

~~It is unlawful within the city to keep, maintain or permit to remain on any land zoned residential a portable toilet.~~

~~Sec. 21-108. -- Exceptions:~~

~~The prohibited use of a portable toilet shall not apply to those portable toilets allowed and required on construction sites, pursuant to R. 408.40129 of the Michigan Administrative Code, or to those utilized at a public park or school facility. No permit is required.~~

~~Sec. 21-109. -- Permit:~~

~~Notwithstanding the prohibition of section 21-107, any person wishing to have a portable toilet for a special event for more than one hundred (100) people, shall make application to the designated building official for a permit to do so; such application is to be accompanied by a fee set by resolution of the council, and the building official shall issue such permit upon the following conditions:~~

- ~~(1) — Each application shall contain a sworn statement by the applicant that the portable toilet shall be maintained in such a manner so as to comply with all state and local laws, that it shall be maintained in a sanitary manner and that it shall be serviced when needed.~~
- ~~(2) — Each applicant shall state on the application the following:~~
  - ~~a. — The applicants name and address;~~

- ~~b. The common address for the parcel of land that the applicant seeks to place a portable toilet; and~~
- ~~c. The special event which necessitates the need for a portable toilet and the number of people expected to attend.~~
- ~~(3) No more than two (2) permits shall be issued for a single property in each calendar year.~~
- ~~(4) The special event for which the permit is requested will not be issued for an event of less than one hundred (100) people;~~
- ~~(5) The permit shall be limited to the following:
 
  - ~~a. The portable toilet shall be setback at least ten (10) feet from any adjacent property;~~
  - ~~b. A permit shall be issued for no more than two (2) days;~~
  - ~~c. One (1) portable toilet per lot or parcel of land; and~~
  - ~~d. The portable toilet shall be removed within two (2) days of the events end and shall not remain on any property for more than four (4) days, including the day(s) of the special event for which the permit is issued.~~~~

~~Secs. 21-110-21-125. -- Reserved.~~

**PART II. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III. Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART IV. Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**PART V. Effective Date.** The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

**PART VI. Adoption.** This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the \_\_\_ day of \_\_\_\_\_, 2019, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_.

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_

Cortney Hanson, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Cortney Hanson, City Clerk