

ORDINANCE NO. 2020-05

**AN ORDINANCE TO CREATE SECTION 10.12 OF THE TOWN OF DELAFIELD
MUNICIPAL CODE, CONCERNING THE REGULATION OF PORTABLE OUTHOUSES**

WHEREAS, Town of Delafield Town staff have raised concerns about the use of portable outhouses in the Town, in circumstances not previously conducted, and have recommended that the Town Board consider adopting appropriate regulations; and

WHEREAS, the Town Board finds that portable outhouses cause potential health hazards of spread of disease and vermin; cause potential nuisance conditions due to appearance and odor; create conflict with the community standards for residential, recreational, and responsible land uses; cause blight, and potential diminution of property values; and therefore portable outhouses are incompatible with the health, safety, and welfare of the Town and its inhabitants, and are a public nuisance, unless permitted for the limited purposes described herein,

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 10 of the Town of Delafield Town Code entitled "Public Nuisances," Section 10.12 of the Town of Delafield Municipal Code is hereby created as follows:

10.12 REGULATION OF PORTABLE OUTHOUSES

- (1) **PROHIBITED.** No person shall build, place or maintain any portable outhouse or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Town limits except as follows:
 - a. The Town Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Town, whichever occurs first.
 - b. The Building Inspector or Town Administrator may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Town Administrator that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. The permit shall terminate 24 hours after conclusion of the special event or other use, or a specific time noted in the permit, whichever occurs first. The portable outhouse shall be removed from any premises no later than the termination time. Application for a permit under this subsection shall be made on the application form provided by the Town and may be accompanied by the fee as established by the Town Board from time to time. For purposes of this subsection, the Building Inspector and Town Administrator shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
- (2) **PENALTIES.** If the owner or applicant violates or permits violation of any provision of this section, such owner or applicant shall be liable to the Town for a penalty as provided for

in §25.04 of this Municipal Code for each violation of which convicted. Each day that a violation occurs or continues shall be considered a separate violation of this section.

SECTION 2:

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this _____ day of September, 2020.

TOWN OF DELAFIELD

Ron Troy, Town Chair

ATTEST:

Dan Green, Administrator/Clerk/Treasurer