

ORDINANCE NO. 2023-07

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE GENERAL LAWS OF THE TOWN OF RISING SUN BY AMENDING AND ADDING LANGUAGE TO THE TOWN'S PROPERTY MAINTENANCE, MINIMUM HOUSING AND QUALITY OF LIFE CODE, EDITION 2022-03, BY DELETING, AMENDING AND ADDING ADDITIONAL LANGUAGE TO CHAPTER 2 TITLED DEFINITIONS AND CHAPTER 3 TITLED GENERAL REQUIREMENTS TO PROPERLY ADDRESS THE LOCATION AND PLACEMENT OF PORTABLE RESTROOM UNITS; AND DELETING AND REPEALING CERTAIN ARTICLES AND PROVISIONS IN CONFLICT THEREWITH, AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**WHEREAS**, the Code of Ordinances of the Town, contains Chapter 5, titled Building and Housing Regulations, which contains Article 2 titled Property Maintenance, Minimum Housing and Quality of Life Code, which establishes minimum requirements and standards that shall apply to all existing residential and nonresidential structures, and all existing premises, and shall constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and to preserve the peace, harmony and tranquility of the community, and

**WHEREAS**, the Town has received complaints regarding the placement of portable restroom units which can be unsightly and pose a health issue and can attract rats and other vermin; and

**WHEREAS**, the Mayor and Commissioners wish to remedy these conditions by way of implementing rules and regulations for the placement of these units; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the authority of the Mayor and Commissioners of the Town of Rising Sun, Cecil County, Maryland, that Chapter 5 of the Codified Ordinance of the Town of Rising Sun, titled BUILDING AND HOUSING REGULATIONS shall be modified as follows:

**SECTION 1**

Chapter 5 of the Codified Ordinances of the Town of Rising Sun, titled Building and Housing Regulations, contains Article 2 titled Property Maintenance, Minimum Housing and Quality of Life Code. This article contains Section 5-201 titled Adoption of a Property Maintenance, Minimum Housing and Quality of Life Codes, which has a lengthy paragraph in which the first sentence states:



*“The Commissioners of Rising Sun hereby adopt the terms and provision as set out in a document, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as The Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code, edition 2022-03; to include all future amendments and editions as adopted by the Board of Commissioners.”*

### **Amendment 1**

This sentence shall be modified by changing the reference to *“Edition 2022-03”* to now read *“Edition 2023-01”*

### **Amendment 2**

This sentence references a separate stand-alone document to be designated as *The Town of Rising Sun’s Property Maintenance, Minimum Housing and Quality of Life Code*, which contains Chapter 2 titled *Definitions*, which will be modified to include a new definition as provided for below:

**PORTABLE TOILET.** *Is any type of portable, or self-contained toilet, outhouse, or restroom facility. It is sometimes manufactured of molded plastic and used as a temporary toilet for construction and/or large gatherings/events. These units can be moved around by one person, some by mechanical equipment such as a truck and or crane. These units may contain a Hand Washing Sink, Integral Non-Hazardous Liquid Waste Holding Tank, Sanitary Fixtures, Shower, Toilet and or Urinal. These units do not require a connection to any permanent water or sewer infrastructure and are completely self-contained.*

### **Amendment 3**

Chapter 3 of this document titled *General Requirements* will be modified by adding a new section 313 titled *Portable Restroom Units (PRU)* and shall read as follows:

#### **SECTION 313 PORTABLE RESTROOM UNITS (PRU)**

**313.1 Use and Placement of Portable Restroom Units** *No Portable Restroom Units (PRU) shall be constructed, erected or placed upon any property without first obtaining a PRU Permit from the Town of Rising Sun for each PRU and paying the required fees as described in the Town’s Fee Schedule. All PRU’s shall comply with all Town Code provisions.*

**313.2 Permit Application Requirements.** *A permit application for the placement of a PRU shall include:*

- A. Name and number of the service provider for the PRU, including size and dimension; and*
- B. A site plan to scale showing the location of the PRU and compliance with the regulations in this Section.*



**313.3 Limitations of Use.** PRU's are only permitted to be used for properties or structures under construction, renovation or special events being held and sponsored by a property owner. PRU's cannot be used to meet compliance with any minimum code requirements for restroom facilities. PRU's are to be used in conjunction with interior restroom facilities and cannot be used for an extended period of time to avoid the use of interior restroom facilities.

**313.4 Restrictions.** PRU's shall comply with the following:

- A. Commercial Properties. PRU's are only permitted for Commercial properties under construction, renovation or for special events approved by the Town and shall comply with the following.
  - 1. Permit Duration for Construction or Renovation Projects. A permit for a PRU shall be valid for the duration of a construction project but not more than 12 months of placement unless a new permit is secured. PRU's shall be removed prior to the issuance of the Provisional or Final Certificate of Occupancy.
  - 2. Permit Duration for Special Events. PRU's can be used for special events but must be removed from the site within 7 days of placement.
  - 3. Number of PRU's permitted. Unless approved by the Town, commercial properties are limited to the placement of only 2 PRU's at a time.
- B. Residential Properties. PRU's are only permitted for Residential properties under construction, renovation, or special events, such as birthday parties, celebrations and other similar events and shall further comply with the following.
  - 1. Permit Duration for Construction or Renovation. A permit for a PRU used for construction or renovation projects shall be valid for the duration of a construction project but not more than 6 months of placement unless a new permit is secured. PRU's shall be removed prior to the issuance of the Provisional or Final Certificate of Occupancy.
  - 2. Permit Duration for Special Events. PRU's can be used for special events but must be removed from the site within 7 days of placement.
  - 3. Number of Special Events. Residential properties are limited to 4 special events per calendar year and no more than 2 in any calendar year quarter.
  - 4. Number of PRU's permitted. Unless approved by the Town, residential properties are limited to the placement of only 1 PRU at a time.
- C. Lot Placement. PRU'S must be located on the property in which the construction, renovation or special event is taking place.
- D. Location on Lot. PRU's shall not be located on any public property, on any street, sidewalk, or right-of-way, and shall not block any sight lines.
- E. Screening. PRU's shall not be located in the front yard of any property and shall be adequately screened at the direction of the code officer to mitigate visibility from the public way.



- E. Authority of the Code Officer. *The Code Officer is granted authority to require immediate removal of a PRU if it is determined the PRU is no longer needed at the site, is filled to capacity, poses a public health and safety hazard or has violated this Section.*
- F. Contact Information. *The PRU shall prominently display the name, address and telephone number of the collector furnishing any such unit.*
- G. Proper License. *The PRU Hauler shall be properly licensed to do business in the state of Maryland and the Town of Rising Sun prior to placement.*

## **SECTION 2**

The table of contents will be automatically updated to accommodate the changes in page numbers affected by these changes.

## **SECTION 3.**

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled, and annulled.

## **SECTION 4.**

Should any provision, section, paragraph, or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

## **SECTION 5.**

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

## **SECTION 6.**

If passed and adopted, the Rising Sun Town Clerk is hereby ordered and directed to cause

this ordinance to be published in a newspaper in general circulation.

**SECTION 7.**

**BE IT FURTHER ENACTED** that this Ordinance is being considered for adoption as an emergency ordinance as provided for by code and if adopted shall become effective immediately.

**SECTION 8.**

**NOW THEREFORE BE IT RESOLVED** that this ordinance was introduced on this 30<sup>th</sup> Day of May 2023.

**SECTION 9.**

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun passed, approved, and adopted this ordinance on this 30<sup>th</sup> day of May 2023.

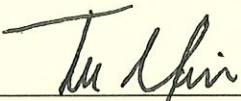
**AYES: (3) Commissioner Kleiner, Commissioner Braun and Commissioner Pierson**

**NAYES: (0)**

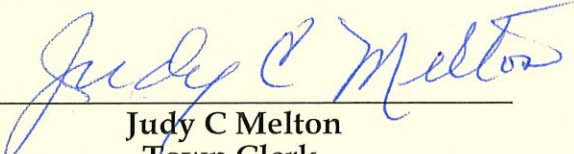
**ABSTAIN: (0)**

**PASSED**

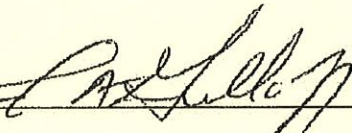
THE MAYOR AND COMMISSIONERS OF  
THE TOWN OF RISING SUN

BY:   
Travis Marion, Mayor

ATTEST:

  
Judy C Melton  
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS 30<sup>th</sup> DAY OF MAY 2023

BY:   
Jack A. Gullo, Jr., - Town Attorney



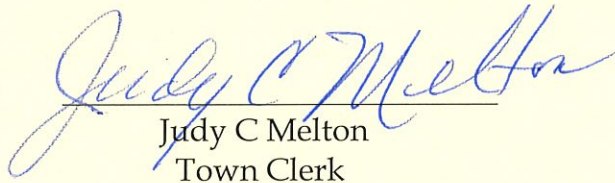
STATE OF MARYLAND)  
COUNTY OF CECIL)  
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Judy C Melton, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Ordinance is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 1<sup>st</sup> day of June 2023.

  
\_\_\_\_\_  
Judy C Melton  
Town Clerk