



OXFORD BOARD OF HEALTH PORTABLE TOILET REGULATIONS

AUTHORITY

These regulations are adopted under the authority granted by Sections 31 A and 31 B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts.

SECTION 1. PURPOSE

The purpose of this regulation is to ensure the maximum protection of public health, ground and surface waters through the efficient permitting and placement of Portable Toilets in the Town of Oxford.

SECTION 2. DEFINITIONS

Board of Health (BOH) – The Board of Health of the Town of Oxford.

Contractor – The owner of portable toilets or the person that removes and hauls the septage from the toilets.

FEMA – Federal Emergency Management Agency.

M.G.L. – Massachusetts General Laws.

NOAA – National Oceanic and Atmospheric Agency.

Person(s) – Any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit) or any other entity responsible in any way for an activity subject to this regulation.

Portable Toilet – Any temporary, portable device, building, structure, etc. that serves the purpose of a bathroom, urinal or toilet for the disposal of human waste.

Seasonal – A period of not more than 6 months in a calendar year.

Semi-Public Facility – A privately owned or operated location, which is open to the general public or persons authorized by the owner or operator, not including a single-family residence.

Site – The property on which the portable toilet is located.

Site Owner – The person who owns the site or the owner's authorized agent for the purpose of contracting to obtain a portable toilet.

Title 5 – 310 Code of Mass Regulations (CMR), 15.000, Title 5 of the State Environmental Code regulating septic systems.

SECTION 3. PERMITTING

1. No portable toilet shall be located or maintained at a site without a valid permit issued by the Board of Health for its placement at the site within the Town. It is a violation of the regulations to locate or maintain a portable toilet on site without a permit.
2. No contractor shall locate or maintain a portable toilet on a site without documentation that a valid permit from the Board of Health has been issued for its placement at a specific property in Town.
3. The contractor is responsible for obtaining the site-specific permit at which the portable toilet will be located. A permit may be obtained by filing a complete application online and paying the applicable fee to the Board of Health. The application shall include:
 - a. The name, address and telephone number of at least one owner of the property where the portable toilet is to be located;
 - b. The name, address and telephone number of the contractor servicing the toilet, if not the providing contractor;
 - c. The length of time the toilet is to be located on the site;
 - d. Sketch plan showing proposed location with offsets, including location of wetlands, wells, structures, rivers, streams, lakes, parking, abutting streets;
 - e. Location where effluent/solids will be disposed; and
 - f. Such other information as the Board of Health may require.
4. The contractor must be a licensed septage hauler in the Town of Oxford.
5. Notification by the contractor that the portable toilet has been installed must be provided to the Board of Health within twenty-four (24) hours.
6. Notification by the contractor that the portable toilet has been removed must be provided to the Board of Health within twenty-four (24) hours after the removal.

7. For portable toilets to be placed on site for more than five (5) days in any month (as allowed under section 4.1 (a-d)), the contractor shall include a maintenance contract with the permit application.
8. For portable toilets placed on site for more than five (5) consecutive days, the Board of Health may require the portable toilet to be screened on three sides by a wooden enclosure fence, consistent with neighborhood architectural standards and sufficient to block view of the facility from neighboring residential properties. In addition, disinfectants and deodorizers shall be used as necessary to prevent odors from disturbing neighbors.
9. For portable toilets placed on a site for more than five (5) consecutive days, the following information is required,
 - a. Copy of maintenance agreement between site owner and contractor.
 - b. List of chemicals used within portable toilet.
 - c. Schedule of maintenance with a minimum service schedule of once per week or if necessary, more frequently as directed by order of the Board of Health.
 - d. Statement that no grey water will be discharged onto the ground.
 - e. Monthly copy of maintenance with dates from vendor.
10. No portable toilet shall be located closer than 10 feet from any property line.
11. The Board of Health may set additional permit conditions for the location and use of any portable toilet in addition to the specific conditions prescribed herein, including, without limitation, the best location for the unit on the site.

SECTION 4. OPERATION

1. A portable toilet shall not be used on a site in the Town for a period of more than five (5) days in any one month, except for the locations set out below. At no time may a portable toilet be left unattended for more than five (5) business days.
 - a. Public facilities, temporary or permanent, owned or operated by municipal, state or federal entities for the benefit of workers or the public, where siting a Title 5 compliant system is infeasible.
 - b. Seasonal semi-public facilities where siting a Title 5 compliant system is infeasible.
 - c. Construction sites where portable toilet would be used by workers on a site.

- d. In cases of a repair to an existing Title 5 system, where extreme hardship due to disaster, construction delay or unforeseen circumstance exists and where said Title 5 system cannot be operated during occupancy.
- 2. Portable toilets are to be placed on level ground and there shall be hand-washing material and disinfectant within the portable toilet.
- 3. Where a portable toilet located within a FEMA Flood Hazard Zone, as defined in Title 5, the contractor shall be responsible to remove the portable toilet from the site within twenty-four (24) hours before named storms or gale force winds as defined by NOAA weather service bulletins are predicted to impact the Town.
- 4. Portable toilets shall not be used to substitute for Title 5 systems, to supplement the design capacity restriction of the existing on-site system, or for campsites.
- 5. The contractor shall have its name, current business address and current business telephone number conspicuously displayed on the exterior of the portable toilet.
- 6. The Board of Health may conduct a random inspection of the portable toilet. If necessary, the portable toilet will be replaced within twenty-four (24) hours at no expense to the Board of Health.
- 7. Reinspections on the portable toilets will be charged at a rate of \$25.00 per inspection.
- 8. Waivers to the Section 4 requirements above may be requested by the site owner or the owner' agent by filing a request in writing with the Board of Health that describes the waiver being requested and the reasons with supporting technical or factual documentation in support of the request. The request may be considered for approval by the Board of Health at a meeting.

SECTION 5: ENFORCEMENT AND PENALTIES

- 1. The Board of Health may order that further use of portable toilets cease and desist, that it be removed from its location or otherwise brought into compliance upon a finding that the contractor or site owner had violated any of the provisions of these regulations or has failed to comply with any lawful order of the Board of Health pursuant to these regulations.
- 2. Violations of these regulations are punishable by a penalty of \$25 for each offense. Each day that a violation occurs will constitute a separate offense.
- 3. Nothing in this regulation is intended to limit or restrict the Board of Health or other board, commission, or officer of the Town to act in accordance with federal, state and

local laws within their jurisdiction, including without limitation the authority of the Board of Health to abate nuisances in accordance with M.G.L. c. 111, Sections 122-125.

4. Persons accused of violating this regulation or requesting a waiver to the provisions herein may request a hearing before the Board of Health in writing within ten (10) days of being notified of a violation.

SECTION 6. SEVERABILITY

Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

SECTION 7: VARIANCES

Upon written request and a hearing before the Board of Health, the Board of Health may in its sole discretion grant a variance as to these regulations if the enforcement thereof would do manifest injustice; however, the variance shall be granted only if there is no substantial detriment to the public health and safety and provided that the decision of the Board of Health shall not conflict with the spirit of this regulation or any minimum standards required by Federal or State law. Any variance granted by the Board of Health shall be in writing and shall be subject to such conditions as the Board of Health deems appropriate.

SECTION 8: EFFECTIVE DATE

This regulation shall be effective as of *November 8, 2023*

By the Town of Oxford Board of Health