

SEC. 15-1-31 REGULATION OF PORTABLE TOILETS AND CONSTRUCTION DEBRIS RECEPTACLES AT NEW CONSTRUCTION SITES.

This Section applies to portable toilets and construction debris receptacles at the site of any new construction within the Town regardless of the zoning of such site. For purposes of this Section only, “new construction,” means the construction of any new building intended for residential, commercial or industrial use, and not the construction of structures accessory thereto; “adjacent properties,” means those properties sharing a common property line, and not those physically separated by any road, stream or other public right-of-way.

(a) Portable Toilets.

(1) **Intent** The intent of this subsection is to ensure that individuals have access to hygienic lavatory facilities at the sites of new construction within the Town.

(2) **Duration** Portable toilets must be delivered to the new construction site after any footings or foundation is poured and back-filling is completed, and prior to any further work taking place at the site. The portable toilet must remain at the site until an occupancy permit therefor is issued. At the time of application for the first permit for any new construction, the applicant must produce evidence that a portable toilet has been rented for the subject property.

(3) **Location** Portable toilets must be located outside of any road right-of-way. A portable toilet must also be located where it can be easily accessed and serviced and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.

(4) Number And Servicing Frequency

a. Each new construction site shall be served by at least one portable toilet. A single portable toilet shall be sufficient to serve approximately ten people who are regularly at the site over the course of a forty hour week. Portable toilets must be serviced, i.e. cleaned, restocked of paper products, and emptied of waste, at least once per week. A record of the portable toilet’s servicing dates must be kept and must be made available for review in a timely manner upon request.

b. If more than ten people are, or are regularly expected to be, at the new construction site, or if ten or fewer people are, or are regularly expected to be, at the site for more than forty hours per week, the number of portable toilets required or the servicing frequency thereof must be increased proportionately.

c. If a single property owner or contractor is undertaking new construction at two adjacent properties, a single portable toilet, subject to the above man hour guidelines set forth in subparagraph (a), may serve the two adjacent properties, provided that when an occupancy permit is issued for one of the adjacent properties, the portable toilet must be moved to the other property, if construction is continuing there at, and located as set forth in paragraph (2) above.

(b) Construction Debris Receptacles.

(1) **Intent.** The intent of this subsection is that all construction debris at new construction sites shall be stored in a suitable location so as to prevent any such debris from entering the surrounding environment.

(2) **Size and construction.** Construction debris receptacles shall be constructed of metal, plywood, plastic or other material sufficiently sturdy to withstand the construction process and exposure to the elements without allowing any construction debris to enter the surrounding environment. Metal Construction debris receptacles, i.e. “dumpsters,” shall have a volume of at least 10 cubic yards and construction debris receptacles made of plywood, plastic or other material shall have a minimum volume of 9.4 cubic yards.

(3) **Duration.** Construction debris receptacles must be located at the new construction site before any exterior framing work begins. Following the installation of an operational garage door, for residential construction, or the completion of a loading dock/door or other suitable interior space, for commercial or industrial construction, construction related debris shall be stored in such enclosed, interior space if the construction debris receptacles have been removed from the site. Whenever the site is unoccupied, the garage or other door must remain closed so as to prevent any construction debris stored therein from entering the surrounding environment.

(4) **Location.** Construction debris receptacles must be located outside of any road right-of-way. Construction debris receptacles must also be located where they can be easily accessed and serviced, i.e. emptied and/or removed/replaced, and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.

(5) **Number, Size, and Servicing Frequency.** Every new construction site shall have at least one construction debris receptacle conforming to the specifications and limitations contained in this Section, or two construction debris receptacles that, taken together, contain the minimum volume of a single construction debris receptacle as set forth above. Construction debris receptacles shall be adequately sized and serviced frequently enough so as to completely contain the construction debris therein and prevent any such construction debris from entering the surrounding environment due to rain, wind, etc.

(c) **Violations.** If the Building Inspector finds a new construction site to be in violation of any provision of this Section, he or she may issue an immediate stop-work order, may refuse to perform or to return to the site for any additional inspections, or, in his or her discretion, may allow the builder and/or property owner such time as is reasonable under the circumstances to remedy the violation. In lieu of, or in addition to, the issuance of a stop work order under the subsection, the Building Inspector may also cause the property owner or contractor to be issued one or more citations under Section 15-1-30. Each separate violation of any provision of this Section, and each day a violation continues, shall constitute a separate offense.