

ORDINANCE NO. 2022:16

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER BH10 OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF NEW MILFORD'S REVISED GENERAL ORDINANCES TO ADD SECTION BH10-4 ENTITLED "LICENSING OF PORTABLE TOILETS"

BE IT ORDAINED by the Mayor and Council of the Borough of New Milford, County of Bergen, New Jersey, that this ordinance be enacted pursuant to N.J.S.A. 26:3-1 et seq. and N.J.S.A. 40:48-2 as follows:

§BH10-4 LICENSING OF PORTABLE TOILETS

§BH10-4.1. Permit Required.

It shall be unlawful for any person to use, construct, maintain, empty or clean any toilet of the type commonly know as "outside toilets" within the Borough without first obtaining a permit from the local Board of Health.

§BH10-4.2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

OUTSIDE TOILET – Outside lavatory, portable toilet, outhouse, or other similar device used for the reception of storage of human excrement, whether temporary or permanent in nature, except that chemical or portable toilets located on boats or recreational vehicles are specifically excluded from this definition.

§BH10-4.3. Application for permit; contents.

- A. Application requirement. Any individual, corporation, partnership, organization or other institution commonly recognized by law as a unit must complete an application obtained from the local Board of Health of the Borough before any permit shall be issued for the temporary use of an outdoor toilet. The original application shall be filed with the local Board of Health for review and determination, and a copy is to be filed with the Borough Clerk.
- B. Contents of application. The application for the permit shall contain the following information:
 - 1. Name and description of the applicant.
 - 2. Address (legal and local).
 - 3. Brief description of the basis for the request, proposed location, requested time of use, method of delivery, maintenance and cleanup, and party responsible for same.
 - 4. Street address, or if there is none, the lot and block number as shown on the Tax Map, where the outside toilet is to be located.

5. Any other appropriate information which the local Board of Health may require by resolution.

§BH10-4.4. Permit Fee.

Where any individual, corporation, partnership, organization, or other institution commonly recognized by law files an original permit application with the local Board of Health, said application shall be accompanied by a permit fee of \$40.00 which shall be applied toward the administrative costs of enforcing this chapter. The Board of Health may, in its discretion, waive permit fees for nonprofit, charitable, or other public-service-related entities or events.

§BH10-4.5. Issuance of Permit.

Upon receiving a completed application and permit fee, the local Board of Health shall immediately institute whatever reasonable investigation is necessary concerning the application in question. If satisfied, based upon that investigation, the local Board of Health may issue a temporary permit for the use of an outside toilet only for one of the following purposes:

1. Carnivals, fairs, and other similar public events; or
2. Construction sites; or
3. Where good cause is shown by the applicant to justify the issuance of a temporary permit.

§BH10-4.6. Duration of Permit.

No permit issued pursuant to this chapter shall be for more than a period of twenty (20) days. The Board of Health may, in its discretion, extend the period of permit effectiveness or allow permit renewals without additional fees for good cause shown.

§BH10-4.7. Revocation of Permit.

Where any permit holder fails to maintain the outside toilet in a healthy and sanitary manner, so as to constitute a nuisance, or violates any of the provisions of this chapter, or any other ordinances of the Borough or State of New Jersey, in connection therewith, the permit may be revoked by the local Board of Health after reasonable notice and hearing.

§BH10-4.8. Exceptions.

The provisions of this chapter shall not apply to the following:

1. Agricultural uses, being defined as farms, fields, bogs and farm labor camps, which are regulated by the State Department of Agriculture.
2. Retail commercial take-out businesses which have had, on a seasonal basis, portable toilets located on their property for the last two (2) years.
3. County, State, or other public agencies for the purposes of road work, emergency purposes, or as required under State law to be provided on such work site.