



# Ordinance

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

No. 343

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING ORDINANCE NUMBER 137 CODIFIED IN CHAPTER 91 OF THE CITY CODE RELATING TO PORTABLE TOILET REGULATIONS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

WHEREAS, the current portable toilet regulation prohibits portable toilets within the city limits except at job sites authorized by the Building Official;

WHEREAS, the City of San Luis is currently experiencing approximately 300 agricultural buses and 9,000 agricultural workers a day within the city limits;

WHEREAS, the current prohibition on portable toilets is creating risks for public health due to the lack of toilet facilities at the locations and during the times that agricultural workers congregate for recruitment and transport to their work-sites especially during the high season months for agricultural work; and

WHEREAS, the City of San Luis desires to immediately respond and change its regulation to address the situation while continuing to prohibit portable toilets in residential areas;

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AS FOLLOWS:**

**Section 1:** Chapter 91 of the City Code is amended to add a new section as follows:

## **§91.50 DEFINITIONS**

**For the purpose of the provisions regulating portable toilets the following definitions shall apply unless the context clearly indicates or requires a different meaning.**

1. **“Building Official” means the same as Building Official as defined in the San Luis City Code zoning regulations at §152.013.**

2. “Non-residential zoning district” means all the zoning districts not designated as residential under the San Luis City Code zoning regulations at §152.061.
3. “Portable Toilet” means a portable enclosure containing a self-contained toilet.
4. “Transportation for Agricultural Workers” means any means of collective transportation for agricultural workers as directed by an agricultural employer, an agricultural labor contractor, or similar entity. This includes but not limited to buses and vans.

**Section 2:** Section 91.55 of the City Code is amended to read:

**§91.55 PROHIBITION.**

Portable toilets shall not be parked, stored or allowed to remain within the city limits of the city, except as provided in §91.56 and §91.57.

**Section 3:** Section 91.56 of the City Code is amended to read:

**§91.56 EXCEPTION, AUTHORIZED JOB SITES**

Portable toilets shall be allowed at job sites if authorization is first obtained from the Building **Inspector Official**. Authorized toilets must be cleaned and serviced daily, must be in good working condition, must be without any leaks, must be without seepage and must be left at the authorized job site until a certificate of occupancy is obtained or work ends at the job site.

**Section 4:** Chapter 91 of the City Code is amended to add a new section as follows:

**§91.57 EXCEPTION, AGRICULTURAL WORKER TRANSPORTATION**

**A. Portable toilets shall be allowed to be hitched to transportation for agricultural workers in any non-residential zoning district of the City of San Luis if all of the following requirements are met:**

1. portable toilets must be cleaned and serviced daily or more often as necessary to maintain sanitation and odor control; and
2. portable toilets must be in good working condition, must be without any leaks and must be without seepage; and
3. portable toilets hitched to transportation for agricultural workers shall not be left parked in unfenced areas after transportation for agricultural workers is no longer in the service of recruitment or transportation of agricultural workers for the work-day; and

4. the fenced area where the hitched portable toilets are parked must be in a non-residential zoning district and must be approved by the Building Official.

**B. Portable toilets which are used by agricultural worker transportation may be stored as follows:**

1. for less than 12 months in a year, and
2. in non-residential zoning districts in the City of San Luis, and
3. in a fenced area approved by the Building Official, and
4. the portable toilets must be in good condition and be maintained clean and sanitary, and
5. while the portable toilets are stored, they are not to be used nor accessible for use.

**Section 5:** Section 91.99, the Penalty Section pertaining to portable toilet regulation of Chapter 91 of the City Code is amended to read:

**§91.99 PENALTY.**

~~(C)~~ **(D)** *Portable toilet.* Violations of §§ 91.55, **and** 91.56 **and** **91.57** shall be a class 1 misdemeanor punishable in accordance with the applicable sections of the Arizona Revised Statutes.

**Section 6:** In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulation, or policy within the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern, effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**Section 7:** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 8:** It is necessary that this Ordinance become immediately operative because there lacks in the City of San Luis sufficient sanitary facilities for the current influx of agricultural workers causing a health and safety risk to the public in the City of San Luis.

**Section 9:** It is necessary for the preservation of the peace, health and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of San Luis,  
Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Gerardo Sanchez, Mayor

**ATTEST:**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Sonia Cornelio, City Clerk

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Kay Marion Macuil, City Attorney