

**A RESOLUTION BY THE  
BOARD OF HEALTH OF  
FORSYTH COUNTY, GEORGIA**

A Resolution by the Forsyth County Board of Health to adopt, in accordance with O.C.G.A. § 31-3-4 (a)(4) and O.C.G.A. § 31-5-1, *et. seq.*, rules and regulations setting forth the minimum requirements for the provision and availability of temporary toilet facilities at residential and commercial construction sites, as well as other construction sites within Forsyth County;

**WHEREAS**, due to the high probability that construction sites without adequate toilet facilities will result in human waste being improperly deposited at the site, and that such improper disposal will lead to contamination of soil, ground water, and otherwise become a health hazard, the Board of Health desires to adopt rules and regulations to ensure that adequate, temporary toilet facilities are required at construction sites such as will ensure protection of the health, safety and welfare of the citizens of Forsyth County;

**WHEREAS**, the Forsyth County Board of Health and the Forsyth County Health Department believe that establishing minimum requirements for the provision and availability of temporary toilet facilities at construction sites within Forsyth County will enhance both the safety and efficiency of construction workers at such sites, encourage responsible provision of necessary facilities by project managers, and otherwise serve to promote and protect the health, safety and welfare of the citizens of Forsyth County, Georgia;

**NOW THEREFORE BE IT RESOLVED AND ORDAINED** by the Forsyth County Board of Health, and it is hereby resolved and ordained by the authority of same, as follows:

**Section 1. On-Site Temporary Toilet Regulations.**

(a) Definition of Temporary Toilet.

Temporary Toilet: Shall mean any toilet facility:

- (1) intended for temporary use on a site;
- (2) not connected to either a sanitary sewer system or a permanent individual sewage disposal system;
- (3) that must be pumped, or otherwise manually serviced, to facilitate waste removal and disposal; and
- (4) approved and permitted by the Forsyth County Health Department.

(b) Distance Requirements.

- (1) The maximum distance from the nearest Temporary Toilet to any active, construction work site within Forsyth County (“Site”) shall be no greater than two hundred (200) feet (“Maximum Distance”) or a distance acceptable to an official(s) with the Forsyth County Health Department. An “active construction work site” is a construction site wherein an active Land Disturbance Permit has been issued by the Forsyth County Department of Planning and Development or the City of Cumming Planning and Zoning Department..
- (2) Distance will be measured from the foundation (either existing or proposed) as shown on architectural or engineering drawings of each structure to the Temporary Toilet.

(c) Number of Temporary Toilets Required.

- (1) At least one (1) Temporary Toilet within the Maximum Distance shall be available to workers at every Site. The ratio of workers to Temporary Toilets must be no greater than 20 to 1, respectively (“Acceptable Ratio”). If the Acceptable Ratio is ever exceeded, then an additional Temporary Toilet within the Maximum Distance shall be added to ensure the Acceptable Ratio is maintained.
- (2) Multiple builders may achieve compliance with these regulations by sharing a Temporary Toilet(s) so long as the Maximum Distance and Acceptable Ratio are maintained, and upon written confirmation by all such builders that they each consent to such sharing and the terms thereof.
- (3) Temporary Toilets shall be serviced no less than bi-weekly.

(d) Permitting and Fees.

- (1) For each On-Site Temporary Toilet Permit ('Permit'), there shall be a one hundred dollar (\$100.00) fee.
- (2) A Permit will be required for each Temporary Toilet prior to the issuance of a building permit or other development permit.
- (4) Each permit issued shall identify the permittee(s), the address and/or lot number to which the Permit relates, and the number and types of Temporary Toilets permitted by the Permit. Regarding any Permit authorizing multiple builders to share a Temporary Toilet(s) pursuant to subsection (c)(2), all such builders shall be named on the applicable Permit.
- (5) Multiple addresses and/or lots may be referenced in, and location thereon of multiple Temporary Toilets authorized by, a single Permit.
- (6) Every Permit shall be maintained and, when applicable, renewed until a certificate of occupancy is issued for the structure(s) on the property described in the Permit. Each Permit will be valid for a 12-month period.
- (7) Upon the expiration of any Permit, the permittee must make application for a new Permit under the same procedures as apply to an initial Permit.

(e) Applicability.

- (1) This Resolution shall apply to all Temporary Toilets serving Sites in Forsyth County and the City of Cumming.
- (2) It shall be unlawful for any person or entity to fail to comply with any requirement of this Resolution.
- (3) This Resolution shall not apply to pit privies or other semi permanent toilet facilities, which must be permitted pursuant to other regulations by the Health Department.

(f) Pumping and Maintenance.

Each Temporary Toilet operated pursuant to a Permit must be serviced and/or maintained properly and only by a septage removal entity licensed by the Georgia Department of Human Recourses.

(g) Enforcement.

- (1) The Health Department by and through its staff, officers and employees and agents will enforce all provisions of this Resolution.

- (2) Enforcement of the provisions of this Resolution shall follow the procedure set forth below.
- (3) First, a written warning will be issued providing the violator with five (5) business days to remedy any non-conforming condition.
- (4) Second, if the non-conforming condition is not remedied within five (5) business days of the written warning and according to any terms contained therein, the Health Department may request the Forsyth County Planning Department or the City of Cumming Planning and Zoning Department to issue a written Stop Work Order.
- (5) Third, if the violator fails to adhere to the terms of the Stop Work Order, then Health Department agents and/or employees may turn this matter over to the Forsyth County Attorney in order to pursue an injunction or other form of legal or equitable relief against the violator.
- (6) Contemporaneously with a Stop Work Order being issued and/or legal action being pursued, the related Permit shall be automatically revoked with no further action required of the Health Department. Prior to the issuance of any new Permit to the violator, the violator shall pay to the Health Department a two hundred dollar (\$200.00) reinstatement fee, and all non-conforming conditions described in the citation shall be resolved to the reasonable satisfaction of the Health Department.”

**Section 2. Severability**

If any Section, Sub-section, sentence, clause or phrase of any portion of this Resolution be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid or the application of this Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the Forsyth County Board of Health to provide for separable and divisible parts and it does hereby adopt any and all parts hereof as are not held invalid

**Section 3. Repealer Provision**

Any Resolution, Ordinance, Rule, Regulation or other instruction previously approved by

the Forsyth County Board of Health which is inconsistent with the provisions of this Resolution is repealed, revoked and shall be of no further force or effect upon the effective date of this Resolution.

**Section 4. Effective Date**


This Resolution shall be effective thirty-days after its adoption by the Forsyth County Board of Health.

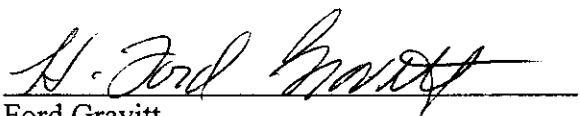
This Resolution is hereby adopted this 12<sup>th</sup> day of September, 2006, the public health, safety and general welfare demanding it.


**FORSYTH COUNTY BOARD OF HEALTH**

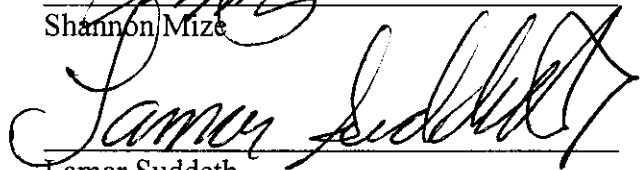
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Richard May, Chairman

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Jack Conway

  
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Paula Gault

  
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Ford Gravitt

  
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Shannon Mize

  
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Lamar Suddeth

  
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Joel Webb

Attest: