

CITY OF DIAMONDHEAD POLICY REGARDING
TEMPORARY MOBILE RESTROOMS, CONCESSIONS, CARGO (STORAGE) TRAILERS
AND MARINA OFFICE TRAILER
THAT ARE ON WHEELS IN THE REGULATORY FLOODPLAIN

A resolution of the Mayor and City Council of the City of Diamondhead establishing a policy to regulate temporary mobile restrooms, concessions, cargo (storage) trailers and marina office trailer that are always on wheels in the regulatory floodplain. It is not permitted in the regulatory floodway.

WHEREAS, the final guidance from FEMA/MEMA on temporary structure guidance is dated April 3, 2017;

WHEREAS, the final guidance from FEMA/MEMA only allows temporary structures for six months and then the structure has to be removed; the temporary structure has to receive a permit with a removal date.

WHEREAS, other local jurisdictions in the three coastal counties have temporary portable toilet facilities and even a marina office;

WHEREAS, the FEMA/MEMA definition of a structure (for floodplain management purposes) as stated in the Flood Damage Prevention Ordinance “means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home”.

WHEREAS, FEMA/MEMA definition of structure (for insurance purposes), “means a building with two or more outside rigid and a fully secured roof, that is affixed to a permanent site; a manufactured home built on a permanent chassis, transported to it site on one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. The term does not include a recreational vehicle or a park trailer or other similar vehicle, except as described in the last part of this definition or a gas or a liquid storage tank”;

THEREFORE, temporary mobile restrooms, concessions, cargo (storage) trailers and marina office trailers that are always on wheels are not by FEMA/MEMA definition a structure.

FURTHERMORE, the final guidance from FEMA/MEMA on temporary structure guidance is dated April 3, 2017 regulates temporary structures;

WHEREAS, the City of Diamondhead shall establish a policy to regulate temporary mobile restrooms, concessions, cargo (storage) trailers and marina office trailers that are always on wheels in the regulatory floodplain;

WHEREAS, the conditions are:

1. All of the mobile and portable facilities i.e. restrooms, concessions, cargo (storage) trailers and marina office trailers shall be professionally manufactured.
2. These mobile and portable facilities shall not be located in the regulatory floodway.

3. Port-a-lets shall not be used;
4. Only 1 unisex ADA accessible restroom and only 1 regular restroom shall be provided; Upon request, additional restrooms may be allowed for large events on a case by case basis.
5. The mobile restrooms, concessions, cargo (storage) trailers and marina offices shall be on a chassis and be road ready at all times having current license plates with liability and environmental insurance;
6. The maximum size chassis shall not exceed 16'4" in length and 6.5' in width notwithstanding tongue for mobile restrooms, concessions and cargo storage trailers; For a marina office trailer the maximum size chassis shall not exceed 12' in length and 10' in width notwithstanding tongue.
7. The mobile restroom and concessions, if needed, shall be connected to water and sewer provided by the Diamondhead Water and Sewer District; The connections for water and sewer service shall have quick disconnects;
8. If electrical service is provided, quick disconnects are required;
9. The mobile restrooms, concessions, cargo trailers and marina office trailer shall be immediately removed from the premises upon declaration by the National Hurricane Center of a tropical storm or hurricane has formed and it has entered the Gulf of Mexico;
10. If the property/business owner fails to remove the mobile restrooms and/or concession and cargo storage trailers within 24 hours upon declaration of the National Hurricane Center, the City has the authority to remove the mobile restrooms, concessions, cargo (storage) trailers and/or marina office trailers from the premises at the owner's expense.
11. The City of Diamondhead shall notify the property owner and/or business when they can be returned to the site;
12. The City also has the right to direct the removal of any mobile restrooms, concessions, cargo trailers and marina office trailer at any time without cause;
13. When removed due to a storm or hurricane, the mobile restrooms, concessions, cargo trailers and marina office trailers shall be stored in an X zone and not in the regulatory floodplain or in an area subject to flooding. The owner of the property/business shall provide the City with the location of the storage area;
14. The chassis, tires, and trailers shall have an annual maintenance inspection conducted annually and submitted by April 15th to the Building Official to determine if the chassis is road ready. The chassis and trailers shall be removed from the premises for the maintenance inspection to be conducted. The maintenance inspection shall be performed by an ASE (Auto Service Excellence) mechanic and have a properly licensed business. The mobile restrooms and marina office trailer including all pipes and fittings and the structure framing shall also be inspected by a registered engineer licensed in the State of MS. The record of both types of the maintenance inspections shall detail what was inspected and that everything is in proper working order and acceptable. Identify any deficiencies and have repaired before submitting permit application and returning to site. The maintenance record shall be submitted with annual permit application. The maintenance record shall be signed and dated by the person who conducted the inspection. Both types of inspections shall be conducted by a third party and have no interest or affiliation with the property or business owner;

15. Liability and environmental insurance shall be continuously maintained and shall indemnify and hold harmless the City of Diamondhead from any liability;
16. The property/business owner shall apply for a permit requesting the placement of a temporary restroom, concessions, cargo storage trailers or marina office trailer.
 - The applicant shall provide proof of ownership of property;
 - Street address
 - Parcel number
 - Cell phone number
 - E-mail address
 - Second contact information
 - Site plan showing location of restrooms and/or trailers on the property in relation to the property lines
 - Site plan showing location of storage area outside of the floodplain; provide street address and parcel number
 - If the storage area is not own by the owner of the mobile and portable facilities, provide a signed and executed agreement with the proper property owner granting permission to store the mobile and portable facilities;
 - Certificate of liability and environmental insurance in the amounts of \$1,000,000.
 - All permits shall expire on April 30th of each year.
17. Inspections shall be conducted for compliance.
18. Non-compliance with this policy shall automatically terminate the permit and another permit shall not be issued until 6 months have passed.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, that the City Council adopted the proposed policy with conditions as stated above effective immediately upon its passage.

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION WAS ADOPTED IN THE AFFIRMATIVE BY THE FOLLOWING VOTE OF COUNCIL OF THE CITY OF DIAMONDHEAD ON THE 5TH DAY OF OCTOBER, 2021.

	Aye	Nay	Absent
Councilmember Finley	_____	_____	_____
Councilmember Moran	_____	_____	_____
Councilmember Sheppard	_____	_____	_____
Councilmember Clark	_____	_____	_____

Councilmember Maher _____

Mayor Depreo _____

MAYOR NANCY DEPREO

ATTEST: _____
 Jeannie Klein, City Clerk