

CHAPTER 1

WATER SYSTEM AND SEWER SYSTEM

Section 17-101 **Lease of system.**

SECTION 17-101 **LEASE OF SYSTEM.**

The city has leased its water and sewer system to the Choctaw Utilities Authority, a public trust. The trust has power to set water and sewer rates and otherwise to regulate the water and sewer systems. The motions and resolutions adopted by the trust replace ordinances of the city relating to these matters. For the motions and resolutions passed by the public trust, please refer to the minutes of the meetings of the Choctaw Utilities Authority. A copy of the trust indenture relating to the leasing of these systems appears in this code in the appendix.

CHAPTER 2

REFUSE AND SOLID WASTE

ARTICLE A

SOLID WASTE COLLECTION

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Ed. Note: This article became effective September 1, 1992.

SECTION 17-201 DEFINITIONS.

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this article:

1. "Contractor" means any individual, firm, corporation, company, partnership, association, or trust who agrees to furnish all necessary materials and perform services for solid waste collection under the specified terms with the city;
2. "Dwelling" means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile and shall include but not limited to a manufactured home, commercial and industrial establishments;
3. "Permittee" means any individual, firm, corporation, company, partnership, association or trust who agrees to furnish all necessary materials and perform services for solid waste collection under permit issued by the city;
4. "Person" means any individual, firm, corporation, company, partnership, association, trust and includes but is not limited to any owner, occupant, tenant or lessee; and
5. "Solid waste" means all putrescible and non-putrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes, chemical wastes, herbicide and pesticide wastes. Scrap materials which are source separated for collection and processing as industrial raw materials shall not be considered discarded for the purposes of this article, except when contained in the waste collected by or in behalf of the city. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-202 SOLID WASTE CONTAINERS TO BE PROVIDED.

Every person using and occupying a dwelling, within the corporate limits of the city, shall be provided and use solid waste containers and receptacles for solid waste, the containers and containers to be of the kind and character hereinafter specified or furnished by the permittee. Each owner, occupant or lessee shall place the containers and receptacles and maintain them at the place or places specified in Section 17-203. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-203 CONTAINER REQUIRED; DUTY TO USE.

A. Persons owning or occupying all premises in the city receiving solid waste service under contract are hereby required to place all solid waste in a ninety (90) gallon roll-a-waste cart, furnished by the contractor, and shall be placed at the curbside on the designated day for the collection of residential waste.

B. When a residential customer finds it necessary to dispose of additional solid waste, all such solid waste shall be emptied at no additional cost to the resident provided the refuse is placed in disposable containers or tied in bundles not longer than four (4) feet in length and weighing no more than fifty (50) pounds each, and the same is placed at the street curb by the resident on the pick-up date.

C. Each residential cart, bag or bundle shall be placed at the curbside for collection. Curbside refers to that area within four (4) feet of the curbline of the street or public roadside from which a residence, property or institution is serviced. Carts, bags and bundles shall be placed as close to the curbside/roadway as practical without interfering with or endangering the movements of vehicles or pedestrians. When construction work is being performed in the right-of-way, carts, bags and bundles shall be placed as close as practical to reasonably convenient access points for the collection vehicle on a collection day. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-204 MANURE, DEAD ANIMALS, TO BE DISPOSED OF BY OWNER.

A. Manure from private stables or offal or refuse from animals, or night soil and dead animals, and all other waste not herein mentioned, must be kept in a separate suitable receptacle and not dumped in the alleys or retained on the premises and become a nuisance. The same shall be disposed of by the owner.

B. The city shall enforce this section as provided by ordinances declaring such to be a nuisance under the health laws of this city and state. It is the duty of the city manager or his designee, director of the cooperative health department, or the employee of the city to whom the city manager may assign his duties, to see that the removal is promptly made when so ordered. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-205 SOLID WASTE DEPARTMENT OR CONTRACT AUTHORIZED.

A. The city may create a solid waste department and hire sufficient help to operate the department and purchase any equipment necessary to properly conduct the department. The city may enter into a contract with some suitable person, or persons, firm, or corporation, for removal and disposal of the garbage and refuse provide, the contractor or permittee shall furnish a good and sufficient surety bond conditioned for the faithful performance of the contract and all the requirements of this article and contract terms.

B. In case of conflict with any provision of this code, the contract with an independent contractor shall take precedence over the conflicting provision of this code. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-206 CONTRACTOR OR PERMITTEE TO PROVIDE EQUIPMENT.

Any contractor or permittee shall provide all materials, equipment, labor, supervision and other material and management items necessary to properly remove solid waste:

1. The contractor or permittee shall provide an adequate number of enclosed packer bed vehicles to provide regular collection services. All vehicles, bins and other equipment shall be kept in good repair, appearance, and in a sanitary condition at all times. Each vehicle or bin facility shall have clearly visible the identity and telephone number of the contractor or permittee;
2. All refuse hauled by contractor or permittee shall be so contained, tied or enclosed that the leaking, spilling or blowing of the material are prevented. In the event such does occur, the contractor or permittee shall be totally responsible for correction of the incident;
3. Contractor or permittee shall dispose of municipal solid waste at a landfill or other facility which holds a current permit for authority to do business with the Oklahoma State Department of Health, it shall be the sole responsibility of the contractor or permittee to lawfully dispose of such wastes;
4. Collection of residential refuse shall not commence before 6:00 A.M. or continue after 7:00 P.M. on the same day. Exceptions to collection hours shall be effected only upon the mutual agreement of the city and contractor or permittee, or when the contractor or permittee reasonably determines that an exception is necessary in order to provide collection on an existing collection route due to unusual circumstances or conditions. The city shall receive written documentation to exceptions. Commercial pickup routes may be operated at any hour not inconsistent with the peace and quiet of neighboring residences; and
5. Contractor or permittee will provide the handicapped, disabled and invalids special service.

When requested under these circumstances, contractor or permittee will pick up the cart from the houseside, empty it and return it to the house at the regular service charge. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-207 INSPECTION, ENFORCEMENT.

The city manager or his designee shall make or cause to be made inspection to determine whether solid waste is being properly disposed of and to further determine if receptacles of the kind required by this article have been obtained by the person required to use the receptacles. It is the duty of the inspector to report to the city attorney any person failing to comply with this chapter. The city attorney is required to institute the necessary proceeding to prosecute the offender as provided herein. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-208 USE OF SERVICES, MANDATORY.

Each dwelling within the city shall accept and use the solid waste disposal service provided by the city whether by contract or permit. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-209 PRIVATE AGENCIES.

A. It is unlawful for any person to haul or transport any solid waste or refuse, to remove it from any premises situated in the city, or to transport it through the streets, alleys or public places of the city, over any street, highway, a public right-of-way without having first obtained a permit as hereinafter provided.

B. An application for permit to operate a sanitation service in the city shall be in writing, verified to by the applicant or his duly authorized representative, shall be filed with the city clerk and shall contain the following information:

1. The name and current address of the applicant. If the applicant is a partnership, the names and current addresses of each of the partners. If the applicant is a corporation, the state Incorporation Seal and the names and address of the officers and directors thereto;
2. The current address of the principal place of business of the applicant;
3. A description of the vehicles to be used showing the make, model and type of truck plus state vehicle inspection registration number;
4. All other information pertaining to the operation of the service as required by the city manager; and
5. The permittee shall make available to the city a local number which will be answered by a responsible person from 8:00 A.M. to 5:00 P.M. on regular collection days.

C. A sanitation service permit fee in an amount as established by motion or resolution of the city council shall be paid to the city clerk prior to the issuance of any permit and shall be in addition to any fees required by the state. Permits issued pursuant to this chapter are nontransferable:

1. If the application is in accordance with the requirements of this article and state laws, and if approved by the public works director, the city clerk shall issue the permit; and
2. Any sanitation service permit issued hereunder shall be annual and valid for one year and the permit will expire on April 30th of each year. There will be no proration on a partial year.

D. No person required to have a permit under this chapter shall haul or transport any solid waste or refuse or otherwise operate any sanitation service within the city without having a current certificate of insurance on file with the city clerk:

1. Every permittee shall at all times during the term of the permit maintain in full force and effect employer's liability, workmen's compensation, public liability and property damage insurance;
2. All insurance shall be provided by insurers licensed to do business in the state for policy limits acceptable to the city, and before commencement of any services provided hereunder, the permittee shall furnish to the city certificates or other evidence satisfactory to the city to the effect that such insurance has been procured and is in force. Before the expiration of any insurance policy, the permittee shall provide the city with new certificates or other satisfactory evidence of the permittee's holding such insurance. The certificate shall contain the following expressed obligations:

“This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in the policy affecting the certificate holder, ninety (90) days prior written notice will be given to the certificate holder.”

3. For the purpose of this permit, the permittee shall carry the following types of insurance in at least the limits specified below:

| <u>Coverage</u> | <u>Limits of Liability</u> |
|---------------------------|----------------------------|
| Worker's compensation | Statutory |
| Employer's liability | \$500,000.00 |
| Bodily injury liability | \$500,000.00 |
| (Except automobile) | (each occurrence) |
| | \$1,000,000.00 aggregate |
| Property damage liability | \$500,000.00 |
| | (each occurrence) |
| | \$1,000,000.00 aggregate |
| Automobile bodily injury | \$500,000.00 |
| Liability | (each occurrence) |
| Excess umbrella liability | \$5,000,000.00 |
| | (each occurrence) |

- E. Performance bond requirements are as follows:
 1. The permittee shall be required to furnish a surety bond as security for the performance of this permit. The surety bond will be in the amount of One Hundred Twenty-five Thousand Dollars (\$125,000.00);
 2. Premium for the bond described above shall be paid solely by the permittee. A certificate from the surety showing that bond premiums are paid in full shall accompany each bond; and
 3. The surety on the bond may be a duly authorized corporate surety company empowered to do business in the state or other surety approved by the city.

F. The permittee shall not discriminate against any person because of race, sex, age, creed, color, handicap, religion or natural origin.

G. The permittee will indemnify, save harmless and exempt the city, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys fees incident to any work done in the performance of this contract arising out of a wilful or negligent act or omission of the permittee, its officers, agents, servants and employees; provided, however, the permittee shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorneys fees arising out of a wilful or negligent act or omission by the city, its officers, agents, servants and employees.

H. The contractor or permittee shall obtain or assure the existence of all licenses and permits necessary to operate in accordance with applicable state laws and promptly pay all taxes required by the city and the state.

- I. The following exceptions apply to the above requirements:
 1. Activities of the Choctaw Public Works Department. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-210 BUSINESS ESTABLISHMENTS.

A. The contractor or permittee shall provide bins with a tight cover for commercial and industrial units and shall be maintained in a sanitary condition. Each bin shall be placed in an

accessible outside location on a hard surface subject to the terms of the individual agreements between the contractor or permittee and customer. Containers shall be located and maintained so as not to create a fire hazard or provide harborage for rodents or the breeding of insects. The fire marshal of the city shall have authority to prescribe the installation of fireproof solid waste and refuse containers where they will not constitute a fire hazard to any property.

B. Solid waste shall be kept in a container constructed of galvanized metal or its equivalent in such a manner as to be strong, not easily corrodible, rodent-proof and fly-proof, and shall have a tight-fitting lid. The cover shall not be removed except when depositing or removing the contents of the receptacle. Solid waste containers shall be regularly cleaned in order not to allow fermenting, putrefying and odor.

C. The city-county health department, by and through its health officer or other authorized agent, may or the public works director of the city shall prescribe for an adequate size container in the event the permittee fails to do so. The failure of the permittee to provide for containers of adequate size shall constitute an offense.

D. All containers shall be placed in a location so as to be easily accessible for collection.

E. Each business establishment must have containers as hereinabove provided, except that office buildings are authorized to utilize and provide one container for the entire office building. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-211 COMPLIANCE WITH LANDFILL REGULATIONS; CREATING HAZARDS.

Any person removing any solid waste shall comply with all state laws and city-county health regulations pertaining to sanitary landfill, and shall not in any manner dispose of matter or other products referred to herein so as to create a health hazard or public nuisance. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-212 UNLAWFUL REMOVAL FROM CONTAINER.

It is unlawful for any person to deposit for collection on any street or on any private property in the city, any solid waste without placing it in enclosed containers as set forth herein. It is further unlawful for any sanitation equipment full of solid waste to be left parked or stored on any street or private property in the city pending proper disposal. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-214 FEES.

A. The fees for all customers of the solid waste collection service under contract or permit shall be charged in such terms for regular collection as set by contractor or permittee and approved by the city council by motion or resolution. A copy of the current rates shall be kept on file in the city clerk's office.

B. The contractor or permittee shall be responsible for all billing and collection for all customers. (Ord. No. 9473, 10/1/73; Ord. No. 415, 4/21/92)

SECTION 17-215 PENALTY.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-108 of this code. (Ord. No. 415, 4/21/92)

ARTICLE B

SOLID WASTE MANAGEMENT REGULATIONS

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| Section 17-220 | Short title. |
| Section 17-221 | Purpose. |
| Section 17-222 | Definitions. |
| Section 17-223 | Permit required; notice. |
| Section 17-224 | Rules and regulations. |
| Section 17-225 | Powers and duties of city-county health department. |
| Section 17-226 | Illegal dumping of solid wastes, presumption. |
| Section 17-227 | Injunction. |
| Section 17-228 | Penalty. |

SECTION 17-220 **SHORT TITLE.**

This article may be cited as the city's Solid Waste Management Regulations. (Ord. No. 249, 6/19/84)

SECTION 17-221 **PURPOSE.**

It is the purpose of this article and it is hereby declared to be the policy of this city to regulate the collection and disposal of solid wastes in a manner that will:

1. Protect the public health, safety and welfare;
2. Prevent water pollution or air pollution;
3. Prevent the spread of disease and the creation of nuisances;
4. Conserve valuable land and other natural resources;
5. Enhance the beauty and quality of the environment; and
6. Encourage recycling of solid waste. (Ord. No. 249, 6/10/84)

SECTION 17-222 **DEFINITIONS.**

As used in this article, unless the context otherwise requires:

1. "Board" means the Oklahoma City-County Board of Health;
2. "Department" means the Oklahoma City-County Department of Health;
3. "Disposal site: means any place subject to standards promulgated by the State Department of Health at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, landfilling, composting, shredding, compaction, baling or any other method or by processing by pyrolysis, source recovery or any other method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste so as to render waste safe or nonhazardous, amenable to transport, recovery or storage or reduced in volume;
4. "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, venture, or other legal entity however organized;
5. "Solid waste" means all putrescible and non-putrescible refuse in solid or semisolid form, including, but not limited to, garbage, refuse, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes. Scrap materials

which are source separated for collection and processing as industrial raw materials shall not be considered discarded for the purposes of this article, except when contained in the waste collected by or on behalf of a county, city or town; and

6. "Solid Waste management System" means the system that may be developed for the purpose of collection and disposal of solid wastes by any person engaging in process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites. (Ord. No. 249, 6/19/84)

SECTION 17-223 PERMIT REQUIRED; NOTICE.

After adoption of this article and the rules and regulations and a reasonable time fixed by the board of health for compliance therewith, no person shall dispose of solid wastes at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the State Department of Health and the Oklahoma City-County Health Department, except that no provision of this article shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own land provided disposal does not create a nuisance or a hazard to the public health or does not violate any other city ordinance. Upon issuance of any permit, the board of health shall file a recordable notice of the permit in the land records of the county. This notice shall contain the legal description of the site as well as the terms under which the permit is issued. (Ord. No. 249, 6/19/84)

SECTION 17-224 RULES AND REGULATIONS.

The city hereby adopts the rules and regulations promulgated and adopted by the State Health Department in compliance with the Administrative Procedures Act of 1963 (Sections 301-325 in Title 75 of the Oklahoma Statutes). Any subsequent changes or revisions as promulgated by the State Health Department shall automatically become a part of this act. (Ord. No. 249, 6/19/84)

SECTION 17-225 POWERS AND DUTIES OF CITY-COUNTY HEALTH DEPARTMENT.

The department of health shall have the following powers and duties:

1. To advise, consult and cooperate with agencies and instrumentalities of the city and county with affected groups and industries in the formulation of plans and the implementation of the solid wastes disposal program;
2. To accept and administer loans and grants from the federal government and from other sources as may be available to the department for the planning, construction, and operation of solid wastes disposal facilities;
3. To examine and approve plans and specifications for solid wastes disposal facilities and inspect construction and operation of solid wastes disposal sites and facilities;
4. To issue, continue in effect, revoke, modify or deny, under rules and regulations of the board, permits for the establishment, construction and the operation or maintenance of solid wastes disposal sites and facilities;
5. To make investigations and inspections which it deems necessary to insure compliance with this article or the rules and regulations promulgated under authority of this article; and
6. To make final inspections of closed or abandoned solid waste disposal sites to determine compliance with rules and regulations for proper closure and proper filling and drainage of the site. (Ord. No. 249, 6/19/84)

SECTION 17-226 ILLEGAL DUMPING OF SOLID WASTES, PRESUMPTION.

It is unlawful for any person to litter, dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash, on property owned by another person with or without the written permission of the owner or occupant of the property, or on any public highway, street or road, public parks or recreation areas, including but not limited to, the public areas surrounding Ten Acre Lake, or upon any other public property except that designated for such use. (Ord. No. 249, 6/19/84)

SECTION 17-227 INJUNCTION.

In addition to any other remedies provided in this article, the director of health may institute proceedings in the district court seeking an injunction to restrain a violation of this article or the rules, regulations or standards adopted thereunder and to restrain the maintenance of a public nuisance. (Ord. No. 249, 6/19/84)

SECTION 17-228 PENALTY.

Any person who violates any of the provisions of this article or the rules, regulations or standards as adopted by this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in Section 1-108 of this code. (Ord. No. 249, 6/19/84)