

ORDINANCE NO. _____

By: Councilmember _____

AN ORDINANCE AMENDING CHAPTER 74 – UTILITIES, ARTICLE IV. – SOLID WASTE, OF THE CODE OF ORDINANCES, CITY OF ADA, OKLAHOMA, BY REPEALING AND REPLACING CHAPTER 74 – UTILITIES, ARTICLE IV. – SOLID WASTE; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ADA, OKLAHOMA, THAT:

Section 1. **AMENDMENT.** That Chapter 74 – Utilities, Article IV. – Solid Waste, of the Code of Ordinances, City of Ada, Oklahoma, is hereby amended by repealing Article IV. – Solid Waste, and replacing said Article IV. – Solid Waste, with the following:

ARTICLE IV. - SOLID WASTE

Sec. 74-201. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means every accumulation of waste (animal, vegetable and/or other matter) that preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including, but not by way of limitation, used in tin cans or other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); and includes any and all dead animals of less than ten pounds in weight.

Sewage means and includes water, human excrement and liquid refuse that should properly be disposed of through the sanitary sewers of the city, but shall not include rainwater, soil drainage or other drainage.

Trash means and includes paper, rags, containers of paper, wood or tin, tin cans, yard and house sweepings and all other household wastes except building and manufacturing wastes, sewage, garbage, ashes, grass, weeds, leaves and rocks.

Ashes means and includes the residue from substances used for fuel in connection with the ordinary conduct of heating and cooking.

Sec. 74-202. City garbage collection services.

- (a) The city or its agent shall collect and dispose of garbage and other refuse as provided in this article.

(b) Every person using or occupying any building, house or structure within the city shall be required to collect, separate and dispose of all garbage, trash and refuse as provided in this article, and it is unlawful for any such person to collect, separate or dispose of garbage or trash in any manner except as is provided in this article.

(c) Any sanitation service that the city provides through a third party entity will be billed by the city.

Sec. 74-203. – Service required.

Except as otherwise provided in this article, all residential customers using and occupying any building, house or structure within the city shall place their garbage and refuse in the polycart(s) provided by the city.

Sec. 74-204. – Container required; regulations of use

(a) The city shall provide one (1) polycart for each residence. Residents may pay for the use of additional polycarts per residence from the city for a fee set forth on the approved fee schedule. The additional polycart(s) will be emptied on a weekly basis, in accordance with the established schedule, when the primary polycart is emptied.

(b) The resident shall be responsible for the safekeeping of the polycart(s) until service is terminated. Should any person change residence, the person shall promptly notify the city. All polycarts are to remain at the residence to which they are assigned. It shall be unlawful and an offense for a person to be in possession of a cart without the permission of the resident to which it is assigned. The city shall be responsible for all normal wear and tear upon polycarts provided for by this chapter, but any damage done through neglect or omission of the resident shall be repaired by the city and the cost of such repair shall be added to their next bill. Failure of the resident to promptly pay for such repair shall give the city the right to terminate water and solid waste service to the resident.

(c) The resident may place normal household garbage and refuse, as defined in section 74-201 of this Code, in the polycart(s) for collection. Polycart(s) which contain items other than garbage and trash will not be collected until such materials other than garbage and trash have been removed by the person responsible for placing them in the container. The lid or cover must be kept on the issued polycart(s) at all times and closed so that flies and other insects or animals may not have access to the contents therein.

(d) Garbage and refuse will be collected one (1) time per week. The issued polycart(s) should be placed no more than three (3) feet from the curbside, or assigned location, unless a curb does not exist, then no more than three (3) feet from the line where the street surface begins. In all cases, the roll-out polycart(s) shall be placed as to provide clearance of at least two (2) feet on either side of the polycart, with the exception of the recycling bin which shall be placed in accordance with Sec. 74-208(b). A waiver of this requirement may be obtained from the City Manager or his designee upon proof of physical disability which prevents all persons at the residence from placing the issued container curbside.

(e) Residents may leave next to the city-issued polycart(s) up to 3 plastic bags of leaf and grass clippings. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds.

(f) City-issued polycart(s) shall be placed no more than three (3) feet from the curbside no earlier than 5:00 p.m. the day prior to collection and no later than 7:00 a.m. the day of scheduled collection. The resident is required to return the polycart(s) to a regular storage place within five (5) feet of the residential structure behind the front building line of the property or in a location where view is obstructed from the road no later than 12:00 p.m. the day after scheduled collection. It is unlawful for the owner of the property or account holder, or both, to fail to comply with the provisions of this subsection and the failure to comply shall result in the following penalties to either the owner of the property or account holder, or both: First offense shall be a fine of Twenty Dollars (\$20.00), and second and subsequent offense(s) shall be a fine of Fifty Dollars (\$50.00), both inclusive of costs.

(g) Under no condition shall ashes be placed in the city-issued polycart(s) or mixed with the garbage or trash.

(h) No person shall place garbage, trash or other refuse matter in any residential or commercial garbage container or receptacle belonging to another without the permission of the owner; provided, however, that this subsection shall not prohibit the deposit of garbage, trash or other refuse matter in authorized public receptacles provided for that purpose.

(i) A special pick-up service will be available at an additional cost in accordance with the approved city fee schedule. Such accommodations shall include pick-up at the front or side yard of the home. After collection, city or its agent will return the city-issued garbage container to the location from which it was retrieved. The container should not be stored in a location that would require entering into a fenced area containing animals.

Sec. 74-205. - Collection by city generally.

All garbage and trash in the city shall be collected by the city or its agent. It is a misdemeanor for any person to interfere with the contents of any receptacle containing garbage or trash. Collections of garbage and trash shall be made at regular intervals, determined by the city manager, in both the residential and business districts of the city, as such districts are defined in section 74-206.

Sec. 74-206. – Sanitation containers at commercial establishments.

The owner or operator of each commercial establishment in the city shall have an approved sanitation container furnished by the city. Such sanitation containers shall be located and maintained by the commercial establishment. The customer shall also be responsible for cleaning up any spillage from the containers. The containers shall be provided with lids to limit health and safety hazards. Collection areas shall be kept in a sanitary and orderly manner so as not to create a health, safety or traffic hazard. Commercial containers shall be located as near as possible to the property boundary adjacent to a public right-of-way. All trash and garbage shall not be placed outside the furnished containers. Additional containers shall be required if overflow becomes an issue.

Sec. 74-207. – Brush and heavy appliance collection.

City will provide brush and heavy appliance collection as provided below.

(a) For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

Brush means any yardwaste including tree, hedge, plant or shrubs, including any limbs, parts or trimmings from any of these.

Building or construction materials means wood, other denomination or construction materials, concrete blocks, concrete and chunks of concrete, bricks and any other building or construction material, new or used.

Heavy appliances means large appliances such as refrigerators, stoves, washers, dryers, household or other furniture or furnishings, and other similar items which will not fit in the city-issued garbage container.

(a) Brush hauled by the city refuse service shall be cut to four-foot lengths or reduced to a size and weight that two employees can easily lift and load on a flatbed truck. Brush collection shall be done by the city on an as-available basis. The city shall not pick up brush that has been cut by a commercial tree service; the tree service or the owner or occupant shall have the responsibility of hauling this brush to the city landfill. The owner or occupant shall keep brush prepared for city pick up in such a manner that it does not become a hazard or nuisance while awaiting city pick up.

(b) Heavy appliances and tires will be collected upon request for a fee set forth on the approved fee schedule.

(c) It is the customer's responsibility to remove building or construction materials from their premises and the same may not be picked up by the city refuse service.

(d) All items for collection shall be placed no more than ten (10) feet from the curb. It is the customer's responsibility to ensure that any items which are not contained properly, or which are

blown or otherwise scattered or spilled, are properly contained for garbage pickup.

Secs. 74-208. - Recycling service provided.

The City of Ada provides curbside recycling services and encourages participation by all residents.

(a) The City shall provide one recycling bin to each resident. Residents may pay for the use of additional recycling bins per residence from the city for a fee set forth on the approved fee schedule.

(b) The materials in the recycling bin will be collected on the same day as the city-issued polycarts. The bin(s) should be placed within two (2) feet of the polycart(s).

(c) No flammable, toxic, hazardous materials or medical waste including syringes (including those inside containers) or plastic 6-pack rings will be collected. Other prohibited items include: window glass, ceramic plates, glass vases, mirror glass, glass cookware, ceramic mugs, drinking glasses, light bulbs, fluorescent lights, glass bottles; paper towels and facial and toilet tissue; food and wet waste; plastic bags and packaging; and paper, plastic and styrofoam serving items. Items appropriate for recycling that will be collected include: newspapers, jar lids, junk mail, copier paper, phonebooks, cardboard, cereal boxes, white and brown paper bags, drink cartons, plastics #1 and #2, magazines, catalogs, softcover books, aluminum containers, and steel and spiral wound paperboard containers.

Secs. 74-209 —74-230. - Reserved.

Section 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 3. SEVERABILITY. Should any section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 4. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Ada and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

PASSED AND APPROVED and the emergency clause voted on separately this 1st day of April, 2013

ATTEST:

CITY OF ADA

City Clerk
(Seal)

By _____
Mayor