

SUBPART II. RESOLUTION NO. 02-06-84G*

***Editor's note:** Subpt. II is derived from Res. No. 02-06-84G, adopted on February 6, 1984. Amendments are indicated by history notes in parentheses.

Be it resolved by the trustees of the Del City Municipal Services Authority:

Section 1. Definitions.

For the purposes of this chapter [sic], the following definitions shall apply, unless clearly indicated to the contrary:

Carry-out service. "Carry-out service" shall refer to a special category of service by the city for qualified persons who are physically unable to move the mobile containers to the curbside.

Commercial. The word "commercial" shall mean any business activity or use.

Curbside service. "Curbside service" shall refer to pick-up service provided by the city -- at the curb or within the public street right-of-way.

Garbage. The word "garbage" means every accumulation of animal or vegetable matter or both; that is, the refuse matter from kitchens, pantries, dining rooms or other parts of hotels, restaurants, dwelling houses, apartments, markethouses and all animal matter or refuse matter from butcher shops, poultry stores and fish stores.

Mobile containers. The word "mobile container" shall refer to any residential garbage container provided by or approved by the City of Del City, including, but not limited to "poly-karts."

Rubbish. The word "rubbish" means ashes, cinders, papers, broken ware, discarded shoes, tin cans and such refuse as may be termed the natural accumulation of resident families. This excludes dirt, rock, concrete, and construction waste (tile, roofing material, dry wall, large rolls of carpet or padding and other such items). Also excluded are all type of hazardous waste (insecticides, herbicides, acids, waste petroleum products), tires, appliances, and furniture items.

(Res. No. 090401A, § 1, 9-4-01)

Section 2. Container requirements.

(a) The owners, occupants or rental agents of all premises in the City shall be provided with one (1) mobile container for disposal of garbage and rubbish. Upon request, one (1) additional container shall be provided at an additional monthly fee as set out in Section 4(a)(1). These containers are the property of the city and cannot be removed from their assigned address without proper authorization from the city. Residents shall use these containers as their first means of disposing of garbage. Persons who purchased carts prior to July 1, 2005, shall retain ownership, but will pay all additional monthly fees.

(b) The containers provided for in subsection (a) shall be placed at the street curbside for pick-up. The container shall not be placed at curbside before 7:00 p.m. the day before pick-up, and shall be removed from the curbside by 7:00 p.m. of the pick-up day. Containers must be at curbside by 6:00 a.m. of pick-up day. No obstructions (vehicles, trailers or other such items) shall be parked in street as to block access to the container by the sanitation vehicles.

(c) Containers provided for in subsection (a), when full, shall not weigh in excess of two hundred (200) pounds. All items shall fit into the container in a way as to allow lid to be completely shut. No items should protrude from the front or sides of the container. No hot ashes or coals shall be placed in containers. Items at risk of blowing into eyes of operator (ashes, sawdust, vacuum cleaner bags, powder, pet litter) must be properly bagged before placing into container. Any form of animal waste must be bagged before placing into container. Used hypodermic syringes must have needles bent, capped and in a sealed container. Residents shall be responsible for maintaining the cleanliness and general condition of the container. Mobile containers

that are damaged, destroyed or stolen through abuse, neglect or improper usage by the resident shall be repaired or replaced by the city at the expense of the resident or owner of the residence. Residents shall promptly notify the Police Department if a container is lost or stolen. The city at the city's expense will repair mobile containers that are damaged through normal and reasonable usage. The purchase price for parts for privately owned containers will be equal to the city's current year's contract for replacement parts. The resident is responsible for all maintenance of these "privately owned" containers. If damaged, the city will repair the container with the cost of the repair parts being charged to the resident.

(d) If there is a residence that has no one physically able to move the container to the curb the City will provide the carry-out service for them. Carry-out services shall be provided to residents who are physically unable to place containers at the curbside. An application form must be obtained, filled out by a physician and returned for every member of the household. Poly-Kart must be no more than seventy-five (75) feet from the curbside, be clearly visible and not placed behind a fence or other locked structure. The resident or their agent shall place any extra items not in the Poly-Kart at curbside. The City shall provide this service at no additional cost to the resident.

(e) The City provided container shall be the primary means for placing trash at the curb. It provides protection from animals and the elements as well as identifying to the driver that the residence is an active account. Residents shall be allowed to place the City and "private owned" container and up to six (6) extra items of garbage/rubbish at curbside each scheduled pick-up. No extra items shall weigh in excess of thirty (30) pounds. All plastic bags shall be tied shut to prevent spillage and shall be of such thickness and strength to allow them to be lifted without danger of breakage. Boxes shall not be in excess of thirty (30) inches in height, width and depth and shall not exceed thirty (30) pounds in weight. Empty boxes shall be flattened, be no more than thirty (30) inches in length and tied into bundles weighing no more than thirty (30) pounds. All cans shall be of plastic or metal construction, have a capacity of not less than five (5) gallons and no more than thirty-one (31) gallons, be equipped with handles and close-fitting, water-tight lids and weighing no more than thirty (30) pounds when full. Brush and limbs shall be no more than four (4) inches in diameter, no more than three (3) feet in length and tied with stout twine or cord into bundles weighing no more than thirty (30) pounds. All extra items shall be placed within three (3) feet of curbside. Items that exceed the above limits will not be removed from the curb by the operator and will be the responsibility of the resident to remove in accordance with times set in paragraph (b).

(f) Businesses, collected on designated mobile container routes, shall not be provided with mobile containers. They shall use the standard commercial type containers as approved by the city code. Exceptions may be granted if there is no suitable location on the property for placement of a commercial container. Businesses needing more than one mobile container must purchase those additional containers. Mobile containers must be placed at curbside by 6:00 a.m. of scheduled collection day. Fees for the use of a mobile container by businesses are contained in Section 4.

(g) It shall be unlawful for any person to deposit for collection, on any street, parking or any private property in the city, any garbage, refuse or rubbish without placing it in enclosed containers meeting the requirements of this section.

(Res. No. 12-03-84C, 12-3-84; Res. No. 090401A, § 1, 9-4-01; Res. No. 06-06-05B, §§ 1, 2, 6-6-05)

Section 2-1. Return pick-ups.

If the resident requests through the Utility Billing Office or the Sanitation Department that the operator return to a residence on the regular scheduled pick-up day in order to pick up items that were not placed on the curb as prescribed in Section 2 (b), a "return pick-up" fee will be charged per Section 4. If the operator is still in service area, no fee will be charged.

(Res. No. 090401A, § 1, 9-4-01; Res. No. 06-06-05B, § 3, 6-6-05)

Section 2-2. Additional collection services of garbage, yard trash, brush.

(a) Residential customers only may request through the Utility Billing Office special pickups of large bulky items, additional pickups of trash bags, and temporary use of 3-yard containers.

(b) Depending upon the capability of the Sanitation Department, special pickups of a large volume of bulky items may be scheduled through the Utility Billing Office. This service is not intended to collect construction debris, hazardous materials, concrete, rock or soil. Fees will be charged per Section 4.

(c) Special pickups of individual items (furniture, appliances) up to a maximum of five (5) items may be scheduled through [the] Utility Billing [office]. Fees will be charged per Section 4.

(d) Pickup of additional trash bags may be scheduled through the utility billing office. Fees will be charged per Section 4.

(e) Residents may request through the Utility Billing Office that a commercial 3-yard container be placed at their residence. The containers must be able to be placed on the resident's property utilizing the commercial trash truck. The container cannot be relocated in a manner that the truck cannot empty it. The container will be placed for a maximum of 5 days and emptied once when it is picked up by the Sanitation Department. Due to equipment limitations and the location of power lines this service may not be available Citywide. This service is not intended to collect construction debris, hazardous materials, concrete, rock or soil. Fees will be charged per Section 4.

(f) Material to be collected through these additional services can only be placed at curb after arrangements with the Billing Office have been made. Materials to be collected must be arranged as to not constitute a safety hazard and remains the resident's responsibility, until removed by the City.

(Res. No. 090401A, § 1, 9-4-01)

Section 2-3. Scheduled collection of garbage, yard trash, brush at a central location.

The City shall provide a collection point for garbage, yard trash and brush on a periodic basis at a specified location. This service is provided to individual citizens of the city only. Individuals that have residential accounts or reside in apartment complexes may use these occasions to dispose of items not eligible for pick up on normal collection days. This service is for the individual residents of Del City to dispose of materials that have an origin within Del City. This service is not for commercial accounts. Non-profit or community support activities within the City of Del City may petition the City for the use of the services on a case-by-case basis. All citizens shall sign in before disposing of a load. At sign-in, citizens must present their current Del City utility bill. City residents living in apartment complexes that do not receive water bills may receive from the Utility Billing [Office] a certificate as a substitute to a utility bill. Fees identified in Section 4 will be collected before the certificate is provided. Other bills (electric, gas, telephone) will not be accepted. Citizens must also present a valid picture I.D. (driver's license). All loads shall be tarped or covered during transport per City Ordinance/Oklahoma State Law must be so upon entrance to City Property or the load will be rejected. Loads consisting of one or two large items must have items tied down to prevent shifting. Citizens are responsible for unloading loads. Items not accepted include automobile batteries, appliances containing Freon or any type of hazardous substance (insecticide, herbicide, paint, petroleum waste products). The City will coordinate with the Oklahoma DEQ to have a tire disposal point established on a routine basis. Fees will be charged per Section 4.

(Res. No. 090401A, § 1, 9-4-01)

Section 2-4. Business and Commercial service.

(a) Businesses shall use the standard three (3) cubic yard containers provided by the City for disposal of normal trash produced in day-to-day operation of the business. The Sanitation Supervisor may grant exceptions for the placement of the 3-yard container on a case-by-case basis only after reviewing the needs of the business. Items not to be placed in containers include: concrete, dirt, rock, heavy construction waste, appliances, furniture, large metal items, limbs or shrubs over three (3) inches in diameter, thick boards, tires or any hazardous substance. All items shall be broken down to such a size as to fit completely into container without protruding to the front and sides and as to allow lids to shut completely. Large cardboard boxes shall be flattened before being placed into the container. Lids should be kept closed to prevent blowing of loose debris. Businesses are responsible for the cleanliness and general condition of the container. The City, at the city's expense, shall repair damage due to normal wear and tear. The City at the business's expense shall repair damage due to abuse. Businesses shall be billed per Section 4.

(b) Businesses shall provide proper access for sanitation vehicle to allow for collection of refuse. A solid, level surface shall be provided for the containers and the sanitation vehicle to stop on while servicing containers. Enclosures for containers must be of sufficient size and style for servicing by the City sanitation vehicles. The business owner shall be responsible for ensuring that the gates for any enclosure are open for easy access on collection days. Specifications for container pad, parking area and enclosures may be obtained from the Community Services Office or the Sanitation Division.

(c) Businesses that request more than their scheduled number of collections per week, shall be billed an extra pickup charge based on the number of containers emptied per the price list in Section 4.

(Res. No. 090401A, § 1, 9-4-01)

Section 3. Permit for private collectors.

It shall be unlawful for any person, other than authorized employees of the city, to collect or cause to be collected any garbage, refuse or rubbish of any kind from any garbage can or other container used for the deposit of same, without a permit so to do issued by the city.

(Res. No. 090401A, § 1, 9-4-01)

Section 4. Who must use city service and charges to be collected.

(a) All owners or occupants of all premises in the city shall be required to obtain garbage service from the city and pay the monthly charges hereinafter prescribed; provided, however, that this is not required if the city has not offered said owner or occupant such service; and provided further said offer by the city need not be in writing; to wit:

(1) *Single-family residences*: Base monthly charge of five dollars and seventy-two cents (\$5.72), (plus annual increases as set forth in Section 4(a)(11)(d)), per living unit for one container, three dollars (3.00) for an additional container per month plus capital outlay charge of one dollar (\$1.00) per month, and, an additional fee to pay for state-mandated landfill charges in the amount of twenty-five cents (\$.25) per living unit and

(2) Apartment complexes and trailer parks: Five dollars and seventy-two cents (\$5.72) per month per living unit plus capital outlay charge of one dollar (\$1.00) per month, and an additional fee to pay for State-mandated landfill charges in the amount of twenty-five cents (\$.25) per living unit; and

(3) Said capital outlay charge shall remain in force and effect until repealed by the Del City Council or a referendum vote of the electorate of the City of Del City, Oklahoma; and

(4) Effective July 1, 2002, said capital outlay monies shall be used for the purpose of capital outlay items within the sanitation department of the City of Del City, Oklahoma, until such time as the balance of said capital outlay monies exceeds \$275,000. Amounts collected for capital outlay up until that time shall be restricted for the purpose of capital outlay items within the sanitation department. Amounts collected for capital outlay after the balance of said capital outlay monies exceeds \$275,000 shall be used for any legal purpose of the Del City Municipal Services Authority as determined by the Trustees. Capital outlay monies shall continue to be used for the general purposes of the Del City Municipal Services Authority until such time as the balance of capital outlay monies previously collected and restricted is less than \$75,000. At that time, capital outlay monies shall again be restricted for the purpose of capital outlay items within the sanitation department until such time as the balance of said capital outlay monies exceeds \$275,000.

(5) All revenues collected as sanitation within the City of Del City, Oklahoma, shall be appropriated for sanitation department expenditures only unless a four-fifths majority of the Del City Council votes otherwise.

(6) Fee for return pick-up as described in Section 2-1 is \$3.00 per occurrence.

(7) Fee for special pickups as described in Section 2-2(b) (large volumes of bulky items) is thirty-six dollars (\$36.00) per hour. The minimum charge will be thirty-six dollars (\$36.00) per service call.

(8) Fee for special pickups as described in Section 2-2(c) (5 or less bulky items) is determined by the schedule established in the regulations governing residential service. The list of items, material and charge is not inclusive but is intended as a guide for determining fees or charges for like or similar items.

(9) Fee for special pickups as described in Section 2-2(d) (additional trash bags) is fifty cents (\$0.50) per bag.

(10) Fee for use of a 3-yard container as described in Section 2-2(e) (5-day use with 1 pickup) is

twenty-five dollars (\$25.00).

(11) Fee for the disposal of garbage, yard trash and brush at the specified location as described in Section 2-3 will be set at the current landfill contract prices.

(b) Commercial rates are as follows:

TABLE INSET:

Number of Pickups Week	1 Cubic Yard of Refuse	2 Cubic Yards of Refuse	3 Cubic Yards of Refuse	4 Cubic Yards of Refuse
1.	\$ 8.86	\$16.72	\$ 24.58	\$ 32.44
2.	16.72	32.44	48.16	63.88
3.	24.58	48.16	71.74	95.32
4.	32.44	63.88	95.32	126.76
5.	40.30	70.60	118.90	158.20
6.	48.16	95.32	142.48	189.64

In the event an establishment which is receiving six (6) pickups per week should require the removal of more than four (4) cubic yards per pickup, then and in that event, the charges levied for such service shall be arrived at by a projection of the schedule of charges set out in subsection (b) above. The use of other containers must be coordinated with the city sanitation division supervisor for approval and use.

Poly-Karts used by businesses will be charged the 1 cubic yard rate, picked up once a week.

(c) Customers whose total annual household income for the preceding calendar year did not exceed one hundred twenty percent (120%) of the poverty threshold for a household of two, according to the most recently available data from the United States Bureau of the Census, shall receive a Five Dollar (\$5.00) per month discount on their sanitation services bill. To be eligible for said discount, a customer must annually apply on forms designated by the General Manager and must provide proof of income in the form of tax returns or other acceptable proof.

(d) *Residential Rates.* Charges to residential users monthly bill for sanitation services established in Section 4 of this Subpart shall annually increase without further action by the Del City Council by twenty-five cents (\$0.25) per month beginning with bills sent to customers on or after October 1, 2001.

(e) *Commercial Rates.* Charges to commercial user's monthly bill for sanitation services established in Section 4 of this Subpart shall annually increase without further action by the Del City Council by twenty-five cents (\$0.25) per month, per yard of waste, per pickup, beginning with bills sent to customers on or after October 1, 2001.

(f) *Commercial return pick-ups.* Return pick-up charges established in Section 4 of this Subpart shall annually increase without further action by the Del City Council by twenty-five cents (\$0.25) per pickup beginning with bills sent to customers on or after October 1, 2001.

(g) *[Annual increase.]* Following each annual increase authorized by this Section, the trust manager shall publish and make generally available to customers a schedule of current charges.

(Res. No. 06-04-84C, § 1, 6-4-84; Res. No. 5-20-91C, § 1, 5-20-91; Res. No. 8-26-91E, § 1, 8-26-91; Res. No. 10-21-91A, §1, 10-21-91; Res. No. 12-04-95A, § 1, 12-4-95; Res. No. 090401A, § 1, 9-4-01; Res. No. 05-16-02C, § 3, 5-16-02; Res. No. 07-07-03(C), § 1, 7-7-03; Res. No. 02-07-05A, § 1, 2-7-05; Res. No. 06-06-05B, §§ 4--7, 6-6-05; Res. No. 09-17-07A, § 3, 9-17-07)

Section 5. Deposit of refuse on property of another.

It shall be unlawful for any person to dump, deposit, throw or in any manner leave any garbage, tin cans, bottles, rubbish, refuse or trash on any property owned by another person without the permission of the owner or occupant of such property and the city health officer.

(Res. No. 090401A, § 1, 9-4-01)

Section 6. Littering streets or other public places.

(a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles or in authorized private receptacles for collection or in official city dumps.

(b) No person owning or occupying a place of business or any other property in the city shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(c) No person shall throw, deposit, or place any trash, yard [yard] waste, brush, hazardous chemicals, or other debris in or near a natural stream, creek, channel or any other drainage structure such that it can be carried into the channel, creek or structure. Penalty for doing so is a maximum fine of one hundred dollars (\$100.00).

(Res. No. 090401A, § 1, 9-4-01)

Section 7. Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.

(Res. No. 090401A, § 1, 9-4-01)

Section 8. Duty of property owners and occupants to keep sidewalks free of litter.

Persons owning or occupying places of business or any other property within the city shall keep the sidewalks in front of such business or property free of litter and shall not allow litter to accumulate in such manner that it blows or scatters or can blow or scatter about the surrounding neighborhood.

(Res. No. 090401A, § 1, 9-4-01)

Section 9. Permit, authority for commercial haulers; vehicles.

(a) It is unlawful for any person to engage in the commercial hauling of garbage, refuse and rubbish, to remove from any premises or premise situated in the city, or to transport through the streets, alleys or public places of the city, any garbage, refuse, rubbish, offal, night soil from any unsewered privies, carcasses of dead animals or other offensive or unwholesome matter, unless authorized to do so by the City of Del City, and without first obtaining a permit as hereinafter provided.

(b) It is unlawful and an offense for any person to collect, haul or transport any wastepaper, waste combustible substances, ashes, rubbish or refuse for commercial purposes along, over and upon any of the streets, alleys or public places in the city without first having obtained a permit for each vehicle used in such collection or transportation. Said permit for the collection of garbage and refuse shall be one hundred dollars (\$100.00) for each vehicle and twenty-five dollars (\$25.00) for each ash truck. Such permit will be on an annual basis and said permit will expire on April thirtieth of each year. There will be no proration on a partial year. A five thousand dollar (\$5,000.00) liability bond will be required to save the city harmless from any liability; also a certificate of liability will be required prior to the issuance of a permit. All such vehicles shall at all times, except when loading or unloading, be kept completely and securely covered so that no part of the contents thereof shall at any time be exposed to view; and such vehicle shall not be loaded above a point that will permit its being drawn over the public highways, alleys, or streets without any portion of the contents being spilled or falling there from. All such vehicles and receptacles used therein shall be kept in a clean and sanitary condition, and shall have upon them and each of them, the name of the person, company or corporation owning or operating the same and the number of such vehicles painted on each side of the same in letters and figures at least three (3) inches in height and of proportionate width. All such vehicles and receptacles shall be at all times subject to inspection by the city-county health department and sanitation superintendent; and if in their judgment at any time the same are defective or unfit for use, the city-county health department and sanitation superintendent are hereby authorized to prevent the use of the same until put in proper condition to comply with the terms of this section.

(c) It shall be unlawful for any private contractor to furnish garbage and refuse, trash or rubbish removal service to any owner or occupant of any premises or to any individual, firm or corporation within the City of Del City where such service has been offered to such owner or occupant or individual, firm or corporation as herein above provided in section 2, it is further provided that any permit issued hereunder shall be revoked and the commercial services terminated when Del City offers services herein above provided in section 2 and all agreements between commercial haulers and owners-occupants, individuals and firms or corporations within the city shall contain a clause incorporating this section or language substantially to the same legal effect.

(Res. No. 090401A, § 1, 9-4-01)

Section 9.5. City trash container salvaging.

(a) No person shall sort through or remove any contents deposited into any two yard dumpster, three yard dumpster, or poly-cart placed behind or adjacent to any business operation in the City. This shall not be deemed to prohibit search and removal by City employees including police or any other federal or state governmental agency, entity or person authorized by law or lawful authority to do so, for any purpose, or by any person, firm or corporation under contract with the City to collect trash and garbage.

(b) A warning notice shall be placed on each such container, warning that any unauthorized person removing or sorting through the contents is subject to a fine. Failure to post such notice, or the absence of such notice for any reason, shall not prevent prosecution for a violation.

(Res. No. 10-07-96A, § 1, 10-7-96; Res. No. 090401A, § 1, 9-4-01)

Cross references: Ordinance regarding same, § 13-31.

Section 10. Emergency.

It being immediately necessary for the preservation of the public health, peace and safety of the City of Del City and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this resolution shall be in full force and effect from and after its passage and approval, as provided by law.

(Res. No. 090401A, § 1, 9-4-01)