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ORDINANCE NO. ____26,850_____

ORDINANCE RELATING TO SOLID WASTES, AMENDING CHAPTER 49 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING SECTION 49-25 RESIDENTIAL SOLID WASTE COLLECTION COMPONENTS, SECTION 49-30 COMMERCIAL AND INDUSTRIAL SERVICE, SECTION 49-41 USE REQUIRED, SECTION 49-42 SPECIFICATIONS; USE, SECTION 49-44 SUPERINTENDENT MAY DESIGNATE LOCATION OF CONTAINERS, SECTION 49-45 PLACEMENT OF CONTAINERS FOR RESIDENTIAL REFUSE SERVICE, SECTION 49-193 ACCESS ROADS, SECTION 49-261 MUNICIPAL TRUST REGULATORY AUTHORITY AND SECTION 49-286 EXEMPTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Chapter 49 of the Oklahoma City Municipal Code, 2020, is hereby amended as follows:

Chapter 49 SOLID WASTES

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ARTICLE II. MUNICIPAL COLLECTION SERVICE

DIVISION 1. GENERALLY

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§ 49-25. Residential solid waste collection components.

(a) Municipal solid waste that has been securely contained in the City-issued cart(s) shall be collected on the regularly scheduled pickup day by the division or privately contracted personnel for both urban and rural collection residences.

(b) Cart(s) to be emptied must be placed within four feet of the curb line of the street from which the residence or property is serviced~~,~~ unless the Superintendent designates a different location. The cart(s) are not to be obstructed from the fully automated truck's ability to service cart (s), i.e. behind parked cars, behind hedges, within five feet of a mailbox or tree, etc. The cart (s)

shall not be placed in the street or on the sidewalk, unless directed by the Superintendent, but must not in any manner placed where it will interfere with vehicular or pedestrian traffic. Collectible solid waste should be bagged before being placed in cart (s) to prevent trash from blowing out of the cart or truck on collection.

(c) ~~Yard trash and bags~~ Collectible solid waste, less and except bulky waste, must be deposited ~~combined with other municipal solid waste~~ in the cart(s), unless directed to be separated by the Superintendent.

~~(d) In urban areas, bagged collectible solid waste will only be collected when both carts are full. In rural areas, all collectible solid waste must be in carts and no bags will be collected.~~

(d)~~(e)~~ Ashes shall be soaked with water, to extinguish all live embers, prior to placement in cart(s) for collection.

(e)~~(f)~~ Bulky waste must be generated by the owner, occupant or rental agent at that residence to be eligible for collection and must be placed at the curb line for collection or as otherwise designated by the Superintendent.

(1) small items lying loose on the ground will not be picked up by the bulky waste crew. They will be left for the customer to place them in the cart.

(2) tree trimmings and branches must be placed together in piles with individual branches not longer than eight feet and dead trees (not more than six inches in diameter) and similar materials placed at the curb line.

(3) such bulky waste shall not be commingled with yard waste or other municipal solid waste or waste generated from a different residence.

(4) bulky waste shall be placed separately so as to allow ten feet of clearance from all obstacles, such as, power poles, guy wires, signs, fire hydrants and gas meters to allow mechanized pickup.

(5) bulky waste shall not be placed out for collection earlier than three days preceding the regular scheduled bulky waste collection day.

(6) by placing bulky waste out for collection, the customer relinquishes title to the bulky item picked up. The division may decline to accept such items that contain other municipal solid waste, contraband, commercial construction debris, or hazardous wastes.

(7) doors on refrigerators and other bulky wastes with affixed doors or panels shall be removed before placement on curb line for collection. Occupants of premises must contact the division for the disposal of items containing freon, i.e. refrigerators, air conditioners, freezers, etc. during the bulky waste collection period noted on the water utility bill.

(8) the customer will be charged an additional fee for each cubic yard of bulky waste collected in excess of four cubic yards in any single scheduled collection.

(f)~~(g)~~ Recyclable material(s) may only be set out for collection by urban collection residents. The recyclable material(s) may be commingled but separately placed at the curb line in the appropriate provided cart ~~container~~ for collection, pursuant to Section 49-41(a) unless the

Superintendent designates a different location. Such recyclable material(s) should not be commingled with municipal waste.

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§ 49-30. Commercial and industrial service.

(a) A maximum of three 90-gallon refuse carts may be picked up per business, commercial establishment, or institution per pickup day. Any business, commercial establishment or institution that has refuse in excess of 270 gallons per pickup~~,~~ or falls outside the capability or desire of the division, as determined by the Superintendent, shall contract with an approved, licensed, commercial hauler to have said hauler remove and dispose of the refuse in an approved, accepted manner. Removal of such solid waste shall be in a timely manner as directed by the Superintendent.

(b) Refuse containers at commercial and industrial locations shall be placed in a suitable location outside the building, as approved by the Superintendent provided that access is provided to refuse collectors; and provided further, that said containers shall be located no less than 12 feet from any structure located on adjoining property, unless otherwise approved by the Superintendent, due to conditions peculiar to the premises which would cause the literal application of the provisions of this subsection to create an unnecessary hardship.

(c) All containers other than those carts ~~containers~~ provided by the City shall be identified by the owner's name and owner's telephone number. Identification shall include lettering and numbers painted on the container at least three inches in height and of a proportionate width. Collection times of these containers shall coincide with established hours in those areas falling within 500 feet of residential areas as approved by the Superintendent.

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DIVISION 2. CARTS ~~CONTAINERS~~

§ 49-41. Use required.

~~(a) Urban collection residents shall deposit any collectible solid waste for collection at any designated pickup point within the City placing same in City issued cart(s). Recyclable material(s) specifically collected for the purpose of recycling shall be deposited in the appropriate container provided by the division. Yard waste shall be contained as mentioned in Section 49-25(b)(1) and (2). Bulky waste shall be presented for collection as noted in Section 49-25(d).~~

(a)~~(b)~~ ~~Rural c~~Collection residents shall deposit any collectible solid waste for collection at any designated pickup point within the City by placing collectible solid waste in a City-issued cart(s). Bulky waste presented for collection must be in conformance with the provisions of Section 49-25(c~~d~~).

§ 49-42. Specifications; use.

(a) The City shall provide up to two trash carts for each urban and rural residence and one recycling cart ~~bin~~ for each urban residence. Additional cart(s) will be provided at an additional fee. The resident shall be responsible for the safekeeping and cleaning of the cart(s) ~~and bin~~ until such time as an inspection is made by the Division and/or service is terminated. Should any person change his or her residence they shall promptly notify the Division whose duty it shall be to transfer responsibility for the cart ~~and bin~~ to the new resident. If the cart ~~or bin~~ is lost, or stolen, prompt notification of the Division and the Police Department is required. If the Division determines that the cart ~~or bin~~ was damaged, destroyed or stolen through abuse, neglect or improper usage by the resident then the cost of repair or replacement shall be charged to the resident at current repair or replacement cost. If a cart has deteriorated or become damaged from normal wear and tear to the extent that the lid will not fit, or wheels do not function properly, or any other defect that would hamper the collection process then the cart shall be replaced by the Division at no additional cost to the resident. All carts ~~and bins~~ shall remain the property of the City even though the resident has been charged for a replacement cart ~~or bin~~. All carts ~~and bins~~ are to remain at the residence to which they are assigned.

(b) It shall be unlawful and an offense for a person to be found in possession of a cart ~~or bin~~ not assigned by the Division or for a person to be utilizing such cart ~~or bin~~ for any purpose other than described herein.

(c) The cart(s) ~~and bins~~ shall be kept clean and in good repair. The cart lid shall always be kept securely in place ~~at all times that the containers or receptacles contain refuse~~ so that flies and other insects may not have access to the contents thereof.

~~(d) Yard waste that is not contained in the approved cart(s) must be contained within a disposable waterproof heavy duty plastic bag.~~

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§ 49-44. Superintendent may designate location of carts ~~containers~~.

The Superintendent shall have the authority to designate the location from which the receptacle shall be serviced at single-family units, multifamily units, duplexes, triplexes, trailer homes, and all business, commercial establishments or institutions where the physical aspects of the premises make it impractical or impossible to conform with the regulations pertaining to placement of carts ~~container~~.

§ 49-45. Placement of carts ~~containers~~ for residential refuse service.

(a) *Disabled house-side service.* Cart(s) shall be placed no further from the street than at or within four feet of the rear corner of the house from the street from which the house is serviced and in conformance with the provisions of Section 49-43. Yard waste collected by a person or entity maintaining property for a disabled person qualifying for house-side service must be bagged and placed in cart(s) in accordance with Section 49-25(c) or removed by the person or entity maintaining property ~~be left at the curb of the disabled person at the times prescribed below~~. Any person who makes a fraudulent statement in an application for disabled service under this section is guilty of a Class "a" offense. An occupant is limited to one cart unless

approved by the Superintendent. All other residential solid waste collection components must be in conformance with the provisions of Section 49-25.

(b) *Curbside service.* The various containers including trash cart(s)~~,~~ and recycling carts ~~bins, yard waste cans and plastic bags~~ shall be placed at the curb line of the street from which the residence is serviced, unless the Superintendent designates a different location. The carts ~~containers~~ are not to be obstructed from the automated collection truck's ability to service the cart ~~container~~, including but not limited to the following: behind parked cars, behind hedges, or within four feet of either a mailbox or tree. The carts ~~containers~~ shall not be placed on the sidewalk. The Superintendent may direct a cart ~~container~~ to be placed in the street against the curb line, if the move will assist in the stabilization of the cart ~~container~~ when the terrain, wind, etc. hampers collection services, but the cart ~~container~~ must not in any manner be placed where the carts ~~containers~~ will interfere with vehicular or pedestrian traffic. Carts ~~Containers~~ should be placed at the curb no earlier than 7:00 p.m. or one hour before sunset, whichever is earlier, on the evening preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 p.m. on the day following collection.

(c) If there has been a special written and verified application to the Superintendent stating that all persons residing at the residence of the applicant are, by reason of age, infirmity, or other just causes, incapable of complying with the provisions of this Chapter dealing with the placement of cart(s), then the Superintendent, in his/her sound discretion, may waive the Chapter provisions dealing with their placement and allow the refuse to be removed from a location which is convenient for the applicant and reasonably convenient for the refuse collector.

(d) The Superintendent shall have the authority to determine the manner and time of service, days of service, and number of pickups, holidays and make up days per week that shall be made to all single-family, multifamily, commercial, and industrial units.

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ARTICLE IV. LANDFILLS

DIVISION 1. GENERALLY

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DIVISION 3. OPERATIONAL RULES AND REGULATIONS

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§ 49-193. Access roads.

The design and maintenance of the roads must ~~insure~~ ensure the material used for the roadway remains on the site and is not allowed to fall off onto public streets and highways. If the public streets and highways become dirty with mud, dirt, gravel and other such debris dropping off trucks leaving the landfill the cleanup must be done by the landfill at no expense to the City or its authorized public trust ~~the Oklahoma City Environmental Assistance Trust.~~

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ARTICLE V. SOLID WASTE MANAGEMENT SYSTEM

DIVISION 1. GENERALLY

§ 49-261. Municipal trust regulatory authority.

The collection, transportation, removal, storage and disposal of municipal solid waste shall be exclusively authorized, controlled and regulated by the ~~Oklahoma~~ City ~~Environmental Assistance Trust~~, under such rules and regulations as it shall from time to time adopt, subject to the approval of the Council of the City, and such collectible and non-collectible solid waste shall be collected, transported, removed and disposed of only by trash haulers licensed pursuant to this article. All other persons are hereby prohibited therefrom, except as may be provided for in the rules and regulations adopted by the ~~Oklahoma~~ City ~~Environmental Assistance Trust~~ or its authorized public trust.

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DIVISION 2. COMMERCIAL SOLID WASTE MANAGEMENT

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§ 49-286. Exemptions.

The following shall be exempt from the commercial solid waste disposal fee.

(a~~1~~) sludge generated by the City or its authorized public trust.

(b~~2~~) solid waste collected by the City or through a residential collection agreement with the ~~Oklahoma~~ City ~~Water Utilities Trust~~ or its authorized public trust.

(c~~3~~) solid waste which is collected for the purpose of recycling or reuse or a purpose other than disposal and not ultimately deposited in any landfill.

(d4) solid waste which is utilized for reclamation projects only under permits issued only by the Oklahoma State Department of Mines.

(e~~5~~) foreign solid waste.

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SECTION 2. Effective Date. This ordinance will be effective on and after thirty (30) days from adoption.

INTRODUCED and **CONSIDERED** in open meeting of the Council of the City of Oklahoma City this 17th day of August, 2021.

PASSED by the Council of the City of Oklahoma City this 14th day of September, 2021.

SIGNED by the Mayor of the City of Oklahoma City this 14th day of September, 2021.

ATTEST: (Seal)

Amy Simpson
City Clerk

s/b David Holt
MAYOR