

CITY OF SAND SPRINGS, OKLAHOMA

ORDINANCE NO. 1397

**AN ORDINANCE AMENDING SECTION 8.16.020 OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, MODIFYING THE TIME RESTRICTIONS CONCERNING THE TIME FOR SOLID WASTE COLLECTION, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT, AND DECLARING AN EMERGENCY**

WHEREAS, due to the extreme heat and current weather event, operation of the City's solid waste collection is difficult, requiring some scheduling flexibility;

WHEREAS, the current ordinance precludes solid waste collection during the hours of 10:00 p.m. and 6:00 a.m., and allowing some flexibility in cases of emergency will help protect against service interruptions;

WHEREAS, amendment of the City's current ordinance as set forth below is in the best interest of the residents of the City of Sand Springs.

THEREFORE, be it ordained by the City Council of the City of Sand Springs that the City Ordinances of the City of Sand Springs are hereby amended as follows:

Section One: Section 8.16.020 of the City Ordinances of the City of Sand Springs, is hereby amended and shall provide as follows:

**Section 8.16.020 Collection of Solid Waste Within City Limits.**

D. Solid waste shall not be collected within six-hundred (600) feet of an occupied residential dwelling between the hours of 10:00 p.m. and 6:00 a.m.; **in cases of emergency, which shall include extreme weather events, staffing and equipment situations, and other temporary situations in which operations are interrupted, the City Manager shall be authorized to modify the above time restrictions.**

Section Two: By reason of the timely need for adoption to protect the public's health, safety and welfare, an emergency is hereby declared to exist for which the ordinance shall become effective upon publication as provided by law.

Section Three: Pursuant to 11 O.S. §14-108, the City Clerk is authorized to include this ordinance in the official Code of Ordinances for the City of Sand Springs, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

## Chapter 8.16

### GARBAGE COLLECTION AND DISPOSAL

#### Sections:

- 8.16.010 Definitions.
- 8.16.020 Collection of Solid Waste Within City Limits.
- 8.16.030 Solid Waste Containers.
- 8.16.040 Placement of Solid Waste Containers.
- 8.16.050 Permits for Private Firms or Corporations.
- 8.16.060 Vehicles Operated for Collection and Disposal of Solid Waste.
- 8.16.070 Disposal.
- 8.16.080 Lease of solid waste systems and facilities.
- 8.16.090 Penalties.

#### Section 8.16.010 Definitions.

For the purpose of this chapter, the following terms shall have the meanings defined herein:

"Solid Waste" means all putrescible and nonputrescible matter – including garbage, trash, refuse, rubbish, offal, debris, or other matter as specifically defined herein or in other sections of this code – that is solid or semi-solid in form and is considered non-hazardous by specific local, county, state or federal laws or regulations.

"Residential Dwelling" means any structure or other facility on property having a residential zoning classification or having a principle use as a single- or multiple-family dwelling.

"Commercial Establishment" means any structure or other facility on property having a zoning classification other than residential, or having a principle use other than a single- or multiple-family residential dwelling.

"Solid Waste Collector" means any individual, firm or corporation engaged in the business of collecting and/or disposing of solid waste.

"Vehicle" means any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste over any public street or way. (Prior code § 17-401; 1137, Amended 10/09/2006.)

#### Section 8.16.020 Collection of Solid Waste Within City Limits.

A. The city manager, or his designee, shall assure that suitable and proper arrangements are made for the collection and disposal of solid waste from every residential dwelling and commercial establishment within the city limits. Such collection shall occur at intervals of not less than once each week.

B. To assure protection of the public's health, safety and welfare, collection and disposal of solid waste from residential dwellings within the city limits shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. The city manager, upon written request, shall consider exemptions to

this provision based upon individual circumstance or if collection and disposal of solid waste by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, is unfeasible or impractical.

C. Collection and disposal of solid waste from commercial establishments shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof; or by private firms or corporations issued permits by the city to perform such activities.

D. Solid waste shall not be collected within six-hundred (600) feet of an occupied residential dwelling between the hours of 10:00 p.m. and 6:00 a.m.; in cases of emergency, which shall include extreme weather events, staffing and equipment situations, and other temporary situations in which operations are interrupted, the City Manager shall be authorized to modify the above time restrictions. (Prior code § 17-402; Ord 1137 amended 10/09/2006; Ord 1397 07/25/22 eff. 07/28/22)

E. The city council shall, by ordinance or resolution, establish fees for the collection and disposal of solid waste where such collection and disposal is performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. Such fees shall be assessed to utility accounts on a monthly basis and shall be paid in accordance with policies adopted by the city council, city manager or his designee.

F. The city council shall, by ordinance or resolution, establish permit fees for the collection and disposal of commercial solid waste by private firms or corporations. Such fees shall serve to recover costs associated with regulation of the activity as a protection of the public's health, safety and welfare. (Prior code § 17-402; 1137, Amended. 10/09/2006.)

#### **Section 8.16.030 Solid Waste Containers.**

A. All owners or occupants of residential dwellings or commercial establishments in the City Limits shall place or keep solid waste accumulated upon the premises in a suitable container approved by the city manager or his designee. There shall be no less than one container, or equivalent arrangement thereof, per residential dwelling or commercial establishment.

B. Containers shall be of an appropriate size, and collection and disposal of such shall be of appropriate frequency, to prevent a peril upon the public's health, safety and welfare.

C. Containers for placement of solid waste shall be designed and maintained in such a manner as to not create leakage, offensive odors or otherwise present a nuisance, or safety or health hazard. Such containers shall be equipped with a closing lid and other means of securement as necessary to prevent the blowing of solid waste, offensive odors, intrusion by animals, or other health and safety hazards.

D. Each container utilized for collection and disposal of solid waste shall have affixed the name of the individual, firm or corporation providing the collection and disposal service. Such individual, firm or corporation name shall be affixed and maintained in a permanent and legible manner. (Prior code § 17-403; 1137, Amended, 10/09/2006.)

**Section 8.16.040 Placement of Solid Waste Containers.**

A. Containers for collection of residential solid waste, and any allowable ancillary items thereto, shall be placed adjacent to the curb or pavement edge of the street or alleyway in such a manner as to not create a health hazard, traffic hazard, pedestrian hindrance, drainage way impediment or public nuisance.

B. The City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, shall assign a specific day for regular weekly collection of residential solid waste for each residential dwelling within the city limits. The container, and any allowable ancillary items thereto, shall be placed at the curb or pavement edge of the street or alleyway no sooner than 24 hours before the start of the scheduled collection day. The emptied container and any uncollected items shall be removed from the street or alleyway no later than 24 hours after the end of the scheduled collection day.

C. Residential solid waste containers shall not be kept in the front or exterior side yard of a residential dwelling unless being placed there for collection.

D. All containers for commercial solid waste shall be kept upon private property. The container shall only be placed upon public property on collection day(s) and only if access to such from private property is deemed by the city to be impractical or unfeasible.

E. The city manager or his designee shall, upon written request, consider granting exceptions to this section upon determination that compliance with its provisions are impractical, unfeasible or cause an undue hardship.

F. Failure to comply with the provisions of this section shall result in insurance of a written warning upon first occurrence. Any subsequent violation shall be deemed an offense and shall be punishable by the penalty provision of this chapter. (Prior code § 17-404; 1137, Amended, 10/09/2006.)

**Section 8.16.050 Permits for Private Firms or Corporations.**

A. It shall be unlawful and an offense for any private individual, firm or corporation to collect solid waste within the city limits for hire without securing a Solid Waste Collection Permit for each container where collection and disposal is to occur. Such permit shall be issued from the city clerk in advance of any collection activity, and a fee as set by ordinance or resolution of the city council shall be paid prior to the permit's issuance as a regulation of the activity. Each permit shall be valid beginning July 1 of each year and shall expire June 30 the following year.

B. An application for a Solid Waste Collection Permit shall include the individual, firm or corporation name, the principle person with overall responsibility for collection and disposal of solid waste within the city limits, the address where operations shall originate, a mailing address, and other information as deemed necessary by the city manager or his designee. The permit application shall also list the street address where solid waste collection is to occur within the city limits, the location and size of each container to be collected, the frequency of collection, and the name and address of the disposal facility where collections will regularly be disposed of.

C. All individuals, firms and corporations collecting solid waste within the city limits shall maintain with the city clerk a current certificate of general liability insurance coverage in amounts of not less than \$1,000,000 per each occurrence for death to or bodily injury of a person, and per each occurrence for property destruction or damage.

D. The city manager or his designee shall have cause to deny or revoke any Solid Waste Collection Permit for violations of any of the provisions of this chapter, or for violations of other local, county, state or federal laws or regulations. Notice of such revocation shall be done in writing to the individual, firm or corporation, which shall then have ten (10) days from the date of the notice to appeal the denial or revocation in writing to the city council. The determination of the city council to sustain, modify or reverse the denial or revocation shall be final. Any appeal from the denial or revocation of a Solid Waste Collection Permit shall serve to stay such denial or revocation unless the city manager or his designee shall determine that such stay would serve to imperil the public's health, safety or welfare. (Prior code § 17-405;1137, Amended, 10/09/2006)

**Section 8.16.060 Vehicles Operated for Collection and Disposal of Solid Waste.**

A. It is unlawful and an offense to operate any vehicle used for the transport, collection or disposal of solid waste within the city limits without proper licensing by the state and without other licenses or certifications as required by local, county, state or federal laws and regulations. Such vehicles shall be operated and maintained in a safe manner in compliance with all local, county, state and federal laws and regulations, and shall not be operated or maintained in a manner that creates a traffic hazard, nuisance or a peril to the public's health, safety or welfare.

B. Vehicles used for the collection and disposal of solid waste shall utilize suitable provisions to prevent blowing, spilling, leaking or otherwise non-containment of, such solid waste. (Prior code § 17-406; 1137, Amended, 10/09/2006.)

**Section 8.16.070 Disposal**

All collections of solid waste within the city limits shall be disposed of at a facility that is appropriately licensed by state regulatory agencies, and/or other agencies as required by local, county, state or federal laws and regulations, for the disposal of such. Disposal shall be conducted in a manner that is in compliance with all local, county, state or federal laws or regulations. (Prior code § 17-407; 1137, Amended, 10/09/2006.)

**Section 8.16.080 Lease of solid waste systems and facilities.**

The City of Sand Springs hereby consents and agrees to the leasing of all of the city's revenue-producing solid waste collection, transportation, processing and disposal system and facilities, together with any and all additions, enlargements, extensions and improvements thereto acquired by the city during the life of the lease for a primary term of fifty (50) years, renewable for successive like terms, to the trustees of the Sand Springs Municipal Authority (A public trust of which the city is the beneficiary), with such lease to become effective as of 12:01 a.m. on the day following May 16, 1983. (Prior code § 17-408; 1137, Amended, 10/09/2006.)

**Section 8.16.090 Penalties.**

Unless otherwise specified, any individual, firm or corporation found to be in violation of any of the provisions of this chapter shall be deemed guilty of a class "C" offense punishable as provided in Section 1.20.010 of this Code. (Prior code § 17-409; 1137, Amended, 10/09/2006.)