

ORDINANCE 400-D

AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING TRASH PLACEMENT AND PICK UP WITHIN THE CITY OF STILWELL, REPEALING ORDINANCES 31, 376, 394, 400, 400-A, 400-B, AND 400-C

WHEREAS, Trash Service by the City of Stilwell is a purchased service; and

WHEREAS, the health and safety of both the citizens of Stilwell and municipal employees is of paramount importance; and

WHEREAS, it is the opinion of this Council that the adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the Stilwell Sanitation Department,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION 1: Definitions

1. "Commercial trash" is defined as curbside pick-up for a business of bagged or boxed trash only. This does not include usage of a city dumpster.
2. "Dumpster rental" is defined as a use of a particular dumpster at a specific location by the customer paying the rental fee. This can include residential or commercial customers.
3. "Grease" is defined as a material either liquid or solid, composed primarily of fat, oil, including floatable oil, and/or grease from animal or vegetable sources.
4. "Motor oil" means a petroleum product used to lubricate the internal parts of an engine. The term including any hydraulic, transmission, gear or braking systems.
5. "Residential pick-up" is defined as a curbside pick-up of bagged trash only. This does not include a city dumpster.
6. "Dumpster" Any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, or the like. Refuse dumpsters shall include, but are not limited to, "roll off" boxes or containers, collection bins, tubs, and portable storage containers capable of containing more than 96 gallons of material, but shall not include those containers placed for less than 60 days or that are intended to hold construction or demolition materials.

SECTION 2: RULES, PROHIBITIONS, AND SPECIAL PICK UP

1. Rules to be in effect for the regular pick up of trash
 - a. All trash is to be cinched tightly in bags of sufficient tensile strength to allow lifting for placement in the trash vehicle. Clean up of trash from a bag that has been ripped or tears will be the responsibility of the customer.
 - b. Maximum weight of a trash bag is 25 pounds.
 - c. All trash must be kept inside a lidded trash receptacle. An approved receptacle is a container designed commercially for holding trash with sufficient strength to prevent the trash from being accessed by animals, insects or other unwanted vermin. The container shall have sufficient weep holes to prevent the collection of water or other

liquids from gathering inside the container. It shall also be maintained in a clean manner to prevent any health hazards.

- d. Trash, trash cans or bins are not allowed to be placed by the curbside for pickup prior to 12 hours on the scheduled day of pick up. Trash cans and trash bins are to be removed from the curbside by the end of the day of the scheduled pickup. On non-trash days, trash containers should be placed as close to the residence or business as possible, at a minimum they need to be moved outside of the City easement areas.
 - e. Trash must be placed by the curbside no later than 6:30 a.m. the day of pickup.
 - f. Trash that is picked up in an alley can be left next to the alley on the residential property provided it does not obstruct vehicular traffic and is placed in a trash can or bin that is lidded and secure. It must also be maintained as outlined in Section 2 (1) (c) of this ordinance.
 - g. All containers shall be kept in a safe and sanitary condition at all times.
 - h. All containers shall have proper fitting covers and the covers shall be in place at all times except when refuse is being put in or taken out of the container.
 - i. If one trash receptacle is insufficient to hold the amount of trash accumulated, then a second trash receptacle will need to be utilized. Loose trash around the containers will not be picked up, except for the special pick up procedure listed in this ordinance.
2. The following acts are prohibited by this ordinance:
 - a. Sanitation workers are not allowed to enter private property except where required for dumpster pick up. All non-dumpster trash must be accessible from public areas such as, but not limited to, streets, alleys, or public property.
 - b. Boxed trash will not be accepted.
 - c. Loose trash will not be accepted.
 - d. Loose trash inside the trash receptacle will not be accepted.
 - e. No more than 10 total trash bags will be accepted on any given week. Excess trash will have to be handled through the special trash pickup guidelines.
 3. Special trash pick-up:
 - a. Any item unable to fit in a trash bag will require a special pick up.
 - b. The cost of the special pick up will be determined by the Street Department representative.
 - c. Payment for the special pickup will be made at City Hall prior to the special pick up.
 - d. Arrangements for the special trash pick-up can be made by contacting the Street Department.

SECTION 3 – DUMPSTERS

1. Dumpsters are available from the Street Department. The monthly cost of the dumpster will be determined through the current version of Ordinance 385. There is also a two (2) week dumpster rental available with fees established through Ordinance 385. Contact the Street Department for availability and placement.
2. Some items will not be permitted in the dumpsters due to environmental concerns and/or weight. Items not allowed to be placed in the dumpsters are:
 - a. Batteries
 - b. Tires

- c. Concrete
 - d. Paint
 - e. Shingles
 - f. Brick, block or ceramic tile
 - g. Brush or tree trimmings
 - h. Lumber
 - i. Grease
 - j. Motor oil
 - k. No more than half of the dumpster can consist of sheet rock.
3. Do not overfill the dumpster. In the event the dumpster becomes full before the scheduled pickup, the dumpster can be emptied earlier for an administrative fee, which is established in Ordinance 385.
 4. All items desired to be removed must be contained within the dumpster. Any items or trash outside of the dumpster will not be picked up, without making prior arrangements with the Street Department.
 5. Dumpsters are for the refuse of the specific location the containers and dumpsters are located.
 6. All dumpsters placed after April 23, 2023 must be enclosed or screened sufficiently to prevent the dumpster from being visible from:
 1. A City street or other Right-of-Way.
 2. A residence (regardless of zoning).
 7. Screening shall be accomplished through one of the following methods:
 1. Full dumpster enclosure.
 2. Partial dumpster enclosure.
 3. Six-foot opaque fence located at the property line.
 4. Six-foot opaque fence located between the dumpster and the viewers' location.
 5. Year round landscaping (evergreen/coniferous) maintained to a minimum height of 6 feet.
 6. Any combination of the above.

SECTION 4: BURNING OF TRASH

It is unlawful for any person, firm, or corporation to burn trash or combustible refuse within the city.

SECTION 5: OWNERSHIP OF REFUSE

All trash placed in a city owned dumpster becomes the property of the city. No person is allowed to separate, collect, or remove materials from within the dumpster without approval from the Street Department

SECTION 6: ILLEGAL DUMPING

No person, firm, or corporation can dump refuse of any kind in or around a dumpster or trash container not specifically assigned to the specific person, firm, or corporation. The dumpsters and containers are for the refuse of specific location the containers and dumpsters are located. Any person, firm, or corporation in violation of this section shall be fined in accordance with the current municipal code.

SECTION 7: ALL UTILITY CUSTOMERS TO HAVE TRASH PICK UP

All City Utilities customers living within the legal boundaries of the City of Stilwell shall be required to have trash pickup as a health and safety requirement.

SECTION 8: ENFORCEMENT

Violations of this ordinance can be handled through the City Police Department, Street Department and/or Community Development office. Persons, firms, or corporations in violation of this ordinance can be fined and/or subject to abatement in accordance with Oklahoma Statute 11-22-111. Persons, firms, or corporations that are outside of the legal boundaries can be refused service.

SECTION 9: REPEAL AND SEVERABILITY

1. Existing Ordinance 31, 376, 394, 400, 400-A, 400-B, and 400-C are hereby repealed.
2. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
3. The provisions of this ordinance shall be severable and, if any if the provisions shall be held in contravention of the Constitution and the laws of the State of Oklahoma, the decision of the court shall not affect the validity of the remaining portions.
4. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

SECTION 10: FEES

All costs for trash pickup and dumpster use will be in accordance with the current version of Ordinance 385.

PASSED by the City Council this 20th day of March, 2023.

APPROVED by the Mayor this 20th day of March, 2023.

ATTEST:

Jean Ann Wright, Mayor

Larry A. Nettles, City Clerk-Treasurer