

RESOLUTION NO. 09-20-10A

Be it resolved by the trustees of the Del City Municipal Services Authority that Appendix A, Resolutions of Municipal Services Authority, Subpart II, is hereby amended to read as follows:

Section 1.

(a) Purpose.

The purpose of the residential and commercial sanitation collection system is to provide residents and commercial activities of the City a method of properly disposing of garbage, rubbish, yard waste and other items using more than one material handling system. Each system has advantages and limitations and different operational cost. The overall system strives to meet the needs of the residents in an efficient manner and limit the cost while assuring the systems can be maintained.

(b) Definitions.

For the purposes of this section, 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.

Extra pickup. An extra pickup will occur when the resident has requested additional service over and above the capacity of the containers to hold garbage and rubbish or yard waste exceeds allowable limits on their normal pickup date. An extra pickup could be required because of an unforeseen incident. There is a charge associated with an extra pickup.

Return pickup. A return pickup is required when the driver is unable to service the allotted containers and allotted yard waste bags of the residence on the scheduled pickup day. This results from the containers not being at the curb, not accessible at the curb, or placed in a manner that prevents the totally automated truck from being able to service the container. There is a charge associated with a return pickup.

Special pickup. A special pickup is to provide the resident with a method of disposing of items not considered garbage, rubbish or yard waste. The removal of a mattress, sofa, water heater, piles of brush or furniture require a special pickup.

Commercial. The word "commercial" shall mean any business activity or use. For the purpose of this resolution commercial is defined as light commercial (administrative offices, fast food businesses and not manufacturing facilities).

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.

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."

Commercial Containers. A 3-yard metal container serviced by a side loading collection truck.

Roll off Containers. 20, 30, 40 yard metal containers serviced by a roll off truck.

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.

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.

Yard Waste. Organic material generated from the maintenance of properties in an urban community setting, such as leaves, grass clippings, mulch, hedge clippings, saplings, and waste from flower or vegetable gardens.

Municipal Separate Storm Sewer System (MS4). A storm water management program designed to reduce the discharge of pollutants from the City to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

Section 2. Container requirements.

(a) Beginning October 1, 2010, the owners, occupants or rental agents of all premises in the City shall be provided with two (2) mobile containers for disposal of garbage and rubbish. 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 only means of disposing of garbage and rubbish. If, on occasion a resident exceeds the capacity of the two carts, an extra pickup can be provided. The ultimate policy of Del City Trust will require that 100% of the community to have two (2) poly-karts by July 2014.

(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. Garbage and rubbish must be bagged before being placed in the container to prevent littering which would violate the City's Municipal Separate Storm Sewer System (MS4) permit. 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 City-owned mobile containers that are damaged through normal and reasonable usage. The resident is responsible for all maintenance of these "privately owned" containers.

(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. An application form from the utility department must be filled out by a physician and returned for every member of the household. Poly-karts 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 City shall provide this service at no additional cost to the resident. Any exceptions to this section will be considered on an individual basis by the Trust Manager or the City Clerk.

(e) The City provided container shall be the only means for placing garbage and rubbish at the curb. It provides protection from animals and the elements as well as identifying to the sanitation vehicle driver that the residence is an active account. Residents shall be allowed to place the City container(s) and up to six (6) extra plastic bags of yard waste at curbside each scheduled pick-up. Before the bags of yard waste can be placed on the ground the container(s) must be completely full. 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. Brush and saplings shall be no more than one (1) inch in diameter, and no more than two (2) feet in length and tied with stout twine or cord into bundles weighing no more than thirty (30) pounds. The driver has to place the brush and saplings in the poly-kart, therefore they must be bundled so that he can readily do this.

(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.

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.

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

(a) Residential customers and home owners only may request through the Utility Billing Office special pickups of large, bulky items, additional pickups of trash bags, and temporary use of 3,20,30,40 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 3, 20, 30, 40-yard container be placed at their residence. The containers must be able to be placed on the resident's property utilizing the appropriate truck. The container cannot be relocated in such a manner that it cannot be emptied by the truck. The container will be placed for a maximum of five (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. The requester will complete an agreement at Utility Billing outlining the fees, service to be provided and limitations of the service. 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 Utility Billing Office have been made. Materials to be collected must be arranged so as to not constitute a safety hazard, and they remain the resident's responsibility until removed by the City.

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

Through adoption of this resolution, the Trust authorizes the Trust Manager and/or the City Clerk to work in conjunction with civic groups to provide Del City residents a bi-annual, centralized large trash pickup point, at no cost to residents, and otherwise to cooperate and work with Del City civic groups to provide this service.

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.

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.

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 nine dollars (\$9.00) 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 fifty cents (\$1.50) per month, and an additional fee to pay for state-mandated landfill charges in the amount of twenty-five cents (\$.25) per month, per living unit. Effective October 1, 2010, all new accounts shall be required to have two (2) City-owned carts (at a rate of twelve dollars (\$12.00), plus annual increases),

with the exception of single persons or persons seventy (70) years of age or older. Exceptions to this requirement will be at the discretion of the Trust Manager or the City Clerk.

- (2) Apartment complexes and trailer parks: twelve dollars (\$12.00) per month, per living unit, plus capital outlay charge of one dollar fifty cents (\$1.50) per month, and an additional fee to pay for state-mandated landfill charges in the amount of twenty-five cents (\$.25) per month, per living unit.
- (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.
- (4) Effective October 1, 2010, 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.
- (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 or extra pick-up as described in Section 2-1 is five dollars (\$5.00) per occurrence.
- (7) Fee for special pickups as described in Section 2-2(b) (large volumes of bulky items) is fifty dollars (\$50.00) per hour. The minimum charge will be fifty dollars (\$50.00) per service call.
- (8) Fee for special pickups as described in Section 2-2(c) (5 or less bulky items) is determined by a schedule available through the Utility Billing Office. 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. Fees for any items not included on the schedule will be determined by the Trust Manager, City Clerk or the Public Works Director.
- (9) Fee for extra pickups as described in Section 2-2(d) (additional bags of yard waste) is one dollar and fifty cents (\$1.50) per bag.
- (10) Fee for use of a 3-yard container as described in Section 2-2(e) (five-day use with one pickup) is thirty-five dollars (\$35.00); for 20-yard container, one hundred fifty dollars (\$150.00); for a 30-yard container, two hundred dollars (\$200.00); and for a 40-yard container, two hundred fifty dollars (\$250.00).

(11)

(b) Commercial rates are as follows:

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	\$13.00	\$23.00	\$33.00	\$43.00
2	23.00	43.00	63.00	83.00
3	33.00	63.00	93.00	123.00
4	43.00	83.00	123.00	163.00
5	53.00	103.00	153.00	203.00
6	63.00	123.00	183.00	243.00

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, 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 Utility Billing Office and must provide proof of income in the form of tax returns or other acceptable proof as determined by the City Clerk.

(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) annually, beginning with bills sent to customers on or after October 1, 2010.

(e) *Commercial Rates.* Charges to commercial 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, per yard of waste, per pickup, beginning with bills sent to customers on or after October 1, 2010.

(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, 2010.

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

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.

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, including grass clippings and leaves.

(c) No person shall throw, deposit, or place any trash, yard waste, brush, hazardous chemicals, or other debris in or near a natural stream, creek, channel or drainage structure and public sewers such that it can be carried into the channel, creek or structure. Penalty for doing so is a maximum fine of two hundred fifty dollars (\$250.00).

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.

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.

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.

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-kart placed behind or adjacent to any business operation in the City without prior written permission of the property owner. 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.

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.

PASSED and APPROVED this 20th day of SEPTEMBER, 2010.

DEL CITY MUNICIPAL SERVICES
AUTHORITY

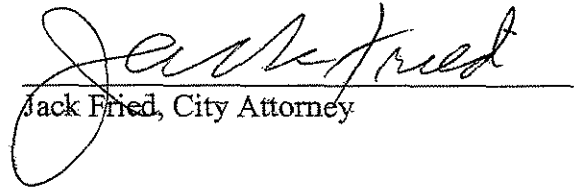


Trust Chairman

ATTEST:


Secretary

REVIEWED this 20 day of September, 2010 by:


Jack Fried, City Attorney