

**CHAPTER 20**  
**SOLID WASTE DISPOSAL**

**Article 1. Garbage and Refuse Collection**

**Sec. 20-1 .Definitions.**

1. The word "garbage" as used in this Ordinance shall be construed to mean 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, boarding houses, tenement houses, dwelling houses, market houses, public institutions, private hospitals, all animal matter or refuse matter from butcher shops, the animal matter from poultry houses or stores and the refuse matter from fish stores or other business or occupations.
2. The word "refuse" as used in this Ordinance shall be construed to mean ashes, cinders, paper, broken ware, discarded shoes or clothing, tin cans or vessels, iron or other metallic vessels or their parts or paper materials and such refuse as may be termed the natural accumulations in the yards and outside premises of resident families, including trash when assembled, and all animal and vegetable matter not defined as garbage.
3. The term "refuse", for the established monthly fee, shall not include industrial wastes, manure, debris resulting from construction, reconstruction or repairs of buildings, nor dead or fallen trees, nor refuse or waste that is not properly contained, bundled or baled.
4. Provided papers, excelsior, cartons and other small refuse may be packed into boxes which may be loaded completely to truck without use of said metal containers.

**Sec. 20-2 .Administration.**

The administration department shall have charge of the collection and disposal of garbage and other refuse, as provided by Sections 1-35 and 1-36, under the general direction of the city council.

Sec. 20-3. Sanitary Services: Use and Payment for Services.

1. Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, office or premises within the corporate limits of the city, are required by this ordinance to
  - a. accept and use the refuse and/or garbage services provided by the city,
  - b. to pay to the PWA clerk of said city the prescribed fee or fees for such refuse and/or garbage services on or before the tenth day of each month for the services rendered during the previous month.

Sec. 20-4. Collection Period.

It shall be the duty of the sanitation department of the city to collect refuse and/or garbage from each premise, within the City limits, according to the following schedule:

1. From business establishments within the city limits, shall be on Monday, Wednesday and Friday.
2. From business establishments outside the city limits, not less than twice weekly.
3. From residential premises not less than once each week.
4. From offices at least once each week, provided that the sanitation department may require said work to be done at shorter intervals.

Sec. 20-5 .Metallic or Plastic Containers Required.

It shall be the duty of the owner, tenant, lessee or occupant of each residence, business or industrial establishment to comply with the following provisions pertaining to the storage of refuse:

1. All garbage from such establishment shall be stored in metal or plastic containers meeting the requirements prescribed by the city.
2. All trash containers shall be rat proof and shall have waterproof lids.
3. Garbage and trash containers, if located outside of buildings, shall not be located directly under down spout or eaves where they will be deluged by water during storms.

4. All empty cardboard boxes placed in trash containers must be flattened.
5. The owner and/or occupant of any and all premises within the city having wet garbage to be disposed of, shall procure, supply and maintain a water tight heavy metallic or plastic container(s), approved by the Superintendent for placement of the wet garbage.
6. Residential garbage and refuse receptacles shall not be less than ten (10) gallons, nor more than thirty (30) gallons in size, equipped with cover. Said owner or user of said cans shall keep them clean and in a sanitary condition and also the grounds around same.
7. Commercial and Industrial garbage and refuse receptacles shall not be less than ten (10) gallons, equipped with cover. Said owner or user of said containers (cans or dumpster) shall keep them clean and in a sanitary condition and also the grounds around same.

Sec. 20-6. Removal of Dead Animals.

1. The bodies of dead animals within the city shall be promptly removed.
2. In case of small animals, such as dogs and cats, the city shall remove the same.
3. For larger animals, the owner shall pay the costs for removal of such animals.
4. In case the owner of such animal is not known, the occupant or owner of the premises upon which the dead animal is found shall pay the charges for the removal, or if found upon any public street or park, the city shall pay for the removal of such dead animal.

Sec. 20-7. Removal of Waste Material and Construction Debris.

Waste material and the debris from the construction or repair of buildings, structures or dwellings shall be removed by the owner, tenant or contractor at his expense, and such waste material or debris shall not be stored in receptacles used for refuse collection.

Sec. 20-8. Unlawful to Remove Garbage or Refuse.

1. It shall be unlawful for any person, firm or corporation to remove from any premises in the city or to transport through the streets, alleys or public places, any

garbage or refuse as defined in this Ordinance, and every such act shall constitute an offense.

2. Provided, the city council reserves the right and may enter into a contract with some suitable person or persons for the removal of wet garbage and/or refuse, as defined herein, upon such terms and conditions as the council may prescribe.
3. The city council shall have the right to terminate any such contract or agreement upon ten (10) days written notice.
4. Any person that is observed scavenging through the debris at the Wilburton Landfill shall be fined in the amount of fifty dollars (\$50.00) for each offense.

Sec. 20-9. Maintenance, Repair and Replacement of Garbage and/or Refuse Containers.

1. All refuse containers shall be kept in a clean and sanitary condition at all times, and shall be kept free of rodents, pests and stinging insects.
2. Whenever a refuse container has deteriorated or has been damaged, and is no longer sanitary, rodent proof or capable of retaining its load, it shall be repaired or replaced by the owner.
3. When the owner fails to repair or replace unsanitary containers after notice of this condition has been given by the city, the owner shall be guilty of a misdemeanor.

Sec. 20-10. Molesting or Unauthorized Opening of Garbage and/or Refuse Containers.

1. No person shall molest, damage, overturn or vandalize refuse containers, and
2. no person not duly authorized by the city shall open such containers without the express permission of the owner.

Sec. 20-11. City's Exclusive Right to Collect and Remove Refuse.

1. The city, through its duly authorized agents or employees in the sanitation department, shall have an exclusive right to collect, remove and haul refuse within the city, and
2. it shall be unlawful for any other person to collect, remove or haul refuse in the city, except as otherwise provided.

Sec. 20-12. Private or Contract Collection and Removal of Refuse.

1. Authorization for private or contract refuse collection, removal and hauling may be issued on the basis of convenience and necessity, as determined by the city council, and may be revoked by the city council at any time it becomes evident that such collection, removal and hauling does not comply with the provisions of these ordinances.
2. The collection and removal of refuse by private or contract haulers shall not relieve the owner or occupant of any premises or responsibility for complying with all the provisions of these ordinances regarding the storage of refuse or the payment of the minimum monthly service fee provided.

Sec. 20-13. Placing Container - Misplacing Refuse. *[Amended 2/2001; Ord. No. 01-1013]*

1. Garbage and/or refuse containers shall be placed on the property adjoining and accessible to the alley line or such other place as may be approved by the sanitation department.
2. It shall be unlawful and an offense for any person to deposit for collection on any street, alley or parking in the city, or any private property, any refuse except as herein provided. Each day said refuse is permitted to remain unlawfully in any alley, street, parking or elsewhere shall constitute a separate offense.
3. Dumping trash into dumpsters without permission will no longer be allowed. Due to the additional cost of garbage fees to businesses, anyone caught without authorization will be subject to fine.
4. The penalty for violation of this ordinance will be set by the City Judge not to exceed (\$215.00) Two Hundred Fifteen Dollars.

## **Article 2. Fees**

**Sec. 20-14. Fees to be Charged.**      *[Amended 11/1998, Ord. No. 98-1004; 6/2001, Ord. No. 01-1016]*

The City Clerk shall charge and collect for refuse and/or garbage service, monthly fees established by the following schedule of charges:

1. Sanitation rates for residential customers shall be ten dollars (\$10.00) per month that consist of once a week pickup service.
2. Sanitation rates for business customers without dumpsters shall be fifteen (\$15.00) per month for once a week pickup.
3. Sanitation rates for business customers with dumpster shall be forty dollars (\$40.00) per month for twice a week pickup service.
4. Multi housing units and mobile home parks shall be charged the same rate as residential multiplied by the number of rental units.
5. In addition to the above charges there shall be a \$0.25 Landfill Fee per month charged.

**Sec. 20-15. Bill to be Combined with Water Bill, Etc.**

1. All bills for sanitation service, otherwise known as garbage and refuse service, rendered by the City of Wilburton, shall
  - a. be included on water bills of the city and
  - b. no payment shall be accepted by the PWA clerk of the city except for the full amount billed for all services; and
  - c. delinquent sanitary bills, otherwise known as garbage and refuse service bills, shall carry the same due dates, grace periods, and penalties as water bills.

**Article 3. Prohibition of Burning of Garbage**

**Sec. 20-16. Burning Garbage and Other Trash.**

1. It shall be unlawful for any person to burn any refuse anywhere within the city, without first notifying the fire department.
2. The burning shall be done in strict compliance with the directions given in connection with the granting of permission.
3. This section is hereby declared necessary for the proper protection of the property and health of the citizens of the city, and violation of this section is hereby declared to be a public nuisance and unlawful.

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**Article 4. Joint Sanitary Services.**

**Sec. 20-17. Joint Sanitary Services.**

1. Nothing in this chapter shall prohibit the creation and operation of a joint cooperative city-county sanitary service and landfill operation.
2. This action must conform with current state statutes and State Health Department regulations.





## **Article 5. Penalty**

### **Sec. 20-18. Penalty.**

1. Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction shall be fined in any sum not to exceed two hundred fifteen dollars (\$ 215.00) including costs.
2. Every day upon which a violation continues shall be deemed a separate offense.



## **Article 6 Severability**

### **Sec. 20-19 Severability**

If any section, subsection, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

