

**ORDINANCE NO. 3845**

**AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES CHAPTER 12, GARBAGE AND OTHER REFUSE, ARTICLE I IN GENERAL, SECTION 12-1 DEFINITIONS, AMENDING EMPLOYEE TITLE; SECTION 12-3 RIGHT TO ENGAGE IN BUSINESS OF COLLECTING, HAULING, ETC.; LICENSE, REQUIRING THE ANNUAL REPORTING OF SOLID WASTE AND RECYCLING WEIGHTS; SECTION 12-5 INSPECTION OF COLLECTION VEHICLES, ADDING CITY DISCRETION; SECTION 12-9 CURBSIDE COLLECTION OF RECYCLABLE MATERIALS; LICENSE REQUIRED, ETC., AMENDING TO ALLOW FLEXIBILITY OF FEES AND DELETING REPETITIVE LANGUAGE; ARTICLE II COLLECTION BY CITY, SECTION 12-21 DUTY TO REQUEST AND USE SERVICE, UPDATING LANGUAGE AND REMOVING EXCEPTION; SECTION 12-22 CONTAINER SPECIFICATIONS, UPDATING TO REFLECT CURRENT PRACTICES; SECTION 12-23 LOCATION OF CONTAINERS AND SET OUT TIMES, UPDATING LANGUAGE AND REFLECTING CURRENT PRACTICES; SECTION 12-24 FREQUENCY OF COLLECTIONS; RULES AND REGULATIONS, UPDATING LANGUAGE; SECTION 12-25 CHARGES GENERALLY; MINIMUM RATE CHARGE; MONTHLY RATES FOR RESIDENTIAL CUSTOMERS, UPDATING LANGUAGE AND REFLECTING CURRENT PRACTICES; AND SECTION 12-26 CHARGES FOR IMPROPER DISPOSAL OF HYPODERMIC SYRINGES, NEEDLES, AND OTHER SUCH OBJECTS, DELETING SECTION FOR POLICY REASONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:**

**SECTION 1.** That Chapter 12, Garbage and Other Refuse, Article I In General, is hereby amended to read as follows:

**Sec. 12-1. Definitions.**

The following definitions shall apply in the enforcement and interpretation of this chapter, unless clearly indicated to the contrary:

*Garbage.* The word "garbage" means vegetable or animal refuse accumulating from kitchens, pantries, dining rooms, hotels, restaurants, boarding houses, dwellings, markets, stores and other establishments.

*Trash.* The word "trash" means refuse consisting of waste paper, broken ware, discarded shoes and clothing, tin cans, bottles, grass cuttings, shrub trimmings, paper boxes and cartons and floor sweepings from dwelling, business or industrial establishments. The term "trash," when used in connection with the city's garbage and trash collection service, shall not include manure, debris from construction or repair work, leaves, trees or tree trimmings or business or industrial wastes, which in the judgment of the Director of Solid Waste and Recycling or his authorized representative, are likely to cause damage to the equipment of the city, injury to employees of the city, or are likely, because of the nature, size or weight of the material, to handicap or overburden the service of collecting trash and garbage in the city.

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**Sec. 12-2. Reserved.**

**Sec. 12-3. Right to engage in business of collecting, hauling, etc.; license.**

- (a) All persons, whether public or private, shall be entitled to engage in the business and occupation of gathering, hauling, collecting and disposing of garbage, trash and refuse within the corporate limits of the city, whether such persons do business as an individual, partnership, corporation or other legal entity. Provided, however, all such persons shall conduct all activities in such manner as will not be detrimental to the public health, welfare and safety.
- (b) All persons desiring to engage in the business of garbage, trash or refuse collection, including hauling or disposal, shall obtain a license from the department of community development and pay an annual fee therefore in the amount of \$200.00 per year, renewable each April.
- (c) All permitted waste haulers are required to report weights of: 1) total municipal solid waste, and 2) total municipal recycling removed from the City by August 20<sup>th</sup> of each year, according to the City's Manual of Fees.

**Sec. 12-3.1. Identification of collection vehicles.**

All persons licensed to conduct a business under section 12-3 shall display their firm name and phone number on each side of each service vehicle and refuse container operated by them in the city.

**Sec. 12-4. Collection vehicle body types.**

- (a) All vehicles used in the collection, removal or disposal of garbage and trash in the city shall have hydraulic compaction type beds or bodies to prevent such waste matter from spilling, blowing or falling off while being transported in such vehicles.
- (b) All vehicles used for the collection, removal or disposal of yard waste, tree limbs, and construction debris in the city shall have bed sides of sufficient height to enclose the debris and the loads shall be covered with a tarp to prevent waste matter from spilling, blowing, or falling off while being transported in such vehicles.
- (c) All vehicles used for the collection, removal or disposal of recyclable materials in the city shall have beds, containers, tie down systems or tarps appropriate to the materials to be hauled to prevent materials from spilling, blowing, or falling off while being transported in such vehicles.
- (d) It is unlawful and a class B offense regarding any vehicle which is used as described in (a), (b) and (c) above, for the driver to operate said vehicle without the device in place and functioning properly which prevents the contents of the vehicle from spilling, blowing, or falling off.

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**Sec. 12-5. Inspection of collection vehicles.**

- (a) All vehicles used for collection of and hauling of garbage, trash, yard waste, tree limbs, and recyclable material must be maintained in good operating condition and all items associated with preventing material from spilling, blowing, or falling off of the vehicle must be operational. Failure to comply with this section shall be cause for revocation of the license issued and other penalties as described in section 12-13.
- (b) The city may require any vehicle which is licensed under this chapter for use within the city, to be inspected by an appropriate designated officer of the city at any time the vehicle is on the public streets, or during normal business hours wherever the vehicle is located, or at a site of the city's direction. Said inspections to be only for compliance with city ordinance.

**Sec. 12-6. Unlawful deposits.**

It shall be unlawful for any person to throw, sweep or otherwise deposit, into or upon the streets, alleys, parkings, sidewalks or other public places of the city, any garbage, trash, paper, rubbish, grass, weeds, tree trimmings, dirt, crates, boxes or other refuse of any kind. It shall likewise be unlawful for any person to deposit any garbage, trash or other refuse upon private property, whether owned by such person or not, within the limits of the city, unless the same shall be enclosed in a suitable container.

**Sec. 12-7. Unlawful accumulations.**

It shall be unlawful for any owner, occupant or other person in charge of any lot, tract of ground or other premises in the city to allow garbage or trash to accumulate thereon and to permit water or putrid substances, whether animal or vegetable, to so accumulate as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health of any person.

**Sec. 12-8. Disposal within city prohibited.**

The disposal of garbage and trash by any person in any place, private or public, within the limits of the city is hereby prohibited. This section does not apply to a mechanical garbage disposal installed in a plumbing system.

**Sec. 12-9. Curbside collection of recyclable materials; license required, etc.**

- (a) Recyclable materials are herein defined to mean aluminum and aluminum alloy, copper and copper alloy, steel, tin and tin alloy, paper products suitable for recycling, clean and segregated glass suitable for recycling, clean and segregated plastics suitable for recycling and yard clippings.
- (b) Any person engaged in the business of collecting and hauling recyclable materials from the residence or business of others within the city limits shall obtain a license from the finance department and pay an annual fee, as prescribed by the City's Manual of Fees.
- (c) The application for this license shall describe in general terms the method of collection from the customer and the method of transportation of the recyclable materials through the city,

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expressly describing the provisions to prevent said materials from blowing or falling out of the vehicle. Said application shall further specifically identify, by license number, VIN number or other permanent identifying device, each available vehicle used in this service within Broken Arrow. If service is provided to less than the whole city, the applicant shall generally describe the geographical or other limits of service.

**Sec. 12-10. Unauthorized removal of recyclable materials prohibited.**

It shall be unlawful and an offense for any person, firm or entity to remove recyclable material which has been placed for pickup on the yard or curbside of any property, unless such individual, firm or entity has a contract with the lawful occupant of the property for such removal. Provided that this section shall not apply to any employee of any governmental entity or agency for any actions taken within the scope of their employment, nor to any individual, firm or entity under contract with such governmental agency as to actions taken within the scope of the contract.

**Sec. 12-11. Disposal of trash from a residence or business through transportation to a public park or dumpsters of other persons prohibited.**

It shall be unlawful for any person to throw or otherwise deposit garbage, trash or other refuse originally generated or gathered from any parcel within or without the city limits, by transporting said garbage, trash, or refuse to a dumpster located on a different parcel, unless such dumpster is owned or leased by the person making the trash deposit. It is the express intent of this section, by way of explanation and not by way of limitation, to prohibit individuals from gathering garbage and trash from their businesses or their private residences, and transporting same to the public parks for deposit in the dumpsters intended for and serving the park and recreation department, for subsequent disposal by the city. Violation of this provision shall be punishable as a class B offense. Each day such violation continues shall be a separate offense. Where such garbage, trash, or other refuse is placed in bags or other identifiable containers, each such bag or identifiable container which is at least comparable in size to a 30-gallon trash bag, shall be considered a separate offense.

**Sec. 12-12. Unauthorized removal of solid waste materials prohibited.**

It shall be unlawful and an offense for any person, firm or entity to remove solid waste material which has been placed for pickup on the yard, service area, parking lot, alley, or curbside of any property, unless such individual, firm or entity has a contract with the lawful occupant of the property for such removal. Provided that this section shall not apply to any employee of any governmental entity or agency for any actions taken within the scope of their employment, nor to any individual, firm or entity under contract with such governmental agency as to actions taken within the scope of the contract.

**Sec. 12-13. Penalty for not being licensed.**

A violation of this article by the failure to comply with any of its requirements (including violation of conditions and the violation of safeguards established in connection with conditions) shall constitute a Class C offense, and any person or entity convicted therefore shall be punishable as set forth in the Broken Arrow Code. Provided, that each instance that such

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violation occurs will constitute a separate offense; and each day on which a violation occurs or is allowed to remain shall constitute a separate offense. The imposition of criminal sections shall not prevent Broken Arrow from taking any lawful action as is necessary to prevent or remedy a violation.

**Secs. 12-14—12-20. Reserved.**

**SECTION 2.** That Chapter 12, Garbage and Other Refuse, Article II Collection by City, is hereby amended to read as follows:

**Sec. 12-21. Duty to request and use service.**

- (a) *Residential service for garbage and refuse:* To assist in maintaining the general sanitation and health of the city, it shall be the duty of every person occupying or having control of the occupancy of any single-family or two-family premises located within the city limits to notify the revenue division of the finance department at the beginning of such occupancy, and to request, accept and use the city's garbage and trash pickup and collection service. This expressly includes apartment dwellers whose circumstances can be administered as a single-family account. The failure of any owner, rental agent or occupant of such premises to make such request shall not prevent or in any way impair or impede the Solid Waste and Recycling department from adding the address of such premises to the proper garbage and trash collection route records and providing such service and otherwise enforcing, the regulatory measures prescribed by this article, and causing the fees or charges therefore to be paid.
- (b) *Residential service exception:* Subsection 12-21(a) shall not apply to any person occupying or having control of any single-family or two-family premises which is actually served by a private garbage and trash collector holding a license under Broken Arrow Code, section 12-3.
- (c) *Commercial service for garbage and refuse:* It shall be the duty of every person occupying or having control of the occupancy of any property from which commercial service is needed for garbage and trash collection. Commercial service shall be defined as service to any premises other than a single-family or two-family residence, expressly including all commercial, office, and industrial zoning uses, and all multifamily premises which function as a collective account for trash and refuse purposes. Effective September 1, 1998, the city will no longer provide commercial service. All commercial service shall be provided by a private garbage and trash collector holding a license under section 12-3.

**Sec. 12-22. Container specifications.**

- (a) *Residential trash.* It shall be the duty of the owner, occupant or other person in charge of any premises from which the city collects garbage and trash to:
  - (1) Place materials in city provided cart for collection on assigned service day.
- (b) *Residential recycling.* It shall be the duty of the owner, occupant or other person in charge of any premises from which the city collects recycling to:

- (1) Place appropriate recycle materials in city provided cart for collection on assigned service day.
- (c) *Residential yard waste.* It shall be the duty of the owner, occupant or other person in charge of any premises from which the city collects yard waste to:
  - (1) Place appropriate yard waste in clear bags of no more than 30 gallons. All brush and branches are to be bundled in no more than 4 foot sections at or near the curb for collection on assigned service day
- (d) *Commercial.* It shall be the duty of the owner, occupant or other person in charge of any premises within the city to provide a container for the storage of such garbage and trash between collections. The size of said container shall be determined between: 1) the owner, occupant or other person in charge; and 2) the licensed, private hauler.

**Sec. 12-23. Location of containers and set out times.**

- (a) Residential garbage/trash and recycling containers required by section 12-22 shall be located at a single place on each premises, which shall be on the street with wheels against the curb from which the collections are made and such place shall also be easily accessible. The city reserves the right to refuse to collect garbage/ trash and recyclables from containers which are not easily accessible, blocked by automobiles, mailboxes, or overhead obstacles or do not meet the requirements of this article. Garbage and trash containers shall not be located directly under downspouts or eaves where they will be deluged with water during storms.
- (b) All the refuse shall be placed at the curb on the evening before collection day.
- (c) Household containers, recycling and yard waste shall not be placed at the curb prior to 5:00 p.m. the day before collection day.
- (d) In the interest of a cleaner neighborhood, all refuse containers at the curb shall be removed within 12 hours after being emptied.
- (e) Commercial garbage and trash containers required by section 12-22 shall be located on each premises to facilitate collection without blocking the roadway adjacent to the premises or the primary access way from the public road onto the premises. Provided that, when collection is effected in an alley way, a temporary blockage of the alley for collection shall be permissible.

**Sec. 12-24. Frequency of collections; rules and regulations.**

- (a) *City collections:* Garbage/ trash, recycling and yard waste shall be collected by the city at such intervals and with such frequency as is prescribed by the city manager and approved by the city council.
- (b) *Private hauler collections:* Private hauler collections shall be as contracted with the owner, occupant, or other person in charge of the premises. Such contracts shall have a minimum of once a week pickup to maintain the general sanitation and health of the city.
- (c) Operational rules and regulations governing the collection of residential refuse shall be approved by the city manager.

**Sec. 12-25. Charges generally; minimum rate charge; monthly rates for residential customers.**

- (a) All residential Solid Waste and Recycling customers shall be assessed a monthly rate for collection at an amount set forth in the Manual of Fees adopted by the Broken Arrow City Council.
- (b) Charges based upon the above Solid Waste and Recycling rates shall be billed monthly, by consolidation with the customer's water bill, and shall be subject to all of the provisions governing the payment and collection of water bills. In the event the city receives partial payment of its consolidated utility bill, such payments shall first be credited to the Solid Waste and Recycling charges under this section, prior to payment for sewer utility or water utility charges.
- (c) All domestic solid waste, recycling and yard waste shall be picked up by the city's trash collection service at the normal rate established in the Manual of Fees. Up to a maximum of ten bags of yard waste will be picked up as a part of the normal service. As used herein, a "bag of yard waste" includes a clear 30-gallon capacity bag and filled to a level allowing the bag to be tied shut. A "bag of yard waste" shall also include a bundle of limbs or other such brush, tied together so as not to exceed one foot in diameter for the bundle and cut in lengths not to exceed four feet. Should more than ten clear bags of yard waste be placed at the curb for pickup, such yard waste will be picked up for an extra charge as set forth in the Manual of Fees. Items not amounting to normal domestic waste or yard waste will be picked up for an extra charge as bulky waste as set forth in the Manual of Fees.
- (d) The city manager may authorize the Solid Waste and Recycling department to pick up all yard waste resulting from storm damage at no extra cost.
- (e) The city shall not pick up hazardous waste of any type including, but not limited to, oil, paint, batteries, and similar items. The city shall not pick up automobiles or other machinery. The city shall not pick up any waste that was not generated by the occupants of the principal structure. This specifically is intended to prohibit waste being generated at another site and transported by any manner to a residence, and then to be set out for pickup at the new location.
- (f) The City of Broken Arrow is hereby authorized to enter into agreements to haul solid waste from residences outside the city limits under the following terms and conditions:
  - (1) Residential Solid Waste and Recycling customers residing outside the city limits shall be assessed a monthly rate for trash, recycling, and yard waste collection as set forth in the Manual of Fees.
  - (2) No commercial wastes, nor any hazardous wastes shall be placed by the residential customer within the residential trash.
  - (3) Frequency of service, container specifications, and location of containers shall be the same as those set forth in the Broken Arrow Code for solid waste customers inside the city limits. All residential customers outside the city limits shall be located along the normal travel routes for the Solid Waste and Recycling pickup crews serving inside the city residences.

- (4) Restrictions on the maximum amount of trash pickup at single locations and restrictions on hazardous waste shall apply to out-of-city customers, as shall surcharges for items specified as available for pickup in excess of normal domestic waste, recycling, and yard waste for inside-city customers.

**Sec. 12-26. Reserved.**

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately this 17<sup>th</sup> day of September, 2024.

ATTEST:

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MAYOR

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(Seal) CITY CLERK

APPROVED:

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CITY ATTORNEY