

# YALE CITY CODE

## Chapter 10

### **GARBAGE**

#### Article 1. Miscellaneous Provisions

##### Sec. 10-1. Definitions of terms.

(a) Garbage: every accumulation of animal or vegetable matter or both, that is the refuse matter from kitchens, pantries, houses, dwelling houses, tenement houses, market houses, public institutions, private hospitals, slaughter houses, butcher shops, poultry or fish stores and all other places in the city.

(b) Rubbish: ashes, cinders, papers, brokenware, discarded shoes and clothing, tin cans, lawn cuttings and weeds from yards and such other refuse as may be termed the natural accumulation of residences or business houses and not falling within the meaning of the word "garbage" as defined herein, provided that garbage and rubbish does not include animal manure nor their carcasses.

(c) Refuse: all putrescible and nonputrescible solid wastes, (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(d) Person: any institution, public or private corporation, individual, partnership, or other entity.

(e) Premises: land, buildings, or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored.

##### Sec. 10-2. Function of responsible authority.

The City Manager, in order to protect the health and safety of the citizens of Yale, Oklahoma, is hereby authorized and directed to enforce the provisions of this ordinance, to control the storage, collection, and disposal of refuse within the City of Yale, to provide a public collection so that the type of usual quantity of refuse can be safely and expeditiously handled by such public refuse collection and disposal service.

## YALE CITY CODE

### Sec. 10-3. Collection of Garbage.

The City of Yale hereby designates the exclusive right to collect, remove and dispose of garbage and rubbish within the City of Yale to the Yale Water and Sewage Trust. Such Trust may set rates for collection of garbage and such terms and conditions of collection as may be necessary for the proper and efficient collection and removal of garbage. Said Trust may enter into contracts with other suitable persons, firms or corporations to collect and remove garbage.

### Sec. 10-4. Garbage and refuse; unlawful; nuisance.

It shall be unlawful for owners or occupants of any premises in the city to allow garbage and rubbish or either of them, or to suffer or permit water or putrid substances, whether animal or vegetable, to accumulate thereon so as to cause an offensive odor to be emitted therefrom, or to become in a condition injurious or dangerous to the health of the neighborhood or any inhabitant thereof; any such condition is hereby declared to be a nuisance and may be abated as such.

### Sec. 10-5. Garbage containers, location of containers.

(a) The owners or occupants of all residences, apartments, and businesses within the City of Yale shall place all garbage in garbage containers to be provided by the Yale Water and Sewage Trust, and shall place and deposit all rubbish in such containers. All such garbage containers, and which are located upon private property, shall be set and placed in such location on the premises and shall be stored in a location on the property that will not interfere with vehicular traffic and will not allow for the scattering of garbage throughout the surrounding area.

(b) In all areas of the City of Yale where there are open unobstructed alleys wide enough for garbage collection to travel with ease, garbage containers that are to be collected from the alleys shall be placed and kept at the alley lot line on the premises served so as to be immediately accessible to the collection vehicles.

(c) All garbage containers placed at curbside for collection shall be placed within five (5) feet from the back of curb or edge of paved or graveled surface so as to be immediately accessible to the collection vehicles.

(d) All containers, whether alley collection or curbside collection, shall be placed in the proper location for collection not more than twelve (12) hours prior to the day of collection and shall be moved off of the right of way or alley boundary before the end of the day of

## YALE CITY CODE

collection. It is further provided that the City Manager is authorized to grant and issue a waiver of this requirement when in the opinion of the City Manager the customer is physically unable to comply with this requirement. Should any person, firm, individual, corporation or person having supervisory control over the premises of any property as referred to herein fail, refuse or not comply with the provisions of this section (d) then and in that event in the interest of the public health and safety, the City of Yale shall move and place such container in the proper location and shall charge a fee of Ten dollars (\$10.00) to the utility bill of such person, firm or corporation for each occasion that the City of Yale places such container in the proper location.

(e) Failure to comply with the requirement of this section shall be considered a violation of the provisions of Chapter 10 of the Yale City Code and shall result in the discontinuance of service until such provisions are complied with and approved by the City Manager.

### Sec. 10-6. Containers for commercial business, houses, schools, churches, and hospitals.

The owner and operator of each business house in said City, including the stores, garages, hotels, apartment houses and rooming houses shall maintain adequate numbers of containers at or near the rear of each such business house, which shall be furnished by the Yale Water and Sewer Trust, to take care of the maximum accumulations of rubbish and garbage from such business. All garbage, rubbish and refuse shall be placed in said containers, provided bulky rubbish such as boxes, etc. may be tied in bundles not exceeding four feet in length and not in excess of 50 pounds in weight and may be placed neatly beside such containers used by said business, and provided further that all garbage shall be drained and wrapped in paper prior to being placed in said containers.

### Sec. 10-7. Protection from dogs.

All trash containers used within the corporate limits of said City of Yale shall be constructed in such a manner that they cannot be upset or overturned by dogs, such construction to meet with the approval of the City Manager.

### Sec. 10-8. Use of commercially manufactured garbage sacks.

Any occupant of premises may use a commercially manufactured disposable sack inside the garbage containers, such sack to be provided at the sole expense of such occupant.

## YALE CITY CODE

### Sec. 10-9. Duty to maintain in sanitary condition.

Garbage containers shall, at all times, be maintained in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly placed upon five (5) days written notice given by the City Manager to the person whose responsibility it is to provide such container. The City Manager shall have the authority to deny refuse collection services for failure to comply herewith.

### Sec. 10-10. All Residential and Business Units Required to subscribe to Garbage Service.

Garbage collection fees, as may be set by the Yale Water and Sewage Trust shall be assessed for each occupied business building and each residential dwelling within the corporate limits of the City of Yale. Garbage fees shall be assessed for each occupied apartment of an apartment complex. A business or residence shall be considered occupied when water services are being supplied thereto.

### Sec. 10-11. Accumulation of yard trash.

- (a) Yard trash shall not be deposited in said garbage containers.
- (b) Said yard trash, except tree limbs, shall be placed in a sturdy container not to exceed thirty-five (35) gallons in volume or seventy-five (75) pounds in weight. All tree limbs shall be cut in lengths not to exceed four (4) feet, and shall be placed in containers or separate piles at the front curb as provided in previous paragraph.

### Sec. 10-12. Collection, removal, and disposition of garbage and yard trash.

All garbage produced or accumulated within the corporate limits of the City of Yale, and all yard trash, with such exceptions as to excessive amounts, shall be collected, removed, and disposed of by the City or its contract hauler. The Board of Commissioners shall prescribe such rules and regulations as it may deem proper, to govern the manner and time for the collection, removal, and disposition of garbage or yard trash.

### Sec. 10-13 Burning of garbage or yard trash prohibited; exceptions.

No person shall burn or cause to be burned any garbage or yard trash within the corporate limits of the City of Yale without a permit or other proper authorization pursuant to the provisions of Section 8-39 hereof. Such permit or authorization may be granted only for special

## YALE CITY CODE

occasions including but not limited to pep rallies, fire training and demonstrations, or special clean ups.

### Sec. 10-14. Dead animals, manure, night soil, and similar matter.

(a) Dead animals, night soil, and similar matter shall not be allowed to accumulate or remain on any premises within the corporate limits of the city and shall be removed from the premises promptly by the occupant thereof.

(b) A reasonable amount of animal waste shall be collected by the city, provided that such animal waste is contained within a sealed, airtight and watertight plastic garbage bag.

(c) No restaurant establishment shall dispose of grease in any garbage container from which garbage is collected by the city. Any restaurant establishment causing or responsible for any grease spill occurring on the public property or the public right-of-way shall be responsible for cleaning such grease spill.

(d) In the event that the owner or person in charge of such restaurant establishment fails to clean any grease spill, the city may clean such grease spill and charge the cost of labor and materials to such owner or person in charge.

### Sec. 10-15. Contagious disease refuse.

The removal of clothing and bedding from homes or other places where highly infectious or contagious diseases have appeared shall be performed under supervision and direction of the Payne County Health Department. Such clothing and bedding shall not be placed in garbage containers for collection.

### Sec. 10-16. Garbage and yard trash property of City.

Ownership of garbage and yard trash set out for collection or deposited on the City landfill shall be vested in the City, or its contract hauler if there be one.

### Sec. 10-17. Commercial tree trimmers; debris accumulated during construction or remodeling.

Commercial tree trimmers and those persons who trim trees and brush for hire shall remove same without cost to the City. All debris accumulated during the construction or remodeling of buildings shall be removed by the builder or person doing the remodeling, as the case may be, without cost to the City provided, however, the City may dispose of such debris for an extra fee as determined by the board of Commissioners.

## YALE CITY CODE

### Sec. 10-18. Unlawful acts.

(a) It shall be unlawful for any persons, firm or corporation to damage or otherwise interfere with the use of any trash or garbage container, or metal refuse container, publicly or privately owned, within the corporate limits of the City of Yale, Oklahoma. No containers may be removed or relocated without the permission of the Board of Commissioners.

(b) It shall be unlawful to deposit, place or throw trash or garbage in any container, metal refuse container or dumpster that is not the container or dumpster belonging to and being paid for by the person placing or depositing said trash or garbage.

(c) It shall be unlawful to remove or relocate any polycart provided by the City of Yale from the address to which it was initially assigned, without prior approval.

(d) Polycarts shall be returned to City of Yale upon voluntary or involuntary termination of garbage service. It shall be unlawful to fail or refuse to return an assigned polycart to the City of Yale within 5 days of notice of termination of garbage service.

(e) It shall be unlawful to remove an assigned polycart from the boundaries of the City of Yale

(f) It shall be unlawful for any person, other than the owner or employee of the business subscribing to Commercial Garbage service with the City of Yale to dispose of trash and refuse in any dumpster or garbage container provided for such commercial customer.

(g) It shall be unlawful for any person, not having first subscribed to and paid for garbage service with the City of Yale to dispose of garbage, trash, refuse, or any other thing in any roll-off container or dumpster provided for garbage collection by the City of Yale or its licensee or contractors.

(h) It shall be unlawful to deposit any item into a garbage container, dumpster, roll-off container or other garbage collection container with the City of Yale or serviced by the City of Yale, the disposal of which is regulated, restricted or prohibited by federal, state or municipal law or regulation.

### Sec. 10-19. Refuse not acceptable for collection.

The following shall be considered not acceptable for collection by the city:

- (1) Materials of any kind, including ashes that contain any live coals or fire of any materials which may cause fire;

## YALE CITY CODE

- (2) Materials which are hazardous to people or the environment, such as gasoline, kerosene, diesel fuel, acids, alkalines, dangerous organics, poisonous materials, radioactive substances or explosive materials;
- (3) Dead animals;
- (4) Materials of liquid or semi-liquid nature which are not considered hazardous as in subsection (b) of this section and are more than five gallons in quantity;
- (5) Materials from building construction, remodeling or demolition;
- (6) Grease from a restaurant establishment;
- (7) Tires from vehicles, tractors, or similar equipment.

### Sec. 10-20. Residential oil recycling collection.

The city shall collect used motor oil at curbside from private residences for the purpose of recycling. Oil will only be picked up in response to a request for service. Oil is to be placed at the curb in a disposable plastic container equipped with an easily removable cap. A limit of two gallons per collection shall apply.

### Sec. 10-21. Who to collect garbage.

The City shall have the exclusive right to collect, remove and dispose of garbage and rubbish, or either of them, in the City, or may thru its duly elected, qualified and acting officers, enter into a contract with some suitable person, firm or corporation granting the exclusive right to collect, remove and dispose of garbage and rubbish or either of them in the City, such contract to provide that such person, firm or corporation granted such exclusive right by contract shall furnish to the City a good and sufficient bond in an amount to be determined by the City, said bond to be conditioned upon the faithful performance of duties under said contract, and said contract shall contain such other and further provisions as may be deemed necessary and proper by the city through its duly elected, qualified and acting officers.

### Sec. 10-22. Unauthorized person not to transport garbage, etc.

It shall be unlawful for any person, firm or corporation, unless authorized to do so by the City to remove from any premises or to transport through the streets, alleys, or public places of the city any garbage or rubbish for remuneration. Provided it shall be the duty and obligation of any such person, firm or corporation to remove animal manure and the carcasses of their animals

## YALE CITY CODE

and dispose of the same in accordance with the ordinances of the City, the laws of the State of Oklahoma and the rules and regulations of appropriate departments and agencies thereof.

### Sec. 10-23. Garbage collection fees.

For the purposes of defraying the expense of collection, removal and disposal of rubbish and garbage as provided herein, the Board of Commissioners, through its proper officers, is authorized and directed to collect from the owner or occupant of any premises within the City of Yale, a charge payable between the first and fifteenth of each month, and such charges are hereby specifically provided for and fixed at the following rates:

(a) For each business, industrial establishment, institution, and school within the City of Yale using the garbage services the rates shall be as follows:

<u>Container Size</u>	<u>One Pick Up Weekly</u>	<u>Two Pick Ups Weekly</u>
One (1) Cubic Yard Polycart	\$ 18.15	\$ 26.68
Two (2) Cubic Yard Dumpster	\$ 48.50	\$ 93.40
Three (3) Cubic Yard Dumpster	\$ 72.77	\$139.50
Four (4) Cubic Yard Dumpster	\$ 87.35	\$174.63
Six (6) Cubic Yard Dumpster	\$132.17	\$246.18
Eight (8) Cubic Yard Dumpster	\$169.80	\$322.00

It shall be the responsibility of all commercial customers to contact the City of Yale to arrange placement of containers. Commercial customers will be billed for services based upon the services requested until such time as the customer notifies the City of Yale of a requested change in services.

(b) For each residential living unit located in a multi-family living structure within the City of Yale, whether it be an apartment unit, duplex or trailer house, the rate shall be \$14.50 per month per residential living unit. For each single family residential living unit within the City of Yale, the rate shall be \$14.50 per month for up to two (2) polycarts, for more than two (2) polycarts the rate shall be \$7.00 per polycart per month in addition to the base amount of \$14.50. Provided, that in cases where the owner, or operator, or agent of said apartment building, trailer court or other unit pays the utilities or the garbage collection fees, then the owner, operator or agent shall furnish the type and number of containers listed hereinabove for businesses, and shall be charged pursuant to the fees for commercial collection as contained in this Section.

(c) For churches the collection fee shall be \$14.50 per month.



## YALE CITY CODE

(d) Refuse charges as provided in this section shall be payable monthly and billed on either the water or electric bill of each person, firm or corporation and collected by the City of Yale.

(e) Area residents not serviced by the Yale Water and Sewage Trust for curbside garbage collection may, upon advance subscription with the Yale Water and Sewage Trust, be provided a polycart by the waste management contractor holding the waste collection contract with the Trust. If the applicant is approved for subscription service, a security deposit equal to the amount of the monthly service fee of \$27.50, or whatever amount the service fee may be in the future, shall be deposited with the City of Yale. Upon payment of such security deposit a polycart will be provided for a service fee of \$27.50 per month. If the applicant does not meet the criteria for this service, the applicant may deposit household garbage in a dumpster designated by the City of Yale for out of town garbage for a monthly fee of \$22.05. A deposit of \$10.00 will be required for issuance of a key to be allowed access to such designated dumpster.

(f) Commercial and business customers, not serviced by the Yale Water and Sewage Trust for garbage collection may, upon advance subscription with the Trust, deposit garbage and trash in a dumpster designated by the City of Yale for out of town garbage for a monthly fee equal to the commercial rates based upon the estimated quantity of trash and garbage generated utilizing the commercial solid waste collection rates listed herein. A deposit of \$10.00 will be required for issuance of a key to be allowed access to such designated dumpster.

(g) If any business or residential unit is permanently unoccupied or vacant then such unit or dwelling may be exempt from garbage collection fees after first providing written notice to the City of Yale that such business or residence is vacant. (ORD. NO. 402)

### Sec. 10-24. Use of commercial dumpsters in residential areas.

(a) The use of commercial dumpsters in a residential area shall only be permitted on a temporary basis for single project clean up. The user of such dumpster shall give a status update.

(b) The following rules shall apply to large roll-off garbage collection containers provided by the City of Yale for rural customers:

(1) The roll-off container shall be available for garbage, trash, refuse, appliances, furniture and other debris belonging to garbage service customers of the City of Yale. herewith shall constitute a separate and distinct offense for each of said days.

## YALE CITY CODE

(2) All garbage, trash, refuse, loose papers and other debris susceptible to being wind-blown shall be placed in bags or other secure containers prior to placement in the roll-off container or dumpster to prevent being blown from the container.

(3) No garbage, trash or other item shall be placed in the roll-off container prior to 7:00 a.m. or after 8:00 p.m. of any day.

(4) All garbage must be placed in the roll-off container. No garbage, trash, debris, refuse, furniture, appliance or other item shall be placed or left on the ground around or near the garbage collection container. If the container is full, its use is prohibited until such time as it is emptied.

(5) No person shall be permitted to climb upon or into the garbage collection container, nor shall any person be permitted to sort through or remove items from the garbage collection container.

(6) Any person disposing of trash, rubbish, refuse or any other thing in such container must have in their immediate possession, at the time of such disposal, the most recent paid receipt, reflecting that such person is a garbage service customer of the City of Yale, or a member of the immediate household of a paid customer.

(7) It shall be unlawful to present a false, forged, or borrowed garbage service receipt when disposing of garbage, trash, and other debris in the roll-off container.

### Article 2. Penalty

#### Sec. 10-25. Violations, Penalty.

Any person, persons, firm or corporation who violates any of the provisions of this article, or who fails to provide the necessary cans and receptacles herein required, or allows the premises occupied by them to become unsanitary, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than Five Hundred Dollars (\$500.00) excluding costs for each continuing offense, and each day's continuance of a failure to comply herewith shall constitute a separate and distinct offense for each of said days.