

**ORDINANCE AMENDING CHAPTER 78 OF THE CITY OF MARIETTA CODE OF ORDINANCES TO PROVIDE FOR USE OF ROLL-OUT CARTS FOR GARBAGE AND REFUSE COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION REQUIREMENTS;**

WHEREAS, the City of Marietta has purchased equipment to implement the automated collection of garbage and refuse from residential and specific commercial and industrial properties using roll-out carts; and

WHEREAS, it is necessary to amend ordinances governing solid waste collection and disposal to facilitate future collection methods.

**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:**

**SECTION 1.** Article I is hereby amended in Chapter 78 of the City of Marietta Code of Ordinances to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 78-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*County health officer* means the county health officer or his authorized representative.~~

*Collection container or container* is a general term used to describe roll-out cart(s) and/or dumpster(s).

*Dumpster* means large container, typically constructed from metal, with hinged lid, manufactured and used for the collection of garbage and refuse.

*Garbage* means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse and carcasses of small animals and fowls from any premises within the City limits.

*Premise(s)* means land, buildings or other structures, containers, vehicles, watercraft or parts thereof upon or in which refuse is stored.

*Refuse* means all solid wastes, including garbage and rubbish.

*Rubbish* means tin cans, bottles, papers, tree limbs, ~~which shall be cut into lengths not exceeding 3 1/2 feet,~~ leaves, etc., from any premises within the City limits.

*Roll-out cart* or *cart* means durable, plastic wheeled container with a hinged lid, manufactured and used for the collection of garbage and refuse.

*Rubble* means brushwood, concrete and masonry materials, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials longer, larger or heavier than refuse.

*Trash transfer station* (also called the trash disposal center or the trash transfer site) means the facility designated for the collection of garbage, rubble and refuse, located at 791 North Brentwood Avenue, Marietta, Oklahoma.

(Code 1984, § 9-1; Ord. No. 2018-1, 7-12-18)

#### **Sec. 78-2. Accumulations of garbage and refuse; Disposal of rubble.**

~~(a) Wherever feasible, bulk storage containers for garbage and refuse will be utilized in alleys, streets, the business districts of communities and in other areas. A curbside pickup system using disposable containers will be used. The type, style and size of the container shall be specified by the City.~~

(a) The City will provide each residential sanitation customer one (1) roll-out cart at the place of residence for the accumulation and collection of garbage and refuse.

(1) Upon request of the residential sanitation customer, the City, at its discretion, may provide additional roll-out carts for the accumulation of garbage and refuse exceeding the capacity of the provided container.

~~(b) All ordinary accumulations of rubbish such as tree limbs, paper boxes and scrap lumber which cannot be conveniently placed in the approved containers required under this section shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than 50 pounds, and placed adjacent to such container.~~

(b) The City will provide dumpsters for the accumulation and collection of garbage and refuse from commercial and industrial establishments, apartment complexes and mobile home parks.

(1) Establishments and complexes producing a minimal amount of garbage and refuse may request to be provided one (1) roll-out cart in substitute of a dumpster. Such substitution shall be at the discretion of the City.

(c) Accumulations of garbage and refuse shall not exceed the capacity of the container

and shall not prevent the lid of the container from closing.

(d) It shall be the responsibility of the sanitation customer to deposit rubble, or any other item which exceeds the size or capacity of the provided container, at the trash transfer station.

(Code 1984, § 9-2) (Ord. No. 2018-1, 7-12-18)

**Sec. 78-3. Pilfering or disturbing refuse containers.**

It shall be unlawful for any person to meddle with refuse containers ~~or disposable containers~~ or in any way pilfer, scatter contents or junk, or set fire to contents of a container in any alley or street within the City limits.

(Code 1984, § 9-10; Ord. No. 2018-1, 7-12-18)

**Sec. 78-4. Placing in street or alley.**

The placing of garbage or rubbish or any refuse material in any street or alley within the City limits is prohibited.

(Code 1984, § 9-9)

**Sec. 78-5. Disposable plastic bags—Garbage pickup. Placement of roll-out cart – Garbage and refuse collection.**

~~No garbage or refuse placed in disposable plastic bags shall be placed for curbside pickup sooner than 12 hours prior to garbage pickup.~~

(a) Roll-out carts shall be placed at the curb, streetside or roadside by 7:00 a.m. on the day scheduled for collection, but not earlier than 5:00 p.m. on the day preceding the scheduled collection. Roll-out carts shall not remain at the curb, streetside or roadside between scheduled collection days.

(1) Assistance with placement of roll-out cart will be available for disabled persons who provide the City with proper documentation.

(b) No containers, other than those provided by the City, shall be used for the collection of garbage and refuse.

(Ord. No. 2004-27, 8-3-04)(Ord. No. 2018-1, 7-12-18)

**Sec. 78-6. Same—Animal intrusion. Precautions against animal intrusion and/or dispersal.**

Any person, firm or entity which places garbage or refuse in ~~disposable plastic bags~~ any dumpster or roll-out cart ~~for curbside pickup~~ must take those reasonable precautions to avoid animals ~~tearing open said plastic bags~~ intrusion into the container

and/or dispersal of garbage and refuse.  
(Ord. No. 2004-2-7, 8-3-04; 2018-1, 7-12-18)

**Sec. 78-7. Same—Violation. Penalties for violation of this article.**

Any person, firm or entity failing to secure garbage from animal intrusion and dispersal shall be guilty of a violation of sections 78-5 through 78-7.  
(Ord. No. 2004-2-7, 8-3-04)

Any person, firm or entity found in violations of any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to \$500 plus costs.  
(Ord. No. 2018-1, 7-12-18)

**Sec. 78-8. Same—Fine. Damage to City-owned containers.**

Each violation of sections 78-5, 78-6, or 78-7 shall be punished by a fine of up to \$500.00 plus costs.  
(Ord. No. 2006-6-9, 11-01-06)

(a) The City will repair or replace collection containers damaged through the course of normal use and aging of the container at no additional cost to the sanitation customer.

(b) If damage to a collection container is caused by negligence or inappropriate use, the sanitation customer will be billed for the cost of the repair or replacement of the container.  
(Ord. No. 2018-1, 7-12-18)

**Secs. 78-9—78-25. Reserved.**

## **ARTICLE II. COLLECTION AND DISPOSAL**

**Sec. 78-26. Duty to request garbage service.**

To assist in maintaining the general sanitation of the City, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the City Clerk at the beginning of such occupancy and request, accept and use the garbage pickup and collection service. However, 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 City from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the measures prescribed in

this chapter and causing the fees or charges therefore to be paid.  
(Code 1984, § 9-13)

**Sec. 78-27. Charges for service.**

(a) All bills for sanitary (refuse) service charges shall be included on water bills, and no payments shall be accepted by the public works authority, except for the full amount billed for a specific period. Delinquent refuse bills shall carry the due dates, grace periods and penalties as water bills.

(b) The City Council, by resolution, shall provide the fees and schedule for collection of garbage and refuse for residential, commercial and industrial customers.  
(Code 1984, § 9-14; Ord. No. 2018-1, 7-12-18)

**Sec. 78-28. Collection by City.**

The City or its authorized representative shall collect garbage and refuse from approved containers, as described in Sec. 78-2, from the areas of the City.  
(Code 1984, § 9-4(a); Ord. No. 2018-1, 7-12-18)

**Sec. 78-29. Method of disposal.**

The disposal of garbage and rubbish shall be by the method ordered by the City Council.  
(Code 1984, § 9-11)

**Sec. 78-30. Unpaid Trash Disposal Fee.**

If any person or entity incurs a fee for trash disposal at the trash transfer station transfer site, also called the trash disposal center or the trash transfer site, located at 698 Northeast Second Street, Marietta, Oklahoma, and said person or entity does not pay said fee within 30 days of the date of incurring said fee, and if said person or entity receives water or sewer service from the Marietta Public Works Authority, or receives garbage service from the City of Marietta, the unpaid fees for said trash disposal service may be added to said monthly water, sewer or garbage bill, and when added to said bill shall become a part of said bill and may be collected through said monthly bill by the Marietta Public Works Authority.

(Code 2015; Ord. No. 2007-7-12, 12-11-07; 2018-1, 7-12-18)

**Sec. 78-31. Other Remedies.**

The remedy to the City of Marietta to collect unpaid transfer site fees as provided by Sec. 78-30 above, shall not prohibit the City of Marietta from utilizing other remedies such as legal action to collect said unpaid transfer site fees.

(Code 2015; Ord. No. 2007-7-12; ~~December 11, 2007,~~ 12-11-07; 2018-1, 7-12-18)

Sec. 78-32. Authority to refuse collection of garbage and refuse when requirements not met.

The sanitation supervisor shall have power and authority to refuse collection of garbage, refuse and rubble from any person or premise not complying with the requirements set forth in this section.

(Ord. No. 2018-1, 7-12-18)

**SECTION 2.** If any section, sub-section, sentence, 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 separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**SECTION 3.** All ordinances, parts of ordinances, or code provisions in conflict herewith are hereby repealed to the extent of any such conflict.

**SECTION 4.** This Ordinance shall be effective on September 1, 2018 after one (1) publication in the Marietta Monitor.

**PASSED** by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12<sup>th</sup> day of July 2018.

ATTEST:

*Dottie Gwin*

Dottie Gwin, City Clerk



CITY OF MARIETTA

BY:

*Kimberly Fraire*  
\_\_\_\_\_  
Kimberly Fraire, Mayor





# AFFIDAVIT OF PUBLICATION

## **Sec. 78-5. Placement of roll-out cart - Garbage and refuse collection.**

(a) Roll-out carts shall be placed at the curb, streetside or roadside by 7:00 a.m. on the day scheduled for collection but not earlier than 5 p.m. on the day proceeding the scheduled collection. Roll-out carts shall not remain at the curb, streetside or roadside between scheduled collection days.

(1) Assistance with placement of roll-out cart will be available for disabled persons who provide the City with proper documentation.

(b) No containers, other than those provided by the City, shall be used for the collection of garbage and refuse.

(Ord. No. 2018-1, 7-12-18)

## **Sec. 78-6. Precautions against animal intrusion and/or dispersal.**

Any person, firm or entity which places garbage or refuse in any dumpster or roll-out cart must take reasonable precautions to avoid animal intrusion into the container and/or dispersal of garbage and refuse.

(Ord. No. 2004-2-7, 8-3-04; 2018-1, 7-12-18)

## **Sec. 78-7. Penalties for violation of this article.**

Any person, firm or entity found in violations of any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to \$500 plus costs.

(Ord. No. 2018-1, 7-12-18)

## **Sec. 78-8. Damage to City-owned containers.**

(a) The City will repair or replace collection containers damaged through the course of normal use and aging of the container at no additional cost to the sanitation customer.

(b) If damage to a collection container is caused by negligence or inappropriate use, the sanitation customer will be billed for the cost of the repair or replacement of the container.

(Ord. No. 2018-1, 7-12-18)

## **Secs. 78-9 - 78-25. Reserved.**

## **ARTICLE II. COLLECTION AND DISPOSAL**

### **Sec. 78-26. Duty to request garbage service.**

To assist in maintaining the general sanitation of the City, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the City Clerk at the beginning of such occupancy and request, accept and use the garbage pickup and collection service. However, 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 City from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate actions the measures prescribed in this chapter and causing the fees or charges therefore to be paid.

(Code 1984, § 9-13)

### **Sec. 78-27. Charges for Service.**

(a) All bills for sanitary (refuse) service charges shall be included on water bills, and no payments shall be accepted by the public works authority, except for the full amount billed for a specific period. Delinquent refuse bills shall carry the due dates, grace periods and penalties as water bills.

(b) The City Council, by resolution, shall provide the fees and schedules for collection of garbage and refuse for residential, commercial and industrial customers.

(Code 1984, v§ 9-14; Ord. No. 2018-1, 7-12-18)

### **Sec. 78-28. Collection by City.**

The City or its authorized representatives shall collect garbage and refuse from approved containers, as described in Sec. 78-2, from the areas of the City.

(Code 1984, § 9-14(a); Ord. No. 2018-1, 7-12-18)

### **Sec. 78-29. Method of disposal.**

The disposal of garbage and rubbish shall be by the method ordered by the City Council.

(Code 1984, § 9-11)

### **Sec. 78-30. Unpaid Trash Disposal Fee.**

If any person or entity incurs a fee for trash disposal at the trash transfer station and said person or entity does not pay said fee within 30 days of the date of incurring said fee, and if said person or entity receives water or sewer service from the Marietta Public Works Authority, or receives garbage service from the City of Marietta, the unpaid fees for said trash disposal



# AFFIDAVIT OF PUBLICATION

service may be added to said monthly water, sewer or garbage bill, and when added to said bill shall become a part of said bill and may be collected through said monthly bill by the Marietta Public Works Authority.

(Code 2015; Ord. No. 2007-7-12, 12-11-07; 2018-1, 7-12-18)

**Sec. 78-31. Other Remedies.**

The remedy to the City of Marietta to collect unpaid transfer site fees as provided by Sec. 78-30, shall not prohibit the City of Marietta from utilizing other remedies such as legal action to collect said unpaid transfer site fees.

(Code 2015; Ord. No. 2007-7-12, 12-11-07; 2018-1, 7-12-18)

**Sec. 78-32. Authority to refuse collection of garbage and refuse when requirements not met.**

The sanitation supervisor shall have power and authority to refuse collection of garbage, refuse and rubble from any person or premise not complying with the requirements set forth in this section.

(Ord. No. 2018-1, 7-12-18)

**SECTION 2.** If any section, sub-section, sentence, 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 separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**SECTION 3.** All ordinances, parts of ordinances, or code provisions in conflict herewith are hereby repealed to the extent of any such conflict.

**SECTION 4.** This Ordinance shall be effective on September 1, 2018 after one (1) publication in the Marietta Monitor.

**PASSED** by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12<sup>th</sup> day of July 2018.

CITY OF MARIETTA

ATTEST:

BY: /s/ Kimberly Fraire  
Kimberly Fraire, Mayor

/s/ Dottie Gwin  
Dottie Gwin, City Clerk

Published in the Marietta Monitor on July 20, 2018.