

# THE VILLAGE CITY CODE

## CHAPTER 23

### UTILITIES

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#### ARTICLE I. IN GENERAL

##### DIV 1. DEFINITIONS.

###### Sec. 23-1. Definitions.

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

*Bulky Waste* - Includes but is not limited to: household appliances, furniture, carpet, mattresses, box springs, water tanks, containerized do-it-yourself remodeling wastes, fencing and similar non-contracted items, bagged grass, and brush produced as refuse from single-family dwellings receiving collection services from Contractor. All appliances containing chlorofluorocarbons, (air conditioners, refrigerators, and freezers) must be certified "Freon-free" or compressors must be removed before collection may be completed. Appliances containing Freon can be picked up by special arrangement. Items excluded under the definition of bulky waste include hospital and medical waste, poisons, acids and caustics, explosives, dirt and rocks, sewage and liquid waste, nuclear materials, gasoline, kerosene, propane tanks, degreasers, lubricants, tires and rims, antifreeze, paint, and commercial construction debris

*City* means the City of The Village, Oklahoma.

*Commercial Refuse* means all bulky waste, construction debris, trash and garbage generated by a producer at a commercial unit.

*Contractor* means the person, corporation, or partnership performing refuse collection and disposal operation under contract with the City.

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*Customer* means any Person or Entity who is a Owner, landlord or deed holder of property who enters into a contract agreement with the City to receive and pay for sewer and sanitation service provided or available to be provided by the City to a premises. Customers may, but need not be, the direct consumers or recipients of the services provided. Customers include indirect consumers and recipients and owners who receive benefit or whose property is directly or indirectly benefited or enhanced by the provision or the availability of sewer and sanitation services

*Director* means the Director of Public Works of the City of The Village or any designated representative thereof.

*Dishonored Check* means a check or other negotiable instrument that has been dishonored by a bank or other financial institution on the basis of insufficient funds, account closed or for any reason which causes a check to be returned unpaid to the City.

*Disposal Site* means a refuse depository, including but not limited to a landfill or other sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of refuse by all governmental bodies and agencies having jurisdiction and requiring such licenses permits or approvals.

*Entity* means any business or other organization created by or pursuant to statute or private agreement other than a natural person, including but not limited to corporations, limited liability companies, trusts, and partnerships.

*Hazardous Waste* means any chemical, compound, mixture, substance, or article, which is designated by the United States Environmental Protection Agency or appropriate agency of the State of Oklahoma to be “hazardous” as that term, is defined by or pursuant to Federal or State law. Hazardous wastes shall also include biomedical wastes, the disposal of which is regulated by Federal or State law. Non-regulated medical wastes shall not be considered hazardous wastes for the purpose of this contract.

*Metallic container or metallic bin* means a metal container furnished by the city or by its contractor for waste disposal by producers at commercial units and which is approved for use with the hydraulic load-lift attachments used in the city's commercial waste collection service.

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*Metallic or plastic garbage can* means a, privately owned and maintained, Water-tight metallic or plastic garbage can of sufficient size to hold not less than Twenty (20) nor more than thirty-three (33) gallons, with close fitting covers, and with handles upon the sides.

*Owner* means the owner of any premises, lot or parcel of land, or adjoining lots or parcels of land belonging to the same person, as recorded by the Oklahoma County Assessor, unless the premises, lot or parcel of land or adjoining lots or parcels of land, including the yards of same, are occupied and are clearly defined and under the exclusive control of the occupant.

*Person* means any individual eighteen years or older or an emancipated minor.

*Pickup point* means any premises regularly served by the solid waste collection service.

*Plastic bag* means a bag made of plastic which does not exceed thirty-three (33) gallons in capacity and which is designed for the disposal of solid wastes.

*Polycart means* a plastic, injection molded, and two-wheeled cart designed to contain either 65 or 95 gallons of residential waste or recyclables and which is fabricated to specifications approved by the city.

*Producer* means the owner, occupant, or rental agent of any commercial, institutional, or residential unit or premises in the city.

*Recyclable material* means any material that is designated by the city for collection pursuant to the city's recycling program and which may include aluminum cans, cardboard, newsprint, magazines, bulk mail and similar paper products, bimetallic cans, tin cans, plastics and other commodities as may be designated by the city from time to time.

*Rental Agent* means the agent, contractor, or employee in charge of the renting, or maintenance of any premises.

*Residential Unit means* all residential premises, locations, or entities, requiring refuse collection within the corporate limits of the City. Residential Unit shall not include multi-family residential units designated by the City.

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*Rubbish or Refuse* means all waste wood, wood products, yard wastes, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, plastic, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter, but not including dirt, sand, sod, potting soil, peat, rock, bricks, gravel, or boulders.

*Sanitary or sanitation* means the handling of garbage, refuse, and rubbish at both pickup and disposal points in a manner that will prevent either undue accumulation or scattering of such waste material.

*Stable Matter* means all manure and other waste matter normally accumulated in or about a stable, kennel, or veterinary clinic, and resulting from the keeping of animals.

*Trash and Garbage* means all waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans and all other residential and commercial waste materials generally, but specifically excluding hazardous wastes, appliances containing Freon, batteries, earth or industrial waste, materials that accumulate as the result of building operations or commercial building alterations, trees or tree stumps, bricks and/or heavy concrete, or other bulky wastes as defined herein.

*Undue Accumulation* means the accumulation of garbage, trash, or rubbish in amounts exceeding the capacity of the waste receptacles provided for same at the pickup point or at the point of disposal.

*Utility Account* means an account established in accordance with this Chapter for the providing of sewer or sanitation services to a Person or Entity.

*Yard waste* means tree trimmings, shrubbery trimmings, grass cuttings, dead plants, flowers, weeds, leaves, tree branches, wood chips, wood shavings, and other similar organic wastes, but not including dirt, sand, sod, potting soil, peat, rock, bricks, gravel, boulders, or other organic or inorganic landscaping materials.

(Code 1976, 6-1-3; Ord. No. 520, 1, 11-7-95; Ord. No. 604, 07-05-2005; Ord. No. 628, §1, 08-07-2007)

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Secs. 23-2--23-17. Reserved.

### ARTICLE II.

#### SANITATION SERVICES, SEWER SERVICES\*

\*Cross reference--Removal of accumulations of trash and weeds, 15-21 et seq.

#### **Sec. 23-18. Superintendent of Sanitation Department.**

The Superintendent of the Sanitation Department shall be an employee of the city and shall be responsible for the proper administration of recycling and solid waste collection services and the proper operation and safeguarding of all city-owned equipment, trucks, machines and property assigned to said department, and shall have the immediate control thereof together with the control of the personnel and/or independent contractors assigned thereto, to effect the collection, transportation and delivery or disposal of solid wastes and recyclables in a clean, sanitary and safe manner and in accordance with the provisions of this chapter.

(Code 1976, 6-1-2; Ord. No. 561, §2, 10-3-00)

#### **Sec. 23-19. Responsibilities of Owner, Rental Agent, Entity, Persons;**

It shall be unlawful for any owner, rental agent, person, entity, other person in charge or having control of real property, to rent any premises or portion of a premises occupied by one (1) family or more than one (1) family, or permit the occupancy of any portion of such premises, unless the owner has provided the services and complied with the provisions of this Chapter.

(Code 1976, 6-1-4; Ord. No. 628, §1, 08-07-2007)

#### **Sec. 23-20. Duty to request/apply for service; Service required for all producers.**

- (a) Any Person or Entity who owns a premises or real property to which water service is or can be delivered, shall establish a sewer and sanitation service account to pay for sewer and sanitation service to the premises. Any Person or Entity to which sewer service and/or sanitation from the City is available, shall make application to the office of the

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City Clerk or Utility Billing Clerk. The application shall be signed by all persons or entities having an ownership interest of record in the premises to be served. At the discretion of the City Clerk or Utility Billing Clerk, the applicant for services may be required to provide any or all of the following information:

1. The official address and legal description of the premises to be served.
  2. The name and address to be used for purposes of billing statements.
  3. The service address previous utility services were provided to the applicant.
  4. Picture identification from a government entity.
- (b) The applicant shall submit to the Utility Billing Clerk such proof of ownership of the property to benefit from the sewer and sanitation service or other personal and financial identification to the satisfaction of the Utility Billing Clerk.
- (c) In addition to the Utility Service Agreement provided herein, the application shall also constitute and be construed as a continuing offer on the part of the Customer to purchase and be responsible for the cost of sewer and sanitation service from the City and provision of the sewer and sanitation service or the availability of sewer and sanitation service shall be deemed acceptance of the offer. The applicant shall be the Customer and shall be responsible for payment of all sewer and sanitation service charges until the Customer's Utilities Service Agreement is mutually terminated and the responsibility for the service has been officially transferred by the City to a new applicant notwithstanding the transfer of ownership of the property or premise and the ability of the City to jointly or severally charge and collect sewer and sanitation service charges from another Person or Entity. Acceptance of a sewer or sanitation charge from one Person or Entity, which is not the current applicant or Customer shall not waive the right of the City to collect any other or additional sum due for sewer or sanitation service to said same property or premise from the Person or Entity official listed as the applicant or Customer.

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(d) Upon satisfactory completion of the application and satisfaction all other requirements for sewer and sanitation service, the Utility Account shall be opened in the name of the applicant, thereafter known as the Customer unless:

1. The applicant is a Person or Entity who owes the City on a sewer or sanitation services account for that premise or any other premises; or
2. The applicant is a Person or Entity who has failed to cure the breach for which any sanitation or sewer service has been terminated pursuant to the provisions of this Chapter; or
3. Conditions exist at the premises for which sanitation or sewer services were, will be, or would be terminated; provided, however, no Person or Entity shall be denied service because of an outstanding obligation of another Person or Entity, except an Entity which is a successor in interest to the obligor Entity or acquired the obligor Entity.

The City reserves the right to deny service to anyone for any reason.

(e) If the application is accepted and a Utility Account is opened, the Customer, which shall include all Persons or Entities having an ownership interest in the premises to be served, shall execute a Utility Services Agreement agreeing to be responsible for all charges for sewer and sanitation services, miscellaneous utility service fees and ambulance subsidy fees rendered to the premises in a form and manner approved by the Utility Billing Clerk and which authorizes the attachment of a contractual lien on the property or premises for any unpaid sewer or sanitation service charges, unpaid utility service fees, and unpaid ambulance subsidy fees. The Utility Services Agreement must be so executed prior to sewer or sanitation service being established.

(Ord. No. 637, §1, 02-03-2009)

(f) In the event an applicant is denied the right to establish sewer or sanitation service, the Utility Billing Clerk shall give the applicant written notice of the reasons for the denial and the right of the applicant to request a hearing before the Utility Billing Clerk at which time the reasons for the denial may be contested. If the denial is not

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- rescinded by the Utility Billing Clerk and the Utility Account not established, the applicant may request a hearing before the City Manager who shall make a final determination as whether or not to grant the application, and in appropriate circumstances, require conditions for service that will assure all fees and charges for service to the applicant's property will be timely paid.
- (g) In all cases, the Owner of the premises to be benefited by sewer and sanitation service shall be the Customer and responsible for all fees and charges for sewer and sanitation services rendered to the premises. All owners, whether buying or selling the premises served by sewer or sanitation service, shall notify the City of the transfer of the ownership of the premises and that the sewer and sanitation account is paid to the date of the transfer of title. No Customer shall be relieved from any obligation for the payment of the account until the date that a new application is approved and an account is established for a new Customer. Each Customer's obligation on the sewer or sanitation account for services after the date of transfer shall terminate only if the successor in ownership establishes a Utilities Account, which commences on the date the prior Customer's obligation terminates and the City has been notified in writing of the transfer ownership.
- (h) The failure of any owner, rental agent, person, entity, or occupant of any premises to take the actions enumerated in subsections (a) through (h) above, shall not prevent or in any way impair or impede the Director from adding the address of such premises to the proper solid waste collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fee or charge therefore to be paid.
- (i) The Director or his designee shall be authorized to post a notice on vacant or unoccupied properties advising new occupants of the requirements enumerated in this section. It shall be unlawful for any owner, rental agent, entity, person, or occupant of any posted premises to remove said notice without first having established services as provided in this Chapter.
- (j) Each producer shall post the required security deposits and pay for sewer and solid waste collection services in accordance with rates and regulations established by resolution of the council.

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(Code 1976, 6-1-5; Ord. No. 520, 1, 11-7-95; Ord. No. 561, §3, 10-3-2000; Ord. No. 628, §1, 08-07-2007; Ord. 637, §1, 02-03-2009)

### **Sec. 23-21. Littering.**

(a) It shall be unlawful for any person, firm, or corporation to deposit or dump on any street, alley, or parking lot of the city or any private property therein, garbage, rubbish, or refuse without placing the same in an enclosed can or container, as provided in Section 23-23. (Code cross reference 12-57)

(b) No person shall deposit or dump any bulky waste, construction debris, hazardous waste, stable matter or any other solid waste material on any street, alley, or parking lot of the city or on any private property therein.

(c) It shall be unlawful for the owner or lessee of any private property located in the city to permit any garbage, rubbish, refuse, bulky waste, construction debris, hazardous waste, stable matter or any other solid waste material to be deposited or dumped on such private property or to remain thereon, and such owner or lessee is required promptly to remove any such items deposited or dumped on such private property.

(Code 1976, 6-1-7; Ord. No. 241, 1, 2, 4-18-78; Ord. No. 520, 1, 11-7-95)

Cross reference--Removal of accumulations of trash, 15-21 et seq.

### **Sec. 23-22. Burning.**

The burning of any garbage, refuse and rubbish, carcasses of dead animals, or other offensive or unwholesome matter is hereby prohibited. (Code cross reference 10-25)

(Code 1976, 6-1-11)

### **Sec. 23-23. Carts, containers, plastic bags; excess wastes, brush, etc.**

(a) The owners, occupants, or rental agents of all single family residential premises in the city:

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- (1) Shall use carts provided by the city or its independent contractor as the primary container for waste disposal or recycling and shall maintain said carts in a sanitary and safe condition, including but not restricted to, the prevention of waste accumulation in the bottom and side of said containers.
- (2) Shall keep the cover or lid of carts and containers closed at all times to prevent blowing litter and the attraction of flies, insects, or rodents.
- (3) Shall not store or keep more than one (1) cart in any location beyond the Front Building Line, or in the front yard as defined by Chapter 24, Section 24-1. Carts kept or stored pursuant to this subsection shall be stored or kept as close to the house as possible.
- (4) Shall not store or keep any plastic or metallic container, polycart, plastic bag, cardboard box, bundle of brush, or pile of brush in any location beyond the Front Building Line, or in the front yard as defined by Chapter 24, Section 24-1.
- (5) Shall not place carts, bulky waste, or any other waste out for collection before 3:00 p.m. on the day before the designated collection day, but no later than 6:00 a.m. on the collection day designated by the city.
- (6) Shall not allow carts, bulky waste, or any other waste to remain at curbside or beyond the front building line after 8:00 a.m. on the day after the designated collection day.
- (7) Shall not overfill any cart or plastic bag, or place any cart or plastic bag out for collection with contents exceeding the capacity of the cart or plastic bag in terms of volume or weight. The weight limit for 95-gallon container shall be 200 pounds. The weight limit for a 65-gallon container shall be 150 pounds. The weight limit for a plastic bag shall be 35 pounds.
- (8) Shall not place in any cart or plastic bag any bulky wastes, construction debris, stable matter, hazardous wastes, hot ashes, dirt, sand, sod, rocks, or similar items that may damage the cart or collection equipment.

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- (9) Shall not remove the cart from the premises to which it is assigned by the city or its independent contractor.
  - (10) Shall be responsible for damage to carts or containers furnished to them by the City or its independent contractor and shall pay to the City the cost of replacement of any such cart or container damaged by improper use before a new cart or container is issued to the account.
- (b) **Placement of carts, bulky wastes for collection:** The owners, occupants, or residents of any premises served by carts may place carts out for collection according to the following regulations. Additional regulations may be established by resolution of the Council.
- 1. **Curbside Service:** Customers that receive curbside service shall place carts at curbside by 6:00 a.m. on the designated pickup day. It shall be unlawful to place any waste at curbside except in an approved cart, or except as otherwise provided for herein.
    - a. Carts shall be placed at least five feet from mailboxes, gas meters, cars, or shrubs or anything else that could interfere with loading by mechanical equipment.
    - b. Carts placed at curbside must be at least three (3) feet apart.
    - c. All wastes shall be placed inside the cart and lids must be completely closed in order to avoid spillage and problems with mechanical loading equipment.
  - 2. **House Side Service:** Customers that receive house side service shall place the cart or carts out for collection on the designated pickup day.
    - a. It shall be unlawful to place any waste out for house side collection except in the approved cart or carts.
    - b. Carts placed for collection pursuant to this subsection shall be stored and placed out for collection in a location that complies with the provisions of Section 23-23 (a)

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Subsections (3) and (4) or if within a fenced yard, at a place near the front of said fenced yard.

- c. If carts are within fenced yards, the gate shall not be locked or tied shut and the area must be easily accessible by sanitation workers.
  - d. If a dog is kept in the back yard and the area is fenced, all carts shall be placed outside the fenced area.
  - e. All wastes shall be placed inside the cart and lids must be completely closed in order to avoid spillage and problems with mechanical loading equipment.
3. **Bulky Waste Service:** Up to three (3) cubic yards of bulky waste as defined in this Chapter may be placed at curbside by 6:00 am on the designated collection day. It shall be unlawful to place bulky wastes at curbside more than twenty-four (24) hours before said pickup day.
- a. Items shall be placed at least five feet from mailboxes, gas meters, cars, shrubs, or anything else that could interfere with hand loading or mechanical equipment.
  - b. Items shall be placed at least ten feet away from utility poles, to prevent contact with overhead power lines.
  - c. Bulky waste shall be in a size and length that will fit in the hopper of the garbage truck.
  - d. Small items or loose items such as twigs, paper, grass and other similar items must be containerized in plastic bags or boxes so that they do not spill.
  - e. All items placed for collection must be able to be lifted and handled by two persons.
  - f. Types of bulky waste that can be placed for collection include, but are not limited to, the following:
    - i. Household appliances,

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- ii. Water tanks,
  - iii. Furniture,
  - iv. Mattresses,
  - v. Cardboard boxes that are broken down and bundled.
  - vi. Trees, limbs and wood scrap tied and in two feet by four feet (2' x 4") bundles and not weighing more than (35) pounds.
  - vii. Fencing (up to 4 panels). Fence panels must be cut in half.
  - viii. Containerized non-contracted remodeling waste such as leftovers from do-it-yourself projects.
  - ix. Refrigerators and air conditioners provided they do not contain Freon. Such items may be placed out for collection only if the compressor is removed or the appliance has a sticker showing certified removal of the Freon.
- g. It shall be unlawful to place any waste out for bulky waste collection that is not defined as bulky waste herein including, but not limited to, the following:
- 1) Hospital or medical waste or hazardous waste of any kind;
  - 2) Poisons, acids and caustics, explosives;
  - 3) Dirt, rocks, bricks or concrete;
  - 4) Sewage and liquid waste,
  - 5) Nuclear materials.
  - 6) Gasoline, kerosene, oils and other fuels;

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- 7) Propane tanks, degreasers, lubricants, brake fluid, antifreeze, batteries tires and rims, car batteries;
- 8) Sheet rock or roofing items;
- 9) Contracted construction, reconstruction, demolition, and repair waste.

(Ord. No. 604, 07-05-2005)

- (c) Any polycart placed, kept, or maintained in violation of any provision of this Section shall be subject to impoundment by the Sanitation Superintendent and shall be returned to the service location from where it was impounded upon the payment to the City Clerk an impoundment fee of twenty-five dollars (\$25.00). (Ord. No. 635, §1, 01-06-2009)

### **Sec. 23-24. Unauthorized removal, transportation, deposit, or placement.**

It shall be unlawful for any person to do any of the following without permission of the superintendent of the sanitation department:

(1) Remove from any premise or premises situated in the city any garbage, refuse, rubbish, or other offensive or unwholesome matter;

(2) Transport on streets, alleys, or public places any garbage, refuse and rubbish, or other offensive matter;

(3) Deposit any garbage, refuse, or any other solid waste matter in any cart or metallic container which has not been specifically assigned to the depositor for disposal of wastes;

(4) Place for collection at any residence or business any waste that is prohibited or restricted by this article.

(5) Place for collection at any residence or business garbage, refuse or rubbish that has been generated at any location other than the residence or business where the trash is placed for collection.

(Code 1976, 6-1-8; Ord. No. 420, 1, 5-2-1989; Ord. No. 520, 1, 11-7-1995)

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### **Sec. 23-25. Sanitation and Sewer Rates and Charges.**

(a) The rates and charges to be paid to the city for sanitation collection and sewer service shall be as established by resolution of the city council.

(b) Sanitation and Sewer charges shall be billed in advance. If residential garbage service is provided on Tuesday or Wednesday, billing shall be on February 1, April 1, June 1, August 1, October 1, and December 1 of each year. If residential garbage service is provided on Thursday and Friday, billing shall be on January 1, March 1, May 1, July 1, September 1, and November 1. The rates and charges for commercial sanitation and sewer service shall accrue monthly and shall be paid in advance on the first of each month. A late payment fee in the amount established by resolution shall be added to the charges if the bill is not paid by the due date specified on the bill.

(Ord. No. 606 §1, 07-19-2005)

(c) Any person who has paid the sanitation and/or sewer bill in advance and who moves from the premises that has been occupied, to another place outside the city, leaving the premises unoccupied, shall be given a refund on a pro rata basis for as many full weeks during which the premises will not be occupied.

(d) Any person who is not in arrears in sanitation and sewer service payments and who will be gone for one (1) month or more leaving the premises unoccupied may, upon request prior to the absence, be credited with the appropriate number of full weeks involved.

(e) The initiative for requesting the refund or credit provided for in subsection (d) or (e) shall be with the person involved, and if the provisions of such subsections are not strictly complied with, the City Treasurer may refuse to make the refund or give the credit.

(f) It shall be unlawful for any person, firm, or corporation that has not entered into a Utility Services Agreement with the City to fail to pay the charges for sanitation or sewer service after sixty (60) days from the date the charges are due. The city clerk shall be authorized to discontinue service to any person, firm, or corporation whose bill is more than sixty (60) days in arrears. In the event of discontinuation of sanitation or sewer service, the city

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clerk shall be authorized to charge a restoration fee in an amount established by resolution. Service shall not be restored for the person, firm or corporation until such bill is paid in full, including all applicable penalties and charges, or until such time that suitable arrangements are made for payment in full of the amount due.

(g) The City Clerk shall be authorized to require a utility deposit for commercial sanitation and sewer service in an amount established by resolution. The administration of a deposit fund shall be subject to regulations established by resolution and applicable state law.

State law reference--11 O.S. 35-107.

(Code 1976, 6-1-9, 6-1-10; Ord. No. 231, 1(6-1-9c), 4-19-77; Ord. No. 265, 1, 9-18-79; Ord. No. 270, 1, 11-6-79; Ord. No. 349, 1, 8-7-84; Ord. No. 458, 1, 6-18-91; Ord. No. 520, 1, 11-7-95; Ord. No. 604, 06-21-2005)

### **Sec. 23-26. Deposit of yard wastes.**

(a) It shall be unlawful for any person, firm or corporation, in person or by agent, employee or servant, to cast, throw, sweep, blow or deposit in any manner in or upon any public street, storm sewer, canal or drainage basin or easement within the city any kind of yard waste, provided that this section shall not apply to the deposit of yard wastes deposited upon said public place in the necessary course of edging, mowing or raking any lawn or yard if removed therefrom within one (1) hour after being so deposited.

(b) It shall be unlawful for any person, firm or corporation, entity, owner, occupant, renter, tenant, or person in charge of any property in the City to allow grass or yard clippings or deposits to remain in the street or gutter immediately adjacent to the property occupied by said owner, occupant, renter, tenant, entity, or person in charge of said property unless removed there from within one (1) hour of being so deposited.

(Ord. No. 411, §1, 8-16-1988; Ord. No. 520, §1, 11-7-1995; Ord. No. 628 § 1, 08-07-2007)

### **Sec. 23-27. Unauthorized Removal or Placement of Recyclable Materials.**

(a) No person or persons, other than the current resident of the property on which recyclable materials are placed for collection, or an

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authorized carrier, shall remove, pick up, or transfer recyclable materials in any area of the city. Materials left at curbside in either specifically marked recovery containers or any other type of container are to be picked up by a designated carrier for the purpose of removal of recyclable materials. Materials referred to, and to be left at curbside in specifically marked containers, will include recyclable materials included in the City's recycling program.

(b) It shall be unlawful for any occupant or owner of any residential property to place recyclable materials at curbside for collection earlier than twenty-four (24) hours prior to the regular collection day.

(c) Recyclable materials placed for collection in the City recycling program shall be placed at curbside by 6 7:00 a.m. on the designated collection day and shall only be placed for collection in containers provided specifically for the City's recycling program.

(Ord. No. 445, Section 1, 6-28-1990)

**Secs. 23-28--23-53. Reserved.**

**Sec. 23-54. Disconnection of sewer for nonpayment.**

- (a) In the event a sewer service account shall be delinquent for more than sixty (60) days, the City may, in addition to all other remedies available to the City for collection of accounts, terminate the sewer service to the described premises by entering the described premises, pursuant to the right of ingress and egress granted by the Customer to the City in the Utility Service Agreement, with all personnel and equipment necessary to accomplish the disconnection of the sewer service line to the main sewer line belonging to the City.
- (b) Prior to termination of service by disconnection, the City shall serve on the Customer no later than fourteen (14) days after the expiration of the sixty (60) day delinquency period a written notice of its intent to disconnect the sewer line serving the described premises. Service shall be in writing and may be served by US Mail to the billing address of the Customer as it appears on the billing records and as last provided by the Customer, in person or by mailing and posting the notice on the premises. If the Customer

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fails to respond or correct the delinquency within fourteen (14) days after notice is served, the City may proceed with the disconnection as provided herein.

- (c) A Customer who receives a termination notice is entitled to request a hearing with the Billing Clerk to contest the validity of delinquency of the account or other reason stated in the notice as the basis for the disconnection. If, after a hearing before the Billing Clerk, a determination is made that claim by the City of delinquency of the account is correct, the Customer shall have five (5) business days to pay the account in full or the City may proceed with the disconnection of the service line to the premises. If the Customer continues to contest the accuracy of the claim of the City, the disconnection of the service line may be stayed by the Customer by depositing with the City an amount necessary to pay the account in full.
- (d) The Customer shall have fourteen (14) days thereafter to seek further relief by whatever legal means available to the Customer. In the event the Customer prevails in any appeal, amounts determined not to be due the City shall be returned or credited to the account of the Customer without interest. Upon failure of the Customer to exercise such appeal rights within the time authorized the City may apply any funds deposited by the Customer to the Customer's account. Additionally, in the discretion of the City, the City may proceed with the termination of service to the premises by disconnection of the sewer service line or any other action authorized by this Chapter to collect any charges or fees due and to protect the City from being further subject to the risk of unpaid services.
- (e) All disconnections shall be conducted during normal business hours. When a disconnection of the sewer service line is accomplished by the City, the line shall not be reconnected except at the expense of the Customer. In addition, the Customer shall reimburse the City of the expense incurred by the City in disconnecting and reconnecting the service line prior to reconnection. Similarly, any new Customer shall bear the expense of reconnecting the service line as a condition of establishing service.

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- (f) All rights and remedies available to the City pursuant to state law, this Chapter, the Utility Service Agreement shall be cumulative and election by the City to terminate the account by disconnection shall not prevent the City from exercising all other rights and remedies it may have regarding the collection of charges and amounts due for past services.

(Code 1976, §13-1-3; Ord. No. 628, §1, 08-07-2007)

### **Sec. 23-55. City not bound to provide sewer service.**

Nothing in this Chapter shall be construed as binding the City to agree to continue any sewage service nor shall anything contained in this division prevent the city from discontinuing sewage service when in the judgment of the City the continuance of sewage service will interfere with the proper function of the city's sanitary sewage facilities.

(Code 1976, §13-1-5; Ord. No. 628, §1, 08-07-2007)

### **Sec. 23-56. Service levels for commercial accounts to be adequate.**

Each commercial sanitation customer shall be required to establish a level of service with the City that is adequate to meet the disposal needs of the customer as determined by the Director. The Billing Clerk shall be authorized to increase the number of pickups per week and/or the container size for any customer in order to provide the service level deemed necessary by the Director to adequately service the account. The Billing Clerk shall bill the customer for the costs of service in accordance with rates established by resolution of the Council. (2014 Code)

Secs. 23-57–23-75 Reserved.

## ARTICLE III

### UTILITY SERVICE AGREEMENT; LIEN; BILLING

#### **Sec. 23-76. Purpose.**

- (a) The following regulations as adopted by the City of The Village, Oklahoma are published for the information and guidance of all users of the public sewer system and sanitation services of the City and are

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declared to be part of the contract for services between the City and the Owner of premises where sewer and sanitation service is furnished.

(Ord. No. 628, §1, 08-07-2007)

### **Sec. 23-77. Contractual Lien.**

- a) The sewer and sanitation service charges and utility service fees levied and assessed by this Chapter as well as ambulance subsidy fees authorized by Chapter 18, Section 18-117, shall be payable for each lot, parcel of land, building or other premises, whether occupied or vacant, within or without The Village corporate limits, having a connection with the sanitary sewer system of the City and/or having sanitation services. By submitting an application and establishing an account, the Customer consents to a contract for services which includes the provisions of this Chapter and into which the provisions of this Chapter are deemed incorporated by reference. Any charge for sewer or sanitation service, miscellaneous utility services authorized by this chapter and ambulance subsidy fees authorized by Chapter 18, Section 18-117 to such premises, which are not paid in full when due shall become a contractual lien against the premises serviced by the connection with the City's sanitary sewer system. The terms of the granting of the lien and the rights of the parties shall be set forth in the application and Utility Service Agreement, which shall be executed by the Customer and shall be a binding contract between the Customer and the City. The granting of the lien shall be subject to all applicable provisions of Title 31 O.S. § 1 (A) concerning homestead and exemption rights of the Customer.
- b) By directly or indirectly accepting sewer or sanitation service or the benefit or enhancement of sewer or sanitation service or the availability of sewer or sanitation service from the City, the Customer shall agree to pay for such service and all associated utility service and ambulance subsidy fees, and agree such charges shall be charged or imposed on the property and shall be a continuing lien on the property, paramount and superior to all liens or other subsequent obligations of the Customer secured by the property, from the date the City's lien is recorded with the Oklahoma County Clerk.

(Ord. No. 628, §1, 08-07-2007; Ord. No. 637, §2, 02-03-2009)

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### **Sec. 23-78. Billing and Collection.**

- a) The Utility Billing Clerk of the City of The Village shall be responsible for the billing and collection of sanitary sewer and sanitation charges, which shall be assessed, levied and collected in conjunction with the administration of the charges for sewer and sanitation service supplied by the City. The same shall be subject to and governed by the valid and applicable rules and regulations from time to time established by the City with respect to the collection of sewer and sanitation charges. The sanitary sewer and sanitation charges shall be a lien upon all real property served by the City. The Billing Clerk shall, in accordance with regulations established by the City, determine the amount of delinquent sanitary sewer and sanitation charges, together with all other fees, charges and sums authorized by law, contract, or this Chapter and file with the Oklahoma County Clerk a lien on the real property pursuant to the contractual lien granted to the City under the Utility Services Agreement executed by the Owner of the premises served and shall be collected in the same manner as other liens. Upon payment in full to the City of delinquent sanitary sewer and sanitation charges and fees, together with all other costs and fees authorized by this ordinance that have been secured by a lien filed with the Oklahoma County Clerk, the Billing Clerk shall file with the Oklahoma County Clerk an appropriate release of the lien.

(Ord. No. 628, §1, 08-07-2007)

### **Sec. 23-79. Interest, Attorney fees and costs.**

- a) Unless otherwise provided in the Utility Service Agreement, the Customer agrees that delinquent accounts shall accrue interest on the unpaid balance until paid in full in an amount equal to the statutory rate of interest or the rate of interest on judgments as established by the Supreme Court, whichever shall be the greater. In addition, the City shall be entitled to recover reasonable attorney's fees and costs incurred in the event collection efforts are required to recover sums due on accounts. Interest, attorney's fees and other cost may be included in and secured by the lien filed against the property as provided herein.

(Ord. No. 628, §1, 08-07-2007)

### **Sec. 23-80. Applicability.**

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- (a) From and after the effective date of this Ordinance, any accounts existing on the effective date of this Ordinance which become delinquent two times, new accounts for sewer or sanitation service, including existing accounts being transferred to a different Person or Entity or to a different location, or any other action resulting in a change in an account shall require execution of a Utility Service Agreement and be subject to the provisions of this ordinance.

(Ord. No. 628, §1, 08-07-2007)