

ORDINANCE NO. 2015-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, STATE OF OKLAHOMA, AMENDING CHAPTER 9, GARBAGE AND OTHER REFUSE, ARTICLE 1, COLLECTION AND DISPOSAL, SECTION 9-1-1, DEFINITIONS, TO APPLY TO THE ENTIRETY OF CHAPTER 9, AND TO INCLUDE A DEFINITION FOR THE TERM "REFUSE COLLECTION FACILITY"; ADDING A NEW ARTICLE TO BE CODIFIED AS CHAPTER 9, GARBAGE AND OTHER REFUSE, ARTICLE 2, REFUSE COLLECTION FACILITY SCREENING REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, STATE OF OKLAHOMA:

SECTION I. That Chapter 9, Garbage and Other Refuse, Article 1, Collection and Disposal, Section 9-1-1, is hereby amended to apply to the entirety of Chapter 9 and to include a definition for the term "Refuse Collection Facility". Section 9-1-1 shall hereinafter read as follows:

Sec. 9-1-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) Person shall mean any institution, public or private corporation, individual, partnership, or other entity.
- (2) Premises shall mean land, buildings or other structures, which vehicles, water craft, or parts thereof, upon or in which refuse is stored.
- (3) Refuse shall mean all solid waste, including garbage and rubbish.
- (4) Garbage shall mean all putrescible waste, except sewage and body waste, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the city limits.
- (5) Rubbish shall mean tin cans, bottles, papers, tree limbs which shall be cut into lengths not exceeding three and one-half (3½ feet), leaves, etc., from any premises within the city limits.
- (6) Rubble shall mean brushwood, cardboard boxes, and other bulky earthen, wooden, or metal refuse-like materials, longer, larger, and/or heavier than refuse.
- (7) Health officer shall mean the County health officer of Grady County, or his authorized agent.
- (8) Public Works Director shall mean the city Public Works Director of the City of Chickasha, Oklahoma, or his authorized agent.
- (9) Hazardous Waste shall mean 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 for the purpose of this Chapter.

(10) 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 the City of Chickasha or the Contractor for the City of Chickasha. 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 socks, sewage and liquid waste, nuclear materials gasoline, kerosene, propane tanks, degreasers, lubricants, tires and rims, antifreeze, paint, and commercial construction debris.

(11) Refuse Collection Facility shall mean all receptacles intended for the disposal, collection or temporary storage of unsorted solid waste products and refuse outdoors. A refuse collection facility includes, without limitation, trash dumpsters and trash compactors. The term does not include a dumpster located on a lot with an active building permit for the sole purpose of collecting solid waste products and refuse that result from construction occurring on said lot during the effective period of the active building permit.

SECTION II. That a new Article of the Code of Ordinances of the City of Chickasha, to be codified as Chapter 9, Garbage and Other Refuse, Article 2, Refuse Collection Facility Screening Requirements, including all Sections and Subsections contained therein, is hereby added and shall, from and after the effective date of this Ordinance, read as follows:

Article 2. Refuse Collection Facility Screening Requirements

Sec. 9-2-1. Applicability.

- (a) All refuse collection facilities shall be screened and otherwise not visible from the street or adjacent properties, in accordance with the regulations contained in this Article.
- (b) This Article, and all provisions and requirements contained within, shall apply to each and every refuse collection facility within the city limits of the City of Chickasha, without regard to its location or status on or before the effective date of these requirements.
- (c) This Article shall not apply to polycarts or dumpsters in alleyways.

Sec. 9-2-2. Screening/Orientation Requirements.

- (a) Each refuse collection facility shall be screened with opaque screening such that the refuse collection facility is not visible from the street or adjacent properties.
- (b) All screening used to comply with the requirements of this Article shall have a height equal to or greater than the height of the refuse collection facility screened, and shall otherwise comply with all the requirements of this Article.
- (c) Screening fences installed to comply with the requirements of this Article shall be constructed of conventional, opaque fencing materials approved by the Community Development Director. Acceptable screening fences include, but are not limited to, solid wood fences made of treated pine, cedar or redwood, or masonry walls. Unacceptable materials include, but are not limited to, plywood,

corrugated steel sheets, and chain link fences with weave. All required fences shall be maintained in good condition.

- (d) If there is no other alternative for the orientation of the refuse collection facility other than where the front opening is clearly visible from the street or adjacent property, then an opaque gate with the same height as the enclosure shall be required.
- (e) Solid vegetative screens may be utilized to screen dumpsters, provided that a minimum height of said opaque screen provides one hundred percent (100%) screening year-round. The vegetative screen shall have a minimum height of three (3) feet at the time of installation and a minimum height of six (6) feet at the time of maturity, and must be in compliance with Subsection (a) of this Section.
- (f) The Community Development Director may authorize the use of unconventional opaque fencing materials to satisfy the requirements of this Article if the fencing materials so authorized match existing or proposed building facades.
- (g) Refuse collection facilities shall be located in the rear fifty percent (50%) of the lot on which it is located. Variances from this requirement shall be determined by the Community Development Director on a per case basis.

Sec. 9-2-3. Compliance Required.

- (a) All persons, firms, or corporations to whom this Article applies shall be required to submit to the Community Development Department a site plan for approval.
- (b) The location of each refuse collection facility and the manner in which each refuse collection facility is to be screened shall be clearly delineated and described on the site plan submitted to the Community Development Department and the site plan shall demonstrate compliance with this Section.
- (c) Site plans must be submitted to the Community Development Department no later than August 1, 2016. Any person, firm, or corporation who does not submitted a site plan to the Community Development Department on or before August 1, 2016 shall be deemed in violation of this Section.
- (d) A certificate of occupancy shall be withheld until compliance with applicable requirements of this Section is attained.

Sec. 9-2-4. Penalty.

- (a) Any person, firm, or corporation who violates any of the provisions of this Article shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in this Chapter, in Section 14-1-1 of Chapter 14, or in any other applicable Section of the Chickasha Code of Ordinances.

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

SECTION IV. Effective Date. This ordinance shall be in full force and effect 120 days from and after its passage, approval, and publication.

Adopted and approved this 5th day of October, 2015.

[Handwritten initials]

Henry Ross, Mayor

ATTESTED:

[Handwritten signature]
Gina Snedeker, Municipal Clerk

