

ORDINANCE NO. 3525

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 18 GARBAGE AND REFUSE; ARTICLE I, IN GENERAL; SECTIONS 18-2, PERMIT, AUTHORITY FOR COMMERCIAL HAULERS; VEHICLES 18-3, COMPLIANCE WITH LANDFILL REGULATIONS; CREATING HAZARDS; ARTICLE II, MUNICIPAL COLLECTION AND DISPOSAL SERVICE; SECTION 18-26, SANITATION CONTAINERS AT COMMERCIAL ESTABLISHMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In General, Section 18-2, Permit, authority for commercial haulers; is hereby amended to read as follows:

Section 18-2, Permit, authority for commercial haulers; vehicles.

(a) It is unlawful for any person to engage in the commercial hauling of garbage, refuse and rubbish, to remove from any premises situated in the city, or to transport through the streets, alleys or public places of the city, any garbage, refuse, rubbish, offal, carcasses or dead animals or other offensive or unwholesome matter, unless authorized to do so by the city, and without first obtaining a permit as hereinafter provided.

(b) It is unlawful and an offense for any person to commercially collect, haul or transport any garbage or refuse along, over or upon any of the streets, alleys or public places in the city without prior approval from the utilities superintendent. All such vehicles shall at all times, except when loading or unloading, be kept completely and securely covered so that no part of the contents of the vehicles shall at any time be exposed to view; and such vehicles shall not be loaded above a point that will not permit their being driven over any of the streets, alleys or public places in the city without any portion of the contents being spilled or falling from them. All such vehicles and receptacles used shall be kept in a clean and sanitary condition, and shall have upon them, and each of them, the name of the person, company or corporation owning or operating them. A number by which to identify each vehicle and receptacle shall be painted on both sides of the vehicles and receptacles in letters and figures at least three (3) inches in height and of proportionate width. All such vehicles and receptacles shall at all times be subject to inspection by designees for the Oklahoma State Department of Environmental Quality and/or the Public Works Director for the City of Midwest City. If, in either of their judgment, at any time any such vehicles or receptacles are defective or unfit for use, the designee for either the Oklahoma Department of Environmental Quality or the Public Works Director for the City of Midwest City are hereby authorized to prevent their use until put in proper condition to comply with the terms of this section.

1 (c) It shall be unlawful and an offense for any private contractor to furnish trash and refuse
2 service to any person within the city whose premises are connected to the water or sewer system
3 of the city except for areas when in the determination of the city it would be more feasible and
4 advantageous to contract for service with a private collector.
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6 **Section 2.** That the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article I, In
7 General, Section 18-3, Compliance with landfill regulations; creating hazards; is hereby amended
8 to read as follows:
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10 **Section 18-3, Compliance with landfill regulations; creating hazards.**
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12 (a) Any person disposing of any refuse, garbage, rubbish or other matter shall comply with all
13 state laws and state regulations pertaining to sanitary landfills, and shall not in any manner
14 dispose of such matter or other products referred to herein so as to create a health hazard or
15 public nuisance.
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17 (b) It shall be unlawful and an offense for any person to place into a cart emptied by city
18 personnel household hazardous waste such as pesticides, herbicides, flammable substances,
19 explosive substances and strong oxidants (such as swimming pool chemicals) that can react with
20 other compounds in a collection vehicle. The maximum fine upon conviction for a violation of
21 this section shall be a fine of two hundred fifty dollars (\$250.00).
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23 **Section 3.** That the Midwest City Municipal Code, Chapter 18, Garbage and Refuse, Article II,
24 Municipal Collection and Disposal Service, Section 18-26, Sanitation containers at commercial
25 establishments; is hereby amended to read as follows:
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27 **Section 18-26, Sanitation containers at commercial establishments.**
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29 (a) The owner or operator of each commercial establishment in the city shall have an approved
30 sanitation container furnished by the city. Such sanitation containers shall be located and
31 maintained by the commercial establishment's owner or operator so as not to create a fire
32 hazard or provide harborage for rodents or the breeding of insects. The fire chief of the city
33 shall require the installation of fire-proof sanitation containers where the containers would
34 constitute a fire hazard to any property.
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36 (b) The owner or operator of each commercial establishment shall have sanitation containers
37 for garbage, refuse and rubbish of adequate size and scheduled an adequate number of
38 collections to properly provide for the disposal of the accumulated garbage, refuse and rubbish.
39 A designee for the Oklahoma Department of Environmental Quality or the Public Works
40 Director or designee shall prescribe the adequate size container and adequate number of
41 scheduled collections in the event the owner or operator of a commercial establishment fails to
42 do so. The failure of the owner or operator of a commercial establishment to have sanitation
43 containers of adequate size and an adequate number of scheduled collections shall constitute an
44 offense.
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1 (c) All containers at business establishments shall be placed in a location approved by the
2 environmental services director and easily accessible for collection under regulations issued by
3 the city. Should the collector be unable to empty a commercial container because it contains
4 inappropriate items or because access is blocked or prohibited, no unscheduled return trip will
5 be made unless the special pickup fee is paid by the owner, manager or agent of the
6 commercial business. Commercial account drivers are not allowed to exit the vehicle to open
7 enclosure gates. Gates must be opened by 5:00 a.m. on the day of collection. If the driver must
8 return to a business because a gate is not opened, the return trip fee of fifty dollars (\$50.00)
9 will be applied to the account.

10
11 (d) Each commercial establishment must have sanitation containers as required by this Code
12 except that office buildings are authorized to use and provide one (1) container for the entire
13 building.

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15 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby
16 repealed.

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18 **Section 5.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
19 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
20 of the ordinance.

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22 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
23 Oklahoma, this 25 day of July, 2023.



THE CITY OF MIDWEST CITY, OKLAHOMA

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MATTHEW D. DUKES, II, Mayor

ATTEST:

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SARA HANCOCK, City Clerk

Approved as to form and legality this 26th day of July, 2023.

DONALD D. MAISCH, City Attorney