

CHAPTER 20

PUBLIC UTILITIES

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Article 1. General Provisions

Section 20-1. Municipal Utility Systems.

The City of Elk City, Oklahoma shall provide water, wastewater and solid waste collection and disposal services to residents of said community.

Section 20-2. Use of Municipal Utility Systems.

Every resident, business or industry within the corporate limits of the City of Elk City, Oklahoma and every commercial or industrial establishment shall utilize the municipal utility system of said City, unless it is impossible to do so, and pay fees as established by the City Commission of the City of Elk City, Oklahoma.

Section 20-3. Application for Municipal Services.

Any person desiring to secure one (1) or more utility connections from the municipal systems shall make an application therefore to the City Clerk, on an application form to be provided by said clerk. The applicant shall give such reasonable information as the City Clerk may request and shall state in the application that he will abide by all ordinances, rules and regulations governing the utilities and services of the City of Elk City, Oklahoma.

Section 20-4. Deposit for Municipal Utility Services.

An applicant for services shall make a ~~cash~~ deposit. An applicant shall not be granted such service until he has paid to the City Clerk such deposit, which shall serve as a guarantee for the payment of charges for utilities, services and other amounts owed to the City in connection with such municipal services. When a customer's service is discontinued, the deposit or any part of such amount deposited which remains after all such charges and amounts due the City have been satisfied, shall be returned to the customer.

Section 20-5. One (1) Premise to a Meter.

Not more than one (1) premise may be connected to any one (1) water meter or sewer tap without special arrangements being made with the City of Elk City, Oklahoma. No customer shall make or permit to be made any subsidiary connection of another's premises with his water or sewer service.

Section 20-6. Turning on Utilities.

It shall unlawful for any person to turn on to any premises from any municipal system, without written permission of the City Clerk. Utilities shall not be turned on until the plumbing or electric wiring, as the case may be, has been inspected and approved by the building official or his designated representative, as provided by ordinance, and until any and all deposits and charges have been paid. The City Clerk will see that the utility is turned on when all requirements for service have been complied with.

Section 20-7. Bills due when; Delinquency.

1. All bills for utility service shall be due and payable on the 1st day of the calendar month following the service month when the service was rendered. They shall become delinquent if not paid on or before the 10th day of the month in which they become due. Service will be cut off if the bill is not paid by the 20th day of that month.

2. Bills rendered when service is discontinued, shall be due and payable to the City Clerk at the time bills are presented or sent to the customer.

Section 20-8. Utilities may be Cut Off.

1. Utilities may be cut off and service discontinued for any of the following reasons:
 - a. Violation of any ordinance provision relating to a municipality utility or service system, or violation of any ordinance provision or any provision of a Code adopted by reference relating to water and sanitary plumbing or electrical installations;
 - b. Any act or omission in regard to the water system or sanitary sewer system, the use of water or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others; or
 - c. Failure to pay a utility bill or other proper charge made in connection with a municipal utility system by the time specified by Section 20-7.

2. A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others.

3. The City reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, protect life or property or repair or improve the system.

4. In case of emergency caused by a water shortage in the municipal water system, it shall be the duty of the City Manager to immediately give notice by publication to the system's water consumers, not to use water obtained from the system for any purpose other than for strictly domestic use, and other such use as the City Manager may designate, so long as the water shortage lasts. Thereafter, and until the governing body declares the emergency at an end, it shall be unlawful for any person, firm or corporation, during such emergency, to use water obtained from the municipal water system for any purpose other than strictly domestic use, and such other uses as the City Manager may have designated.

Section 20-9. Turning Utilities on Again.

When a customer's utility service has been cut off because of delinquency or act or omission of the customer, it may be turned on again only when all charges have been paid or other changes in the conditions justify it. A charge of fifty dollars (\$50.00) shall be made for turning a utility on again. A charge of fifty dollars (\$50.00) shall be made for turning a utility on again if a meter has been removed and must be replaced. **An additional charge of fifty dollars (\$50.00) shall be made for turning a utility on after hours.**

Section 20-10. Fee for Transfer of Service.

When any utility service is transferred from one premise to another, when such transfer affects a single customer, a transfer fee of twenty-five dollars (\$25.00) shall be paid by said customer.

Section 20-11. Utilities to be Turned Back on Only by City Authority.

When a utility has been turned off by City personnel, it shall not be turned on again without written permission of the City Clerk.

Section 20-12. No Service Connection until Bills have been Paid.

A person owing delinquent municipal utility bills or other charges in connection with a municipal utility system shall not be extended additional services until such bills and charges have been paid.

Section 20-13. Customers to keep Service Pipes in good Repair.

All customers using City utilities shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

Section 20-14. City not Responsible for Utility Interruption or Stoppage.

The City shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 20-15. City Personnel may Inspect Private Premises.

The superintendent and other municipal personnel may enter any private premises served by municipal utilities at any reasonable time and inspect pipes, fixtures and/or wiring on the premises, or read and examine meters.

Section 20-16. Interference with Fire Hydrants; Damage of Utility System.

1. It shall be unlawful for any person, unless duly authorized by the City, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the City.

2. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing. The owner or occupant of property adjacent to a fire hydrant shall maintain complete clearance in front of, 7 feet of clearance to each side and 4 feet of clearance to the rear of a fire hydrant to insure unobstructed visibility thereof.

3. It shall be unlawful for any person to damage, destroy or tamper with, any pipes, lines, meters or other equipment or property which is a part of a municipal utility system.

Sections 20-17 through 20-29. (Reserved for future use.)

Article 2. Water System

Section 20-30. "Water System" Defined.

As used in this Article, the term "water system," "waterworks," or "water distribution system" shall mean the water works utility system of the City of Elk City, Oklahoma.

Section 20-31. Meters.

1. Water from the waterworks system shall be furnished to customers only through meters. All meters shall be set only under the direction of the proper city authorities.

2. All tapping meters and boxes shall be paid for by the consumer, including all necessary fittings, work and material used in connection therewith. The City will furnish all meters and necessary fitting for installing same together with suitable box for same where necessary.

3. The City will keep in good repair at its own expense all water meters of its own installation, excepting where meters have been damaged by carelessness or wrong doing of the user, when same shall be repaired and charged against the consumer.

4. Any person, firm or corporation receiving water through a meter supplied by the City, who desires to have the accuracy of same tested, may do so by making a deposit of ~~five~~ **fifty** dollars (~~\$5.00~~ **50.00**) with the City Clerk. The City will then make a proper test of such meter and if after proper test it is found to be incorrect more than two percent (2%) in favor of the City, the deposit of ~~five~~ **fifty** dollars (~~\$5.00~~ **50.00**) shall be returned to the consumer and correction made only for that month for which the bill was last rendered. If, however, the meter is found to be correct, the ~~five~~ **fifty** dollars (~~\$5.00~~ **50.00**) shall become the property of the City and be paid to the credit of the water fund. In case of a meter failing to register the monthly water reading due the City it shall be determined by an average of three (3) previous months that the meter registered. In all cases where the consumer's piping or plumbing is divided, thus necessitating the use of two (2) meters, each meter shall be handled and regarded as for separate and distinct consumers to each of which will apply the regular water rates and minimum charges until such plumbing or piping is so arranged as to permit the use of but one meter. Under no circumstances shall be consumption shown by two or more meters in use by the same consumer be added or "lumped" in order to reduce the net sum due the City.

Section 20-32. City to Make and Maintain Water Connection.

The City shall make, inspect and maintain all connections to its water lines. It shall be unlawful for any person, other than a duly authorized agent or employee of the City to make a connection to any water line belonging to or controlled by the City, except as otherwise provided for in this Code.

Section 20-33. Utility Customer to Install and Maintain Service Line.

Each consumer of water furnished by the City shall lay his own pipeline from the premises

to the meter box for the purpose of conveying water to such point on his premises as he may desire; he shall thereafter be required to keep the same in good repair and sanitary condition.

Section 20-34. Right of Entry to Premises Served by System.

Consumers taking water from the City shall, at all reasonable hours, grant any person authorized by the City free access to all parts of the premises to which water is delivered, for the purpose of inspection and examination of fixtures or to read the meter.

Section 20-35. Right to Turn Off Water in Mains; City not Liable for Damages.

1. The City reserves the right to turn off the water in its mains at any time, for the purpose of making repairs or in the event of a breakdown in equipment.

2. All persons taking water from the mains shall do so at their own risk and the City shall not be held responsible for any accident or damage of any kind or character occasioned by pressure in the water mains, the shutting off of the water, or failure to keep water under pressure in the mains.

Section 20-36. Tampering with or Injuring Waterworks Property.

1. It shall be unlawful for any person to injure or deface, or in any way tamper with any hydrant, meter, valve, pipeline or any part of the waterworks system, or to turn the water off or on from any main at any time or place, unless he is duly authorized so to do by the city.

2. It shall be unlawful for any person or persons, except duly authorized officers and employees of the City of Elk City, Oklahoma, to scale, climb, or to go upon the City's water tower.

Section 20-37. Main Valves.

All main valves throughout the entire water system are for the exclusive use of the City in making repairs, extensions and other improvements; and no person, firm or corporation shall under any circumstances, use or tamper with them without the written consent of the superintendent of the department. All fire hydrants and public hydrants of all kinds are directly under the control of the City. Any person, firm or corporation who shall tamper with or secure water from any of these places in any other way than that for which are intended shall be guilty of an offense and shall be punished accordingly.

Section 20-38. Service Liability.

Each and every person using water from the municipal water system shall be liable to the City of Elk City, Oklahoma, for all water used according to the rates and minimum charges

established by resolution of the Elk City Public Works Authority.

Section 20-39. Theft of Water.

Any person who, by fraud or stealth, obtains water in any way from the municipal waterworks system of the City of Elk City, Oklahoma, or who turns on the water service without authority of Ordinance or duly authorized official, shall be guilty of an offense. The amount of water that has been obtained by any person, by fraud or stealth, or without permission from a proper municipal official, as provided by Ordinance, shall be estimated by the amount used by such person during the last month previous that the meter operated and registered correctly all water; such person shall pay for the same at the rate fixed by the City for the particular class of service obtained, before any further water connection is made. In all cases of fraud or stealth, the City shall have the right to install apparatus, locks and instruments which are necessary to prevent theft at the expense of the consumer, and shall maintain the same so long as deemed necessary by the City, not exceeding one (1) year from such installation.

Section 20-40. Inspection of Water Main Taps.

1. When application for water service is made in proper form and has a certificate of inspection issued for it, the City Inspector shall then, if water main is abutting said property, issue a permit to tap said main, giving full and complete description of the kind and character of materials to be used in making said tap. Said permit shall then be given to the plumber who is to do the work who shall keep same in his possession until such time as the work is completed, when same shall be returned to the office of the City Clerk.

2. Immediately on the completion of such tapping of service and before the same has been covered, the plumber or person in charge will notify the City Inspector that same is ready for inspection upon which notice the City Inspector will immediately make such inspection of tap with water pressure on, in order to ascertain if same has been installed in a workmanlike manner with such materials and according to such specifications as are hereinafter set forth.

After such inspection is completed the plumber will then cut off the water at the curb line value as provided for such and the work will be back earthed, carefully tamped in, leaving sufficient surplus loose earth for the filling and settling due to rainfall and traffic. Water shall be added as the ditch is filled and the dirt shall be carefully tamped down.

For such inspection, the plumbing shall not make collection for work in making service connection or tap until said inspection is completed and the City Inspector gives him a "clearance slip".

After inspection has been made, the person occupying the premises to which service has been run will call at the office of the City Clerk and make a deposit as herein provided, when the Inspector will issue orders as are necessary to have the water turned on. Until this is done, the water will remain cut off at the curb.

Section 20-41. Prohibition of Running Water during Fire.

~~It shall be unlawful for any person, firm or corporation to permit, allow or in any manner acquiesce in the running of water through an open faucet, for any purpose, during a period when the Fire Department equipment is at the scene of a fire.~~

Section 20-42. Water Rates: Within the City.

All water rates, tap fees, meter deposits, etc.; used from the municipal waterworks system of the City of Elk City, Oklahoma, shall be established by resolution of the Elk City Public Works Authority.

Section 20-43. Water Rates and Service: Outside the City.

1. On all sales of water delivered through the Elk City Public Works Authority's system, outside the corporate limits of the City, a triple charge of the rates as authorized in Section 20-42 shall be made.

2. From and after March 7, 1977, no water tap will be installed, or water service furnished, to any user applying therefore beyond the corporate limits of the City of Elk City.

3. From and after September 4, 2012, no service connection will be installed or water service furnished to any user applying therefore on the transmission lines from the Elk City Water Plant to the City of Elk City.

Sections 20-44 through 20-49. (Reserved for future use.)

Article 3. Wastewater System

Section 20-50. Declaration of Public Utility.

The sanitary sewer system of the City of Elk City is hereby declared to be a public utility and a proper source of revenue for the upkeep and maintenance of said system and for other purposes.

Section 20-51. Collection and Disposal declared to be a Municipal Function.

The fee for the use of the sanitary sewers shall be billed to each user monthly, along with the bill for water and other services, and the City is directed not to accept payment of the water bill unless such payment is accompanied with the sewer user fee.

Section 20-52. Conduct.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 20-53. Industrial Waste.

At the present time there are no significant industrial users in the City of Elk City, Oklahoma. If an industrial user should desire to locate in the City and make use of the sewerage system, an Industrial Cost Recovery System will be initiated at that time to compensate for his use of the system.

Section 20-54. Sewer Rates.

All sewer rates tap fees, etc.; shall be established by resolution of the Elk City Public Works Authority, Elk City, Oklahoma.

Sections 20-55 through 20-79. (Reserved for future use.)

Article 4. Solid Waste Collection and Disposal System

Section 20-80. Collection and Disposal declared to be a Municipal Function.

1. The collection and disposal of garbage, trash and refuse is hereby declared to be a municipal function of the City as a protection of the public health; the police powers of the City shall be invoked when necessary for the enforcement of this Chapter.
2. The City may collect and dispose of refuse, as it deems necessary, provided that such disposal shall be an approved method of incineration (no open burning) or by landfill and daily cover.
3. All metered customers shall pay a minimum garbage fee.
4. The fee for garbage collection and/or disposal shall be billed monthly, along with the bill for water and other services.

Section 20-81. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the City, pursuant to the authority of the Oklahoma Solid Waste Management Act (~~Title 63 O.S. 1981,~~

Sections 2251-2265, inclusive), (27A O.S. 2-10-101 *et seq.*, and the Oklahoma Waste Tire Recycling Act, 27A O.S. 2-11-401 *et seq.*, and was adopted under their authority and the authority of the Oklahoma Environmental Quality Code, 27A O.S. 2-1-101 *et seq.*) to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources and enhance and preserve the beauty and quality of the City's environment.

Section 20-82. Definitions.

1. Person. Any individual, corporation, company, firm, partnership, association, trust or other legal entity, however constituted or organized.

2. Refuse. Tree trimmings, junked building materials and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".

3. Trash. Paper, rags, containers of paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the City.

4. Solid Waste. All putrescible and nonputrescible refuse in solid or semi-solid form, including but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

5. Solid Waste Management System. The entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma State Department of Health.

Section 20-83. Solid Waste Collection System.

The Elk City Public Works Authority will provide dumpsters designed and placed at City designated locations for use by residential and commercial users.

Section 20-84. Repair or Replacement of Equipment.

The aforementioned dumpsters are owned exclusively by the Elk City Public Works Authority and are made available to users who shall use and maintain the same in a reasonable manner and in accordance with the following regulations:

1. A user shall be responsible to the City for any damage to such equipment caused deliberately by user or by user's negligence.

2. The billing for such damage or replacement charges may be by lump sum on a single monthly billing or may be prorated with installment payments over several months if the City selects.

Section 20-85. Preparation of Materials for Collection by City.

1. It shall be the duty of each person within the City of Elk City to deposit all garbage and trash from such person's premises in the dumpsters as provided by the City for collection. Every person placing garbage or small items of trash in any dumpster shall drain all water and other liquids from such garbage and trash and securely wrap it in paper or other suitable material before placing it in any of said containers.

2. Other types of refuse, unusual or large pieces of refuse, collapsed boxes, collapsed cartons, tree limbs, branches, furniture and other articles too large to be placed in dumpsters, shall be the sole responsibility of the individual or firm possessing same, except as otherwise provided in Section 20-87 of this Chapter.

3. Under no circumstances shall lawn grass or weed clippings or the like be dumped or scattered on or about the surface of any alley, street or sidewalk or other public or privately owned property.

Section 20-86. Material not Included.

No waste building material such as stone, mortar, bricks, sand, or lumber from construction, repair, or reconstruction operations, will be removed by the collector. Such wastes or rubbish shall be removed by the contractor, owner, or occupant of the building or premises under repair, construction, or reconstruction operations, at his own proper expense; and at no time shall such materials be placed in any garbage container or on, or in any other property or vacant lot, or in any street or alley in such a manner as to obstruct the street or alley so as to inconvenience or endanger the public.

Section 20-87. Other Wastes not Included.

Dead animal bodies too large to go into garbage containers as specified above. Discarded automobile bodies, frames, other heavy or bulky refuse, and all industrial wastes shall be disposed of in such manner and place and within such time as shall be designated by the City Manager.

Section 20-88. Violations.

The following acts, among others, are hereby declared to be and constitute a nuisance and in violation of this Article, to wit:

1. The throwing, placing, dumping, or depositing of any garbage or refuse of any kind on lots, vacant or occupied, driveways, or other private property, whether such premises are owned or occupied by the person so offending or not.

2. The throwing, placing, dumping, or depositing of any garbage or refuse of any kind on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, park, or any other public property of the City of Elk City.

3. The burning of any garbage, trash or other refuse within the City of Elk City is prohibited.

It shall be unlawful for any owner, lessee, agent, tenant, or occupant of any premises to permit any woods, briars, brush or other vegetation to grow, or remain upon any sidewalk, gutter or park space abutting upon any premises owned by, or controlled by, them or any of them, so as to become offensive or emit foul or obnoxious odors, or to hinder traffic, or to become a breeding or harboring place for insects or rodents, or to become in any way hazardous or injurious to the public health. It shall be unlawful for any person to permit or cause to remain in, on, or about his premises, or any other premises, private or public, any garbage or stagnant water combination or residue thereof, which is unsanitary, emits odors, or serves as food or breeding places for flies, insects, rodents, stray animals, or may be injurious to public health. It shall be unlawful for any person, firm, or corporation to haul, transport, discharge, dump, or unload any garbage, or other waste matter at any place within the City of Elk City, or within its jurisdiction, other than at such places as may be designated by the City Manager. Except under conditions of emergency to be determined by the City Commission, it shall be unlawful for any person other than persons regularly employed by the City of Elk City and under the direct supervision of the City Manager, to collect, remove, or dispose of, any garbage, within or for the City of Elk City.

Section 20-89. Collection Rates.

Rates for solid waste collection and disposal services of the City of Elk City, Oklahoma, shall be as established by resolution of the Elk City Public Works Authority.

Section 20-90. Collection of Rates and Charges.

1. To facilitate the collection of the solid waste rates and charges levied and assessed in this Chapter, the clerk or other designated agent of the City is hereby further directed to include said charges on the same bill by which the City bills for and collects for its sewer, water or other services, to the end that the rates and charges herein levied shall be paid and collected by the City at the same time. The rates and charges levied shall be shown on said bill as a separate and distinct

item of charge.

2. In the event any owner, occupant or person in charge of any user unit against whom a charge has been herein levied and assessed fails or otherwise refuses to pay said charge, the clerk or other person responsible, is hereby directed to terminate all services rendered thereto, including water services. No services thus terminated shall be reconnected or renewed until such time as all charges have been paid in full to the then current date.

Section 20-91. Who may Remove Solid Waste?

It shall be unlawful for any person, except under contract as is hereinafter provided for, to remove or cause to be removed, any solid waste materials from any garbage can or other receptacle used for the deposit of same, or to transport, haul, carry or otherwise move over any of the streets, alleys or other public ways, any solid waste materials.

Section 20-92. Burning of Solid Waste.

It shall be unlawful for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of burning or incinerating any solid waste, unless approved by the State Department of Environmental Quality and the City of Elk City.

Section 20-93. Dumpster Enclosures.

1. In the event a commercial business or industry desires to provide an enclosure for dumpsters serving their commercial business or industrial use, such enclosure shall be constructed as follows:

- a. The inside dimensions of all such dumpster enclosures must be eight feet (8') by eight feet (8') per each required dumpster;
- b. Dumpster enclosures may have only three solid sides (left/right/back);
- c. Dumpster enclosures may not have roofs, tops or **gates**;
- d. ~~Entry gates on the front side are allowed; provided, the commercial business or industrial user shall be charged an additional \$25.00 fee for each service if the City must open the access gate;~~
- e. ~~There will be no extra fee for each service for entry gates required to be open at all times by the commercial business or industrial user except on days designated for in-house inspection in accordance with the commercial business or industrial user's company policies; provided, commercial~~

~~business and industrial users with this policy are required to notify the City of Elk City at least one full day ahead of the in-house inspection. Failure to provide such notice will result in a \$25.00 extra fee for each service.~~

Sections 20-94 through 20-99. (Reserved for future use.)

Article 5. Miscellaneous Provisions

Sections 20-100 through 20-109. (Reserved for future use.)

Article 6. Penalty

Section 20-110. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-40 of this Code, unless a separate and distinct penalty is otherwise specifically set forth in this Chapter. Each day's continuation of any such violation shall constitute a separate offense.