

PART 17

UTILITIES

CHAPTER 1

UTILITY SYSTEMS GENERALLY

- § 17-101 Lease of systems.
- § 17-102 Rules and regulations adopted by reference, penalty.
- § 17-103 Service and fees for water hookup are mandatory.

CHAPTER 2

GARBAGE AND OTHER REFUSE

- § 17-201 Definitions.
- § 17-202 Services and fees for same are mandatory.
- § 17-203 City council to regulate collection schedules.
- § 17-204 Containers required.
- § 17-205 Authority to remove required.
- § 17-206 City council may contract for collection.
- § 17-207 Containers to be accessible for collection.
- § 17-208 Unlawful to deposit refuse on streets, etc.
- § 17-209 Fees.

CHAPTER 3

POWER LINE SITING AND DESIGN BOARD

- § 17-301 Creation; legislative authority; purpose.
- § 17-302 Approval of power line construction.
- § 17-303 Underground power lines; use of rights-of-way.
- § 17-304 Membership; terms; meetings.
- § 17-305 Effect on utilities with franchises.

CHAPTER 1

UTILITY SYSTEMS GENERALLY

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§ 17-101 LEASE OF SYSTEMS.

The city has leased its electric, gas, water and sewer systems to the Geary Utilities Authority, a public trust. The trust has power to set electric, gas, water and sewer rates and otherwise to regulate the electric, gas, water and sewer systems. The motions and resolutions adopted by the trust replaced any ordinances which the city had relating to these matters. For the motions and resolutions passed by the public trust please refer to the minutes of the Geary Utilities Authority. A copy of the trust indenture relating to the leasing of these systems is on file in the office of the city clerk.

§ 17-102 RULES AND REGULATIONS ADOPTED BY REFERENCE. PENALTY.

A. The rules or regulations adopted by the Geary Utilities Authority to govern and regulate utilities are hereby adopted and incorporated herein by reference, and are fully applicable as if set out at length herein.

B. Any violation of the rules *or* regulations established by the Geary Utilities Authority is punishable as provided in § 1-108 of this code.

§ 17-103 SERVICES AND FEES FOR WATER HOOKUP ARE MANDATORY.

Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, office, business or premises within the corporate limits of the city is required to hookup to, accept and use the city water system and to pay the city clerk of the city or the clerk of the Geary Utilities Authority the prescribed fee or fees for such service . (Added 6-2-1998 by Ord. No. 98-1)

CHAPTER 2

GARBAGE AND OTHER REFUSE

- § 17-201 **Definitions.**
- § 17-202 **Services and fees for same are mandatory.**
- § 17-203 **City council to regulate collection schedules.**
- § 17-204 **Containers required.**
- § 17-205 **Authority to remove required.**
- § 17-206 **City council may contract for collection.**
- § 17-207 **Containers to be accessible for collection.**
- § 17-208 **Unlawful to deposit refuse on streets, etc.**
- § 17-209 **Fees.**

§ 17-201 DEFINITIONS.

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

1. "County health officer" means the county health officer of Blaine or Canadian Counties, Oklahoma, or any, authorized representative of the city;
2. "Garbage" means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowl from any premises within the city limits;
3. "Premises" means land, buildings or other structures, containers, vehicles, watercraft or parts thereof, upon or in which refuse is stored;
4. "Refuse" means all solid wastes, including garbage and rubbish;
5. "Rubbish" means 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; and
6. "Rubble" means brushwood, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials, longer, larger or heavier than refuse.

§ 17-202 SERVICES AND FEES FOR SAME ARE MANDATORY.

Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, office or premises within the corporate limits of the city is required by this chapter to accept and use the refuse and garbage services provided by the city and to pay to the city clerk of the city the prescribed fee or fees for such refuse and garbage service.

§ 17-203 **CITY COUNCIL TO REGULATE COLLECTION SCHEDULES.**

The Council, by motion or resolution, shall have power to prescribe the frequency and schedule of garbage and refuse collection from premises of various kinds, such as residential, business and other premises. Initially, service will be furnished to the residential areas twice weekly and to all other areas on a six-day-per-week basis if required.

§ 17-204 **CONTAINERS REQUIRED.**

A. Every residence or dwelling within the corporate limits the City shall provide and maintain a minimum of one (1) metal or plastic garbage receptacle of not more than thirty (30) gallons each, with a lid or top thereon at all times. In the event that one (1) garbage can or receptacle is insufficient for any residence or dwelling to hold the quantity of refuse that will accumulate between collections, a sufficient number of garbage cans or receptacles shall be provided by the resident or dwelling occupant.

B. Residences or dwellings without alley garbage pickup shall move the thirty-gallon containers to the front curb on the days specified for pickup within their area. The containers are to be moved out of sight from the street after pickup. Dump-type containers shall not be used at these locations except as specified under special container uses.

C. Business or multi-dwelling facilities. Business or multi-dwelling facilities may rent containers from the city at a rate set by the city council and posted in city hall. The rate shall be reviewed quarterly. The container used by a business or multi-dwelling facility shall be compatible with the city collection system if the container is other than those furnished by the city. Containers for business or multi-dwelling facilities shall be shielded from view by decorative enclosures.

D. Special containers uses.

1. Dump-type containers may be used in residential areas in full view from the street on special occasions such as remodeling, roofing, etc. The length of time shall not be more than thirty (30) days at a rate set by the city council and posted in city hall.

2. Dump-type containers may be used in residential areas, provided the alley has enough space to accommodate the container and still have space for a vehicle to pass. Rate to be set by the council and posted in city hall. (Amended 12-7-1999 by Ord. No. 99-1)

§ 17-205 **AUTHORITY TO REMOVE REQUIRED.**

It is unlawful for any person, firm or corporation other than the city to remove from any premises in the city or to transport through the streets, alleys or public places any garbage or refuse.

§ 17-206 **CITY COUNCIL MAY CONTRACT FOR COLLECTION.**

The city council reserves the right and may enter into a contract with some suitable person or persons for the removal of garbage upon such terms and conditions as the council may prescribe.

§ 17-207 **CONTAINERS TO BE ACCESSIBLE FOR COLLECTION.**

Garbage and refuse containers shall be placed on the property adjoining and accessible to the alley line or such other place as may be approved by the superintendent of the sanitation department.

§ 17-208 **UNLAWFUL TO DEPOSIT REFUSE ON STREETS, ETC.**

It is unlawful and an offense for any person to deposit for collection on any street, alley or parking in the city, or any private property, any refuse except as herein provided. Each day the refuse is permitted to remain unlawfully in any alley, street, parking or elsewhere shall constitute a separate offense.

§ 17-209 **FEES.**

There shall be charged, assessed and collected from each customer served with garbage pickup and collection service a regular fee for each month or portion thereof, as set by the city council by motion or resolution. A copy of the current schedule is on file in the office of the city clerk.

CHAPTER 3

POWER LINE SITING AND DESIGN BOARD

- § 17-301 **Creation; legislative authority; purpose.**
- § 17-302 **Approval of power line construction.**
- § 17-303 **Underground power lines; use of rights-of-way.**
- § 17-304 **Membership; terms; meetings.**
- § 17-305 **Effect on utilities with franchises.**

§ 17-301 CREATION; LEGISLATIVE AUTHORITY; PURPOSE.

A. There is hereby created the City of Geary Power Line Siting and Design Board. Such board is established pursuant to the directives of House Bill 1739 passed by the Oklahoma State Legislature in 2008. Said HB 1739 provides for a right for electric utilities to use the streets and alleyways of the City of Geary subject to and in compliance with the lawful safety requirements of the municipality as to the matter of constructing and maintaining facilities along, upon, under, and across thoroughfares.

B. Purpose.

1. The City of Geary Power Line Siting and Design Board is hereby established by the City of Geary to develop valid construction standards and safety rules for the use of public ways in the City of Geary by all utilities, including the City of Geary Electric Department.

2. According to the provisions of HB 1739, cities are directed to establish methods to encourage the orderly development of electric services, conserve natural resources, minimize unnecessary use of the public rights-of-way, avoid needless and wasteful duplication of electric facilities within the state, and provide safe, economical and cost-effective electric service to retail consumers.

3. It shall be the duty of the City of Geary Power Line Siting and Design Board to insure that the purposes of HB 1739 are achieved by reviewing all applications for power distribution construction in the City of Geary. The board shall review all applications and will approve the application or amend the application by providing the methods that shall be used to accomplish the construction so that the construction meets the goals of the Retail Electric Consumer Cost Reduction, Safety, and Service Efficiency Act of 2008. (Adopted 9-11-2008 by Ord. No. 2008-06)

§ 17-302 APPROVAL OF POWER LINE CONSTRUCTION.

All construction of all power lines within the City of Geary shall be constructed only after submission of plans for such construction to the City of Geary Power Line Siting and Design Board. Such plans may be carried out by a utility only after approval of the construction by the board with final approval provided by the city councilor governing board of the city. The city council may approve or disapprove a recommendation of the board, but it may not amend

any recommendation. It may send an application back to the board for further review. (Adopted 9-11-2008 by Ord. No. 2008-06)

§ 17-303 **UNDERGROUND POWER LINES: USE OF RIGHTS-OF-WAY.**

House Bill 1739 found that duplicate overhead power lines are a safety hazard and should not be permitted. It is therefore the goal of the governing body of the City of Geary that power lines constructed in the future should be underground wherever possible, and the City of Geary Power Line Siting and Design Board should take all measures needed to insure the use of underground facilities by utilities. The Board shall insure that use of the rights-of-way is done in such a manner as to insure the public safety and the best use of limited rights-of-way area as mandated by HB 1739. (Adopted 9-11-2008 by Ord. No. 2008-06)

§ 17-304 **MEMBERSHIP: TERMS: MEETINGS.**

The members of the Power Line Siting and Design Board shall include the chief administrative officer of the city, the chief finance officer of the city, the chief public works officer for the Utilities Authority, and four members of the community appointed by the mayor with confirmation by the city council. The initial terms for appointed positions one through four will be for one, two, three, and four years respectively, with appointments thereafter being for four-year periods of time. The members will appoint a chairman from among the members appointed by the mayor and city council. The board will meet from time to time at the call of the chair and on the last Tuesday of each month. (Adopted 9-11-2008 by Ord. No. 2008-06)

§ 17-305 **EFFECT ON UTILITIES WITH FRANCHISES.**

The provisions of this chapter shall not apply to electric utilities that hold a valid franchise for operations in the City of Geary. (Adopted 9-11-2008 by Ord. No. 2008-06)

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