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SECTION 50.01 UTILITY DEPARTMENT AND SUPERINTENDENT; AUTHORIZED INSPECTIONS

- A. A Utility Department is established for the City with responsibility for the management, maintenance, care, and operation of the City's utilities. The head of the Utility Department is a Utility Superintendent who is appointed by the City Manager, subject to confirmation by the City Council.
- B. The Superintendent and other personnel in the service of any City utility system may enter any private premises served by the municipal utility system at any reasonable times and inspect the pipes and fixtures on the premises. The consumer must answer fully, to the extent of his or her knowledge, all reasonable questions relating to the service on his or her premises.

SECTION 50.02 UTILITY FEES AND BILLINGS IN GENERAL

All fees and charges in connection with any customer's use of the City's sanitary sewer system, the City's water facility system, the City's electric system, or the operation of the City's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the City Council. All fees and charges owing for any of these utility services shall be billed on one (1) monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the due date on the bill.

SECTION 50.03 DISCONNECTION FOR LATE PAYMENT AND PENALTY

- A. It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The City's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the City, clearly visible and easily readable provisions to the effect:
 - 1. That all bills are due and payable on or before the date set forth on the bill and a ten percent (10%) penalty of the total amount due will be added to any bill not paid by the due date; and

2. That if any bill is not paid by or before that date, a notice will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the notice, service will be discontinued for nonpayment; and
 3. That any customer disputing the correctness of his bill shall have a right to a hearing before the City Manager, at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the City Manager in charge of utility billing. The City Manager shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- B. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least twenty-five (25) days.
- C. When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a re-connect fee as established by the City.

SECTION 50.04 **UTILITY METER DEPOSIT ACCOUNTS**

A monthly bookkeeping charge of Fifty Cents (\$.50) per month is hereby levied against the customer utility meter accounts where the customer has discontinued utility service and has not closed his or her account and the customer cannot be located. In the event the account is less than Fifty Cents (\$.50), then the bookkeeping charge shall be reduced to the amount levied until after three (3) years from the date service is discontinued but the charge shall be mandatory each month thereafter.

SECTION 50.05 **UTILITY BILLING CHARGE**

- A. The utility billing charge to be assessed to each customer served by the City or Authority is hereby amended and increased as shown on the rate schedule in Appendix A. The rates shall become effective on and after 11-8-2022 with subsequent increases as shown thereon.
- B. Revenues derived from the utility billing charge are hereby designated exclusively for the payment of all expenses, the operation and maintenance of the City and Authority and the construction of City facilities and acquisition of capital equipment and improvements of the City, including payment of debt service on obligations issued by the City or Authority to financing the capital improvements.
- C. For purposes of customer classifications, the following definitions are hereby adopted:

LARGE COMMERCIAL. This rate class is for large commercial customers, using more than eight thousand (8,000) KWH in five (5) of the last twelve (12) consecutive months, for lighting and power purposes supplied at one (1) standard voltage and one (1) delivery point. It shall include commercial, industrial, schools, churches, government, and other nonresidential users. Services shall be single-phase or three (3)-phase and supplied at a nominal secondary level.

RESIDENTIAL. This rate class is for all domestic residential purposes at a single location within the City's service area with not more than two (2) residential units. No commercial, school, church, government, resale, auxiliary, or supplementary service beside residential shall be permitted. Service shall be single-phase and supplied at a nominal secondary level.

SMALL COMMERCIAL. This rate class is for small commercial customers, using less than eight thousand (8,000) KWH in seven (7) of the last twelve (12) consecutive months, for lighting and power purposes supplied at one (1) standard voltage and one (1) delivery point. It shall include commercial, industrial, schools, churches, government, multi-residential units with three (3) or more units with one (1) meter, and other nonresidential users. Services shall be single-phase or three (3)-phase and supplied at a nominal secondary level.

SECTION 50.06 MONTHLY UTILITY BILLING CHARGE

The monthly utility billing charge shall be established by the City Council and/or Pawhuska Public Works Authority by motion or resolution, a copy of which shall be kept on file in the office of the City Clerk.

SECTION 50.07 UTILITY COLLECTION FEE

A collection fee of thirty-five percent (35%) of Utility penalties, and fees in cases in which the Consumer has failed to satisfy a monetary obligation imposed by the City of Pawhuska and/or the Pawhuska Municipal Authority shall be added to any such case which is referred to a collection agency for collection.

CHAPTER 51 ELECTRIC SYSTEM

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SECTION 51.01 **ELECTRIC SYSTEM IS A PUBLIC UTILITY**

The City electric system is a public utility owned and operated by the City. It is the responsibility of the City Manager to see that it is operated in a business-like manner and in accordance with City Ordinances and other policies adopted by the Council.

SECTION 51.02 **APPLICATION FOR ELECTRIC SERVICE**

Any person desiring to secure electric service from the City system shall make an application therefor to the City Clerk. The applicant shall give such reasonable information as the City Clerk may request.

SECTION 51.03 **DEPOSIT FOR ELECTRIC SERVICE**

Every applicant for electric service shall make a deposit in an amount to be determined by motion or resolution passed by the City Council, with the City Clerk, and the applicant shall not be granted electric service until he or she has paid to the City Clerk the deposit. The deposit shall serve as a guarantee for the payment of charges for electric service and other amounts owed to the City in connection with the service. When the customer's service is discontinued, the deposit or any part of the amount deposited which remains after all the charges and amounts due the City have been satisfied, shall be returned to the customer.

SECTION 51.04 **ONE PREMISES TO A METER; SUBSIDIARY CONNECTION NOT ALLOWED**

Not more than one (1) premises or living unit may be connected to any one (1) electric meter. No customer shall make or permit to be made any subsidiary connection of another's premises with his or her electric service.

SECTION 51.05 **TURNING ON ELECTRICITY**

It is unlawful for any person to turn the electricity on to any premises from the City electric system, except by permission of the City. Electricity shall not be turned on until the electric wiring and installations on the premises are deemed by the City to be satisfactory, and until any and all deposits and charges have been paid. The department will see that the electricity is turned on when all requirements for service have been complied with.

SECTION 51.06 **ELECTRIC RATES**

Rates for electric service shall be as established from time to time by the City Council and/or the Pawhuska Public Works Authority by motion or resolution, a copy of which shall be kept on file in the office of the City Clerk.

SECTION 51.07 **NO FREE ELECTRICITY**

No person, firm, corporation, or other entity shall be provided electricity free; but all shall be charged for electricity at the rates now established or as may be hereafter established by the Council.

SECTION 51.08 **ELECTRICITY MAY BE CUT OFF**

- A. *Generally.* Electricity may be cut off and service discontinued for any user for any of the following reasons.
1. Violation of any ordinance provision relating to the electric system, or violation of any ordinance provision or any provision of any Code adopted by reference relating to electric wiring and installations;
 2. Failure to pay an electric bill or other proper charge in connection with the electric system by the time specified by ordinance; or
 3. Any act or omission in regard to the electric system or the use of electricity which jeopardizes the public health or safety, creates a nuisance, or interferes with the rights of others.

SECTION 51.09 **TURNING ELECTRICITY ON AGAIN**

When a customer's electric service has been cut off because of delinquency or act or omission of

the customer, as provided by ordinance, it may be turned on again when all charges have been paid or other change in the conditions justify it. A charge of Twenty Dollars (\$20.00) shall be made for turning the electricity again.

SECTION 51.10 **ELECTRICITY TO BE TURNED BACK ON ONLY BY CITY AUTHORITY**

When the electricity has been turned off by City personnel, it shall not be turned on except by permission of the City.

SECTION 51.11 **CUSTOMERS TO KEEP WIRING IN GOOD REPAIR**

All customers using City electricity shall keep their electric wiring and other electric apparatus in good repair and in proper operation.

SECTION 51.12 **CITY NOT RESPONSIBLE FOR DAMAGE DUE TO STOPPAGE OF ELECTRICITY**

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

SECTION 51.13 **NO SERVICE CONNECTION UNTIL BILLS HAVE BEEN PAID**

A person owing an electric bill or other charges in connection with the City electric system shall not be extended City electric service until the bills and charges have been paid.

SECTION 51.14 **CITY MAY CUT OFF SERVICE**

The City reserves the right to cut off electric service to any customer when necessary for the public welfare.

SECTION 51.15 **CITY PERSONNEL MAY INSPECT PRIVATE PREMISES**

City personnel in the service of the City electric system and the Electric Inspector may enter any private premises served by the City electric system at any reasonable times and inspect the electric wiring and fixtures on the premises.

SECTION 51.16 **DAMAGING ELECTRIC SYSTEM**

It is unlawful for any person to damage, destroy, or tamper with the City electric system or any part thereof or property which belongs to the City electric system.

SECTION 51.17 **IMPROVEMENT FUND CREATED**

A. There is hereby authorized and created a permanent electrical manufacturing and

distribution improvement fund, and one and one-half (1.5) mills of the income derived from each KWH sold is hereby made a part and parcel of the fund, and the City Treasurer is so directed to place annually the income derived as above stated in the permanent improvement fund.

- B. The permanent improvement fund is to be used for the improvement of and repair of electrical manufacturing plant and the distribution system thereof of the City.

SECTION 51.99 **PENALTY**

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in Section 10.99.

CHAPTER 52 WATER SYSTEM AND SERVICES

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Section 52.18	Reserved
Section 52.19	Water and Sewer Permanent Reserve Fund

SECTION 52.01 **WATER SYSTEM IS A PUBLIC UTILITY**

The City system is a public utility owned and operated by the City. It is the responsibility of the City Manager to see that it is operated in a business-like manner and in accordance with City Ordinances.

SECTION 52.02 **APPLICATION FOR WATER SERVICE**

Any person desiring to secure water from the City system shall make an application therefor to the City Clerk. The applicant shall give such reasonable information as the City Clerk may request.

SECTION 52.03 **WATER TAP FEE**

The uniform water connection fee is set as follows:

1. Three-quarter (3/4) inch residential taps to include cost of meter: Eight Hundred Dollars (\$800.00)
2. One (1) inch commercial taps to include cost of meter: One Thousand Eight-Hundred Fifty Dollars (\$1,850.00)

3. Two (2) inch commercial taps to include cost of meter: Three Thousand Six-Hundred Fifty Dollars (\$3,650.00)

Industrial sized taps, including those larger than two (2) inches, and lines and taps for fire suppression are to be billed according to individual requirements. Where the connection involves extraordinary expense and labor, the above tap fees established in Paragraphs One (1), Two (2), and Three (3) will be billed at cost plus a ten percent (10%) administrative fee and in no event will the costs be less than those specified above.

SECTION 52.04 **DEPOSIT FOR WATER SERVICE**

Every applicant for water service shall make a deposit in an amount to be determined by motion or resolution passed by the City Council, with the City Clerk, and the applicant shall not be granted water service until he or she has paid to the City Clerk the deposit. The deposit shall serve as a guarantee for the payment of charges for water service and other amounts owed to the City in connection with the service. When the customer's service is discontinued, the deposit or any part of the amount deposited which remains after all the charges and amounts due the City have been satisfied, shall be returned to the customer.

SECTION 52.05 **ONE PREMISES TO A METER; SUBSIDIARY CONNECTION NOT ALLOWED**

Not more than one (1) premises or living unit may be connected to any one (1) water meter. No customer shall make or permit to be made any subsidiary connection of another's premises with his or her water service.

SECTION 52.06 **TURNING ON WATER**

It is unlawful for any person to turn the water on to any premises from the City water system, except by permission of the City. Water shall not be turned on until the plumbing on the premises is deemed by the City to be satisfactory, and until any and all deposits and charges have been paid. The Water Department will see that the water is turned on when all requirements for service have been complied with.

SECTION 52.07 **WATER RATES**

Customers of the City water system within and without the City limits shall pay for water used at the rates as may be set by the Council from time to time by ordinance or resolution. A copy of the current rates in effect shall be on file in the City Clerk's office.

SECTION 52.08 **NO FREE WATER**

- A. No person, firm, corporation, or other entity shall be provided water free; but all shall be

charged for water at the rates now established or as may be hereafter established by the Council.

- B. Bills rendered when service is discontinued shall be due and payable at the time the bills are presented or sent to the customer.

SECTION 52.09 **WATER MAY BE CUT OFF**

- A. *Generally.* Water may be cut off and service discontinued for any user for any of the following reasons

1. Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any Code adopted by reference relating to water and sanitary plumbing;
2. Failure to pay a water bill or other proper charge in connection with the water system by the time specified by ordinance; or
3. 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 nuisance, or interferes with the rights of others.

SECTION 52.10 **TURNING WATER ON AGAIN**

When a customer's water service has been cut off because of delinquency or act or omission of the customer, as provided by ordinance, it may be turned on again when all charges have been paid or other change in the conditions justify it. A charge as established by the City Council by motion or resolution shall be made for turning the water on again.

SECTION 52.11 **WATER TO BE TURNED BACK ON ONLY BY CITY AUTHORITY**

When the water has been turned off by City personnel, it shall not again be turned on except by permission of the City.

SECTION 52.12 **CUSTOMERS TO KEEP SERVICE PIPES, AND THE LIKE, IN GOOD REPAIR; NOT WASTE WATER**

All customers using City water shall keep their service pipes, stop cocks, and other water apparatus in good repair and in proper operation, and shall not unnecessarily waste water.

SECTION 52.13 **CITY NOT RESPONSIBLE FOR DAMAGES DUE TO WATER STOPPAGE**

The City shall not be responsible for any damages due to stoppage or interruption of water

service.

SECTION 52.14 **NO SERVICE CONNECTION UNTIL BILLS HAVE BEEN PAID**

A person owing a water bill or other charges in connection with the City water system shall not be extended City water service until the bills and charges have been paid.

SECTION 52.15 **CITY MAY CUT OFF SERVICE**

The City reserves the right to cut off water service to any customer when necessary for the public welfare.

SECTION 52.16 **CITY PERSONNEL MAY INSPECT PRIVATE PREMISES**

The Superintendent and other City personnel in the service of the City water system and the Plumbing Inspector may enter any private premises served by the City water system at any reasonable times and inspect the water pipes and fixtures on the premises.

SECTION 52.17 **INTERFERENCE WITH FIRE HYDRANTS; DAMAGE OF WATER SYSTEM**

- A. It is unlawful for any person, except one (1) duly authorized by City personnel, 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.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt, or other thing, or in any other manner.
- C. It is unlawful for any person to damage, destroy, or tamper with any pipes, meters, or other equipment or property which is a part of the City water system.

SECTION 52.18 **RESERVED**

SECTION 52.19 **WATER AND SEWER PERMANENT RESERVE FUND**

- A. There is hereby created a separate fund to be known as the Water and Sewer Permanent Reserve Fund.
- B. All monies as deposited in the water and sewer permanent reserve fund shall be held and used only for the purposes as herein prescribed.
- C. Money as deposited in the Water and Sewer Permanent Reserve Fund shall be such an amount as the Council of the City may from time to time in its annual budget appropriate and include therein together with such other revenue as the City Council of the City may designate by motion or resolution from different sources to be deposited therein.
- D. All of the funds as deposited in the Water and Sewer Permanent Reserve Fund together

with all interest or income earned on the funds shall be used only for:

1. The expenditure for capital improvements; and
 2. Replacement or major repair of the equipment or facilities of the water and sewer system including the water treatment and distribution system for water as well as the sanitary sewer treatment and collection system.
- E. No part of this Fund shall be used for day-to-day operation or maintenance of the water or sewer system.
- F. All expenditures from this Fund shall be made only upon appropriate motion or resolution passed in advance by the Council of the City, which motion or resolution shall specify the need and purpose for the use of the funds.

CHAPTER 53 REFUSE COLLECTION AND SERVICES

Section 53.01	Definitions
Section 53.02	Unlawful to Allow Garbage and Rubbish to Accumulate
Section 53.03	Garbage Cans; Rubbish Containers
Section 53.04	Removal by City
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Section 53.07	Sanitary Inspector
Section 53.08	Limb Removal
Section 53.99	Penalty

SECTION 53.01 **DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Every accumulation of animal or vegetable matter, or both; that is, the refuse matter from kitchens, pantries, dining rooms, or other parts of hotels, market houses, institutions, hospitals, slaughter houses, butcher shops, poultry or fish stores, and all other places in the City.

RUBBISH. Ashes, cinders, paper, broken ware, discarded shoes and clothing, tin cans, lawn cuttings and weeds from yards, small limbs from trees and hedges, and any other refuse as may be termed the natural accumulation of residences or business houses, and not falling within the meaning of the word ***GARBAGE*** as defined herein.

SECTION 53.02 **UNLAWFUL TO ALLOW GARBAGE AND RUBBISH TO ACCUMULATE**

It is unlawful for the owner or occupant of any premises in the City to allow garbage or rubbish or putrid substances, whether animal or vegetable, to accumulate thereon so as to cause an offensive odor to be emitted therefrom, or to become in a condition injurious or dangerous to the health of the neighborhood or any inhabitants thereof. Any such condition is hereby declared to be in violation of this chapter, and in addition, is declared to be a nuisance and may be abated as such.

SECTION 53.03 **GARBAGE CANS; RUBBISH CONTAINERS**

- A. The owners or occupants of all residences and business premises in the City shall place all garbage in watertight non-metallic containers of the capacity as the City Council by motion or resolution may prescribe with close-fitting covers and handles. The containers

shall be placed at some convenient place on the premises not to exceed ten (10) feet from the alley or at any other place as the Code Officer may designate. The garbage cans shall be kept in a sanitary condition at all times by the owner or occupants.

- B. The owners and occupants of all premises shall place and deposit rubbish in cans, barrels, or boxes approved by the Code Officer near the alley or other convenient place on the premises so that same may be removed.

SECTION 53.04 **REMOVAL BY CITY**

The City shall have the exclusive right to collect, remove, and dispose of garbage and rubbish, or either of them, in the City.

SECTION 53.05 **ONLY AUTHORIZED PERSONS TO TRANSPORT GARBAGE AND RUBBISH**

It is unlawful for any person, firm, or corporation, unless authorized so to do by the City, to remove from any premises situated in the City or to transport through the streets, alleys, or public places of the City any garbage or rubbish.

SECTION 53.06 **FEES**

- A. The owner or occupant of every residence, business premise, or occupancy shall pay reasonable fees to the City Clerk for the removal of garbage and rubbish. The fees shall be determined by the City Council and/or the Pawhuska Public Works Authority by motion or resolution and may vary depending on kind of occupancy and cost of providing the service.
- B. The fees shall be paid monthly at the office of the City Clerk in the same manner and at the same time as bills for water and electricity are paid, and subject to the same rules regarding due date and delinquency in payment.

SECTION 53.07 **SANITARY INSPECTOR**

The City Manager shall designate a Code Officer or some City employee to perform the duties. Unless otherwise designated by the City Manager, the Code Officer shall serve in this capacity. It shall be the duty of the Code Officer to inspect all premises in the City as often as may be required, and report any and all unsanitary conditions to the City Manager and to the owner or occupant of the premises where the conditions are found. It shall be the further duty of the Sanitary Inspector, upon request, to make written reports covering the sanitary conditions in the City.

SECTION 53.08 **LIMB REMOVAL**

- A. Limbs and brush not exceeding four inches (4") in diameter that is placed at the curb of a street, but not in the street, or in an ally, so as not to block vehicle passage, will be removed by the City as a courtesy, where the City is contacted and where the request for

this removal does not exceed three (3) times per year. Where removal is provided, the time spent by the City will not exceed thirty (30) minutes. In the event of a storm causing localized damage to the community, the City will not count any limb and brush removal as part of the yearly limit for courtesy removal.

- B. Where a paid entity or person has provided limb and tree trimming and/or removal to the property owner, the City will not remove any remaining limbs and/or brush.

SECTION 53.99 **PENALTY**

Any person, firm, or corporation who violates, or neglects or refuses to comply with, any provision of this chapter shall be guilty of an offense and shall upon conviction be fined as provided in Section 10.99.

**CHAPTER 54
SEWER REGULATIONS**

Section 54.01	International Private Sewage Disposal Code Adopted
Section 54.02	Sewer Tap Fees
Section 54.03	Grease and Oil Traps or Interceptors for Food Service Establishments

SECTION 54.01 **INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE ADOPTED.**

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Private Sewage Disposal Code*, 2006 edition, including Appendix Chapters, and any future editions, supplements, and revisions thereof as published by the International Code Council, be and is hereby adopted as the Code of this City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems in this City providing for the issuance of permits and collection of fees therefore; and repealing all other ordinances in conflict therewith.

SECTION 54.02 **SEWER TAP FEES**

The residential sewer connection fee is set at Eight Hundred Dollars (\$800.00), plus the costs associated for any street or alley repairs, for each and every sewer tap made within or without the City Limits of the City of Pawhuska, Osage County, Oklahoma. Where the connection involves extraordinary expenses and labor, the fee will be billed at cost plus a ten percent (10%) administrative fee.

The commercial sewer connection fee is set at One Thousand Two-Hundred Dollars (\$1,200.00), plus the costs associated for any street or alley repairs, for each and every sewer tap made within or without the City Limits of the City of Pawhuska, Osage County, Oklahoma. Where the connection involves extraordinary expenses and labor, the fee will be billed at cost plus a ten percent (10%) administrative fee.

SECTION 54.03 **GREASE AND OIL TRAPS OR INTERCEPTORS FOR FOOD SERVICE ESTABLISHMENTS**

- A. Grease and oil traps or interceptors (“Interceptors”) shall be provided by any establishment that is primarily engaged in the business of preparing, serving, other otherwise making available for consumption food products where animal fat, cooking oil, grease from dairy, meat, and lard is disposed of into the sanitary sewer system. All Interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gas-tight and water-tight. Where installed, all grease and

oil Interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- B. The requirements of Paragraph A above shall be applicable to existing establishments meeting the required criteria on or after March 1, 2021. All new establishments which qualify shall incorporate an Interceptor prior to commencement of opening.