

ORDINANCE NO. 23-2

AN ORDINANCE OF THE TOWN OF CEDAR VALLEY ADDING SECTION 9-4-11 TO CHAPTER 4 - SOLID WASTE SYSTEM PROVIDING A DUTY OF OCCUPANTS AND OWNERS TO REQUEST AND USE SOLID WASTE SERVICES OF THE TOWN OF CEDAR VALLEY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CEDAR VALLEY, OKLAHOMA:

Section 1. That Section 9-4-11 is added to the Code of Ordinances of the Town of Cedar Valley Oklahoma as follows:

§9-4-11 DUTY OF OCCUPANT AND OWNER TO REQUEST SERVICES:

A. Every person occupying or having control of the occupancy of any premises located on a regularly established refuse route shall notify the town of Cedar Valley of the beginning of such occupancy and request refuse pick up service. Failure of any owner, rental agent or occupant of such premises to make a request shall not prevent nor in any way impair or impede the town of Cedar Valley from: 1) adding the address of the premises to the proper refuse collection route records; 2) providing such service; 3) enforcing by appropriate action provisions of this chapter and causing the collection fee or charge to be paid.

B. Any place, abode, residence or any other place of business occupied and/or in operation shall be prima facie evidence that garbage, rubbish, and/or trash is being produced and accumulated on the premises.

C. It is mandatory that every person occupying or having control of the occupancy of any premises located on a regularly established refuse route within the town of Cedar Valley use the refuse collection contractors approved by the town of Cedar Valley for removal of refuse and to pay the rates approved by the town of Cedar Valley for such service.

D. Exceptions to the provisions of this section are as follows:

1. If an individual owns or occupies both a business premises and a residential premises on a regularly established refuse route an election, in writing, may be given to the town of Cedar Valley to receive service at one location only and the customer shall be charged only for the selected location. Pick up of garbage shall occur at only the selected location.

2. An owner or occupant of any premises in the town of Cedar Valley may apply to the Mayor for an exception to the requirements contained in this section. The Mayor may grant such an exception upon a showing that the service is not necessary for the premises for which the

owner or occupant is requesting the exception. Service provided by a private hauler, not approved by the town of Cedar Valley, shall not be grounds for an exception. Application shall be made on an as needed basis, with the granting of an exception not to exceed one year, without a new application for an exception. Vacancy of the premises for a period in excess of thirty (30) days, with no accumulation of garbage, shall be grounds for such an exception until the premises is again occupied.

Section 2. **REPEALER.**

All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. **EMERGENCY.**


It being immediately necessary for the preservation of the public health, peace and safety of the Town of Cedar Valley and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this 15th day of November, 2023.

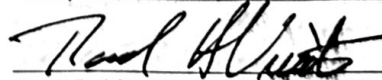


Mayor

ATTEST:


Town Clerk

APPROVED as to form this 15th day of November, 2023.



RAYMOND A. VINCENT
Town Attorney