

CHAPTER 4: HEALTH AND SANITATION

Article

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ARTICLE 1: GENERAL PROVISIONS

§ 4-101 HEALTH; REGULATIONS.

For the purpose of promoting the health and safety of the residents of the Municipality, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. *(Ref. 17-121 RS Neb.)*

§ 4-102 HEALTH; ENFORCEMENT OFFICIAL.

The Municipal Police Chief, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body and the Board of Health of health nuisances and of every case of contagious, infectious, or malignant disease. *(Ref. 17-121 RS Neb.)*

§ 4-103 HEALTH; COUNTY HEALTH BOARD.

It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the Municipality.

ARTICLE 2: GARBAGE DISPOSAL

§ 4-201 GARBAGE; DEFINED.

The term "garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

§ 4-202 RUBBISH; DEFINED.

The terms "rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Municipality.

§ 4-203 WASTE; DEFINED.

The term "waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

§ 4-203.01 SOLID WASTE DISPOSAL; YARD WASTE; DEFINED.

The term "yard waste" shall mean grass and leaves. (*Ref. 13-2016.01 RS Neb.*) (*Ord. No. 640, 6/6/95*)

§ 4-204 GARBAGE; TRASH, AND WASTE.

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the Municipality, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in receptacles as nearly air-tight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening. (*Ref. 19-2106 RS Neb.*)

§ 4-205 GARBAGE AND REFUSE COLLECTION; AUTHORITY.

The governing body for the city may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The city may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys. (*Ref. 18-1303 RS Neb.*) (*Ord. No. 1988-559, 10/4/88*)

§ 4-206 GARBAGE AND REFUSE COLLECTION; NOTICE; REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads, or alleys. (*Ref. 18-1303 RS Neb.*) (*Ord. No. 1988-559, 10/4/88*)

§ 4-207 GARBAGE AND REFUSE COLLECTION; NUISANCE.

If the Mayor declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from such lot or land within forty-eight hours after notice by personal service or following receipt of a certified letter in accordance with section 4-206 if such garbage or refuse has not been removed. (*Ref. 18-1303 RS Neb.*) (*Amended by Ord. No. 1988-559, 10/4/88*)

§ 4-208 GARBAGE AND REFUSE COLLECTION; LIEN.

Whenever a city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this article, it shall, after a hearing conducted by the governing board, assess the cost of the removal against such lot or land. (*Ref. 18-1303 RS Neb.*) (*Ord. No. 1988-559, 10/4/88*)

§ 4-209 GARBAGE AND REFUSE COLLECTION; COLLECTORS; LICENSE.

(1) It shall be unlawful for any person, corporation or other legal entity to collect, haul or convey wastes, refuse, garbage, rubbish, junk, hazardous waste, or solid waste (as those terms are defined under the laws of the State of Nebraska) for hire within the incorporated area of the City without first having procured a license to do so.

(2) Application for a license to collect, haul or convey wastes, refuse, garbage, rubbish, junk, hazardous waste or solid waste for hire shall be made to the City Clerk upon application blanks furnished

by the City Clerk. Said application blanks shall set forth the name and residence of the applicant, the business address of the applicant, the ownership of the vehicle or vehicles to be used, the number and kinds of vehicles to be used, with a definite description of each such vehicle and such other information as may be required to satisfactorily identify the applicant and vehicles. Such applicant shall file with his application the certificates of approval issued to the applicant by the Board of Health, and the applicant shall pay to the City Clerk the required license fee as hereafter provided. Before any license shall be issued, the applicant shall execute and file with the City Clerk a bond in the sum of one thousand dollars (\$1,000.00) with one or more sufficient sureties thereon to be approved by the City Council, conditioned that said applicant shall indemnify and save harmless the City from any damage or injury due to or account of the act, neglect, fault or default of such applicant and conditioned further that such applicant shall comply with all ordinances or regulations of the City and State of Nebraska respecting the collecting, hauling or conveying of wastes, refuse, garbage, rubbish, junk, hazardous waste and solid waste. Each license shall be renewed annually upon form provided by the City Clerk.

(3) It shall be unlawful for any person, corporation, or other legal entity licensed under this section, or any other person, to haul or convey any solid waste generated within the corporate limits of the City to any facility or system (as those terms are defined under State law) with which the City, either alone or in combination with other cities, villages or counties, has not contracted for the safe and sanitary disposal of solid waste generated within the City's jurisdiction area.

(4) Each person, corporation, or other legal entity licensed under this section shall provide, in addition to services regarding the collection, hauling, and conveying of solid waste, assistance in providing services for curb side pickup of recyclable materials, yard waste, and discarded appliances.

(5) Each person, corporation, or legal entity licensed under this section shall cooperate with its customer within the City in finding outside sources for the collection, hauling, conveying and disposal of hazardous waste generated within the corporate limits of the City.

(6) Each licensee shall pay an annual license fee in the amount of fifty dollars (\$50.00), which shall be paid at the time of license application, and thereafter at the time of each annual renewal of said license. (*Ord. No. 624, 11/2/93*)

ARTICLE 3: NUISANCES

§ 4-301 NUISANCES; SPECIFICALLY DEFINED.

The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Municipality.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Municipality, nor the dumping of non-putrifying waste in a place and manner approved by the health officer.
6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
8. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

9. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or are maintained and kept in such a manner as to be injurious to the public health.

12. All other things specifically designated as nuisances elsewhere in this Code. (*Ref. 17-123, 17-123.01, 18-1720 RS Neb.*)

§ 4-302 NUISANCES; ABATEMENT PROCEDURE.

(1) Each lot or piece of ground within the City, and within its zoning jurisdiction, shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. The owner or occupant of any lot or piece of ground within the City shall keep such lot or piece of ground, and the adjoining streets and alleys, free of any growth of twelve (12) inches or more in height of weeds, grasses, or worthless vegetation.

(2) It shall be unlawful to throw, deposit, or accumulate or allow the accumulation of litter on any lot or piece of ground within the City or within its zoning jurisdiction, or for any owner or occupant of said lot or piece of ground to permit or allow the deposit or accumulation of litter upon property under his or her control or ownership, except in proper receptacles, or to allow, permit or suffer any nuisance as defined in section 4-301 of this Code to exist upon any lot or parcel of ground as determined by the Board of Health.

(3) In addition to the foregoing, the Municipality may give notice to abate such nuisance in the following manner:

(a) Notice to abate the nuisance shall be given to each owner or owner's duly authorized agent, occupant, lessee and/or mortgagee, if any, by personal service or certified mail. If the owner or occupant cannot be found or otherwise served with notice, then the Municipal Clerk shall publish, in a newspaper of general circulation within the Municipality, such notice for two (2) consecutive weeks, the

last publication to be at least five (5) days prior to the date set for the deadline for abatement of the nuisance.

(b) Within five (5) days after receipt of such notice, or within five (5) days of the second publication of notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the Governing Body or fails to comply with the order to abate and remove the nuisance, the Municipality may have or cause such work to be done to abate such nuisance. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the City may either (i) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (ii) recover in a civil action the cost and expenses of the work upon the lot or piece of ground adjoining the streets and alleys.

(c) In the event the owner or occupant of the lot or parcel requests a hearing with the City, the City Clerk shall fix a date for such hearing before the Governing Body, and shall give notice thereof to all interested parties not less than seven (7) days prior to such hearing. The Governing Body shall hear all evidence and objections made by interested parties and shall hear evidence submitted by the Municipality. If after consideration of all of the evidence, the Governing Body shall be stayed pending such appeal. In the event such decision is not appealed, the City may have or cause such work to be done to abate such nuisance as provided in sub-paragraph (b) above.

(4) For purposes of this section:

(a) Litter shall include, but not be limited to: (i) trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds shall include, but not be limited to, bindweed (*convolvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*cerntaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus sp. Tourn*), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*).

(c) Nuisances shall include, but are not limited to, those items defined in section 4-301 of this Code. (*Ord. No. 394, 12/16/75*) (*Amended by Ord. Nos. 617, 6/1/93; 661, 6/6/96*)

§ 4-303 NUISANCES; JURISDICTION.

The Mayor and Chief of Police of the Municipality are directed to enforce this Municipal Code against all nuisances. The jurisdiction of the Mayor, Chief of Police, and court shall extend to, and 2000 S-2 Repl.

the territorial application of this Chapter shall include, all territory adjacent to the limits of the Municipality within two (2) miles thereof and all territory within the corporate limits. (*Ref. 18-1720 RS Neb.*)

§ 4-304 NUISANCES; ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL.

In cases of appeal from an action of the Governing Body condemning real property as a nuisance or as dangerous under the police powers of the Municipality, the owners of the adjoining property may intervene in the action at any time before trial. (*Ref. 19-710 RS Neb.*) (*Ord. No. 528, 10/1/85*)

ARTICLE 4: PENAL PROVISIONS

§ 4-401 VIOLATION; PENALTY.

(Repealed by Ord. No. 703, 4/4/00)

For penalty provisions, see section 12-101 of Chapter 12.

§ 4-402 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*

