

CHAPTER 19

SOLID WASTE

Article

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Nebraska Statutes

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ARTICLE 1

DEFINITIONS

Section

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19-1-1. Terms; defined.

For the purposes of this Chapter, the terms set forth in succeeding sections of this Article shall have the meanings ascribed to them in such sections. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-101.)

19-1-2. Adequate preparation.

"Adequate preparation" means the preparation of solid waste in a manner that complies with this Chapter and with all regulations adopted pursuant thereto by the City Manager, and that will facilitate the collection process as determined by the City Manager. (Ord. 1945 § 1 (part). 1972: Ord. 1116 § 9-102.)

19-1-3. Approved container.

"Approved container" means:

(1) a solid waste container designed for mechanical dumping that is compatible with the dumping mechanism installed on the collection vehicles, or

(2) a self contained compactor containing unit with a capacity of twenty (20) or more cubic yards and of a design which has been specifically approved by the City Manager or the designee of the City Manager. In the sole discretion of the City Manager approval for such containers may be revoked at any time.

(3) some other container which is designed and manufactured for

use as a solid waste container, is constructed of plastic or galvanized metal, is watertight, has a capacity not to exceed thirty-two (32) gallons, and has been specifically approved as to construction by the City Manager or the designee of the City manager. In the sole discretion of the City Manager approval may be revoked at any time. (Ord. 3482, 1996.)

19-1-4. Bundle.

"Bundle" means a package containing rubbish only, securely tied with wire, cord or rope. The longest dimension shall not exceed four (4) feet and the total weight shall not exceed seventy-five (75) pounds. Material must be bundled in a manner that will permit it to be handled by the ties without spillage. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-104.)

19-1-5. Collection point.

"Collection point" means the point of collection for solid waste shall be adjacent to the street right-of-way if no alley exists. Other locations that have been mutually agreed upon by the owner or occupant and the City Manager or his or her duly authorized representative are permissible. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-105.)

19-1-6. Collection schedule.

"Collection schedule" means the established routes of collection crews and vehicles, designed to provide the regular removal and disposal of solid waste from all premises within the corporate limits of the City. The schedule shall provide such frequency as deemed adequate by the City Council. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-106.)

19-1-7. Collection service.

"Collection service" means the regular collection and disposal of solid waste from all residential and commercial properties. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-107.)

19-1-8. Compacted waste.

"Compacted waste" shall mean solid waste which has been mechanically compacted or compressed. (Ord. 3176 § 4, 1990.)

19-1-9. Disposable bags.

"Disposable bags" means bags made of paper or plastic for the specific purpose of containing solid waste. Closure of bags must be accomplished by either tying those made of plastic or by folding those made of paper, before placing them at the collection points. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-108.)

19-1-10. Garbage.

"Garbage" means waste accumulations of animal, fruit or vegetable matter that attend the use and preparation of meat, fish, fowl, fruits or vegetables, and containers or packaging materials originally used for foodstuffs which become and remain soiled from such use. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-109.)

19-1-11. Hotel, motel or rooming house.

"Hotel, motel or rooming house" means a building, or group of buildings, containing individual lodging units, generally without kitchen facilities, used for temporary or semipermanent occupancy. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-110.)

19-1-12. Premises, property.

"Premises, property" means all land, both public and private, within the corporate limits of the City, and all public land of the City outside the corporate limits of the City. Public land includes, but is not limited to, public streets, alleys and parks. (Ord. 2298 § 1, 1977: Ord. 1116 § 9-111.)

19-1-13. Quick food establishment.

"Quick food establishment" means a place of business in which food is prepared and sold at retail for consumption on the premises outside a building, or on adjacent premises outside a building. (Ord. 2298 § 1, 1977: Ord. 1116 § 9-117.)

19-1-14. Rate schedule.

"Rate schedule" means the charges established by the City Council for collection and disposal services. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-112.)

19-1-14.1. Recyclable materials.

"Recyclable materials" means solid waste approved for recycling by the City Manager or the designee of the City Manager. (Ord. 3507, 1996.)

19-1-15. Rubbish.

"Rubbish" means all refuse except garbage and yard waste. The term includes but is not limited to crockery, bottles, cans, vessels, pasteboard, rags, plastic, paper, wood scraps and similar materials. (Ord. 3355 § 1, 1994.)

19-1-16. Solid waste.

"Solid waste" means useless or discarded material, except as otherwise provided in this section. The term includes garbage, rubbish, yard waste and recyclable materials, but does not include junk as defined in the Municipal Code, nor does it include liquid or gaseous wastes. (Ord. 3507, 1996.)

19-1-17. Stationary container.

"Stationary container" means a fixed bin or wire enclosure for bulky items such as pasteboard boxes. The design and location of

any stationary container must be approved by the City Manager or his or her designee. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-116.)

19-1-18. Yard waste.

"Yard waste" means accumulations of grass or shrubbery cuttings, leaves, and other materials collected as a result of the care of lawns, shrubbery, vines, and gardens. (Ord. 3355 § 2, 1994.)

ARTICLE 2

GENERAL PROVISIONS

Section

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<u>19-2-6</u>	<u>Destructive, injurious material; removal.</u>
<u>19-2-7</u>	<u>Adequate preparation.</u>
<u>19-2-8</u>	<u>Carcass; removal; burial; outside City.</u>
<u>19-2-9</u>	<u>Quick food establishment.</u>

19-2-1. Solid waste; disposition; restrictions; general.

A. No person shall dispose of any solid waste at any place except at a disposal area licensed by an appropriate state and environmental regulatory agency and in accordance with rules and regulations for such areas and facilities prescribed by such Department and by the City Manager or the designee of the City Manager.

B. No person shall bring into the city solid waste exceeding one cubic yard in mass or fifteen pounds in weight for the purpose of depositing such solid waste into an approved container. (Ord. 3916, 2006.)

19-2-2. Containers; required; specifications; collections.

The owner or occupant of any premises within the corporate limits shall use approved containers to contain all accumulations of solid waste that may occur on the premises; provided, accumulations which, for a reason other than quantity, cannot be confined in an approved container will be collected by the City upon request made to the City Manager or the designee of the City Manager by the owner or occupant of the premises. In the case of institutional, business and commercial establishments situated in the Central Business District Zone (as created by Chapter 25), the City Manager, or his or her designee, may direct that a particular container be used by more than one such establishment. Collections

in the latter Zone shall be made weekly. (Ord. 2809 § 2, 1983.)

19-2-3. Solid waste; combustible; restrictions: nuisance.

The accumulation of, keeping or disposal of combustible solid waste in the Fire Limits of the City, as they are now or may hereafter be constituted, is hereby declared to be a fire hazard. The accumulation, keeping or disposal of solid waste within the City in any manner other than as provided in this Chapter is hereby declared to be unlawful and a nuisance. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-203.)

19-2-4. Lead-acid batteries; waste oil; tires; household appliances; prohibited.

Lead-acid batteries, waste oil, tires, and household appliances may not be placed in any container intended for collection by the City. (Ord. 3355 § 4, 1994.)

19-2-5. Spillage; scattering.

It shall be unlawful for any person or persons to:

(A) Haul, transport, handle or store solid waste within the city in such a manner as to cause or allow it to be strewn upon any street or alley or public or private property; or

(B) Cause solid waste to be strewn upon any street or alley or public or private property while filling an approved container, or while removing solid waste from an approved container. (Ord. 3915, 2006)

19-2-6. Destructive, injurious material; removal.

Any person who deposits or permits to be deposited any destructive or injurious material, or who is the operator of a vehicle involved in an accident which causes such material to be deposited, upon a public street, alley or other public way, shall immediately remove or cause to be removed such material. (Ord. 2298 § 3, 1977: Ord. 1116 § 9-204.01.)

19-2-7. Adequate preparation.

The occupant or, if premises are unoccupied or the owner subscribes to the City's solid waste collection service, the owner of the premises shall be responsible for the adequate preparation of solid waste, including the practice of methods that will promote community cleanliness. (Ord. 2809 § 3, 1983.)

19-2-8. Carcass; removal; burial; outside City.

It shall be unlawful for the owner or the person having the care, custody and control of any animal that shall die to permit the carcass to be or remain within the City for more than twenty-four (24) hours after the death of animal. It shall be unlawful for any person to deposit or bury, or cause to be deposited or buried on

any street or alley or other place within the City any carcass of any dead animal, or to deposit or bury the carcass of any dead animal within one (1) mile of the City above the course of groundwater that is used for drinking purposes by the City. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-208.)

19-2-9. Quick food establishment.

Quick food establishments shall cause to be placed on the premises, adjacent to each commonly used exit and in such position that solid waste can be deposited in them by drivers of exiting vehicles without dismounting from the vehicle and that they will not interfere with the visibility of vehicular and pedestrian traffic on a public street, not less than two (2) solid waste containers of such design that solid waste can be so deposited in them. (Ord. 2298 § 4, 1977: Ord. 1116 § 9-209.)

ARTICLE 3

**MUNICIPAL COLLECTION AND
DISPOSAL SYSTEM**

Section

<u>19-3-1</u>	<u>Municipal collection, disposal system; established.</u>
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<u>19-3-4</u>	<u>Same; containers; place.</u>
<u>19-3-5</u>	<u>Same; building sites.</u>
<u>19-3-6</u>	<u>Yard waste; disposition only in special containers; limitation on number; violation; classification.</u>
<u>19-3-7</u>	<u>Tree and shrubbery branch disposal.</u>
<u>19-3-8</u>	<u>Collections; disposal, charges.</u>
<u>19-3-9</u>	<u>Rates; residential.</u>
<u>19-3-10</u>	<u>Rates; yard waste.</u>
<u>19-3-11</u>	<u>Same; institutional, business; commercial; industrial.</u>
<u>19-3-12</u>	<u>Service charges; payment.</u>
<u>19-3-13</u>	<u>Same; indigents.</u>
<u>19-3-14</u>	<u>Disposal area; licensed; regulations.</u>
<u>19-3-15</u>	<u>Same; waste; entry; deposit; molestation.</u>
<u>19-3-16</u>	<u>Trees, brush, yard waste; disposition at City disposal sites; charges.</u>
<u>19-3-17</u>	<u>Special collections; charges.</u>
<u>19-3-18</u>	<u>Recyclable materials.</u>

19-3-1. Municipal collection, disposal system; established.

The city shall operate a solid waste collection service within the City, and a solid waste disposal service for the benefit of the inhabitants of the City. Collection service shall be available to every residential unit and every institutional, business, commercial and industrial establishment provided, the City shall not be required to collect solid waste of types which the City's collection equipment is not designed to handle. The City may refuse service based on documented noncompliance with any provision of this Chapter or upon a failure to timely pay any charge authorized by this Chapter. (Ord. 3482, 1996.)

19-3-2. Same; removal, collection by other persons.

No solid waste may be removed or collected by any person, firm or corporation other than the City, a person or other entity specifically authorized by the City to remove such solid waste, or the owner or occupant of the premises. (Ord. 3482, 1996.)

19-3-3. Collections; schedule.

(a) The City Manager or his or her designee shall prepare and publicize all collection schedules.

(b) Collections of solid waste other than yard waste in residential areas shall be made not less than one time each week.

(c) Institutional, business, commercial and industrial establishments shall be furnished collection and disposal service according to their individual needs as determined by the City Manager or the designee of the City Manager.

(d) Yard waste shall be collected for a period of eight months during each calendar year. Yard waste collections shall be made not less than one time per week. The specific dates will be specified each year depending on prevailing weather conditions. (Ord. 3482, 1996.)

19-3-4. Same; containers; place.

The point of collection for solid waste shall be on the alley adjacent to the property line if the property abuts an alley, or adjacent the back of curb line if the property does not abut an alley. The City Manager, or his or her designee, shall have the power to approve a different point of collection for individual properties. Storage practices shall be consistent with efficient collection and disposal procedures. The occupant or owner of property whose collection point is adjacent to the back-of-curb line shall not allow any containers to remain there except between 5:00 P.M. on the day preceding a collection day and 10:00 P.M. on the collection day. (Ord. 3355 § 7, 1994.)

19-3-5. Same; building sites.

The contractor for any building construction, remodeling or

repair project shall maintain on the building site one or more containers, to be supplied by the City on application of the contractor to the building site, into which shall be deposited all solid waste resulting from or accumulating in connection with the project work. Such container(s) shall be maintained at a collection point which complies with the requirements in this Article, except the requirement concerning hours. Application for such container(s) shall be made by the contractor in writing to the Sanitation Superintendent—who shall supply form(s) for the purpose to the Planning and Building Official – and shall be submitted to such Official concurrently with the filing of an application for a building permit under Article 1 of Chapter 4. (Ord. 2704 § 2, 1981.)

19-3-6. Yard waste; disposition only in special containers; limitation on number; violation; classification.

(a) Yard waste intended for collection by the City shall be placed in either approved containers designated for yard waste, or paper composting bags approved by the City Manager or his or her designee. The City shall not collect any bag unless a sticker purchased from the City has been affixed to the bag. No yard waste shall be placed in any container or bag not approved for the disposition of yard waste, and only yard waste shall be placed in containers approved for the disposition of yard waste. The City shall not be obliged to make more than two collections of compost bags during a calendar year from any premises. Each collection shall consist of no more than ten bags.

(b) A violation of this section is a Class I violation.

(c) This section shall be effective May 1, 1994. (Ord. 3355 § 8, 1994.)

19-3-7. Tree and shrubbery branch disposal.

(a) No tree or shrubbery branch larger than one inch in diameter shall be placed in any container intended for collection by the City. Tree and shrubbery branches smaller than one inch in diameter may be placed in either approved containers designated for yard waste or paper composting bags approved by the City Manager or his or her designee. Tree and shrubbery branches larger than one inch in diameter shall be bundled as described in this Chapter.

(b) This section shall be effective May 1, 1994. (Ord. 3355 § 9 1994.)

19-3-8. Collections; disposal; charges.

The minimum charge for collection and disposal service shall cover collection and disposal of the contents of approved containers; provided, the minimum charge shall be payable in respect of every occupied residential unit and every occupied institutional, business or commercial establishment, whether or not

the service is requested. Additional charges for collection from such units or establishments shall be made, in accordance with the rate schedule, for solid waste which cannot be confined in an approved container. The charge for collection and disposal service requested by and furnished to an industrial establishment shall be made in accordance with the rate schedule. (Ord. 2809 § 5, 1983.)

19-3-9. Rates; residential.

The minimum monthly charges for collection and disposal service to residential units for solid waste contained in approved containers shall be as provided in Chapter 6, Article 6.

19-3-10. Rates; yard waste.

The monthly charges for the disposition of one yard waste container shall be as provided in Chapter 6, Article 6.

19-3-11. Same; institutional; business; commercial; industrial.

The monthly charges for collection and disposal of solid waste of institutional, business, commercial and industrial establishments, and solid waste in required containers at construction sites, shall be based upon the number of approved containers collected per collection. All charges will be based on a container of 1.5 cubic yards unless the City Manager or his or her designee authorizes the use of a different sized container; provided however that charges for collection and disposal of solid waste from self contained compactor container units and open top roll off containers for construction waste shall be as defined in Chapter 6, Article 6. (Ord. 3482, 1996.)

19-3-12. Service charges; payment.

All charges for solid waste collection and disposal service, as provided in the rate schedule, shall be paid at the office of the City Treasurer when due according to the billing schedule. The fact that service is continued after delinquency in the payment of such charges shall not be construed as a waiver in any manner of the right to institute necessary and appropriate collection procedures. (Ord. 3876, 2005)

19-3-13. Same; indigents.

If the City Council shall find that any person is unable to afford collection and disposal service, but that need for the service exists, the City Council may order the service started and continued until further notice. (Ord. 1945 § 1 (part). 1979: Ord. 1116 § 9-308.)

19-3-14. Disposal area; licensed; regulations.

The City shall provide or contract for facilities and systems as necessary for the safe and sanitary disposal of solid waste generated within the City. (Ord. 3396 § 3, 1994).

19-3-15. Same; waste; entry; deposit; molestation.

All solid waste deposited or existing upon or in any solid waste disposal area owned or operated by the City shall be the property of the City. No person shall enter upon such an area, dispose of any matter or thing, or carry off or in any manner disturb or molest any matter or thing deposited or existing, in or upon such an area, except with permission and under the direction of the City Manager or the designee of the City Manager. (Ord. 1945 § 1 (part), 1972: Ord. 1116 § 9-310.)

19-3-16. Trees, brush, yard waste; disposition at City disposal sites; charges.

Every person who shall dispose of trees, brush, or yard waste in any disposal site of the City shall effective April 1, 1992, pay a fee prior to the disposal based upon the charges per cubic yard as provided in Chapter 6, Article 6.

19-3-17. Special collections; charges.

Upon request, the City may, but is not required to, make special collections of solid waste. When such a collection is made, the charges shall be as provided in Chapter 6, Article 6.

19-3-18. Recyclable materials.

The City Manager shall promulgate regulations pertaining to the cleaning and sorting of recyclable materials. Recyclable materials intended for collection shall be cleaned and sorted according to such guidelines, and shall be placed in separate containers as approved by the City Manager or the designee of the City Manager. The City may refuse to pick up, or may refuse to accept as its designated disposal sites, any recyclable materials not prepared in accordance with such guidelines. The charges for the disposition of the recyclable materials shall be as provided in Chapter 6, Article 6. (Ord. 3507, 1996.)

ARTICLE 4

VIOLATIONS; PENALTY

Section

<u>19-4-1</u>	<u>Violations; classification.</u>
<u>19-4-2</u>	<u>Same; presumption.</u>

19-4-1. Violations; classification.

(a) A violation of any provision of this Chapter which is not specifically classified otherwise is a Class II violation.

(b) A person who removes or causes to be removed solid waste from

a residential unit or institutional, commercial or industrial establishment in violation of any provision of this Chapter shall be guilty of a Class I violation.

(c) Each day that a violation of any provision of this Chapter shall continue shall constitute a separate offense and be punishable as such. (Ord. 3482, 1996.)

19-4-2. Same; presumption.

Whenever solid waste is thrown, scattered, placed or deposited upon any premises or property from any motor vehicle in violation of any provision of this Chapter, the person operating such motor vehicle shall be presumed to have caused or permitted such solid waste to have been so thrown, scattered, placed or deposited; provided, such presumption shall be rebuttable. (Ord. 2298 § 6, 1977; Ord. 1116 § 9-402.)