

CHAPTER 4

HEALTH AND SANITATION

ARTICLE 2. GARBAGE

4-201 GARBAGE; DEFINED. The term "garbage" as used herein shall be defined to mean items including, but not limited to kitchen refuse, decayed waste, dead animals or anything that may decompose and become offensive and pose an immediate hazard to the public health. The term "waste" as used herein shall be defined to mean items including, but not limited to cinders, ashes, paper, plastic, metal, plaster, brick, stone, sawdust or sand and does not pose an immediate hazard to the public health.

4-202 GARBAGE; MUNICIPAL SOLID WASTE. All municipal solid waste, for the purposes of this article shall be considered garbage.

4-203 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 which are as nearly airtight as may be practical so as to prevent the spread of garbage. 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. No person may permit garbage, rubbish, waste or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Municipal Law Enforcement Officer or Municipal Clerk who shall represent the Board of Health. 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.)

4-204 GARBAGE; HAULING. It shall be unlawful for any person to haul garbage, trash or waste within the Municipality without covering said material with a tarp or other cover which prevents the escape of trash therefrom.

4-205 GARBAGE; GARBAGE AND REFUSE COLLECTION; AUTHORITY. The Governing Body 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 Governing Body 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 and roads, or alleys. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS NE.)

4-206 GARBAGE; 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 Municipality through its proper offices shall, in

addition to other proper remedies, remove the garbage or refuse, or cause to be removed, from such lot or land and streets, roads, or alleys. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS NE.)

4-207 GARBAGE; GARBAGE AND REFUSE COLLECTION; NUISANCE. If the Chairperson of the Board of the Governing Body 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 Municipality shall remove the garbage or refuse, or cause it to be removed, from such lot or land within forty-eight (48) hours after notice by personal service or following receipt of a certified letter if such garbage or refuse has not been removed. (Ref. 16- 230, 16-231, 16-246, 16-901, 18-1303 RS NE.)

4-208 GARBAGE; GARBAGE AND REFUSE COLLECTION; LIEN. Whenever a Municipality 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 Body, assess the cost of the removal against such lot or land. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS NE.)

4-209 GARBAGE; GARBAGE AND REFUSE COLLECTION; RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged to any public sewer the following described substances, materials, waters or wastes if it appears likely in the opinion the utilities superintendent that such wastes can harm the public sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius)
- (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the utilities superintendent.
- (4) Any water or wastes containing strong acid iron pickling wastes or concentrated plating solutions.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the utilities superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the utility superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction of such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the utilities superintendent in compliance with applicable state and federal regulations.

(8) Any water or wastes having a pH in excess of 9.0.

(9) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries and lime residues) or dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

b. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

c. Unusual biochemical oxygen demand, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

4-210 GARBAGE; GARBAGE AND REFUSE COLLECTION; AUTHORITY OF VILLAGE WITH RESPECT TO RESTRICTED DISCHARGES. If any waters or wastes are discharged or proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in section 4-209 and which in the judgement of the utility superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the village may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge to the public sewers
3. Require control over the quantities and rates of discharge
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 4-209.

If the village permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to review and approval of the utilities superintendent and subject to the requirements of all applicable codes, ordinances and laws.

4-211 GARBAGE; GARBAGE AND REFUSE COLLECTION; GREASE, OIL AND SAND INTERCEPTORS. Grease oil and sand interceptors shall be provided by the owner of the property when, in the opinion of the village, they are necessary for the proper handling of liquid wastes

containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for residents. All interceptors shall be of a type and capacity approved by the village and shall be located so as to be readily and easily accessible for cleaning and inspection.

4-212 GARBAGE; GARBAGE AND REFUSE COLLECTION; MAINTENANCE OF PRELIMINARY TREATMENT OR FLOWING-EQUALIZATION FACILITIES. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at their expense.