

§ 51.14 POLLUTION.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the municipal Water Department.

('86 Code, § 3-113)

Statutory reference:

Authority to prevent water pollution, see Neb. RS 17-536

Cross-reference:

Water pollution prohibited, § 92.24

§ 51.15 WATER SERVICE CONTRACTS.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the said premise is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent or his or her agent, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, the consumer shall be charged for all water used on the premises until the Utilities Superintendent or his or her agent is otherwise advised of such circumstances.

('86 Code, § 3-114)

Statutory reference:

Authority to regulate, see Neb. RS 17-537

§ 51.16 INSPECTION.

The Utilities Superintendent or his or her agent shall have free access, at any reasonable time, to all parts of each premises and building to or in which water is delivered, for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

('86 Code, § 3-115)

Statutory reference:

Authority to regulate, see Neb. RS 17-537

§ 51.17 CONSTRUCTION OF WATER WELLS.

Construction of a water well of any kind, whether a sand point or a well drilled by cable or by rotation shall be prohibited within the corporate limits or within one mile of the corporate limits, unless the City Council has approved by a majority vote. The well constructor must obtain written permission of the City Council before constructing the well.

('86 Code, § 3-117) (Ord. 313, passed 1-19-88) Penalty, see § 51.99

§ 51.18 BACKFLOW PREVENTION DEVICE REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING.

(A) A customer of the municipal Water Department may be required by the Utilities Superintendent to install and maintain a properly located backflow prevention device at his or her expense, appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health and Human Services Regulation and Licensure, and approved by the Utilities Superintendent.

(B) The customer shall make application to the Utilities Superintendent to install a required backflow prevention device on a form provided by the municipality. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard required, protection, and the type of backflow device to be installed, including brand and model number.

(C) The Utilities Superintendent shall approve or disapprove the application based on his or her opinion of whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.

(D) The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a plumber licensed by the municipality if applicable.

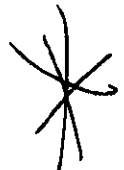
(E) The customer shall also certify to the municipality at least one time annually that the backflow prevention device has been tested by a Nebraska Department of Health and Human Services Regulation and Licensure Grade VI certified water operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Municipal Clerk.

(F) Any decision of the Utilities Superintendent may be appealed to the City Council.
(‘86 Code, § 3-118) (Ord. 388, passed 1-19-93)

§ 51.19 UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT.

(A) No customer or other person shall cause, allow, or create any physical connection between the municipal water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies, or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the municipal water distribution system.

(B) At least one time every year, customers of the municipal water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the municipality on a form supplied by the municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the City Council or its agent.
(‘86 Code, § 3-119) (Ord. 396, passed 2-16-93) Penalty, see § 51.99



§ 51.20 DRILLING AND OPERATION OF WELLS, AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL.

From and after the effective date of the ordinance enacting this section, it shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the city without first having obtained the proper permit from the City Council: potable water well, any other well, sewage lagoon, absorption or disposal field for water, cesspool, dumping grounds, feedlot, livestock pasture or corral, chemical product storage facility, petroleum product storage facility, pit toilet, sanitary landfill, septic tank, sewage treatment plan, or sewage wet well.

('86 Code, § 3-120) (Ord. 502, passed 4-16-96) Penalty, see § 51.99



§ 51.21 PROCEDURE TO OBTAIN PERMIT; DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES PROHIBITED.

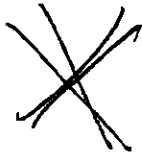
(A) In order to obtain a permit to drill and/or operate any of the facilities listed in § 51.20, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the City Council. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above described facilities, then the City Council must approve or deny said permit. ('86 Code, § 3-121)

(B) Under no circumstances shall the City Council approve any permit to drill or operate any of the below described facilities within the indicated number of feet from the municipal water wells:

- (1) Non-potable water well: within 1,000 feet.
- (2) Any other well: within 1,000 feet.
- (3) Sewage lagoon: within 1,000 feet.
- (4) Absorption or disposal field for water: within 500 feet.
- (5) Cesspool: within 500 feet.
- (6) Dumping grounds: within 500 feet.
- (7) Feedlot or feedlot runoff: within 500 feet.
- (8) Livestock corral: within 500 feet.
- (9) Chemical product storage facility: within 500 feet.
- (10) Petroleum product storage facility: within 500 feet.

- (11) Pit toilet: within 500 feet.
- (12) Sanitary landfill: within 500 feet.
- (13) Septic tank: within 500 feet.
- (14) Sewage treatment plant: within 500 feet.
- (15) Sewage wet well: within 500 feet.

('86 Code, § 3-122)
 (Ord. 502, passed 4-16-96)



WELLHEAD PROTECTION AREAS



§ 51.40 DEFINITION.

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

WELLHEAD PROTECTION AREA. The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or wellfield.

(Ord. 546, passed 6-16-98)

§ 51.41 BOUNDARIES DESIGNATED.

The City Council designates a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are the one-mile zoning jurisdiction of the city. (See the "Official Zoning Map - City of Yutan," which is on file and available for public inspection in the office of the Municipal Clerk.)

(Ord. 546, passed 6-16-98)

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter to which no other specific penalty applies shall be punished as set forth in § 10.99.

(B) In the event any of the facilities described in §§ 51.20 or 51.21 are installed or operated without first having obtained a permit from the city and/or within a designated number of feet from the municipal water supply, then such facilities shall be deemed a nuisance, and the City Council shall abate such facility as a public nuisance pursuant to § 92.22. In addition thereto, any person violating any of the terms of §§ 51.20 and 51.21 is hereby determined to be guilty of an offense. The penalty for such violation shall be as set forth in § 10.99.

('86 Code, § 3-123)

is supplied by private source in addition to the water supplied by the municipal water department, and said water is discharged into the sanitary sewer system, and the application of the use charges hereinbefore set forth would be inequitable or unfair to either the municipality or the user, a special rate may be established by contract or by resolution, duly passed and approved by the City Council. To assist the City Council in determining whether or not special conditions exist, any consumer shall, upon request of the municipality provide, at the consumer's expense, a satisfactory means of measuring the sewage flow from the consumer and obtaining a representative sample of the sewage.

('86 Code, § 3-206) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77)

§ 52.019 RATE SAVING CLAUSE.

If for any reason, any of the rates of any consumer hereinbefore set forth should be invalid or unenforceable, the municipality shall be entitled to receive and collect from such consumer a reasonable rate or charge for the use of its sanitary sewerage system, the same to be collected in an action of law.

('86 Code, § 3-207) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77)



PUBLIC SEWERS REQUIRED

§ 52.040 UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste.

('86 Code, § 3-210) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.041 UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of said municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

('86 Code, § 3-211) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.042 CESSPOOLS AND SEPTIC TANKS PROHIBITED.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

('86 Code, § 3-212) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
('86 Code, § 3-230) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.105 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(B) (1) Any waters or wastes having the following shall be subject to the review of the Superintendent:

- (a) A five-day BOD greater than 300 parts per million by weight; or
- (b) Containing more than 350 parts per million by weight of suspended solids; or
- (c) Having an average daily flow greater than 2% of the average sewage flow of the municipality.

(2) Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

- (a) Reduce the biochemical oxygen demand to 300 parts per million by weight; or

- (b) Reduce the suspended solids to 350 parts per million by weight; or
- (c) Control the quantities and rates of discharge of such waters or wastes.

(C) Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing. ('86 Code, § 3-231) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.106 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT.

(A) No person shall discharge or cause to be discharged the substances, materials, waters, or wastes described in division (B) if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming the opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject 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, and other pertinent factors.

(B) The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150° F (65° C).
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the 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 Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

(8) Any waters or wastes having a pH in excess of 9.5.

(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 of dissolved solids (such as but not limited to sodium chloride or sodium sulfate).

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

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

(d) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

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

'86 Code, § 3-232) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.107 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 52.105, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent 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; and/or

(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 § 52.110.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. ('86 Code, § 2-233) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77)

§ 52.108 GREASE, OIL, AND SAND INTERCEPTORS; WHEN REQUIRED.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

('86 Code, § 2-234) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.109 PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER.

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 his or her expense.

('86 Code, § 3-235) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.110 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE; METHOD.

(A) *When required; installation and maintenance.* When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by the owner so as to be safe and accessible at all times by the Superintendent or the Superintendent's representative.

('86 Code, § 3-236)

(B) *Method.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to

reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.)

('86 Code, § 3-237)

(Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

§ 52.111 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor, by the industrial concern.

('86 Code, § 3-238) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77)

§ 52.112 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY.

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

('86 Code, § 2-239) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 52.130 INSPECTIONS GENERALLY.

The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing the system in accordance with the provisions of this chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes (including metallurgical, chemical, oil, refining, ceramic, paper, or other industries) beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

('86 Code, § 3-240) (Ord. 189, passed 4-19-77; Am. Ord. 190, passed 4-19-77)

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CHAPTER 53: SOLID WASTE

Section

- 53.01 Definitions
- 53.02 Garbage, rubbish, and waste prohibited
- 53.03 Collection
- 53.04 Authority
- 53.05 Notice; removal
- 53.06 Nuisance
- 53.07 Lien

§ 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. Kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

RUBBISH. 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.

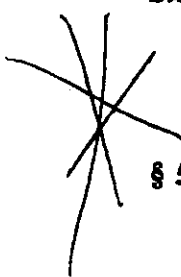
WASTE. Cinders, ashes, plaster, brick, stone, sawdust, or sand.

YARD WASTE. Grass and leaves.

('86 Code, §§ 4-201 through 4-203.01) (Ord. 452, passed 4-18-95)

Statutory reference:

Definitions pertaining to the Integrated Solid Waste Management Act, see Neb. RS 13-2003 through 13-2016.01



§ 53.02 GARBAGE, RUBBISH, AND WASTE PROHIBITED.

(A) It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, 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 having a capacity of not less than ten gallons nor

more than 32 gallons for residences and a capacity of not more than 40 gallons for commercial establishments and as nearly airtight as may be practical.

(B) 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 24 hours after being notified to do so by the Chief of Police, who shall represent the Board of Health.

(C) 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. It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or sides of containers, so that the interiors of containers shall be kept as clean as is reasonable.

(D) All persons shall have the contents of their garbage cans removed at least every two weeks. Hotels, restaurants, institutions, and commercial establishments may be required to have more frequent collections, if determined by the City Council to be essential to protect the public health.
('86 Code, § 4-204) Penalty, see § 10.99

53.03 COLLECTION.

All refuse shall be drained free of liquids before disposing in a required container. Garbage shall be wrapped in paper or similar material. All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked, or packaged so as not to exceed 36 inches in length and 50 pounds in weight. Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector. They shall be placed on the side of the street from which collection is to be made. Notwithstanding the provisions of this section, householders, commercial establishments, or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

('86 Code, § 4-205) Penalty, see § 10.99

Statutory reference:

General health and nuisance regulations authorized, see Neb. RS 17-123

§ 53.04 AUTHORITY.

The City Council 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, his or her agent, or the tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys.

('86 Code, § 4-206) (Ord. 328, passed 9-20-88) Penalty, see § 10.99

§ 53.05 NOTICE; REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's 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.

('86 Code, § 4-207) (Ord. 328, passed 9-20-88) Penalty, see § 10.99

§ 53.06 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 48 hours after notice by personal service or following receipt of a certified letter in accordance with § 53.05 if such garbage or refuse has not been removed.

('86 Code, § 4-208) (Ord. 328, passed 9-20-88) Penalty, see § 10.99

§ 53.07 LIEN.

Whenever a city removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this subchapter, it shall, after a hearing conducted by the governing board, assess the cost of the removal against such lot or land.

('86 Code, § 4-208) (Ord. 328, passed 9-20-88) Penalty, see § 10.99

§ 91.30 STOVES, FURNACES, AND CHIMNEYS.

(A) All furnaces, stoves, and other heating devices shall be installed at a proper distance from combustible materials and portions of the building. Any combustible materials or portions of the building that are dangerously close to such heating devices shall be protected by non-combustible material.

(B) All chimneys hereafter constructed shall be lined continuously on the inside with flue lining. It shall be made smooth on the inside from the bottom of the flue or from the throat of the fireplace, if the flue starts from the latter, and shall be carried up continuously to the extreme height of the flue. The ends of all lining pipes shall be made to fit close together; the pipe shall be built in as the flue or flues are carried up and shall extend at least six inches above the cap of the chimney. Each flue shall be enclosed on all sides with not less than four inches of solid brickwork properly banded together, and the withes or brickwork between the lined flues on the inside of the chimney shall be four inches in thickness.

(C) This section shall apply both to existing structures and those which may hereafter be erected. Penalty, see § 10.99



POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES

§ 91.40 POISONOUS AND FLAMMABLE GASES.

In addition to notifying the municipal Fire Department pursuant to Neb. RS 28-1233(3), any person, firm, or corporation desiring to store or keep in the municipality for any period of time explosive materials, as defined in Neb. RS 28-1213, or any form of poisonous or flammable gas or liquefied petroleum gas shall register such information with the Municipal Clerk 24 hours prior to such storage. The transfer of such explosives or gases to another person within the municipality shall require the person receiving such explosives or gases to register the transfer and new location of the explosives and gases with the Municipal Clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the Municipal Clerk. This section shall not apply to the storage of five gallons or less of gasoline.

('86 Code, § 7-301) (Am. Ord. 406, passed 6-21-94) Penalty, see § 10.99

Statutory reference:

Authority to regulate, see Neb. RS 17-549 and 17-556

State Patrol permits, see Neb. RS 28-1229

Records required, see Neb. RS 28-1233

§ 91.41 STORAGE REGISTRATION.

(A) In addition to notifying the municipal Fire Department pursuant to Neb. RS 28-1233(3), any person, firm, or corporation desiring to store or keep for any period of time explosive materials, as

defined in Neb. RS 28-1213, shall register such information with the Municipal Clerk 24 hours prior to such storage. The transfer of such explosive materials to another person within the municipality shall require the person receiving the explosive materials to register the transfer and new location of the explosive materials with the Municipal Clerk. The transfer of explosive materials to a new location by the owner shall require registration of the new location with the Municipal Clerk.

(B) All explosive materials shall be stored in a proper receptacle made of cement, metal, or stone and shall be closed at all times, except when in actual use. Such receptacles shall not be located in any room where there are flames or flammable materials. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities. ('86 Code, § 7-401) (Am. Ord. 408, passed 6-21-94) Penalty, see § 10.99

§ 91.42 STORAGE PROHIBITED.

It shall be unlawful for any dynamite, black powder, or any other explosive to be stored in any residence or place of business in any quantity of five pounds or more. Violation of this section shall be deemed an offense.

('86 Code, § 7-402) Penalty, see § 10.99

§ 91.43 BLASTING PERMITS.

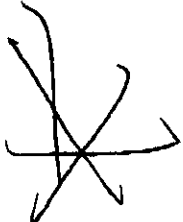
In addition to notifying the municipal Fire Department pursuant to Neb. RS 28-1233(3), any person, firm, or corporation desiring to discharge explosive materials, as defined in Neb. RS 28-1213, or within the municipality shall apply for and secure a permit from the City Council 24 hours prior to such discharge and shall discharge such explosive materials in conformance with the conditions specified in the permit. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol.

('86 Code, § 7-403) (Ord. 345, passed 11-14-89; Am. Ord. 407, passed 6-21-94)

FIREWORKS

§ 91.60 DEFINITIONS.

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



GENERAL PROVISIONS

§ 92.01 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.

('86 Code, § 4-101)

Statutory reference:

Authority to regulate, see Neb. RS 17-121

§ 92.02 ENFORCEMENT OFFICIAL.

The Chief of Police, as the Quarantine Officer, shall be the chief health officer of the municipality. It shall be his or her duty to notify the City Council and the Board of Health of health nuisances within the municipality and its zoning jurisdiction.

('86 Code, § 4-102)

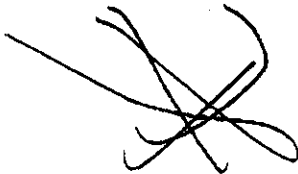
Statutory reference:

Quarantine officer, see Neb. RS 17-121

§ 92.03 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.

('86 Code, § 4-103)



NUISANCES

§ 92.20 DEFINITION.

(A) *General definition.* A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health, or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;

(4) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the municipality;

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

('86 Code, § 4-301)

(B) *Specific definition.* 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 that 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-putrefying 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 the 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 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 dissembling 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 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 the places in which the animals are confined, or the premises on which the 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; or

(12) All other things specifically designated as nuisances elsewhere in this code.

(13) Storage, accumulation, keeping, placing, or allowing to remain of trash, garbage, scrap and wrecked, worn-out, broken or inoperative, or partially destroyed or disassembled person or real property of any kind, including any motor vehicles, tractors, trailers, machinery, and equipment.

(*86 Code, § 4-302)

(Am. Ord. 212, passed 9-15-81)

Statutory reference:

Authority to regulate and abate nuisances, see Neb. RS 18-1720

§ 92.21 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 the territorial application of this chapter shall include all territory adjacent to the limits of the municipality within one mile thereof and all territory within the corporate limits.

(*86 Code, § 4-303)

Statutory reference:

Zoning jurisdiction, see Neb. RS 17-1001

Authority to regulate and abate nuisances, see Neb. RS 18-1720

§ 92.22 ABATEMENT; PROCEDURE.

(A) (1) Whenever a nuisance exists as defined in this subchapter, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Explosives

134.80 Gasoline containers

134.81 Unlawful possession of explosive materials in the second degree

GENERAL PROVISIONS**§ 134.01 MAINTAINING A NUISANCE.**

It shall be unlawful for any person to erect, keep up, or continue and maintain any nuisance to the injury of any part of the citizens of the municipality.

(Neb. RS 28-1321(1)) ('86 Code, § 6-339) Penalty, see § 10.99

Cross-reference:

Nuisance defined, see § 92.20

Dead or diseased trees declared a nuisance, see § 92.25

§ 134.02 APPLIANCES IN YARD.

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless the person first removes all doors and makes the same reasonably safe.

('86 Code, § 6-341) Penalty, see § 10.99

Statutory reference:

Authority to prohibit nuisances within zoning jurisdiction, see Neb. RS 18-1720 and 28-1321

§ 134.03 PUTTING CARCASS OR FILTHY SUBSTANCE INTO WELL, SPRING, BROOK, OR STREAM.

It shall be unlawful for any person to put any dead animal, carcass, or part thereof or other filthy substance into any well, or into any spring, brook, or branch of running water, of which use is made for domestic purposes.

(Neb. RS 28-1304) ('86 Code, § 6-346) Penalty, see § 10.99

§ 134.04 EXPOSING OFFENSIVE MATTER.

It shall be unlawful for any person to put the carcass of any dead animal or the offals from any slaughterhouse or packing house, or any spoiled meats or spoiled fish, or any putrid animal substance, or the contents of any privy vault upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space or common; or for any person, being the owner or owners, occupant, or occupants thereof, knowingly to permit the same to remain in any of the

aforesaid situations, to the annoyance of the citizens of the municipality. It shall further be unlawful for any person to neglect or refuse to remove or abate the nuisance occasioned thereby within 24 hours after knowledge of the existence of such nuisance upon any of the above described premises owned or occupied by him, her, or them, or after notice in writing from the municipal Board of Health. (Neb. RS 28-1305) ('86 Code, § 6-347)

§ 134.05 WEEDS; LITTER; STAGNANT WATER.



(A) Lots or pieces of ground within the municipality shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the municipality shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the municipality is prohibited, provided that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done. The costs and expenses of any such work shall be paid by the owner.

(2) If unpaid for two months after such work is done, the municipality may either:

(a) 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

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For purposes of this section:

(1) **LITTER** shall include but not be limited to:

Yutan - General Offenses

- (a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;
- (b) Wood, plaster, cement, brick, or stone building rubble;
- (c) Grass, leaves, and worthless vegetation;
- (d) Offal and dead animals; and

(e) 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

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

(Neb. RS 17-563) ('86 Code, § 6-342) (Am. Ord. 358, passed 10-16-90; Am. Ord. 371, passed 7-16-91; Am. Ord. 461, passed 7-18-95) Penalty, see § 10.99

Statutory reference:

Additional authority to regulate nuisances, see Neb. RS 18-1720

Cross-reference:

Weeds in sidewalk space, see § 93.025

§ 134.06 LITTERING.

(A) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(1) The property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property; or

(2) The litter is placed in a receptacle or container installed on the property for such purpose.

(B) **LITTER** as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. **WASTE MATERIAL** as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

Yutan

(C) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of the motor vehicle or watercraft commits the offense of littering.

(Neb. RS 28-523) ('86 Code, § 6-353) (Am. Ord. 453, passed 4-18-95)

§ 134.07 RAISING OR PRODUCING STAGNANT WATER.

It shall be unlawful for any person to build, erect, continue, or keep up any dam or other obstruction in any river or stream of water in the city and thereby raise an artificial pond or produce stagnant waters which shall be manifestly injurious to the public health and safety.

(Neb. RS 28-1303) ('86 Code, § 6-345) Penalty, see § 10.99

TOBACCO

§ 134.20 POSSESSION OF TOBACCO BY MINORS.

(A) It shall be unlawful for any person under the age of 18 years of age to possess any tobacco products, provided that the possession by a person under the age of 18 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(B) **TOBACCO PRODUCTS** shall be defined to mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

(Ord. 542, passed 10-21-97) Penalty, see § 10.99

§ 134.21 USE BY MINORS.

It shall be unlawful for any person under the age of 18 years to smoke cigarettes or cigars or to use tobacco in any form whatever. Any minor so charged with the violation of this section may be free from prosecution when the minor shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

(Neb. RS 28-1418) ('86 Code, § 6-362) Penalty, see § 10.99

§ 134.22 SALE TO MINORS.

It shall be unlawful for any person to sell, give, or furnish in any way any tobacco in any form whatever, or any cigarettes or cigarette paper, to any minor under 18 years of age.

(Neb. RS 28-1419) ('86 Code, § 6-363) Penalty, see § 10.99