

## CHAPTER 99: SOLID WASTE DISPOSAL

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### § 99.01 DEFINITIONS.

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

**GARBAGE.** Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

**HAZARDOUS WASTE.** Any waste designated or defined as a hazardous waste by N.A.C. Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska, which for purposes of general definition is a solid waste which, because of quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible or incapacitating reversible, illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**HOME-BASED BUSINESS.** A business, profession, service or trade conducted for gain or support whereby the central office is located within a residential building in which the owner owns, rents, leases or occupies.

**Friend - General Regulations**

**REFUSE.** Putrescible and non-putrescible solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes and other wastes.

**RUBBISH.** Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

**SOLID WASTE.** Any garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and mining operations and from community activities.

**YARD WASTE.** Grass and leaves.  
(1999 Code, § 4-201)

**§ 99.02 COLLECTION AND DISPOSAL.**

The municipality shall provide or contract for the collection and disposal of nonhazardous solid waste from residential, commercial, institutional and governmental premises within its solid waste jurisdiction area. These wastes shall be collected on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility approved by the governing body and which meets all state and federal criteria. The governing body shall approve and is authorized to contract with any licensed landfill facility for these purposes.  
(1999 Code, § 4-202)

**§ 99.03 LICENSED FACILITIES.**

All nonhazardous solid waste collected within the municipality shall be disposed of only in a licensed solid waste facility. Any hazardous waste shall be disposed of only in the manner provided by state or federal laws and regulations.  
(1999 Code, § 4-203)

**§ 99.04 HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING.**

(A) Any person, firm or corporation within the municipal solid waste jurisdiction area who generates or creates hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same.

(B) All handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.  
(1999 Code, § 4-204)

**§ 99.05 ADDITIONAL REGULATIONS.**

The governing body may, from time to time, make and adopt by ordinance additional rules and regulations governing the use, operation and control of the solid waste collection and disposal system and the regulation of solid waste with the municipal solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety and welfare of all persons within the municipal solid waste jurisdiction area.

(1999 Code, § 4-205)

**§ 99.06 NUISANCE; ABATEMENT.**

It shall be unlawful, and declared to be a nuisance, for any person to keep in, on or about any dwelling, building or premises, or any other place within the municipal solid waste jurisdiction, 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, and declared to be a nuisance, to throw or sweep into the streets, alleys, parks or other public grounds any dirt, paper, nails, pieces of glass, garbage, refuse or rubbish of any kind. No person shall permit garbage, refuse or rubbish to collect and all persons shall remove the same within 24 hours after being notified to do so by the Municipal Police Chief who shall represent the Board of Health.

(1999 Code, § 4-206) Penalty, see § 99.99

**§ 99.07 RECEPTACLES, PLACEMENT AND REMOVAL.**

No solid waste, including solid waste placed in a solid waste receptacle or garbage can, shall be permitted to be placed at curbside for collection by a solid waste collector no longer than 24 hours prior to the normally scheduled collection date as established by the collector. All solid waste receptacles shall be removed from curbside within 12 hours after emptying and collection by a solid waste collector. The term solid waste as used herein shall include but shall not be limited to all of the items as specified and defined in § 99.01.

(Ord. 09-711, passed 11-3-2009)

**§ 99.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

**Friend - General Regulations**

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

(2) 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 a part of the judgment in the case. (1999 Code, § 4-401) (Ord. 00-20, passed 6-6-2000)