

ORDINANCE NO. 15-01

AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, RELATING TO HEALTH AND SANITATION, AND GARBAGE DISPOSAL; PROVIDING FOR A SOLID WASTE DISPOSAL DEFINITIONS, COLLECTION AND DISPOSAL, EXCLUSIVE SERVICE, WASTE REQUIRING SPECIAL HANDLING, SERVICE CHARGES, AND NUISANCE ABATEMENT; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA:

SECTION 1: SOLID WASTE DISPOSAL; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

1. “Garbage” shall mean 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, fruit or vegetable.
2. “Hazardous Waste” shall mean 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 or general definition is a solid waste which, because of quantity, concentration, or physical, chemical or infectious characteristics may: (a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
3. “Home-based business” shall mean 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.
4. “Refuse” shall mean putrescible and non-putrescible solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.
5. “Rubbish” shall mean 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.
6. “Solid Waste” shall mean 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, or mining operations, and from community activities.
7. “Yard waste” shall mean grass and leaves.

SECTION 2: SOLID WASTE DISPOSAL; COLLECTION AND DISPOSAL.

The Municipality shall provide or contract for the collection and disposal of non-hazardous solid waste from residential, commercial, institutional, and governmental premises within its solid waste jurisdiction area. Such waste 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 such licensed landfill facility for these purposes.

(Ref. 13-2020 RS Neb.)

SECTION 3: SOLID WASTE DISPOSAL; EXCLUSIVE SERVICE. Every occupied residence and every commercial, institutional, multiple residence, apartment, hotel, motel, and government building or premises in which day-to-day activities are conducted within the Municipal solid waste jurisdiction area shall be exclusively served by the solid waste collection and disposal service system as contracted by the Village and shall be subject to the assessment and payment charges for such service as set from time to time by the provider of such service. The Municipality may also agree to provide such service to persons who do not live within the corporate limits of the Municipality but who are served of the Municipality as to make such economical and practical for the Municipality and the hauler or haulers providing service.

(Ref. 13-2027 RS Neb.)

SECTION 4: SOLID WASTE DISPOSAL; HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING. 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. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated. (Ref. 13-2020, 13-2023, 13-2026 RS Neb.)

SECTION 5: SOLID WASTE DISPOSAL; ADDITIONAL REGULATIONS. The Governing Body may, from time to time make and adopt by ordinance such 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. (Ref. 13-2020, 13-2023, 13-2026, RS Neb.)

SECTION 6: SOLID WASTE DISPOSAL; SERVICE CHARGES; DELINQUENCY; COLLECTION. Service charges for solid waste collection and disposal service shall be set by the provider of the service under the terms of the contract with the municipality. If charges for solid waste collection and disposal service are not paid when due, such sum may be recovered by the provider in a civil action against the person, persons or entity that received the service.

SECTION 7: SOLID WASTE DISPOSAL; 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 grass, 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 twenty-four (24) hours after being notified to do so by the Village clerk who shall represent the Board of Health. Any person having garbage, refuse, or rubbish that is subject to decay or fermentation within a short period of time shall be required to place the same in a

