

## Chapter 4

### HEALTH AND SANITATION

#### Article 1. General Provisions

**§4-101 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. (*Ref. 17-121 RS Neb.*)

**§4-102 HEALTH; ENFORCEMENT OFFICIAL.** The Municipal Police Chief shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body of health nuisances and of every case of contagious, infectious, or malignant disease.

**§4-103 HEALTH; 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.

## Article 2. Garbage Disposal

**§4-201 GARBAGE; DEFINED.** The term "garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

**§4-202 RUBBISH; DEFINED.** The terms "rubbish" or "trash" as used herein shall be defined as 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.

**§4-203 WASTE; DEFINED.** The term "waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

**§4-204 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 not exceeding a thirty (30) gallon capacity and as nearly air-tight as may be practical. 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 Police Chief 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. All persons shall have the contents of their garbage cans removed at least once every two weeks.

### Article 3. Nuisances

**§4-301 NUISANCES; SPECIFICALLY DEFINED.** 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, 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 said 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 said 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 said 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 said places in which said animals are confined, or said premises on which said 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;
  - (12) All other things specifically designated as nuisances elsewhere in this Code.
- (Ref. 18-1720 RS Neb.)*

**§4-302 NUISANCES; 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 two (2) miles thereof and all territory within the corporate limits. (*Ref. 18-1720 RS Neb.*)

**§4-303 NUISANCES; ABATEMENT PROCEDURE.** It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the Municipality to keep such real estate free of public nuisances. Upon determination by the Board of Health that said owner, occupant, lessee, or mortgagee has failed to keep such real estate free of public nuisances, the Governing Body shall thereupon cause notice to be served upon the owner, occupant, lessee, mortgagee or agent thereof, by publication and by certified mail. Such notice shall describe the condition as found by the Board of Health and state that said condition has been declared a public nuisance, and that the condition must be remedied at once. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the Board of Health within five (5) days after receipt of certified mail or within five (5) days after date of publication whichever is later, the Board of Health shall notify the Governing Body of such noncompliance and the Governing Body shall, upon receipt of such notice, cause a hearing date to be fixed and notice thereof to be served upon the owner, occupant, lessee, or mortgagee, or agent of the real estate. Such notice of hearing shall be by personal service or certified mail and require such party or parties to appear before the Governing Body to show cause why such condition should not be found to be a public nuisance and remedied. A return of service shall be required by the Governing Body. Such notice shall be given not less than five (5) days prior to the time of hearing, provided that whenever the owner, lessee, occupant, or mortgagee of such real estate is a non-resident or cannot be found in the State, then the Municipal Clerk shall publish, in a newspaper of general circulation in the Municipality, such notice of hearing for two (2) consecutive weeks, the last publication to be at least one (1) week prior to the date set for the hearing. Upon the date fixed for the hearing and pursuant to notice, the Governing Body shall hear all objections made by interested parties and shall hear evidence submitted by the Board of Health. If after consideration of all of the evidence, the Governing Body shall find that the said condition is a public nuisance, it shall, by resolution, order and direct the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once; provided, the party or parties may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the Governing Body shall be stayed. Should the owner or occupant refuse or neglect to promptly comply with the order of the Governing Body, the Governing Body shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the Municipality, a statement of the cost of such work shall be transmitted to the Governing Body, which is authorized to bill the property owner or occupant, or to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessment. (*Ref. 18-1720 RS Neb.*) (*Ord. No. 204, 11/6/79*)

#### Article 4. Solid Waste Disposal Areas

**§4-401 SOLID WASTE DISPOSAL AREAS; LICENSES; APPLICATION PROCEDURE.** (1)

No person, partnership, industry, corporation, governmental subdivision or agency shall operate, maintain or construct a solid waste disposal area of a type that must be licensed by the Nebraska Department of Environmental Control at any place located over any groundwater source that supplies drinking water to the residents of Springfield, Nebraska, either within the corporate limits of the City or within five miles of the corporate limits of the City, except for a solid waste disposal area which has obtained a license as provided for in this section. A person, partnership, industry, corporation, governmental subdivision or agency desiring a license to operate a new solid waste disposal area shall make application to the City. The application shall contain the name and residence of the applicant and the location of the proposed disposal area and a copy of the application, operational plan and all addenda filed with Nebraska Department of Environmental Control. The application shall be filed with the City Clerk. Upon filing the application, each applicant shall pay an application fee of five thousand dollars (\$5,000.00).

(2) Upon receipt of the application and filing fee, the City Council shall hire an independent engineering firm to review the application. The engineering review shall determine what effect, if any, the proposed solid waste disposal area will have on the groundwater that supplies drinking water.

(3) The engineering review shall be available in the City Clerk's office five (5) days prior to the public hearing.

(4) Before any solid waste disposal area shall be approved by the City, a public hearing shall be held by the City Council within forty-five (45) days of the receipt of the application.

(5) The City shall give notice at least ten (10) days before the hearing on the application. Such notice shall be given by publication of a notice one time in a newspaper either published in or having general circulation in Springfield. The notice shall state the time and place of hearing, the name and address of the applicant for the license, and the exact location of the proposed solid waste disposal area.

(6) Within ten (10) days following the public hearing, the City Council shall hold a special meeting and vote on the application for the solid waste disposal license. The City Council shall consider the application, the independent engineering report and the testimony from the public hearing. The purpose of the license is to protect the groundwater that supplies drinking water to the Springfield residents. The license shall be granted if it is shown beyond a reasonable doubt that construction of the solid waste disposal area will not contaminate the groundwater that supplies drinking water to the residents of Springfield.

(7) The initial license shall be for a period of five (5) years and may be renewed every five (5) years for a renewal fee of five hundred dollars (\$500.00).

(8) If the City Council votes to grant the license, the City Clerk shall issue a license to the applicant upon filing by the applicant with the City of a performance bond in the amount equal to five hundred dollars (\$500.00) per acre of the disposal area, but not less than twenty-five hundred dollars (\$2,500.00), which bond shall terminate one (1) year following the last day of the license period or subsequent renewal period.

(9) Any person who shall violate or refuse to comply with the enforcement of any provisions of this Chapter as set forth herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. In addition to all other relief, an injunction may be brought against violating parties. (*Ord. No. 305, 2/14/89*) (*Amended by Ord. No. 311, 11/7/89*)

Article 5. Penal Provisions

**§4-501 VIOLATIONS; PENALTY.** (1) 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 five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) 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. (*Ref. 17-505, 18-1720, 18-1722 RS Neb.*) (*Amended by Ord. No. 495, 7/5/00*)

**§4-502 ABATEMENT OF NUISANCE.** (*Repealed by Ord. No. 495, 7/5/00*)