



# City of Grand Island

Tuesday, December 13, 2016

Council Session

## Item F-2

**#9616 - Consideration of Amending Grand Island City Code  
Chapter 17-35, Disposal by Unlicensed Person**

Staff Contact: Robert Falldorf, Police Chief

# Council Agenda Memo

**From:** Robert Falldorf, Police Chief

**Meeting:** December 13, 2016

**Subject:** Amendment of Grand Island City Code Chapter 17-35,  
Disposal by Unlicensed Person.

**Presenter(s):** Robert Falldorf, Police Chief

## Background

Ordinance 17-35 deals with the disposal of waste at the City disposal facilities by unlicensed persons (non-commercial haulers). There is language in the ordinance that is vague and the Police Department would like to amend the ordinance to assist with effective enforcement.

## Discussion

The Grand Island Police Department and Public Works Department with the City of Grand Island have been collectively working together to address complaints from residents along the W. Old Potash Highway corridor leading up to the City's waste disposal facilities (Transfer Station and City Landfill). The complaints deal with waste falling, blowing or spilling out of vehicles or trailers enroute to the disposal facilities. Ordinance 17-35 is one means by which the Police Department uses to gain compliance with violators that haul waste along the route. Section B of Ordinance 17-35 contains some language that is vague. The Police Department is recommending the removal of the words "...or otherwise contained..." in this section. It is much more clear by leaving the words "...completely covered or securely fastened...". This change will improve our enforcement efforts, not only on the corridor leading up to the disposal facilities; however also on the grounds of the disposal facilities as well. Language in the second part of this section in reference to type of waste has also been amended for clarity. This recommended change has been reviewed and approved by the Legal Department.

## Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date

4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the amending of City Code, Chapter 17-35 as presented to provide for the removal of the vague language and offer more clarity in the Ordinance.

### **Sample Motion**

Move to approve the amending of City Code, Chapter 17, Section 35 as presented to remove vague language and offer clarity to the City Code.

ORDINANCE NO. 9616

An ordinance to amend Chapter 17 of the Grand Island City Code, specifically to amend Section 17-35 pertaining to the disposal of garbage, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Chapter 17, Section 17-35, of the Grand Island City Code is hereby amended to read as follows:

**§17-35. Disposal by Unlicensed Persons**

(A) The provisions of §17-23 through §17-34 shall not be interpreted as preventing persons from collecting and transporting their own garbage, refuse, construction and demolition waste, and waste materials approved for disposal from their own property to the City disposal facilities, so long as such garbage, refuse, construction and demolition waste, and trash is secured as set forth in subsection (B) below.

(B) The garbage, trash, refuse, construction and demolition waste, and waste materials collected and hauled pursuant to this section must be completely covered ~~or otherwise contained~~ or securely fastened so as to prevent ~~any such materials which are liquid in nature from seeping or leaking from the vehicle, and any solid waste materials from being blown or jarred from the vehicle onto the streets or adjoining property. the load or any part of the load from spilling, seeping, falling or blowing from the vehicle while in transit.~~

Amended by Ordinance No. 9045, effective 6-7-2006

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: December 13, 2016.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
December 6, 2016	☐ City Attorney