



# City of Grand Island

Tuesday, September 23, 2003

Council Session

## Item F6

### **#8856 - Consideration of Amending Chapter 17 of the Grand Island City Code Relative to Nuisance Garbage**

*A solid waste committee was formed earlier this year to address the problems that the city was experiencing with litter and garbage around the community. As part of the discussion about what could be done to make the litter and nuisance garbage laws more enforceable we reviewed what other communities have done in this area. Other communities such as Lincoln have code provisions which speed up the process for dealing with properties that have accumulations of litter and similar types of garbage. The changes that are being recommended will enable us to go in and clean up a property that is in violation within a week if the owner or occupant does not comply with a health department request to do so. The code is also being amended to add a definition for junk. The current Grand Island code provisions would require approximately two to three weeks before clean up could be done on properties of non complying owners. Approval is recommended.*

Staff Contact: Doug Walker

ORDINANCE NO. 8856

An ordinance to amend Chapter 17 of the Grand Island City Code; to amend Section 17-1 to add a definition for junk; to amend Section 17-4 pertaining to litter and offensive substances; to amend Section 17-4.2 pertaining to noncompliance; to add Section 17-4.3 outlining the procedure for the removal of a nuisance; to repeal Section 17-1, 17-4, and 17-4.2 as now existing, and 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. Section 17-1 of the Grand Island City Code is hereby amended to read as follows:

**§17-1. Definitions**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

City Solid Waste Disposal System. The City solid waste disposal system shall mean and include the City-operated sanitary landfill, the City-operated transfer station, and the City-operated compost site.

Compost. Compost shall mean the end product of an aerobic degradation process of yard and garden waste. Approved backyard composting site shall mean one which uses only composting materials as defined herein.

Construction and demolition waste. This shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums and fuel tanks.

Dead Animals. These words shall mean all small animals such as cats, dogs, and rabbits, which die from any cause. They shall in no way mean large animals such as goats, horses, mules and cows which shall die from any cause.

Detachable container. A detachable container is a container of the size approved by the Department of Health that can be lifted and dumped by a collection truck mechanism.

Garbage. This word shall be held to include every accumulation of animal, fruit or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation or handling of any animal and vegetable matter in any place or at any point where food is prepared for human consumption, including all kitchen and dining room refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, schools, stores, warehouses, cold storage plants, creameries, bakeries, or any other source whatsoever existing in the City.

Junk. Junk shall mean old or scrap copper, brass, rope, batteries, rubber, dismantled or wrecked automobiles, trucks, tractors, and farm machinery or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material, which are not held for remelting purposes by an establishment having facilities for remelting material.

## ORDINANCE NO. 8856 (Cont.)

*Litter.* Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) 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.

*Minimum Service Collection.* A minimum service collection in a residential district shall mean not more than one full 32 gallon garbage can or any number of full baskets, boxes, sacks, or bundles equal in volume to but not exceeding one 32-gallon garbage can. The weight of such collection shall not exceed 50 pounds. Such minimum service collection shall be on a once-a-week basis.

*Refuse.* This word shall be held to include the waste material from normal households or living conditions and business operations other than garbage, but the term shall not include waste materials from building construction or repair, factory wastes, or refuse from industrial plants of any character. In general, the kinds of materials classified as refuse are paper, rags, bottles, tin cans, bottle caps, cardboard, wornout clothing or furniture, household appliances, excelsior, garden or tree trimmings, and similar materials.

*Regular Collection.* A collection in a residential district shall mean not more than three full thirty-two gallon garbage cans, or two full thirty-two gallon cans and any number of full baskets, boxes, sacks, or bundles equal in volume to not exceeding one thirty-two gallon garbage can. A regular collection shall be on a twice-a-week basis.

*Salvage Yard.* Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing, or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.

*Special Waste.* A solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

*Waste material.* This word shall be held to include all items, objects, or material not included within the definition of garbage, litter, dead animals, yard waste, or refuse as well as petroleum oils, greases, solvents, and fuels, insecticides, herbicides, chemical waste, hazardous materials, or any materials similar to those listed herein.

*Yard Waste.* Yard waste shall mean grass and leaves and shall not include other yard debris such as tree limbs and brush.

### SECTION 1. Section 17-4 of the Grand Island City Code is hereby amended to

read as follows:

#### **§17-4. Litter and Offensive Substances Prohibited; Removal ~~Public Nuisance~~**

It shall be the duty of every owner, lessee, tenant, or occupant of any lot or parcel of ground within the city or within two (2) miles of the corporate limits thereof to keep said premises owned, leased, or occupied by such person free from garbage, litter, refuse, rubbish, brush, trash, junk, old building material, offal, manure, and any other offensive or unwholesome matter, and it shall be unlawful for such owner, lessee, tenant, or occupant of such lot or parcel of ground to permit, keep, or maintain thereon any such condition liable to become putrid or injurious to the public health, or any such condition liable to produce disease, or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodent or insects. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance and shall constitute a misdemeanor punishable as hereinafter provided in this code.

It shall be unlawful and hereby declared a public nuisance to litter or cause litter to be deposited or remain on any lot or piece of ground within the city or within two miles of the corporate limits of the city except in proper receptacles.

ORDINANCE NO. 8856 (Cont.)

SECTION 1. Section 17-4.2 of the Grand Island City Code is hereby amended to

read as follows:

**§17-4.2. Notice to Remove; Noncompliance with Notice; Procedure**

Whenever it shall come to the knowledge of the Health Director or his/her designee, that there exists upon such lot or parcel of ground such nuisance, the Health Director or his/her designee shall cause a notice to abate and remove said nuisance within five (5) days to be served upon the owner or the owner's authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either in person or by mailing such notice by certified or registered mail. If such owner, lessee, tenant, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the date fixed in such notice, the Director of Health or his/her designee may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon as set forth in Section 17-4.3 of this Chapter.

~~It shall be the duty of the Department of Health or the Code Compliance Officer in any case where garbage, litter, refuse, or waste material has been permitted to accumulate at a premise, to deliver or send a notice to abate and remove such nuisance to the owner or owner's duly authorized agent, or person in possession, charge or control, and to the occupant, if any, by personal service or ordinary first class mail. Within five days after delivery or mailing of such notice, if the owner, agent, or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance, or if such owner, agent or occupant cannot be notified by personal service or mail upon written request from the Director of the Department of Health or the Code Compliance Officer to the City Attorney, the City of Grand Island may proceed to abate said public nuisance pursuant to §20-15 of the Grand Island City Code.~~

SECTION 1. Section 17-4.3 of the Grand Island City Code is hereby added to

read as follows:

**§17-4.3. Procedure for Removal for Noncompliance**

If the Health Director determines that there exists upon any lot or parcel of ground the conditions described above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, the director shall request the Mayor to declare that such an immediate public nuisance exists, and after any such declaration, the Health Director shall cause to be issued a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four (24) hours. Said notice shall be served by personal service upon the owner or the owner's authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of twenty-four (24) hours from deliver of the notice, the Health Director shall cause such nuisance to be removed from such parcel or lot and from any roads, streets, or alleys abutting thereon.

SECTION 2. Section 17-1, 17-4, and 17-4.2 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That 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.

ORDINANCE NO. 8856 (Cont.)

Enacted: September 23, 2003.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk