



# City of Grand Island

Tuesday, May 23, 2006

Council Session

## Item F2

**#9045 - Consideration of Amending Chapter 17 of the Grand Island City Code Relative to Garbage, Refuse, Waste, and Weeds**

*See memo under Ordinance Item F-1.*

Staff Contact: Dale Shotkoski

ORDINANCE NO. 9045

An ordinance to amend Chapter 17 of the Grand Island City Code; to amend various sections of Chapter 17 pertaining to housekeeping issues; to clarify the requirements for nuisance abatement of weeds; to move regulations pertaining to Graffiti from Chapter 8 to Chapter 17 of the City Code; to repeal Chapter 17 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. Chapter 17 of the Grand Island City Code is hereby amended to read as follows:

**CHAPTER 17  
GARBAGE, REFUSE, WASTE, AND WEEDS**

**Article I. Garbage, Refuse and Waste  
Division 1. Duty of Disposal**

**§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 Central District Health Department ~~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

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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.

*Hazardous Waste.* This word shall mean a solid waste, or combination of solid wastes, which because of its 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 or animal health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*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.

*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.

### **§17-2. Duty of Enforcement ~~Department of Health~~**

The Central ~~District Department~~ Health Department or ~~the Grand Island Police Department employees of the City of Grand Island~~ are hereby charged with the duty of enforcing the provisions of this chapter pertaining to the collecting, transporting, and disposing, by approved methods, of all garbage, litter, refuse, yard waste, and waste materials within the City. Approved methods of disposal for garbage, litter, refuse and waste materials are as follows:

- (A) By delivery to a licensed garbage or refuse collector;
- (B) By hauling to the City-operated sanitary or landfill transfer station and dispensing there as directed by the person in charge; provided, that the transportation conforms to the requirements of ~~§17-35~~§17-26;
- (C) By disposal of garbage in a home garbage disposal unit.

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Approved methods of disposal for yard waste are as follows:

- (A) By utilizing such yard waste in an approved backyard composting site;
- (B) By delivery to a licensed garbage collector in a separate yard waste collection service;
- (C) By hauling to the City-operated composting site, which is adjacent to the City's transfer station, and dispensing there as directed by the person in charge.

### **§17-3. Removal; Duty of Owner**

It shall be the duty of every owner, and person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house, or eating place, or in possession, in charge, or in control of any shop, place of business, or manufacturing establishment, where garbage, litter, refuse, yard waste, or other waste material is created, or accumulated, to remove or cause to be removed from the premises where accumulated such garbage, litter, refuse, yard waste or waste material.

It shall be unlawful to place garbage, litter, refuse, yard waste, or waste material in any alley, easement, or vacant property.

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

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.

### **§17-5. Penalty for Violation**

Any person violating §17-4 shall upon conviction be deemed guilty of a code violation. Each day shall constitute a separate offense and be punishable as provided in this Code.

### **§17-6. Notice to Remove; Noncompliance with Notice**

Whenever it shall come to the knowledge of the Health Director, his or her designee or employees of the City of Grand Island, that there exists upon such lot or parcel of ground such nuisance, the Health Director, his or her designee or employees of the City of Grand Island 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 first-class mail, postage prepaid and 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 upon such notice, the Director of Health, his or her designee or employees of the City of Grand Island 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 ~~§17-7~~ Section 17-4.3 of this Chapter.

### **§17-7. Procedure for Removal for Noncompliance**

If the Health Director, his or her designee or employees of the City of Grand Island 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, his or her designee or employees of the City of Grand Island shall request the Mayor or his/her designee to declare that such an immediate public nuisance exists, and after any such declaration, the Health Director, his or her designee or employees of the City of Grand Island 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 the twenty-four (24) hours from delivery of the notice, the Health Director, his or her designee or employees of the City of Grand Island shall cause such nuisance to be removed from such parcel or lot and from any roads, streets, or alleys abutting thereon.

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### **§17-8. Assessment; Levy; Collection**

If the costs and expenses of removing litter is not paid within the time provided, the city council shall, and it is hereby empowered to, levy and assess the costs and expenses of such work upon the property so benefitted. The same shall be levied on all lots, tracts or parcels of land to the extent of the special benefits to such real estate, by reason of such improvement, such benefits to be determined by the city council sitting as a board of equalization after publication in a newspaper having general circulation in the City and personal notice at least ten days prior thereto. The assessments so levied shall be a lien on the property on which levied from the date of levy and shall be due and payable to the city treasurer thirty days after such levy and shall become delinquent fifty days after such levy and shall bear interest at the rate of seven percent per annum from the date they become delinquent; and, at the time of the next certification for general revenue purposes to the county clerk, if not previously paid, the special taxes shall be certified to the county clerk and by him be placed upon the tax list and be collected as other real estate taxes are collected, and be paid over to the city treasurer.

### **§17-9. Disposal of Large Dead Animals**

All dead animals such as horses, cows, mules and goats, shall be the property of the owner thereof and shall be promptly hauled away and disposed of by such owner at no cost to the City.

### **§17-10. Disposal of Construction and Demolition Waste**

All accumulation of waste occasioned by the construction, alteration, remodeling, rebuilding, repairing, and/or demolition of buildings or structures shall be removed and disposed of by the owner or contractor at no expense to the City and such waste shall not be considered as garbage or refuse within the meaning of this article.

### **§17-11. Reserved**

### **§17-12. Reserved**

### **§17-13. Reserved**

## **Division 2. Disposal Receptacles**

### **§17-14. Garbage Receptacles; Residential**

It shall be the duty of every owner or occupant of any residential premises where meals are served or where garbage or refuse is created or accumulated to provide and keep on the premises suitable and sufficient watertight, rodent-proof and insect-proof metal or plastic receptacles, equipped with a tight-fitting lid and handles or a bail for easy handling. Such receptacles shall not be larger than thirty-two gallons; provided, in multi-family residential areas, detachable containers may be used upon approval of the Central District Health Department~~Department of Health~~.

### **§17-15. Garbage Receptacles; Non-residential**

It shall be the duty of every owner or occupant of any non-residential premises where meals are served or where garbage or refuse is created or accumulated to provide on such premises suitable and sufficient watertight, rodent-proof and insect-proof metal or plastic receptacles, equipped with a tight-fitting lid and handles or a bail for easy handling, provided, other receptacles may be used in accordance with the following:

(A) Fiber or pressed board receptacles may be used as garbage containers for restaurants, cafes and other similar businesses if such receptacles are protected from the elements and covered so that the contents will not blow away;

(B) Detachable containers may be used upon approval of the Central District Health Department~~Department of Health~~.

Except as provided above, garbage receptacles in non-residential areas shall not exceed twenty gallons. Fifty-five gallon barrels or drums shall not be permitted as garbage receptacles.

### **§17-16. Duty to Keep Clean**

It shall be the duty of every person to keep his or her garbage receptacles or waste cans reasonably clean and free from offensive odors.

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**§17-17. Garbage Receptacles; Storage**

All receptacles and cans used for the collection of garbage and refuse shall be kept on the rear of the lot or at a convenient place upon the private premises to facilitate the collection thereof; provided, that where residential premises do not abut alleys, all baskets, boxes, plastic sacks, bundles, or other containers of leaves or grass, shall be placed by the owner or occupant of any such residential premises at the curb adjacent to the premises prior to the time of collection to facilitate the collection thereof. In no event shall receptacles, cans, or storage racks be located or permitted in City alleys, easements, or other City right-of-way.

**§17-18. Receptacles; Repair or Replacement**

If garbage cans or receptacles are in a state of disrepair, or do not meet the requirements of this article, it shall be the duty of the Central District Health Department ~~Department of Health~~ to leave notice with the owner thereof directing such repair or replacement as may be necessary.

~~**§17-13. Wet Garbage**~~

~~\_\_\_\_\_ All wet garbage in the residential districts shall be securely wrapped in waste paper or put in paper sacks or containers before placing the same in garbage cans or receptacles.~~

**§17-19. Tree Limbs and Branches**

All tree limbs and branches to be picked up as garbage or refuse shall be cut so that none shall be more than five feet in length and the same shall be tied in bundles not to exceed fifty pounds in weight.

**§17-20. Reserved**

**§17-21. Reserved**

**§17-22. Reserved**

**Article II. Collection, Transportation and Disposal**

**Division 1. Licensed Collectors**

**§17-23. License Required; Fee**

(A) It shall be unlawful for any person, firm, or corporation to collect and transport garbage or refuse for hire without first obtaining a license therefor from the City.

(B) The following two types of licenses are authorized:

(1) Garbage Hauler License entitles the licensee to collect and transport both garbage and refuse.

(2) Refuse Hauler License entitles the licensee to collect and transport only refuse.

(C) The license year shall run from October 1 of the calendar year to September 30 of the following calendar year.

(D) The fee for a garbage hauler license shall be in accordance with the City of Grand Island Fee Schedule, no part of which shall be refundable.

(E) The fee for a refuse hauler license shall be in accordance with the City of Grand Island Fee Schedule, no part of which shall be refundable.

(F) The provisions of this section shall not apply to lawn care or tree trimmer businesses.

(G) No license issued hereunder shall be transferable.

**§17-24. Residency Requirements**

All garbage hauler licensees must be and remain residents of Hall County, Nebraska, at all times during the license year. This requirement must be met in one or more of the following ways:

(A) By the individual licensee; or

(B) If the licensee is a partnership, by at least one partner; or

(C) If the licensee is a corporation, by the corporation's registered agent or one or more corporate officers;

or

(D) If a licensee cannot satisfy the residency requirements set forth in subsections (A) through (C) above, the licensee must appoint a person as an agent who is authorized to receive service of process for the licensee and who meets the residency requirements of this section. Said authorization shall be in writing, acknowledged

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before a notary, and shall contain a provision that said authorization may not be revoked without the prior written consent of the City.

### **§17-25. Application for License; Renewal**

(A) Any individual, partnership, or corporation applying for a garbage hauler's license or a refuse hauler's license shall file the following with the city clerk:

(1) A completed application form;

(2) A list of all vehicles and auxiliary equipment therefor to be used by the applicant in collecting and transporting garbage or refuse. All motor vehicles shall be identified in the manner required by ~~§17-26~~§17-18;

(3) A certificate of insurance as required by ~~§17-29~~§17-21;

(4) A performance bond as required by ~~§17-30~~§17-22 (garbage hauler licensees only);

(5) The fee for the license for which application is made as established by ~~§17-23~~§17-15;

(6) A copy of the document appointing an agent pursuant to subsection ~~17-24~~ 17-16 (D), if the residency requirement of said section is being met under that subsection;

(7) A certificate from the ~~Central District Health Department~~ Department of Health showing that the licensee's equipment and method of operation are in compliance with the department's guidelines therefor approved by the city council under ~~§17-26~~§17-18 (B).

(B) ~~Within three (3) business days of receiving the application and all required documents,~~ The city clerk shall issue the appropriate license to the applicant after city council approval.

(C) The procedure for license renewal shall be the same as for a new license, with the additional requirement that the licensee must file his, her, or its application for renewal at least ten days but not more than thirty days prior to the expiration date of the license.

### **§17-26. Vehicle Specifications**

(A) Any vehicle used by a refuse hauler licensee to collect and transport refuse shall be equipped with a cover of such a material sufficient to prevent any refuse and waste materials from being blown away or jarred off such vehicle.

(B) Any vehicle used by a garbage hauler licensee to collect and transport garbage, shall have a body designed specifically for the transportation of garbage which meets the ~~Central District Health Department~~ Department of Health guidelines therefor. The ~~Central District Health Department~~ Department of Health shall submit said guidelines to the city council for approval prior to implementation.

(C) All garbage and refuse vehicles used by licensees shall display a commercially prepared sign showing the name of the licensee in letters not smaller than four inches high.

(D) All applicants and licensees shall provide the city clerk with a list of all vehicles to be used in collecting and transporting garbage and/or refuse. For each vehicle, the list shall state: (1) the vehicle's make and model; (2) the VIN number; (3) the year produced; (4) the license plate number; and (5) the gross vehicle weight (GVW). Said list shall be updated whenever any vehicle is added or deleted from usage.

(E) All vehicles and equipment used by a licensee shall be maintained in as clean and sanitary a condition as possible while in use.

### **§17-27. Office and Telephone Required**

All garbage hauler licensees shall maintain one or more offices within the zoning jurisdiction of the City of Grand Island at all times during the license year, which are available for contact by the public from 8:00 a.m. to 5:00 p.m. from Monday through Friday, and from 8:00 a.m. to 12:00 Noon on Saturday. A licensee may use an automatic telephone answering machine or similar device for this requirement.

### **§17-28. Complaints**

All garbage hauler licensees shall:

(A) Maintain a local telephone number for the receipt and processing of complaints, which will enable customers to make contact with the licensee during the business hours established by ~~§17-27~~§17-19.

(B) Make an investigation as to the validity of all complaints received, and take corrective action on all valid complaints within twenty-four (24) hours of receiving said complaint.

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(C) Maintain a record of complaints received, which sets forth the following information:

1. The name and address of the complainant;
2. The date and time the complaint was received;
3. The action taken in response to the complaint; and
4. The date and time action was taken.

(D) Make the records required by subparagraph (C) above available for inspection by the City during the business hours established by ~~§17-27~~ ~~§17-19~~ or produce said records for inspection by the city council upon request.

(E) Publish a notice in the local weekly newspaper at least once every six (6) months, which informs the licensee's customers of the phone number or numbers which may be called if they have any complaints or questions regarding their garbage service. Said notice may be contained within and be a part of the licensee's normal advertisements.

(F) The requirements of this section may be met by either the licensee or a designated agent.

### **§17-29. Insurance**

(A) Every licensee shall maintain in full force and effect insurance policies written by a company or companies authorized to do business in Nebraska, in the following amounts:

(1) Worker's Compensation insurance in compliance with the laws of Nebraska, and Employer's Liability insurance with limits of not less than \$100,000; except that a sole proprietor applying for a refuse hauler license who has no employees shall be exempt from providing proof of Worker's Compensation insurance.

(2) Comprehensive General Liability Insurance covering the operations of the licensee with limits of not less than \$500,000 per occurrence for bodily injury and property damage.

(B) The licensee shall furnish the city clerk a certificate or certificates of insurance for the above insurance coverage which shall contain a statement that said policies contain a provision that said policies may not be canceled without written notice of such cancellation having been served on the City at least thirty (30) days prior to the date of cancellation.

### **§17-30. Performance Bond**

(A) Each garbage hauler licensee shall maintain in full force and effect a performance bond with a corporate surety licensed to do business in Nebraska and in favor of the City and all customers of the licensee, guaranteeing:

(1) That all services purchased by the licensee's customers shall be furnished in a manner in full compliance with the provisions of ~~§17-23~~ ~~§17-15~~ through ~~§17-38~~ ~~§17-26~~ inclusive, or the money paid therefor be refunded in total to said customer or customers;

(2) That all the licensee's duties under all contracts with residential customers shall be performed; and

(3) That all fees owed the City, including landfill fees and spillage cleanup fees, shall be paid in full by the 20<sup>th</sup> day of the month as indicated in ~~§17-42~~ ~~§17-30~~.

(B) The bond required hereby shall be in the amount of fifty thousand dollars (\$50,000.00).

### **§17-31. License Revocation**

(A) The city council may, after notice and hearing, suspend or permanently revoke a garbage hauler's or refuse hauler's license, for one or more of the following reasons:

(1) Failing to maintain residency requirements of ~~§17-24~~ ~~§17-16~~.

(2) Failing to maintain all insurance required by ~~§17-29~~ ~~§17-21~~.

(3) Failing to pay the City landfill fees or spillage cleanup fees when due.

(4) Misusing a license in violation of ~~§17-25~~.

(5) Violating one or more provisions of this chapter relating to the collection and transportation of garbage, and/or trash; or failing to fulfill one or more of the terms of a contract with any customer, on five or more occasions in any twelve-month period.

(B) If the city council determines that, based upon the evidence presented, a suspension is warranted, it shall order the hauler's license be suspended for a period of not less than thirty (30) nor more than one hundred eighty (180) days. Said suspension shall begin on the first day of the month following the date the order of suspension is entered. The licensee shall, before his, her, or its license may be renewed, refund to all customers all fees collected in advance for service to be rendered during the period of suspension; provided, that said licensee may, at his, her, or



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its option, pay a fine in lieu of suspension in the amount of ten (10) dollars for each day of suspension. Said option must be made and the fines therefor must be paid prior to the first day of suspension under the council's order.

(C) If the city council determines that, based upon the evidence presented, revocation is warranted, it shall order the hauler's license to be revoked immediately. The order of revocation shall require the licensee to refund to his, her, or its customers, all fees collected in advance for services that were to be rendered after the date of revocation; and require the payment of all fees due the City.

(D) Any licensee whose license has been revoked may not reapply for a license for a period of five years.

(1) This prohibition shall apply to individuals, partners, corporate officers and agents, and all managerial personnel involved in the violations for which revocation was ordered.

(2) Nothing herein shall prohibit a licensee from employing a person who is subject to the order of revocation.

### **§17-32. Use of Licensee Name by Another**

No licensee shall permit another by lease, rental, or other agreement to engage in such business under the name of the licensee or to use the licensee's equipment in such business; provided, that this shall not prohibit a licensee from lending equipment to another licensee on a temporary basis, so long as such equipment has been approved for use by the City.

### **§17-33. Collection Time**

It shall be unlawful for any licensee or employee thereof to begin collecting garbage or trash from any property within the city limits before 5:00 a.m.

### **§17-34. Levels of Service Offered**

Every licensed garbage hauler shall offer regular collection service to all customers.

Upon customer request, every licensed garbage hauler shall provide minimum service collection.

The rate for minimum service collection shall be the minimum rate necessary to offset the cost of the minimal service and will not be used to offset the cost of services provided to other customers.

Haulers will provide a way for customers to occasionally dispose of additional refuse at additional cost. The hauler will charge an additional amount for this service, based on his additional cost to pick up, transport, process, and dispose of the additional refuse. Units of additional refuse shall be in volumes of 32 gallons, not to exceed 50 pounds each.

Nothing in this ordinance shall prohibit haulers from offering additional levels of service.

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

(A) The provisions of ~~§17-23 §17-15~~ through ~~§17-34 §17-25~~ 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.

**§17-36. Reserved**

**§17-37. Reserved**

**§17-38. Reserved**

## **Division 2. City Landfill**

### **§17-39. Landfill Site**

The City of Grand Island shall provide suitable landfill or transfer station areas for the disposal of garbage, refuse, and construction and demolition waste. All garbage and refuse collectors licensed by the City of Grand Island shall deposit all garbage, refuse, and construction and demolition waste collected in such areas. It shall be

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unlawful, except as set forth herein, to unload or deposit any garbage, refuse, construction and demolition waste and the contents of privy vaults and cesspools hauled from any premises within the corporate limits of the City of Grand Island, and destined for disposal within the State of Nebraska, at any place other than the approved disposal site designated as the landfill or transfer station areas provided by the City of Grand Island. The prohibition herein shall not apply to garbage or refuse processed at a Materials Recovery Facility operated pursuant to a permit issued by the Nebraska Department of Environmental Quality. All garbage, refuse, and construction and demolition waste lawfully deposited in City landfill areas shall become the property of the City of Grand Island.

### **§17-40. Hours of Operation**

The Public Works Director ~~mayor~~ shall have the authority to designate the days and hours that the City landfill or transfer station areas will be open to the public. Notice thereof shall be posted at the entrance to the area.

### **§17-41. Fees**

All persons who dispose of Municipal Solid Waste at the City transfer station, or the Grand Island Regional landfill when permitted, shall pay to the City for such dumping privileges, for each load, an amount in accordance with the City of Grand Island Fee Schedule.

An additional charge shall apply when the delivering vehicle is not properly equipped or the load is not completely covered, or otherwise contained or securely fastened as required by this chapter or other applicable laws. Penalty provision applies to all loads.

All yard waste, clean trees and branches shall be free of trash and debris. All plastic bags must be removed by the hauler.

Special wastes as defined in §17-1 and so designated by the Solid Waste Superintendent or his/her designee as requiring additional handling due to disposal method and/or operational considerations shall be charged ~~at two (2) times the applicable~~ a disposal rate in accordance with the City of Grand Island Fee Schedule. Due to the additional handling necessary to process the disposal of special waste, no special waste will be accepted within one hour of the end of the working day.

Fuel contaminated soils require Nebraska Department of Environmental Quality and landfill pre-approval.

Asbestos (ACM) ~~will require~~ Nebraska Department of Environmental Quality and landfill pre-approval. Disposal only during scheduled hours. Haulers shall use same equipment and procedures at disposal area as required for removal procedures. ACM shall be in approved condition and/or containers. ~~(Conditions subject to change as required by federal, state, or local rules and regulations.)~~

If full payment is not received by the 20<sup>th</sup> of each month in the month it is due, a late payment charge shall be assessed. This charge shall be one percent (1%) per month of the unpaid balance.

The fees required by this chapter may be waived by order of the mayor when, in the discretion of the mayor, the public health, safety, and welfare of the community would be enhanced by the waiving of such fees because of city-wide or district cleanup or improvement campaigns, or because of fire, flood, tornado, or other event, or series of events, causing extensive damage to the homes and property of the residents of the City of Grand Island.

This section shall not be construed to permit the mayor to waive fees for garbage and refuse licensees under this chapter, disposing of garbage, refuse and waste materials for hire at the City transfer station or sanitary landfill in the normal course of their business.

### **§17-42. Fees; Monthly Statement**

All charges or approved licensee accounts made for such use of the City landfill shall be billed on the first day of the month and payable by the 20th day of such month; provided, the Department of Public Works shall accumulate all information necessary for such billings by the city treasurer, and all such billings shall be payable at the office of the city treasurer.

### **§17-43. Fees; Failure to Pay**

The city council may in its discretion revoke the license of any person licensed under the provisions of this article who shall for fifteen days fail to pay any amount due the City for the use of the City landfill as provided by this article.

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### **§17-44. Lead-acid Batteries; Waste Oil; ~~Hazardous Waste~~; Prohibited**

It shall be unlawful to deposit for disposal, attempt to deposit for disposal, or leave for collection by a licensed garbage or refuse collector, any lead-acid batteries, ~~or~~ waste oil, or other hazardous waste materials in the City solid waste disposal system.

### **§17-45. Automobile Parts; Bulky Refuse**

It shall be unlawful for any person to haul to and deposit in the City landfill any automobile chassis, automobile tops, automobile frames, automobile fenders, any farm implements, or any bulky refuse made of iron, steel, tin, or metal of any kind without first having such automobile chassis, automobile tops, automobile frames, automobile fenders, any farm implements, or any bulky refuse made of iron, steel, tin, or metal of any kind cut or broken into pieces not over two feet in height.

### **§17-46. Burn Barrels; Fireplace Ashes; Acceptance of**

The senior operator on duty at the Grand Island Solid Waste facilities (landfill and transfer station) shall, at his/her sole and absolute discretion, have the right to refuse burn barrels or fireplace ashes if in his/her judgment, based upon the time of day as relating to the time of closing of said facilities, such disposal will create the potential of fires.

### **§17-47. Reserved**

### **§17-48. Reserved**

### **§17-49. Reserved**

## **Article III. Weeds**

### **§17-50. Weeds; Prohibited**

It shall be unlawful and hereby declared a public nuisance for any owner, agent, occupant, or person in possession, charge or control of any lot or piece of ground in the City of Grand Island, Nebraska, to allow or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation and upon conviction such owner, agent, occupant, or person shall be penalized in accordance with the provisions of the Grand Island City Code. A separate and distinct offense shall be regarded as having been committed on each calendar day that such weeds, grasses, or worthless vegetation is permitted to remain on said premises.

As used and applied in this section, weeds shall include, but not be limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle (*Carduus nutans*), Scotch thistle (*Onopordum acanthium*), morning glory (*Impatiens* spp.), bur ragwort (*Franseria discolor*/*Franseria tomentosa*), glodepodded hoary cress (*Hymenophyllum pubescens*), quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (*tournefortii*), hemp plant (*Cannabis sativa*), ragweed (*Ambrosiaceae*), or any other economically useless plant or plant of unsightly appearance.

### **§17-51. Duty to Cut**

It shall be the duty of each owner, agent, occupant, or person in possession, charge or control of any lot or piece of ground in the City of Grand Island, Nebraska, to cut and remove from such lot or piece of ground together with the adjoining streets or alleys, all weeds, grasses, or worthless vegetation twelve inches or more in height, and the cuttings shall be removed from such real estate.

### **§17-52. Notice to Abate; Remove Nuisance**

Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within five days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of

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the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done. If unpaid for two months after such work is done, the city may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

**§17-52. Notice to Cut**

~~\_\_\_\_\_ All weeds, grasses, or worthless vegetation twelve inches or more in height shall be cut and removed from all lots and pieces of land in the City of Grand Island, Nebraska.~~

~~\_\_\_\_\_ Notice to abate and remove such nuisance shall be sent to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the City or fails to comply with the order to abate and remove the nuisance, or if such owner, agent or occupant cannot be served, the City may have such work done and may levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied and assessed.~~

**§17-53. Noncompliance with Notice; Procedure**

~~\_\_\_\_\_ Upon the failure of the owner, agent, occupant, or person in possession, charge or control of any lot or piece of land in the City of Grand Island to comply with the notice in regard to the cutting and removing of weeds, grasses, or worthless vegetation, the city council may have such work done and the real estate cleaned of refuse, debris or other obstructions to permit such work, if necessary. Upon such action by the city council a bill for the expenses and costs as hereinbefore provided shall be presented to the owner, agent, occupant, or person in possession, charge or control of such real estate for payment within ten days from the date of such bill.~~

**§17-54. Assessment; Levy; Collection**

~~\_\_\_\_\_ If the costs and expenses of cutting and removing weeds, grasses, or worthless vegetation and costs of removing any refuse, debris or other obstructions to permit such cutting is not paid within the time provided, the city council shall, and it is hereby empowered to, levy and assess the costs and expenses of such work upon the property so benefitted. The same shall be levied on all lots, tracts or parcels of land to the extent of the special benefits to such real estate, by reason of such improvement, such benefits to be determined by the city council sitting as a board of equalization after publication in a newspaper having general circulation in the City and personal notice at least ten days prior thereto. The assessments so levied shall be a lien on the property on which levied from the date of levy and shall be due and payable to the city treasurer thirty days after such levy and shall become delinquent fifty days after such levy and shall bear interest at the rate of fourteen percent (14%) per annum from the date they become delinquent; and, at the time of the next certification for general revenue purposes to the county clerk, if not previously paid, the special taxes shall be certified to the county clerk and by him be placed upon the tax list and be collected as other real estate taxes are collected, and be paid over to the city treasurer.~~

**§17-53. Reserved**

**§17-54. Reserved**

**§17-55. Reserved**

**Article IV. Unlicensed or Inoperable Vehicles**

**§17-56. Definitions**

The following definitions are applicable to all Code sections pertaining to unlicensed or inoperable vehicles:

- (1) *Unlicensed Vehicle* means any vehicle as defined in Chapter 22 of the City Code which does not display valid license plates or valid in transit stickers.
- (2) *Building* means a structure with four walls and a roof erected in compliance with the city building codes.
- (3) *Wrecked* means a vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statutes or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.

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(4) *Dismantled* means lacking any vehicle part, the absence of which, if such a vehicle were operated on the streets or highways, would cause such vehicle to be in violation of one or more state statutes or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.

(5) *Inoperable* means having one or more parts necessary for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to a fully charged battery and all tires fully inflated. Inoperable shall include totally or partially wrecked or dismantled vehicles.

**§17-57. Unlicensed or Inoperable Vehicles; Public Nuisances**

The placement of any unlicensed or inoperable vehicle or any vehicle parts on any tract of land within the City of Grand Island shall be deemed a public nuisance and may be abated pursuant to §20-15 of the Grand Island City Code upon written request by the Grand Island Police Department pursuant to §20-15 of the Grand Island City Code. It shall be unlawful for any owner, owner's duly authorized agent or person in possession, charge or control, or the occupant of such a tract to cause, maintain, or permit such public nuisance to exist on said property, except in a manner as set forth below.

**§17-58. Placement of Unlicensed or Inoperable Vehicles**

Unlicensed or inoperable vehicles and vehicle parts, whether junked, salvaged, or new, may be placed:

(1) On any tract being used as a salvage yard, which is in full compliance with all city code sections pertaining to such businesses, including zoning.

(2) On any tract being lawfully used for a business activity related to unlicensed or inoperable vehicles, such as an automotive body shop, so long as the unlicensed or inoperable vehicles and parts are stored in an area that is screened from adjoining property and the public right-of-way by a sight-obscuring fence at least six feet in height, or such unlicensed or inoperable vehicles and vehicle parts are removed from the premises; provided, that unlicensed or inoperable vehicles being displayed for sale as whole units by a licensed automobile dealer are not subject to this screening requirement.

(3) On any other tract, so long as such unlicensed or inoperable vehicles and such vehicle parts are placed within a building.

**§17-59. Removal of Unlicensed or Inoperable Vehicles**

(A) The chief of police or any police supervisor may cause the removal of any unlicensed or inoperable vehicle or vehicle parts:

(1) from any public property; or

(2) from any private property with the permission of the owner or occupant thereof or by authority of a Court order.

(B) The towing, impoundment, and disposal provisions set forth in Chapter 22 shall be applied to all unlicensed or inoperable vehicles and vehicle parts removed under authority of this section.

**§17-60. Storage of Damaged Vehicles**

No automobile repair shop, body shop, or dealer may store any customer, inventory, or owned vehicles on the public right-of-way or streets, but shall be required to store such vehicles on the business premises.

**§17-61. Reserved**

**§17-62. Reserved**

**§17-63. Reserved**

**Article V. Graffiti**

**§17-64. Intent**

Graffiti on public and private property is a blighting factor which not only depreciates the value of the property which has been the target of such malicious vandalism, but also depreciates the value of the adjacent and surrounding properties, and in so doing, negatively impacts upon the entire community. The City Council finds and

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determines that graffiti is a nuisance and unless it and other inscribed material is removed from public and private properties, it tends to remain.

**§17-65. Definitions**

Whenever the following terms are used in this division, they shall have the meanings established by this section:

Grffiti means the defacing, damaging or destroying by the spraying of paint or marking of ink, chalk, dye or other similar substances on public and private buildings, structures and places.

Grffiti abatement procedure means an abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

Private contractor means any person with whom the city shall have duly contracted to remove graffiti.

**§17-66. Graffiti - Prohibited**

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, other structure, tree, or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" within the city.

**§17-67. Same - Violation; penalty**

Any person who is convicted of violating ~~§17-68, §8-188~~ shall be punished by a fine pursuant to §1-7 of the Grand Island City Code. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

**§17-68. Same - Notice of removal**

Whenever the City Administrator, or his/her designee determines that graffiti exists on any public and private buildings, structures and places which are visible to any person utilizing any public right-of-way in this city, be this road, parkway, alley, or otherwise, and that seasonal temperatures permit the painting of exterior surfaces, the City Administrator, or his/her designee shall cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of the notice to remove or paint over the graffiti, or the conditions will be subject to abatement by the city. If the property owner elects to paint over the graffiti, the paint used to obliterate the graffiti shall be as close as practicable to background color(s).

The notice to abate graffiti pursuant to this section shall consist of a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of the county. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

- (1) By personal service on the owner, occupant or person in charge or control of the property.
- (2) By registered or certified mail addressed to the owner at the owner's last known address. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as: \_\_\_\_\_, Grand Island, Nebraska, which is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the City Administrator of the City of Grand Island, Nebraska, or his/her designee within forty-eight (48) hours from the date of this notice. At the conclusion of this ten (10) day period, the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

City of Grand Island, Nebraska, Municipal Corporation,

ORDINANCE NO. 9045 (Cont.)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**§17-69. City's Costs Declared Lien**

Any and all costs incurred by the city in the abatement of the graffiti nuisance under the provisions of this division may constitute a lien against the property upon which such nuisance existed.

**§17-70. Removal by City**

Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the City Administrator, or his/her designee approves, then the City Administrator, or his/her designee, with the consent of the Mayor, is authorized and directed to cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate graffiti shall be as close as practicable to background color(s). If the City Administrator provides for the removal of the graffiti or other inscribed material, he shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the graffiti or other inscribed material is located.

**§17-71. Private Property Consent Forms**

Property owners in the city may consent in advance to city entry onto private property for graffiti removal purposes. The city will make forms for such consent available.

SECTION 2. Chapter 17 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. 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.

Enacted: May 23, 2006.

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Jay Vavricek, Mayor

ORDINANCE NO. 9045 (Cont.)

Attest:

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RaNae Edwards, City Clerk