

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.

§4-102 HEALTH; ENFORCEMENT OFFICIAL. The Municipal Police Chief, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body and the Board of Health of health nuisances within the Municipality and its zoning jurisdiction.

§4-103 HEALTH; STATE RULES. The “Rules and Regulations Relating to Public Health,” Department of Health of the State of Nebraska are hereby incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended. Three (3) copies of the said pamphlet are filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time.

§4-104 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.

§4-105 HEALTH; MILK PRODUCTS. The definitions contained in Section 81-263.52 RS Neb. are hereby adopted and by reference incorporated in this Section as though printed in full herein.

No milk, goat milk or derivatives or products thereof shall be sold by any person to the final consumer, to restaurants, soda fountains, grocery stores or similar establishments except Grade A. No ungraded or raw-graded milk shall be so sold; Provided, that during any period of emergency the Mayor and City Council may, by resolution, suspend the requirements of this Section.

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, grass, leaves, 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 grass, leaves, 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 and as nearly airtight as may be practical. Where the owner or lessee of the premises rents a portion thereof to two (2) or more families, or occupants, he shall provide a suitable receptacle for garbage, as provided in this Section, to be used by all such tenants or occupants. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, grass, leaves, 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. All persons shall have the contents of their garbage cans removed at least once per month. Any garbage, trash, or waste outside of garbage cans must be properly bound to prevent scattering, and must be removed at least once per week. It shall be unlawful for any person to place garbage, rubbish, waste or refuse in a receptacle belonging to another person without their permission.

§4-205 GARBAGE; HAULERS. Any person may haul his own garbage accumulating or originating on premises owned or occupied by him, but shall provide therefore closed containers or conveyances which, shall be watertight when hauling garbage. No person except a garbage collector designated by the Mayor and Council shall collect or remove garbage for any other person.

§4-206 GARBAGE; REMOVAL FROM CITY. Every person accumulating refuse shall remove and convey the same, or cause the same to be removed and conveyed, from the City to some place as directed by the City Council or the Board of Health, as often as may be necessary to comply with this Article and as often and at such other times as the City Council or the Board of Health may direct or deem necessary.

No refuse shall be deposited at the City Landfill except at places so designated at such Landfill.

All conveyances used to remove refuse from the City shall be covered when hauling refuse, or the refuse shall be so secured in such manner as will prevent any of the refuse from falling or escaping from the conveyance into or upon any street, alley or lot within the City.

Article 3. Nuisances

§4-301 NUISANCE; GENERALLY DEFINED. A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others,
2. Offends decency,
3. Is offensive to the senses,
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the Municipality.
5. In any, way renders other persons insecure in life or the use of property, or
6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

§4-302 NUISANCE; 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, house-yards, 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-putrifying 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, cat tie 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.

§4-303 NUISANCES; SLAUGHTERHOUSES. No person shall operate or maintain a slaughterhouse within the City, except as permitted by the Zoning Regulations; Provided, that after slaughter outside the City, animals may be processed for commercial purposes or otherwise therein. Fowl may be slaughtered and processed for commercial or other purposes within the City, if the places used or maintained for such purpose are kept in a sanitary and clean condition. No person so operating or maintaining such slaughterhouse shall allow parts of fowl, carcasses, or blood thereof to remain open and exposed or accumulated in any manner likely to cause the same to putrefy or to attract insects, rodents, or vermin. Any person so operating or maintaining such slaughterhouse shall keep such premises clean, and shall forthwith remove the carcasses and remnants of all fowl or blood

thereof slaughtered therein and shall exercise care to avoid offensive odors, sights or conditions. It shall be the duty of the Police Chief to inspect any such premises and to make such requirements as to health, sanitation and cleanliness as are reasonably designed to promote the public health and comfort.

§4-304 NUISANCES; LIVESTOCK TRUCKS. No person shall park any loaded or unloaded livestock trucks or load or unload the same in the City in such a manner, or in such a place that loud noises or foul odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or in any manner as to constitute a nuisance or be offensive to others.

§4-305 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 assessments.

§4-306 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.

Article 4. Penal Provisions

§4-401 VIOLATION; PENALTY. Any person who violates any of the prohibitions or provisions of any Article or Section of this Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in: the particular Article or Section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed three hundred (\$300.00) dollars in the discretion of the court.

§4-402 ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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.