

**CHAPTER 4**  
**HEALTH AND SANITATION**  
**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 YARD WASTE; DEFINED.** The term "yard waste" shall mean grass and leaves. (*Ref 13-2016.01 RS Neb.*) (*Ord. No. 1073, 2/21/89*) (*Amended by Ord. No. 1274, 6/6/95*)

**§4-205 GARBAGE ACCUMULATION; HEALTH HAZARD.** The accumulation of, keeping or disposing of any garbage or refuse within the Municipal Limits is hereby declared to be a health hazard. The accumulation, keeping or disposal of such trash in any other manner than as provided by this Article is declared to be detrimental to the health of the citizens of the Municipality and is hereby declared a nuisance and the accumulation of, keeping or disposal of garbage and refuse except as herein provided shall be unlawful.

**§4-206 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 airtight 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 representing the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short

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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 a week. (Ref. 19-2106 RS Neb.)

**§4-207 ESTABLISHMENTS; REFUSE RECEPTACLES.** It is hereby made the duty of any motel keeper, boarding house keeper, and restaurant keeper to provide and use a receptacle from substantial material, lined with or made of iron, tin or zinc and provided with a lid, for the purpose of receiving all the garbage, slop, offal and waste from his place of business. Such receptacle shall be in accordance with the specifications set forth in this Article. If the receptacle is maintained at an interior location with reference to said business, a plastic container may be used.

**§4-208 DEAD ANIMALS.** All dead animals shall be immediately removed and buried by the owner of such animals; and if the owner of such animal cannot be found within two (2) hours after discovering the same, then such animal shall be removed by and at the expense of the Municipality. Dead animals shall not be buried within the corporate limits of the Municipality, nor within two (2) miles thereof, nor in or above the course of ground water that is used for drinking purposes by the Municipality or its inhabitants.

**§4-209 COMPOSTING ORGANIC MATERIALS.** Except as of otherwise provided herein the composting of organic materials shall be permitted but shall be limited to plant residues only. Compost heaps shall not be permitted to smoke or emit odor. Compost heaps shall be kept in and surrounded by a woven wire fence or other suitable retaining material. Any compost heap which emits smoke or odor is declared a nuisance and upon service of notice from the City the same shall be abated by the person maintaining said compost heap or if such person cannot be found, such notice shall be served upon the owner of the premises where such compost heap is located. Provided, the composting of organic materials upon the City streets and street right-of-way is prohibited.

**§4-210 HAULING GARBAGE OR REFUSE.** Except as otherwise provided in this Article, it shall be unlawful to load, haul, transport or be in possession of garbage or refuse, unless the same are loaded and transported in receptacles with tight-fitting covers

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at all times, or in closed trucks or vehicles, or in trucks covered with a tarpaulin or similar equivalent cover.

**§4-211 UNLAWFUL DISPOSAL OF REFUSE.** It shall be unlawful for any person to cause or suffer any offal, manure, rubbish, filth or any refuse, animal or vegetable matter, or any foul or nauseous liquors, oil or gasoline to be discharged out of or flow from any premises owned or occupied by him, or left in or thrown into, deposited or upon any street, alley, avenue, public square, vacant lot or other place in the City, and any person so offending shall be deemed maintaining a public nuisance.

**§4-212 GARBAGE AND REFUSE COLLECTION; PUBLIC NUISANCE, PROHIBITED.** The collection of garbage or refuse upon any lot or land within the corporate limits of the City of Crete or within the Zoning Jurisdiction of the City of Crete, or upon the streets, roads or alleys abutting said lot or land which constitutes a public nuisance is prohibited.

The owner or owners duly authorized agent or tenant of said lot or land shall remove or cause to be removed all garbage and refuse from such lot or land and streets, roads and alleys.

The City, through its proper officers, shall remove or cause to be removed any collection of such garbage and refuse so found or existing, upon failure of the owner, or owners authorized agent, or tenant, if any, of such lot or land to remove or cause to be removed such collection of garbage and refuse by complying with the provisions of this ordinance as hereinafter provided.

Notice shall be given to such owner, or owners duly authorized agent or tenant, if any, of such lot or land that the Mayor and Council intend to determine that said collection of garbage or refuse constitutes a public nuisance and set a date and time for hearing thereon. Upon hearing, if the Mayor and City Council determines such collection to be a public nuisance it shall by resolution declare and determine such collection of garbage and refuse a public nuisance and direct that notice shall be given to the owner or owners duly authorized agent or to the tenant, if any, of such determination. Such notice and a copy of the resolution as passed shall be served upon the owner or owners duly authorized agent or the tenant thereof, if any, by personal service or by certified mail. After providing such notice and service thereof, the City, through its proper officers shall remove the garbage or refuse or cause the same to be removed from said lot or land and streets, roads and alleys.

If the Mayor or President of the Council in his absence of the City, declares in writing that the accumulation of such

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garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the City, through its proper officers, upon order, shall remove the garbage or refuse, or cause it to be removed from such lot or land within forty-eight (48) hours after notice by personal service or following receipt of certified letter by such owner or authorized agent or tenant, if any, if such garbage or refuse has not been removed.

Upon removal by the City of the accumulation of garbage or refuse or causing it to be removed from any lot or land pursuant to this Section, the City shall after hearing and notice to the owner or authorized agent or tenant if any, assess the cost of removal against such lot or land.

**§4-213 GARBAGE COLLECTION AGREEMENT:** The City hereby finds that it is in the best interest of the public health and welfare of the City and of the environment that the City enter into a garbage and recyclable collection agreement (agreement) granting the Garbage Company, a private refuse hauler, the limited exclusive right to collect garbage and recyclables within the corporate limits of said City, mandatory, providing for City wide collection from all single family residential households, two family residential households, and multi-unit residential complexes and from all business, commercial, institutional and industrial establishments that shall employ its service, under the rates specified in the agreement, and under such other conditions as are prescribed by agreement. The agreement shall impose upon the Garbage Company the duty to make regular collections of garbage and recyclables, shall provide that no increase of rates shall be made without the consent of the Mayor and City Council upon the showing of reasonable necessity therefor, and the agreement shall be required to conform to the State Statutes and the provision of this Code relating thereto. (Ref. 19-2101 through 19-2106 RS Neb.) (Ord. No. 1576; 07/15/03) (Ord. No. 1728, 03/17/09)

**§4-214 GARBAGE AND REFUSE BURNING; NUISANCE; PENALTY.** It shall be unlawful for any person to burn any household waste or other garbage or refuse matter of any kind, either in the open or in a closed container.

Any violation of this section or provision shall be punishable by a fine not to exceed one hundred (\$100) dollars for any one (1) offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-

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four (24) hours of such failure to comply. (Ord. 1450; 06/15/99; 1937, 07/07/15)

**§4-215 SOLID WASTE; HAZARDOUS ITEMS HANDLING OR DISPOSAL AND ITEMS REQUIRING SPECIAL HANDLING OR DISPOSAL:**

(A) No person shall put out any of the items specified below to be collected by the municipal solid waste collector for land disposal.

(1) Yard waste from April 1 through November 30 of each year unless such yard waste has been separated from its source and is put out for separate collection and delivery to the landfill for the purpose of soil conditioning or composting under the conditions otherwise specified.

(2) Lead-acid batteries.

(3) Waste oil.

(4) Waste tires in any form except tires that are non-recyclable. Tires are not considered disposed if they meet the requirements of Neb. RS 13-2039.

(5) Discarded household appliances.

(6) Unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act.

(B) Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof. (Neb. RS 13-2039)

(C) For purposes of this section:

(1) Land disposal includes, but is not limited to, incineration at a landfill.

(2) Non-recyclable tire means a press-on solid tire, a solid pneumatic shaped tire, or a foam pneumatic tire. (Neb. RS 13-2039)

(3) Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. (Neb. RS 13-2013.02)

(4) Yard waste means grass and leaves. (Neb. RS 13-2016.01) (Ord. No. 1619, 09/21/04)