

ORDINANCE NO. 1647

AN ORDINANCE TO AMEND CHAPTER 22 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR A REFUSE AND GARBAGE COLLECTION FRANCHISE; TO PROVIDE FEES AND CONDITIONS FOR USE OF THE CITY SANITARY LANDFILL; TO REPEAL SECTIONS 22-1 THROUGH 22-9, AND ALL OTHER SECTIONS IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

Section 1. Chapter 22 of the Lexington City Code is hereby amended to read as follows:

Section 22-1. Definitions.

For the purposes of this chapter the following terms shall have the meanings given herein.

(a) "Garbage" is food waste, or wastes from any source that will spoil, decompose, and/or become offensive in any manner.

(b) "Refuse" is any item or object thrown away or rejected as worthless or useless, including waste, trash, rubbish, or garbage.

Section 22-2. Refuse and Garbage Disposal.

All refuse and garbage accumulated in the City shall be collected, conveyed and disposed of by the Refuse and Garbage Collection Franchise holder for the City of Lexington, Nebraska. Provided, that this ordinance shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this ordinance and with any other governing law or ordinances.

Section 22-3. Refuse and Garbage Collection Franchise Created.

The authority to issue a franchise authorizing the collection of refuse or garbage within the corporate limits of the City of Lexington, Nebraska, is hereby reserved unto the City Council of such City. Any such franchise shall be for a term not to exceed 2 years. A contract granting such franchise shall be entered into after receiving formal bids under the terms and conditions approved by the City Council.

Section 22-4. Site for Disposal of Refuse and Garbage.

The City of Lexington shall maintain and operate a sanitary landfill site for the disposal of refuse and garbage. The Lexington City Council may, by resolution, determine the hours and days which the landfill will be open.

Section 22-5. Disposal of Refuse and Garbage at City Landfill.

Refuse or garbage shall not be deposited at the City landfill, except at places so designated by the attendant in charge at the landfill. Any person disposing of refuse or garbage at the City landfill shall be responsible for transporting the refuse or garbage in suitable containers or vehicles that will prevent offensive odors escaping therefrom and refuse from being blown, dropped, or spilled.

Section 22-6. Landfill Use Charges.

The holder of the Refuse and Garbage Collection Franchise or any resident of the City of Lexington hauling his own refuse shall not be required to pay a charge or fee for the use of the landfill for refuse collected from within the corporate city limits of Lexington.

Any refuse or garbage from outside the corporate city limits of Lexington will be charged a fee as established from time to time by resolution of the City Council.

Section 22-7. Accumulation of Garbage; Nuisance.

No person shall place any refuse or garbage in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except in proper containers for collection or other suitable, covered, fly-proof cans. Garbage and refuse from the business section of the City shall be removed every day during the months of May through October, and at least twice per week during the period from November 1 to May 1. All garbage in the residential sections of the City shall be removed at least once per week during the months of May through October, and once each two weeks during the remainder of the year. Any accumulation of refuse or garbage other than as authorized in this section is hereby declared to be a nuisance and is prohibited.

Section 2. That original Section 22-1 through 22-9, together with any other Sections in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 11th day of September, 1979.

Chas. McConick
President of the Council

ATTEST:

Law E. Mahan
City Clerk

