

ORDINANCE NO. 1967

CITY OF LEXINGTON, NEBRASKA

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AN ORDINANCE TO AMEND CHAPTER 22 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR MANDATORY REFUSE COLLECTION AND PAYMENT OF CHARGES THROUGH THE CITY; TO TERMINATE COLLECTION OF YARD WASTE; TO REPEAL ORIGINAL CHAPTER 22 OF THE CITY CODE AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM;

BE IT ORDAINED by the mayor and council of the City of Lexington, Nebraska as follows:

Section 1. That Chapter 22 of the Lexington City Code shall be amended to read as follows:

Sec. 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, but not including yard waste.
- (b) "Refuse" is any item or object thrown away or rejected as worthless or useless, including waste, trash, rubbish or garbage, but excluding yard waste.
- (c) "Yard waste" is grass clippings or plant material removed from a yard or garden.

Sec. 22-2 Refuse and Garbage; Mandatory collection; Billing; Regulations;

(a.) The owners or occupants of all residential, commercial or industrial properties within the City of Lexington shall be responsible for the collection and disposal of refuse and garbage by contracting with a refuse and garbage collection Licensee.

(b.) Each such owner or occupant shall use an enclosed container for the keeping and storage for collection of refuse and garbage, which container is required by or provided by the Licensee.

(c.) The charge for collection from residential properties shall be billed monthly with water, electrical and sewer use fees. Charges will be considered delinquent and collected at the same time, in the same manner and by the same officers as electrical, water and sewer charges are collected by the city. All payments on the unified bill shall be deemed paid first on the amount due for sanitation services. For the purposes of this section, the term "residential" shall not include mobile home courts or apartment housing which have a system for central trash collection, and are treated as commercial customers.

(d.) The charges for commercial and industrial properties shall be billed and collected by the Licensee.

(e.) In order to implement the provisions of this Ordinance, the City Council shall be empowered and authorized to promulgate rules and regulations concerning the refuse and garbage collection policies of the City.

Sec. 22-3 License for Refuse and Garbage Collection Service:

No person or business entity shall conduct a refuse or garbage collection service for hire within the City of Lexington without first having obtained a license for that purpose issued by the City Clerk. Such license shall be issued only to such persons or entities complying with standards established by the City Manager. Such license shall be issued for one (1) calendar year, and can be revoked at any time by the City Manager for non-compliance with standards established.

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

The City of Lexington may maintain and operate a sanitary landfill site, or may contract for the use of a sanitary landfill site for the disposal of refuse and garbage. For a site maintained by the City, the Lexington City Council may, by resolution, determine the operating procedures for such landfill.

Sec. 22-5 Disposal of Refuse and Garbage; Hazardous substances; Yard Waste.

Any person disposing of refuse or garbage for collection shall be responsible for the contents of such refuse and garbage. The City Council or other landfill operator, or the Licensee for collection, shall have authority to refuse to accept the following:

- (a.) Any substance deemed to be hazardous to the environment if deposited at such landfill;
- (b.) Yard waste;
- (c.) Recyclable materials except in separate containers;
- (d.) Any other substance which by state or federal law or regulation is prohibited from being deposited in a licensed landfill.

Sec. 22-6 Collection Charges and Landfill Use Charges.

The City Council shall establish by resolution a schedule of charges and fees for the collection of refuse and garbage. In the event a sanitary landfill is operated by the City, charges may also be established for use of such sanitary landfill.

Sec. 22-7 Accumulation of Garbage; Nuisance.

It shall be unlawful for any person to 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 containers. 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. Garbage and refuse in the residential sections of the City shall be removed at least once per week. Any accumulation of refuse or garbage other than as authorized in this chapter is hereby declared to be a nuisance and in addition to the general penalty provided, shall be subject to action for abatement.

Section 2. That original Chapter 22 of the Lexington City Code and all other Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect on January 1, 1993.

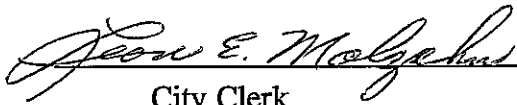
PASSED AND APPROVED this 1st day of December, 1992.

CITY OF LEXINGTON, NEBRASKA



Mayor

ATTEST:



City Clerk



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