

ORDINANCE NO. 712

AN ORDINANCE RELATING TO CERTAIN NUISANCES AND OFFENCES AGAINST THE PUBLIC HEALTH AND SAFETY, DEFINING CERTAIN NUISANCES, REGULATING, PROHIBITING AND DECLARING CERTAIN ACTS, OMISSIONS, PLACES, CONDITIONS AND THINGS AS NUISANCES, TO-WIT: PERMISSION OF STAGNANT WATER TO ACCUMULATE, THE MANNER OF KEEPING ANIMALS, THE MANNER AND OPERATION OF A PRIVY OR CESS POOL, THE ALLOWING OF DEAD ANIMAL CARCASSES TO REMAIN IN THE CITY LIMITS, ACCUMULATION OF GARBAGE, RUBBISH, TRASH, WASTE OR OTHER DEBRIS, ANIMAL MANURE, TIN CANS, BOTTLES, GLASS, NAILS, TACKS, BITS OF SCRAP IRON, WIRE, CROCKERY, GLASSES, DISHES, DISMANTLED AUTOMOBILES AND CAR AND TRUCK BODIES, PILING, STACKING AND PERMITTING THE STACKING OF ANY HAY, STRAW, MILLET OR FODDER, ALLOWING WEEDS AND RANK GRASS AND OTHER PLANTS TO GROW ON LOTS AND GROUNDS ABUTTING THE STREETS AND ALLEYS, THE BURNING OR DISPOSAL OF REFUSE, SAW DUST, OIL, FUEL OIL, OR OTHER MATERIALS, THE PERMITTING OR CAUSING THE ESCAPE OF SUCH QUANTITIES OF SUET, CINDERS, NOXIOUS ACIDS, FUMES AND GASES, THE PERMITTING OR CAUSING ESCAPE OF SUCH QUANTITIES OF DUST, FUMES, NOXIOUS ODORS OR OTHER MATTERS EMITTING FROM ~~DEBRISATORS OR OTHER~~ MANUFACTURING OR PROCESSING PLANTS TO THE DETRIMENT OF ANY PERSON OR THE ENDANGERING OF ANY PERSON'S HEALTH, COMFORT OR SAFETY; THE MANNER AND METHOD OF SERVING NOTICE UPON THE OWNER, OCCUPANT OR OTHER PERSON, CORPORATION OR ASSOCIATION TO ABATE ANY NUISANCE THAT EXISTS; FOR THE ABATING OF ANY SUCH NUISANCE AS DEFINED; TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS THEREOF; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH;

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND THE COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

Section 1. The following specific acts, omission, places, conditions, and things are hereby declared to be nuisances, and shall be construed as defined by Section 28-101.6, Revised Statutes of Nebraska, 1943, except as otherwise specifically defined by this Section:

- (a) Stagnant water permitted upon any lot or parcel of ground.
- (b) Any shed, yard or enclosure in which cattle, horses or other livestock or fowls are confined which is allowed to become malodorous and offensive and emits foul and noxious odors.
- (c) Any sty, pen, shed or other enclosure for keeping or harboring hogs and the keeping of such animals therein.
- (d) The drawing off or allowing to run on any ground, street or alley, the contents of any vault, sink, privy or cesspool, or any part thereof.
- (e) Allowing the carcass of any dead animal to remain in the City limits for more than ten hours.
- (f) The accumulation of Garbage, Rubbish, Trash, Waste, or other debris, on any premises in the City unless kept and disposed of as provided by the Rules and Regulations of the Board of Health, or the provisions of this Code.

(g) Animal manure kept in any quantity where it is not protected, kept or handled in accordance with the Rules and Regulations of the Board of Health or the provisions of this Code.

(h) Tin cans, bottles, glass, nails, tacks, bits of scrap iron, wire, crockery, dishes, dismantled automobiles, automobile and truck bodies, and all other similar trash or abandoned material not kept and disposed of as provided by the Rules and Regulations of the Board of Health or the provisions of this Code.

(i) Piling, stacking or permitting the stacking of any hay, straw, millet or fodder, unless the same be enclosed within some building on any premises or under control by any person, from a corporation within said corporate limits of said City.

(j) Permitting or allowing weeds, rank grass, sweet clover and other plants of rank growth on lots and grounds and on the streets and alleys on which the same abut.

(k) The burning or disposal of refuse, saw dust, oil, fuel oil, or other materials in such a manner as to cause or permit ashes, saw dust, suet, gases or other materials arising from such burning as to damage the property of the residents of the City of Lexington, to injure or endanger their health, comfort or repose of said persons, or to injure the property of any person, persons, firm, company or corporation.

(l) Permitting or causing the escape of such quantities of suet, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner to cause or have a tendency to cause injury to property or business.

(m) Permitting or causing the escape of such quantities of ~~alfa~~ dust, dust fumes, noxious odors, hay or other matters, emitting from ~~dehydration or other~~ manufacturing or processing plants, in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business.

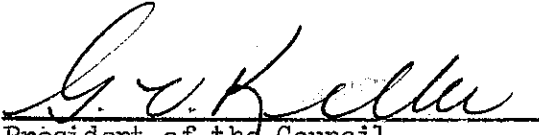
Section 2. Whenever any lot owner, or owner of any tract of land, or occupant of a lot or tract of land, permits a nuisance to exist as herein defined, such owner or occupant shall be notified of the existence of such nuisance by the City Manager, and if the nuisance be not abated within five days from the service of said notice, he shall be guilty of creating a nuisance. Said notice may be served by personally handing a copy thereof to the said owner, agent, or occupant, or by leaving at his usual place of residence, or in the event, the owner is a non-resident of the City of Lexington, and his residence is known, notice may be served upon him by registered mail. Service of notice by registered mail shall be deemed complete when the notice is delivered to the owner by the United States mail.

Section 3. Upon conviction of any person of creating a nuisance as above defined, such person shall be fined in a sum of not less than \$1.00 and not more than \$100.00 and shall stand committed in the City Jail until such fine and costs of prosecution are paid. Each day that the nuisance is permitted to stand unabated may constitute a separate violation of this ordinance. This penalty may be in addition to any other provisions or other ordinances or any other penalties described by other ordinances or the laws of the State of Nebraska in force and effect involving the same or similar matters.

Section 4. If any sections, sub-sections, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

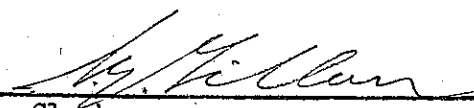
Section 5. Original Article 6 and Article 7, Chapter 7, the Municipal Code of the City of Lexington, Nebraska 1943, be and the same are hereby repealed.

Passed and approved this 8th day of March, 1955.



President of the Council

Attest:



City Clerk