

ORDINANCE NO. 1952

CITY OF LEXINGTON, NEBRASKA

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AN ORDINANCE TO AMEND SECTIONS 18-1 AND 18-4 OF THE LEXINGTON CITY CODE; TO CHANGE THE DEFINITION OF WEEDS CONSTITUTING A NUISANCE, AND TO CHANGE THE PROCEDURE FOR ABATEMENT OF WEEDS AND WORTHLESS VEGETATION; TO REPEAL ORIGINAL SECTIONS 18-1 AND 18-4, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND 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 Section 18-1 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-1 Enumerated Generally.

The following specific acts, omissions, places, conditions and things are hereby declared to be nuisances and are hereby prohibited, and shall be construed as defined by Section 28-1016, 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 fowl 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 which is allowed to become malodorous and offensive and emits foul and noxious odors.
- (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 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 is enclosed within some building on any premises or under control by any person within the City.
- (j) Permitting or allowing any growth of twelve inches or more in weeds, grasses, or worthless vegetation on lots and grounds and on the streets and alleys on which the same abut.
- (k) The burning or disposal of refuse, sawdust, oil, fuel oil or other materials in such a manner as to cause or permit ashes, sawdust, soot, gases or other materials arising from such burning to damage the property of the residents of the City, to injure or endanger their health, comfort or repose of such persons, or to injure the property of any person.
- (l) Permitting or causing the escape of such quantities of soot, 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 as to cause or have a tendency to cause injury to property or business.

- (m) Permitting or causing the escape of such quantities of dust, dust fumes, noxious odors, hay or other matters, emitting from dehydrators 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.
- (n) Any and all chimneys, fireplaces, stoves, hearths, stovepipes, ovens, boilers, machinery and apparatus used in or about any building or manufactory, which by reason of their faulty condition, nature or the use to which the same may be put, or by reason of their relative position in regard to buildings, shall be dangerous or injurious to the health of individuals or the public, or to public or private property, and any and all buildings or walls which may be unsafe or dangerous to individuals or the public, or to adjoining buildings or property by reason of the same being damaged by fire, decay or otherwise, or which by reason of condition or faulty construction are liable to injure individuals, or the public, or property by falling or being blown down, or by starting dangerous fire, are hereby declared to be nuisances.

Section 2. That Section 18-4 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-4 Destruction and Removal of Weeds.

- (a) The City Manager shall have authority to enforce the terms of this chapter relating to growth of weeds, grasses and worthless vegetation. Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail.
- (b) If within five (5) days after notice is recieved, the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the City Manager or his agent may cause all such weeds and worthless vegetation to be destroyed and removed from said property at the expense of the City of Lexington. Such work shall

be done by chemical treatment, cutting or chopping, at the discretion of the City Manager. The actual cost of such work, together with the expenses of administration, shall be assessed by ordinance against the property so benefited in the same manner as other special taxes for improvements are levied and assessed.

- (c) The notice required above shall be a five (5) day abatement notice describing the property in question, and describing the action required. Such notice may be served by personal delivery or by certified mail to the owner at the address shown on the real estate tax records for said property. Such notice shall be deemed completed five (5) days after such mailing is delivered, postage prepaid to the post office.

Section 3. That original § 18-1 and § 18-4, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 4. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 10th day of March, 1991.

L. Hawks

Mayor

Attest:

Gene E. Malysh

City Clerk

