

ORDINANCE NO. 3-2025

AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA TO AMEND CHAPTER 51 OF CITY CODE REGARDING GARBAGE DISPOSAL AND CITY TRASH SERVICES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALMA, NEBRASKA, AS FOLLOWS:

SECTION 1. The City of Alma, Nebraska has amended its code consistent with and according to the following, which shall replace Chapter 51 of City Code in its entirety.

SECTION 2. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 5 day of March, 2025.

CITY OF ALMA, NEBRASKA

By: _____

Hal Haeker, Mayor

(Seal)

ATTEST:

Janet Dietz
Janet Dietz, City Clerk



CHAPTER 51: SOLID WASTE; GARBAGE DISPOSAL

- § 51.01 DEFINITIONS.
- § 51.02 CITY AUTHORITY TO CONTRACT SERVICE.
- § 51.03 COLLECTION EQUIPMENT REQUIRED.
- § 51.04 LICENSED FACILITIES.
- § 51.05 PRIVATE COLLECTION SERVICES PROHIBITED.
- § 51.06 MANDATORY SERVICE FOR NON-HAZARDOUS SOLID WASTE.
- § 51.07 DISPOSAL OF HAZARDOUS WASTE, DEAD ANIMALS, OR ITEMS REQUIRING SPECIAL HANDLING.
- § 51.08 HAZARDOUS WASTE AND ITEMS REQUIRING SPECIAL HANDLING.
- § 51.09 PROPER RECEPTACLE REQUIRED.
- § 51.10 RECEPTACLE CARE AND MAINTENANCE.
- § 51.11 SINGLE PREMISES.
- § 51.12 YARD WASTE, GENERALLY.
- § 51.13 MANNER AND FREQUENCY OF COLLECTION.
- § 51.14 BURNING PROHIBITED.
- § 51.15 BILLS.
- § 51.16 LIEN.
- § 51.17 RATES.
- § 51.99 PENALTY.

§ 51.01 DEFINITIONS.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning:

HAZARDOUS WASTE. A solid or liquid waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality, serious illness or incapacity, or which may pose a hazard to human or animal health or the environment when improperly stored, treated, transported, or disposed of.

NON-HAZARDOUS SOLID WASTE. All garbage, trash, rubbish, or refuse commonly generated by residential, commercial, institutional, or governmental activities and which otherwise does not fall under the definition of hazardous set forth above.

YARD WASTE. Grass clippings, branches, leaves, tree limbs, weeds, brush, or other cut vegetation.

TOTER. Movable trash receptacle on wheels, not to exceed 100 gallons.

BIN. Stationary trash receptacle, exceeding 100 gallons.

§ 51.02 CITY AUTHORITY TO CONTRACT SERVICE.

- (A) The city may manage its own service OR contract with a third-party servicer for providing regular and routine solid waste collection and disposal service.
- (B) The city may also choose to manage its own service or contract with a third-party servicer for special collection and disposal of dead animals, hazardous waste, recyclable material, items requiring special handling, or yard waste, at the election of the Mayor and Council.
- (C) Such third-party servicer may be selected by competitive bidding and the length of such contract shall be determined by the Mayor and Council, not to exceed five years.
- (D) Any such third-party servicer shall enter into a written agreement with the city, which agreement shall provide for the extent and nature of the service(s) provided, rate(s) to be charged, and such other terms as may be required by the Mayor and Council.
- (E) The third-party servicer shall be responsible for selection of a licensed disposal facility in which to dispose of any garbage, dead animals, hazardous waste, recyclable material, trash, solid waste, or yard waste collected and for any contract for disposal service in such facility.
- (F) Complaints regarding the violation of the terms of a third-party servicer shall be directed to the contractor by the city in writing and the contractor shall have 30 days within which to correct said violations. If violations are not corrected, then the City Council may vote to revoke said contract at a regular or special City Council meeting that contractor has been given notice of by certified mail at least seven days prior to such meeting. Revocation of said contract shall be deemed effective by sending such notice to the contractor, by certified mail, stating the date that service is to be terminated, after the City Council has voted for revocation.

(1993 Code, § 4-310) (Ord. 10-04-05-1, passed 10-4-2005)

§ 51.03 COLLECTION EQUIPMENT REQUIRED.

Solid waste of any kind shall be collected only in vehicles equipped with a trash bed constructed of substantial metal material and such bed shall be completely enclosed. The body and bed of any vehicle used in the collection or transportation of solid waste shall be maintained in a clean and odor-free condition. Before any person, firm, or corporation may engage in the business of collecting, hauling, or transporting solid waste within the city, they shall demonstrate to the Mayor and Council that they currently own or have made proper provision for all required equipment.

(1993 Code, § 4-309) Penalty, see § 51.99

§ 51.04 LICENSED FACILITIES.

All non-hazardous solid waste collected within the city shall be disposed of only in a licensed solid waste facility. Any hazardous waste shall be disposed of only in the manner provided by state or federal laws and regulations.

(1993 Code, § 4-311) Penalty, see § 51.99

§ 51.05 PRIVATE COLLECTION SERVICES PROHIBITED.

No person, firm, or corporation who is not under contract with the city shall collect or dispose of solid waste within the city limits, except for yard waste, grass clippings, tree branches, or recyclable materials. It shall be unlawful and an offense for any person, firm, or corporation in the city or its

zoning area to conduct or operate any type of dump or waste disposal system for the use of themselves or other persons. Each day of operation or conduct of such waste disposal system, transfer site, or other means of disposing garbage within the city shall constitute a separate violation by said person, firm, or corporation punishable by a fine of \$500 for each violation where a new violation shall be deemed to have been committed every 24 hours of such unlawful conduct.

(1993 Code, §§ 4-312, 4-320) Penalty, see § 51.99

§ 51.06 MANDATORY SERVICE FOR NON-HAZARDOUS SOLID WASTE.

- (A) Every occupied (even if on a temporary basis) residence or commercial, institutional, or governmental building to which city utility service is provided within the municipal limits shall be served by the solid waste collection and disposal service owned or contracted by the city.
- (B) The city may agree to provide solid waste disposal service to persons or entities not located within the municipal limits, but who are served by municipal utility services of any kind or who are within such close distance to the municipal limits as to make such service economical and practical for the city or its third-party garbage hauler.
- (C) All such solid waste collection and disposal services shall be subject to the guidelines, payment, rate, and billing terms as set forth herein and modified from time to time by city personnel and the governing body. The same are kept on record for public inspection at the city office.
- (D) Any person or entity in violation hereof shall be punished in accord with § 51.99.

(1993 Code, § 4-318) (Ord. 02-0210-1, passed 2-2-2010)

§ 51.07 DISPOSAL OF HAZARDOUS WASTE, DEAD ANIMALS, OR ITEMS REQUIRING SPECIAL HANDLING.

Any person, firm, or corporation within the city who generates, owns, controls, or creates hazardous waste, dead animals, or waste requiring special handling as specified in § 51.08 shall be responsible for the transportation and disposal of the same. If the owner of a dead animal cannot be located within two hours after discovery, then such animal shall be removed by and at the expense of the city. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.

(1993 Code, §§ 4-305, 4-313) Penalty, see § 51.99

§ 51.08 HAZARDOUS WASTE AND ITEMS REQUIRING SPECIAL HANDLING.

- (A) The following are hazardous items, items requiring special handling, and/or items which are not permissible waste collectable under the regular and routine city solid waste collection and disposal service:
 - 1. Dead animals;
 - 2. Items which do not fit in the toter, bin, or receptacle provided by the city or its third-party servicer;
 - 3. Mattresses, couches, box springs, or other furniture;
 - 4. Building and demolition materials;
 - 5. Unregulated hazardous wastes, except household wastes which are exempt from the regulations of the Environmental Protection Act;
 - 6. Tires;
 - 7. Paint;
 - 8. Waste oil;
 - 9. Lead-acid batteries; or
 - 10. Household appliances.

- (B) Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof or the manner provided by state or federal laws and regulations.

(1993 Code, § 4-317) Penalty, see § 51.99

§ 51.09 PROPER RECEPTACLE REQUIRED.

- (A) It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the municipal limits, decayed food or animal substance, garbage, waste, or trash of any kind that may be injurious to the public health or offensive to the residents of the municipality unless the same be permissible waste collectable under the city solid waste collection and disposal service AND stored properly. No person may permit garbage, waste, or trash to collect or accumulate and all persons shall remove the same from their property within 24 hours after being notified to do so by law enforcement or the Board of Health.
- (B) The only receptacles used for collection of solid waste by the city or its third-party servicer shall be those totes or bins provided by the city. City personnel will assist each service recipient with selection of a proper receptacle for their location and/or needs.
- (C) Service recipients located in a Residential Zoning District within the municipal limits shall be limited to the use of totes. Stationary bins may only be rented by service recipients in a Residential Zoning District for a specific purpose and on a temporary basis if the proper fee is paid and arrangements are requested with city personnel.
- (D) City personnel shall maintain a record of each specifically marked and identifiable tote or bin to the individual property address it is assigned. Totes and bins shall remain with such property when ownership of such property is transferred. These totes or bins shall have a capacity required by city personnel at the assigned address.
- (E) Garbage, waste, or trash which is not fully contained within the provided totes or bins will not be accepted or picked up through the regular city solid waste collection and disposal service.

(1993 Code, § 4-304) Penalty, see § 51.99

Statutory reference: Related provisions, see Neb. RS 19-2106

§ 51.10 RECEPTACLE CARE AND MAINTENANCE

All waste receptacles must be stored off and away from the public right-of-way unless the tote or bin is being presented for regular and routine service as outlined in § 51.13. General care, maintenance, and security of totes or bins is the responsibility of the service recipient at the tote or bin's assigned address. Service recipients must report abnormal wear and tear, loss, or damage, whether incidental or negligent, of the totes or bins that may affect their safe or sanitary use. Routine wear and tear excepted, repair or replacement of any tote or bin will be at the expense of the service recipient of the city solid waste collection and disposal service at the assigned address and billed at the discretion of city personnel.

§ 51.11 SINGLE PREMISES.

- (A) No recipient of city solid waste collection and disposal service shall accept from any other person or entity any of such other person's or entity's solid waste to be commingled with and disposed of as a part of the recipient's solid waste, except as set forth in (C) below.
- (B) All solid waste which is to be picked up by the city or its third-party servicer shall be only the solid waste which is generated at that immediate site and shall not include any items left for disposal by any other person or entity.

- (C) Service recipients in C-1 Multi-Use Zoning District *may* utilize a combined toter or bin if arranged with city personnel. City personnel retains discretion within this district to allow for combined toter or bin service if the circumstances so warrant. Each service recipient using a combined toter or bin will be billed at least the minimum commercial rate regardless of each service recipient's actual contribution to or use of the combined toter or bin.

(1993 Code, § 4-316) Penalty, see § 51.99

§ 51.12 YARD WASTE, GENERALLY.

Yard waste is not permissible waste collectable through the regular and routine city solid waste collection and disposal service. A city tree dump and compost site is provided to municipal residents for disposal of yard waste and is regularly maintained by city personnel. Any toters or bins containing yard waste, whether loose or bagged, will not be collected and must be emptied of all yard waste before regular collection will resume.

§ 51.13 MANNER AND FREQUENCY OF COLLECTION

- (A) City solid waste collection and disposal service shall be defined as the emptying and collection of waste properly stored within the provided toter or bin, if timely presented for service for regular and routine pickup and so long as its contents otherwise comply with this chapter.
- (B) To present a toter for service, the service recipient shall either:
1. Place the toter facing outward on, but not within or obstructing, the public street right-of-way, avoiding the sidewalk and utility lines, and positioned no less than 5 feet from any other obstruction, by at least by 5:00 a.m. on the designated pickup day for that address; OR
 2. Otherwise make specific arrangements for pickup with the city. Specific arrangements may include assistance to disabled or infirm individuals, collection from a parking lot or alley, collection which requires truck access through or over a private drive, or other exceptions based upon convenience, timeliness, and order of collection as determined by the City Utilities Superintendent. Said specific arrangements may require the service recipient to sign a waiver or otherwise provide certain indemnity to the city before being accommodated.
- (C) To present a bin for service, the service recipient shall have kept the stationary bin in the location it was originally placed by city personnel, ensuring there are no obstructions for the garbage hauler to access the bin on the regular and routine service date.
- (D) At any time, if area parking (whether lawful or unlawful), weather conditions, property conditions, or other obstructions make a toter or bin presented for service unsafe or inaccessible to city personnel for pickup, it is the responsibility and cost of the service recipient to arrange another pickup or retain waste until the next regular and routine service date.
- (E) The frequency of said regular and routine services shall be determined by city personnel.

§ 51.14 BURNING PROHIBITED.

No person shall burn dead animals, trash, garbage, leaves, brush, yard waste, or other solid waste of any kind out of doors within the city limits.

(1993e, § 4-306) Penalty, see § 51.99

§ 51.15 BILLS.

- (A) Bills for solid waste collection and disposal service shall be due and payable monthly at the city office. Bills not paid by the fifteenth calendar day of the month shall be deemed to be

delinquent and shall have added to their amount a penalty for late payment of 10%. When a bill is deemed delinquent, the Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately.

- (B) If the bill is not paid within seven days after notice is sent, it shall be at the discretion of the City Clerk to order termination of service; provided, if the delinquent service recipient is a known welfare recipient, the Clerk shall comply with state law regarding any such service termination. Further, the Clerk shall assess an additional fee set by resolution of the governing body and on file at the office of the Clerk in the event that solid waste collection is interrupted for the nonpayment of the bill, to compensate the municipality for any additional charges to restart service.

(1993 Code, § 4-314)

§ 51.16 LIEN.

- (A) In addition to all other remedies, if a service recipient shall for any reason remain indebted to the municipality for solid waste collection and disposal service furnished, such amount due, together with any charges in arrears, shall be considered delinquent and are hereby declared to be a lien upon the real estate for which the same was furnished.
- (B) The City Clerk shall notify in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent.
- (C) It shall be the duty of the City Clerk on June 1 of each year to report to the Council a list of all unpaid accounts due for solid waste collection together with a description of the premise for which the same was furnished.
- (D) The report shall be examined, and if approved by the Council, shall be certified to the County Clerk to be collected as a special tax in the manner provided by law.

(1993 Code, § 4-315)

§ 51.17 RATES.

- (A) *Rates for toters.* The monthly charge for picking up solid waste once per week will be as follows based on the size of toter:

Toters (as of December 23, 2020)

Residential Toter	\$17.66	Commercial Toter	\$17.66
Residential 2 nd Toter	\$9.68	Commercial additional Toters	\$17.66
Residential 3 rd Toter	\$17.66		(each)

- (B) *Rates for bins.* The monthly charge for picking up solid waste in bins will be as follows:

Bins (as of December 23, 2020)

<u>1 Pickup per week</u>		<u>2 Pickups per week</u>	
200 Gal	\$43.71	200 Gal	\$81.59
300 Gal	\$53.45	300 Gal	\$99.91
450 Gal	\$64.50	450 Gal	\$114.21
2-300 Gal	\$78.38	2-300 Gal	\$139.31
2-450 Gal	\$99.93	2-450 Gal	\$177.18
3-450 Gal	\$137.33	3-450 Gal	\$249.94
4-450 Gal	\$178.91	4-450 Gal	\$338.13

(Ord. 2013-20, passed 2-20-2013)

§ 51.99 PENALTY.

- (A) In addition to the penalty referenced herein, any person, firm, or corporation within the city which conducts, operates, or uses any type of dump or waste disposal system for themselves or other persons, other than the city's solid waste disposal service shall also be subject to a non-compliance fee of up to \$500 pursuant to the provisions of § 13-2023 of the Integrated Solid Waste Management Act. (1993 Code, § 4-320)
- (B) (1) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and, upon conviction thereof, shall be fined not more than \$500 for each offense, where a new violation shall be deemed to have been committed every 24 hours of such failure to comply. (1993 Code, § 4-501)
- (2) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

Statutory reference:

Related provisions, see Neb. RS 18-1720, 18-1722