

Chapter 4

HEALTH AND SANITATION

Article 4. Mandatory Solid Waste Collection Service

[Editor's Note: Article 4 was adopted in its entirety by Ordinance No. 264, passed on May 22, 1990.]

§4-401 SOLID WASTE COLLECTION SERVICE; CONTRACTOR. The Board of Trustees may, by resolution, authorize the Chairman to enter into an exclusive agreement with a contractor for the collection and removal of solid waste within the Village and the disposal thereof in a disposal facility, at such rates and charges as may be agreed upon within the limits provided herein.

§4-402 SOLID WASTE COLLECTION SERVICE; CONTAINERS. Commencing October 1, 1990, all solid waste to be disposed of within the Village of Bertrand shall be placed in the containers furnished by the contractor with whom the Village has entered into an exclusive agreement for the collection and removal of solid waste, and said solid waste shall be picked up by the contractor. The burning and placing of hot ashes in the containers furnished by the Contractor is hereby prohibited.

§4-403 SOLID WASTE COLLECTION SERVICE; CHARGES. The Board of Trustees shall, by resolution, set forth a schedule of charges for the collection of solid waste. Any and all amendments or modifications of the schedule for charges shall likewise be effectuated by the passage of a resolution by the Board of Trustees.

§4-404 SOLID WASTE COLLECTION SERVICE; BILLING. The solid waste collection charges will be billed to the residents of the Village of Bertrand along with and at the same time said residents are billed for water, sewer and/or electricity services. Charges for solid waste collection shall be collected at the same time, in the same manner and by the same officers as sewer, water, and electricity charges are collected by the Village. Unpaid solid waste collection charges shall be deemed delinquent on the same day sewer, water, and/or electricity charges are deemed delinquent.

§4-405 SOLID WASTE COLLECTION SERVICE; CHARGES; LIEN. All delinquent solid waste collection charges are hereby declared to be a lien upon the premises or real estate for which, or upon which the same was used or supplied and upon the refusal of said person, firm, or corporation to pay said delinquent collection fees, they shall be collected by being placed upon the assessment rolls and the tax books for collection, like other taxes, as further provided herein. It shall be the duty of the Village Clerk on the second Monday in January of each year to report to the Board of Trustees a list of all unpaid accounts due for solid waste collection, together with a description of the premises or real estate, upon for which the same was used or supplied. Said report shall be examined, and if approved by the Chairman and Board of Trustees, shall be certified by the Village Clerk to the County Clerk of Phelps County, Nebraska, giving the amounts due and the description of the premises or real estate upon or for which the collection services were used or supplied, the same to be collected as other taxes, by the County Treasurer of said County. Prior to certification to the County Clerk of Phelps County, Nebraska, the Village shall give thirty (30) days written notice to the owner of record of the subject property, said notice to be by certified mail or registered mail.

§4-406 SOLID WASTE COLLECTION SERVICE; DEFINITIONS.

- (a) "Ashes" including the residue from the burning of wood, coal, coke, or other combustibles;
- (b) "Garbage" including putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food;
- (c) "Refuse" including all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes;
- (d) "Rubbish" including non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

§4-407 UNLAWFUL ACTS; GARBAGE ON THE PREMISES. It shall be unlawful for any person to keep in, or about any dwelling house, building, or premises in the Village, any decayed vegetable or animal substance, garbage, rubbish, or refuse matter, or any substance that may be injurious to the public health or offense to the residents or inhabitants of the vicinity unless the same is kept in containers and/or receptacles as set forth in this ordinance.

§4-408 UNLAWFUL ACTS; WASTE ON PUBLIC STREETS. It shall be unlawful to deposit or permit to fall from any vehicle any solid waste on any public street or alley in the Village; provided, that this section shall not be construed to prohibit solid wastes in a container complying with the provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein.

§4-409 SOLID WASTE COLLECTION SERVICE; UNLAWFUL ACTS. It shall be unlawful:

- (a) To dispose of any solid waste except in compliance with this article;
- (b) To transport any solid waste in the Village dump or landfill, except in compliance with this article;
- (c) To collect and dispose of any solid waste within the Village, except as authorized in this article; or
- (d) To burn garbage, trash, waste, refuse, rubbish or debris within the corporate limits; provided, that the Village Fire Chief may authorize the burning of grass or weeds, and the burning of old buildings and other combustibles by the Fire Department in fire-fighting practice and training.

§4-410 SOLID WASTE COLLECTION SERVICE; PERMITTED ACTS. Nothing herein shall be construed to prohibit the following:

- (a) Recycling of wastes in any municipality approved program for ecological purposes;
- (b) Disposal of garbage or refuse by means of a kitchen or home disposal unit;
- (c) Nor shall the container provisions of this ordinance apply to large, bulky refuse which may not be placed within a suitable container.

§4-411 SEVERABILITY CLAUSE. In the event any part, provision or section of this Ordinance is deemed invalid by a court of competent jurisdiction, only said part, provision or section shall remain invalid and shall in no way effect the validity of the remaining parts, portions or sections of this Ordinance.

§4-412 VIOLATION PENALTY. A person, firm or corporation violating any provision of this article shall be fined not less than \$5.00 nor more than \$100.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.