

**Chapter 4**

**HEALTH AND SANITATION**

**Article 1. General Provisions**

**§4-101**     **HEALTH; REGULATIONS.** For the purpose of promoting the health and safety of the residents of the Municipality, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. *(Ref. 17-121 RS Neb.)*

**§4-102**     **HEALTH; COUNTY HEALTH BOARD.** It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the Municipality.

**Article 2. Contagious Disease**

**§4-201     DISEASE; SPREADING CONTAGION.** It shall be unlawful for any person to spread disease willfully or negligently, or to cause the spread of the same.

**§4-202     FOOD; STERILIZATION OF DISHES.** Any person serving food or drinks to the public shall sterilize all glasses, dishes, or other receptacles employed or used in connection with said business before serving food or drink to patrons with the same.

**§4-203     FOOD; PHYSICAL EXAMINATION.** It shall be unlawful for any person who handles milk, meat products, or other products used, sold, or offered for sale as food for human consumption, or who shall work or be employed in any barber shop, beauty parlor, soda fountain, restaurant, hotel, beer tavern, or other business, place, or activity affecting the public health to refuse or neglect to submit to a physical examination by a duly licensed physician for the purpose of determining if the said person is infected with syphilis, venereal disease, tuberculosis, or other infectious disease when required to do so by the Board of Health. Thereafter, until the said person shall provide a certificate from a physician that he is free from or is not a carrier of said infectious diseases to such an extent as not to be adverse to the public health, it shall be unlawful for the said person to handle or be employed in any shop, plant, or place of business herein mentioned. All physical examinations herein prescribed shall include laboratory tests and the results of which shall be made a part of the said certificate. One (1) copy shall be delivered to the Board of Health who shall consider and hold the same as confidential and privileged information except to the employer of the said person if he is employed; Provided, in any prosecution hereafter brought for violation of this Section the health certificate shall be admissible in evidence as in the case of other public records. Any physician who shall have made the physical examination leading to the issuance of the health certificate shall be called as a witness in any prosecution brought hereunder to give competent testimony as to the facts, case history, and conclusions of his said examination. It shall be unlawful for any employer to continue to employ any person who refuses to apply for or fails to meet the health requirements of a health certificate. (*Ref. 17-114, 17-123, RS Neb.*)

### Article 3. Garbage Disposal

[Editor's Note: Article 3 was amended in its entirety by Ordinance No. 527, 10/7/82]

**§4-301**        **DEFINITIONS.** For the purpose of this Article the following terms shall have the following meanings:

**GARBAGE:** All vegetable refuse from kitchens, all household waste from that which has been prepared for use as a food, or table refuse, or offal, and every accumulation of animal, vegetable or other matter that attend the preparation, consumption, decay, dealing in or storage of meats, fish, fowl and vegetables.

**TRASH:** Tree and shrubbery trimming, waste paper, scrap lumber, packing boxes, crates, paper or paste board boxes, cartons, excelsior, hay, straw, ashes', and other combustible packing materials and refuse, broken glass, tin cans, and containers, and all other waste articles, substances and materials not included in the foregoing definition of garbage.

**§4-302**        **GARBAGE AND TRASH.** It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the Municipality, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in closed receptacles, which receptacles shall either be anchored to the ground or constructed in such a manner as not to be subject to tipping. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall cause the contents of their garbage receptacles to be removed at least once a week.

**§4-303**        **DEAD ANIMALS.** All dead animals shall be immediately removed and buried by the owner of such animals; and if the owner of such animal cannot be found within two (2) hours after discovering the same, then such animal shall be removed by and at the expense of the Municipality. Dead animals shall not be buried within the corporate limits of the Municipality, nor within one (1) mile thereof, nor in or above the course of ground water that is used for drinking purposes by the Municipality or its inhabitants. Such animals may, however, be buried in the Municipal Dumping Ground. *(Ref. 17-114, 17-123, 17-207 RS Neb.)*

**§4-304**        **GARBAGE; CITY-WIDE COLLECTION FRANCHISE.** The Governing Body hereby grants an exclusive franchise for a term of ten (10) years for the collection of garbage, rubbish, and trash to Donald Landrigan dba Don's Disposal Service on a City-wide basis. At the expiration of such ten (10) year term the Governing Body may by resolution provide for the granting of any additional franchise for the collection of garbage, rubbish and trash to any person on a City-wide basis.

**§4-305**        **MUNICIPAL LANDFILL; USAGE; FEE.** WHEREAS, the regulatory agencies have mandated that the landfill owned by the City of Bridgeport, Nebraska be closed in the near future and that all solid waste be placed in approved facilities at considerable increase in cost to the City. It has become necessary to regulate the use of and charge for the use of the landfill.

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NOW THEREFORE BE IT ORDAINED by the Mayor and City Council that the City shall charge a fee of two dollars (\$2.00) per month to each electric user located within the City limits of the City of Bridgeport. Any commercial hauling entity hauling solid waste from entities or persons not being located within the City limits of Bridgeport, Nebraska shall assess their customers two dollars (\$2.00) per month and the same shall be remitted to the City. Any entity or individual using the landfill owned by the City of Bridgeport shall be assessed a fee of five dollars (\$5.00) per pickup load or ten dollars (\$10.00) per farm truck load. The City shall further charge fees in addition to the above charges for all tires brought to the landfill at the following rates:

Tires less than 17" .....	\$1.00 per tire
Tires 17" - 24.5" .....	\$2.00 per tire
Tires larger than 24.5" and tires on rims .....	\$3.00 per tire

The monthly charge created herein shall be added to the sewer charge on the monthly billing by the City of Bridgeport. Nothing in this section shall be taken to authorize the use of the landfill by any entity or individual not already entitled to use the same. (*Ord. No. 625, 10/8/92*)

**§4-306      SOLID WASTE COLLECTION SERVICE; RATES.**

The Bridgeport City Clerk shall collect fees for solid waste collection within the city limits of the City of Bridgeport, Nebraska.

- (1) A fee of \$1.00 per account shall be collected as a dump closure fee.
- (2) A fee of \$1.00 per account shall be assessed as a collection fee.
- (3) A fee of \$1.25 per account shall be assessed for the collection and removal of green waste.
- (4) The basic solid waste fee in addition to the assessments provided for in subsections 1, 2 and 3 shall be collected according to the following schedule:

RESIDENTIAL .....	\$11.75
Single Dwelling 1.5 Yard .....	\$22.00
Single Dwelling 3.0 Yard .....	\$40.00

COMMERCIAL	WEEKLY	2X	3X
3.0 Yard Container			
(Two or More)	\$11.75	\$18.00	\$24.00
1.5 Yard Container			
(Sharing @ Another)	\$11.75	\$18.00	\$24.00

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COMMERCIAL	WEEKLY	2X	3X
3.0 Yard Container (Sharing @ One)	\$ 20.00	\$ 30.00	\$ 40.00
3.0 Yard Container	\$ 40.00	\$ 70.00	\$100.00
2-3 Yard Container	\$ 80.00	\$140.00	\$200.00
3-3 Yard Container	\$120.00	\$210.00	\$300.00
2.0 Yard Container	\$ 22.00	\$ 30.00	\$ 38.00

*(Ord. No. 636, 8/5/93) (Amended by Ord. Nos. 711, 7/21/01; 720, 10/10/02; 725, 10/9/03)*

**§4-307 SOLID WASTE DISPOSAL; PROHIBITIONS ON DISPOSAL; VEGETATIVE**

**MATTER DEFINED.** (1) It shall be unlawful for any person to place vegetative matter generated from yards or gardens, tires, auto batteries, construction debris, large appliances and waste oil in any trash receptacle not specifically set aside for such purpose within the City limits of the City of Bridgeport, Nebraska.

(2) Vegetative matter generated from yards or gardens shall include but not be limited to grass clippings, leaves, branches, trees or garden plants.

(3) Any person violating this section shall be subject to a fine of up to one hundred dollars (\$100.00). *(Ord. No. 649, 8/15/94)*

**Article 4. Nuisances**

**§4-401 NUISANCES; DEFINITIONS.** For the purposes of this Article, the following terms shall have the following meanings:

APPROVED BACKYARD COMPOSTING SITE shall mean one which uses only composting materials as defined herein.

COMPOST The end product of an aerobic degradation process of yard and garden waste.

CONSTRUCTION AND DEMOLITION WASTE Waste which results from land clearing, the demolition or movement of buildings, roads or other structures, including, but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wallpaper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. CONSTRUCTION AND DEMOLITION WASTE shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and fuel tanks.

DEAD ANIMALS All small animals such as cats, dogs and rabbits which die from any cause. The terms shall in no way mean large animals such as goats, horses, mules and cows which may die from any cause.

GARBAGE Includes every accumulation of animal, fruit or vegetable waste generated by or resulting from the decay, deterioration, storage, preparation, or handling of any animal and vegetable matter in any place or at any point where food is prepared for human consumption, including all kitchen and dining room refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, schools, stores, warehouses, cold storage plants, creameries, bakeries, or any other source whatsoever existing in the City.

LITTER Includes, but is not limited to:

1. Trash, rubbish, refuse, garbage, paper, rags, and ashes;
2. Wood, plaster, cement, brick or stone building rubble;
3. Grass, leaves and worthless vegetation;
4. Offal or dead animals; and
5. Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended function, or are cast off, discarded or thrown away or left as waste, wreckage or junk.

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REFUSE Includes the waste material from normal households or living conditions and business operations other than garbage, but shall not include waste materials from building construction or repair, factory wastes, or refuse from industrial plants or any character. In general the kinds of materials classified as REFUSE are paper, rags, bottles, tin cans, bottle caps, cardboard, worn-out clothing or furniture, household appliances, excelsior, garden or tree trimmings and similar materials.

SPECIAL WASTE A solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household or construction and demolition waste and which requires special handling, treatments or disposal methodologies in order to protect public health, safety and the environment.

WASTE MATERIAL Includes all items, objects or material not included within the definition of garbage, litter, dead animals, yard waste or refuse as well as petroleum oils, greases, solvents, fuels, insecticides, herbicides, chemical waste, hazardous materials or any materials similar to those listed herein.

YARD WASTE Grass and leaves and shall not include other yard debris such as tree limbs and brush. (*Ord. No. 709, 6/7/01*)

**§4-402**        **NUISANCES; NUISANCES DECLARED.** The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things, are hereby declared to be nuisances:

- (1) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
- (2) Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
- (3) Trash, litter, packing materials, scrap metal and lumber, junk automobiles and parts, materials creating conditions that are a fire hazard, and other unsightly or unsanitary conditions that would depreciate the value of property in the vicinity thereof or which would constitute a menace to public health, safety or welfare.
- (4) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.
- (5) All places used as junk yards, dumping grounds, or for the storage of worn-out vehicles or machinery of any kind, or of any of the parts thereof.
- (6) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowl of any kind are confined or on which are stored manure tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said

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places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or are maintained and kept in such a manner as to be injurious to the public health, safety or welfare.

(7) All other nuisances specifically designated elsewhere in this Code or recognized at law or equity. *(Amended by Ord. No. 709, 6/7/01)*

**§4-403      NUISANCES; LITTER PROHIBITED; PUBLIC NUISANCE.** It shall be unlawful and hereby declared a public nuisance to litter or cause litter to be deposited or remain on any lot or piece of ground within the City of within one (1) mile of the corporate limit of the City except in approved dumpsters. *(Ord. No. 709, 6/7/01)*

**§4-404      NUISANCES; APPROVED METHODS OF DISPOSAL.** (A) Approved methods of disposal for garbage, litter, refuse and waste materials are as follows:  
(1) By disposal of garbage into an approved dumpster provided by garbage franchisee  
(2) By hauling to the sanitary landfill transfer station and dispensing there as directed by the person in charge.  
(B) Approved methods of disposal for yard waste are as follows:  
(1) By utilizing such yard waste in an approved backyard composting site.  
(2) By hauling to the City provided dumpster specifically maintained for yard waste and by dumping into the same. *(Ord. No. 709, 6/7/01)*

**§4-405      NUISANCES; REMOVAL; DUTY OF OWNER.** It shall be the duty of every owner and person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house, or eating place, or in possession, in charge, or in control of any shop, place of business, or manufacturing establishment, where garbage, litter, refuse, yard waste or other waste material is created, or accumulated, to remove or cause to be removed from the premises where accumulated such garbage, litter, refuse, yard waste or waste material. It shall be unlawful to place garbage, litter, refuse, yard waste, or waste material in any alley, easement, property or public place. *(Ord. No. 709, 6/7/01)*

**§4-406      NUISANCES; ABATEMENT OF NUISANCES.**  
(A) If the owner, occupant, or agent in charge of any lot, building, or other premises, or the person responsible for the maintenance of a nuisance fails to abate said nuisance ten (10) days after a notice to abate has been mailed by ordinary first class mail and certified mail, return receipt requested, to the last known address of such person or persons, the City Attorney's office may, with consent of the Mayor, bring legal action to obtain abatement of the nuisance.  
(B) In the event legal action to abate a nuisance is commenced on behalf of the City, the City Attorney shall request that the court enter such order as is appropriate to expeditiously and completely abate said nuisance and that said order be of a continuing nature, permanently enjoining the defendant from continuing, maintaining, renewing or restoring a judgment against the defendant(s) for the cost incurred by the City in abating said nuisance conditions. *(Ord. No. 449, 12/1/77) (Amended by Ord. Nos. 693, 7/8/99; 709, 6/7/01)*

**Article 5. Penal Provisions**

**§4-501**        **VIOLATION; PENALTY.** 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 a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Amended by Ord. No. 694, 7/8/99)*

**§4-502**        **ABATEMENT OF NUISANCE.** 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 part of the judgment in the case. *(Ref 18-1720, 18-1722 RS Neb.)*