

## CHAPTER 91: HEALTH AND SAFETY

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***Cross-reference:***

*Board of Health, see § 32.01*

### **GENERAL PROVISIONS**

#### **§ 91.01 HEALTH REGULATIONS.**

For the purpose of promoting the health and safety of the residents of the village, 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.

***Statutory reference:***

*Authority to regulate, see Neb. RS 17-208*

**§ 91.02 ENFORCEMENT OFFICIAL.**

The Village Marshal or other official designated by the Board of Trustees, as the quarantine officer, shall be the chief health officer of the village. It shall be his or her duty to notify the Board of Trustees and the Board of Health of health nuisances within the village and its zoning jurisdiction.

**Statutory reference:**

*Quarantine officer, see Neb. RS 17-208*

**§ 91.03 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 village.

**NUISANCES****§ 91.20 DEFINITION.**

(A) *General definition.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**NUISANCE.** Consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health, or safety of others;
- (b) Offends decency;
- (c) Is offensive to the senses;
- (d) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the village;
- (e) In any way renders other persons insecure in life or the use of property; or
- (f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(B) *Specific definition.* 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) Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;
- (3) Filthy, littered, or trash-covered cellars, houseyards, barnyards, stableyards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;
- (4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the village;
- (5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity; provided, that nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the village, nor the dumping of non-putrefying waste in a place and manner approved by the health officer;
- (6) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
- (7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger, or which are so unsightly as to depreciate property values in the vicinity thereof;
- (8) 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 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;
- (9) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in

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the vicinity thereof;

(10) Stagnant water permitted or maintained on any lot or piece of ground;

(11) 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 is stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the 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 village or are maintained and kept in such a manner as to be injurious to the public health; or

(12) All other things specifically designated as nuisances elsewhere in this code.  
Penalty, see § 10.99

**§ 91.21 ABATEMENT PROCEDURE.**

(A) The owner or occupant of any real estate within the corporate limits or zoning jurisdiction of the village shall keep such real estate free of nuisances. Except to the extent that conflicting procedures are otherwise provided, the procedures in this section shall apply to abatement of nuisances.

(B) Upon determination by the Board of Health or designated official that the owner or occupant of any such real estate has failed to keep the real estate free of nuisances, notice to abate and remove such nuisance and notice of the right to a hearing before the Board of Trustees and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or by certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village or by conspicuously posting the notice on the real estate upon which the nuisance is to be abated and removed. The notice shall describe the condition as found by the Board of Health or designated official and state that the condition has been declared a nuisance and must be remedied at once.

(C) If within 5 days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant of the real estate does not request a hearing with the village or fails to comply with the order to abate and remove the nuisance, the village may have such work done.

(D) If within 5 days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant requests in writing a hearing with the Board of Trustees, the Board shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by personal service or certified mail and require the owner or occupant to appear before the Board to show cause why such condition should not be found to be a nuisance and remedied. The notice shall be given not less than 7 nor more than 14 days

before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, the Board shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Board of Health or designated official. If after consideration of all the evidence, the Board of Trustees finds that the condition is a nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the nuisance at once. If the owner or occupant refuses or neglects to promptly comply with the order to abate and remove the nuisance, the Board may have such work done.

(E) The costs and expenses of any such work shall be paid by the owner. If unpaid for 2 months after such work is done, the village may either:

(1) Levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed; or

(2) Recover in a civil action the costs and expenses of the work upon the real estate and the adjoining streets and alleys.

**Statutory reference:**

*Authority to regulate and abate nuisances, see Neb. RS 18-1720*

*Nuisances prohibited, see Neb. RS 28-1321*

*Similar provisions, see Neb. RS 17-563*

*Zoning jurisdiction, Neb. RS 17-1001*

**Cross reference:**

*Authority to obtain injunction against nuisance, see § 10.99*

**§ 91.22 ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL.**

In cases of appeal from an action of the Board of Trustees condemning real property as a nuisance or as dangerous under the police powers of the village, the owners of the adjoining property may intervene in the action at any time before trial.

**Statutory reference:**

*Similar provisions, see Neb. RS 19-710*

**§ 91.23 DEAD OR DISEASED TREES.**

(A) (1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the village.

(2) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance,

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the village may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied or assessed.  
(Neb. RS 17-555)

(B) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the village. The provisions in division (A)(2) shall apply to such nuisances. For the purpose of carrying out the provisions of this section, the village police shall have the authority to enter upon private property to inspect the trees thereon.

### § 91.24 WEEDS; LITTER; STAGNANT WATER.

(A) Lots or pieces of ground within the village shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the village shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the village is prohibited.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground within the village or on the adjoining streets or alleys or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) 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. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within 5 days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the village or fails to comply with the order to abate and remove the nuisance, the village may have such work done.

(2) The costs and expenses of any such work shall be paid by the owner. If unpaid for 2 months after such work is done, the village may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece

of ground so benefitted in the same manner as other special taxes for improvements are levied and assessed; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LITTER.** Includes but is not limited to:

- (a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;
- (b) Wood, plaster, cement, brick, or stone building rubble;
- (c) Grass, leaves, and worthless vegetation except when used as ground mulch or in a compost pile;
- (d) Offal and dead animals; and
- (e) 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 functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

**WEEDS.** Include, but are not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(Neb. RS 17-563) Penalty, see § 10.99

#### § 91.25 GARBAGE AND REFUSE.

(A) The owner, duly authorized agent, or tenant of any lot or land within the corporate limits or zoning jurisdiction of the village shall remove garbage or refuse found upon the lot or land or upon the streets, roads, or alleys abutting the lot or land which constitutes a public nuisance.

(B) Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. The notice shall be provided by personal service or by certified mail. After providing the notice, the village through its proper

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offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot or land and streets, roads, or alleys.

(C) If the Chairperson of the Board of Trustees declares that the accumulation of garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the village shall remove the garbage or refuse, or cause it to be removed, from the lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with division (B) of this section if the garbage or refuse has not been removed.

(D) Whenever the village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this section, it shall, after a hearing conducted by the Board of Trustees, assess the cost of the removal against the lot or land.  
(Neb. RS 18-1752)



## VILLAGE OF STRATTON

### ORDINANCE NO. 215

AN AMENDING MUNICIPAL CODE SECTION 25 OF CHAPTER 91 OF TITLE IX RELATING TO THE DISPOSAL OF SOLID WASTE (GARBAGE), ORDINANCE 192; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF STRATTON, NEBRASKA:

SECTION 1. Section 25 of Chapter 91 of Title IX entitled "The Disposal of Solid Waste (Garbage)", Ordinance 192 of the Municipal Code of the Village of Stratton, Nebraska is hereby amended by amending and/or adding the following:

#### **§91.26 MUNICIPAL SOLID WASTE MANAGEMENT; OPERATING AND FUNDING**

The Governing Body, for the purpose of defraying the cost of the care, management and maintenance of the Municipal Solid Waste Management System may each year levy a tax not to exceed the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Municipal Solid Waste Management Fund and shall remain the custody of the Municipal Solid Waste Management System. The Governing Body shall have the authority to adopt rules and regulations for the sanitary and efficient management of said system. The Governing Body shall provide by resolution for the management and operation of said system and shall set the rates to be charged for services rendered by resolution and file the same in the office of the Municipal Clerk/Treasurer for public inspection at any reasonable time. (Ref Neb Rev Stat §19-2101 through §19-2112)

#### **§91.27 MUNICIPAL SOLID WASTE MANAGEMENT; LOCAL REGULATIONS**

The Municipality shall adopt solid waste disposal regulations that consider collection, transportation, storage, processing, resource recovery and disposal of solid waste, developmental and operation plans for solid waste disposal areas, fire prevention, ground water protection, handling of liquid and hazardous materials, insect and rodent control and the methods of disposing of accumulations of junk outside of solid waste disposal areas.

#### **§91.28 MUNICIPAL SOLID WASTE MANAGEMENT; COMPLIANCE WITH NEBRASKA INTEGRATED SOLID WASTE MANAGEMENT ACT**

The Municipality shall operate and manage its municipal solid waste management system in conformance to the Nebraska Integrated Solid Waste Management Act. (Ref Neb Rev Stat §13-

2001 through §13-2043)

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall be published or posted and shall be in full force and take effect August 21, 2023.

Passed and approved this 21<sup>st</sup> day of August, 2023.

  
Shawn Hanes, Chairman

ATTEST:

  
Tara Hedrick, Village Clerk

(SEAL)

## VILLAGE OF STRATTON

### Ordinance No. 199

AN ORDINANCE TO ESTABLISH AN ORDINANCE VIOLATION TAG SYSTEM, ESTABLISH A FINES SCHEDULE AND PROCEDURE FOR WAIVING COURT APPEARANCE; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE. BE IT ORDAINED BY THE VILLAGE OF STRATTON THAT:

**Section 1.** A new Section 91.04 is added to the Municipal Code of the Village of Stratton, Nebraska as follows:

ORDINANCE VIOLATION; MUNICIPAL TAGS TO BE NOTICE; EFFECT OF FAILURE TO RESPOND TO TAG. The violation of any provision of the Municipal Code of the Village of Stratton, Nebraska, may be given notice in the form of an official Ordinance Violation tag which shall either be (1) attached to the motor vehicle of the violator, (2) attached to improvements located upon the subject real estate, or (3) presented to the individual violator in person, which notice shall require such violator to appear forthwith to the Village Office and pay the fine as indicated on the Ordinance Violation tag. If such violator shall fail to appear in response to such notice, within a period of thirty days and pay the penalty in full, a complaint shall be filed in County Court and a summons to appear shall be issued to the violator for such violation.

**Section 2.** A new Section 91.04 is added to the Municipal Code of the Village of Stratton, Nebraska as follows:

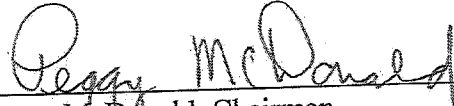
ORDINANCE VIOLATIONS; ACTION TO BE TAKEN BY PERSONS DESIRING TO WAIVE COURT APPEARANCE. Any violator of any village ordinance appearing as required by Section 91.04 and desiring to plead guilty and waive court appearance shall sign a guilty plea

and waiver of court appearance within thirty days of issuance and shall pay to the village the sum set by resolution of the village board of trustees, which resolution shall be kept in the offices of the Village Clerk and displayed to all violators who request to see the same.

**Section 3.** That all Ordinances or sections thereof passed and approved prior to the effective date of this Ordinance and in conflict with the provisions of this Ordinance, are hereby repealed.

**Section 4.** The Ordinance shall take effect and be in full force from and after its passage, approval and publication according to law.

Passed and approved this 21st day of October, 2019.

  
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Peggy McDonald, Chairman

ATTEST:

  
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Tara Hedrick, Village Clerk