

ORDINANCE NO. 564

AN ORDINANCE PROVIDING FOR THE CITY TO AUTHORIZE EXCLUSIVE TRASH AND GARBAGE PICKUP BY THE ISSUANCE OF FRANCHISE; SETTING FORTH CERTAIN DEFINITIONS; PROHIBITING THE HAULING OF GARBAGE AND TRASH EXCEPT BY A FRANCHISE HOLDER; REQUIRING CERTAIN GARBAGE CONTAINERS; ESTABLISHING A FORMAT TO DEVELOP RATES AND CHARGES FOR TRASH AND GARBAGE PICKUP; PROVIDING FOR THE BILLING AND PAYMENT OF SUCH CHARGES; PROVIDING THAT SUCH LICENSE IS NOT TRANSFERABLE AND NOT A PROPERTY RIGHT; PROVIDING FOR PENALTIES FOR VIOLATION OF SAID ORDINANCE; PROVIDING FOR THE REVOCATION OF A FRANCHISE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG:

ARTICLE I. IN GENERAL.

FINDINGS: The City Council finds that it is in the best interests of the health of the citizens of the City to establish uniform pickup of trash and garbage in the City, to encourage recycling of discarded material and that this ordinance accomplishes those purposes.

Section 1. The Authority to issue franchises for the hauling of garbage and trash from the City of Gothenburg is hereby reserved to the City Council of Gothenburg.

Section 2. All franchises issued pursuant to the ordinance shall be nonexclusive and be for a period of 1 year(s).

Section 3. Definitions. For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them:

Garbage: Food wastes from kitchens, shops and stores, including peelings, vegetable tops, wastes from meats, fish and poultry and such leftovers as are not suitable for keeping and using, and other perishable wastes that attend the preparation, use, cooking or the dealing in or storage of meats, fish, fowl, fruits or vegetables.

Trash: Wastepaper, scrap lumber, packing boxes, crates, paper or pasteboard boxes, cartons, excelsior, hay, straw, and other combustible packing materials and refuse, broken glass, tin cans and containers and all other waste materials, but excepting hot ashes, manure and dead animals.

City: The City of Gothenburg, Dawson County, Nebraska.

Licensee: The person, firm or corporation granted a franchise to haul trash and garbage from the City of Gothenburg.

Council: The City Council of the City of Gothenburg, Dawson County, Nebraska.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

Section 4. Hauling Garbage, Etc. For Hire. It shall be unlawful for any person to haul for hire, other than a Licensee, any garbage, trash, wastepaper, tin cans, bottles or other waste and discarded material within the

city or away from the city; provided, however, that this section shall not apply to any person who elects to haul, transport and dispose of his or her own garbage and other waste, who may do so in accordance with the rules and regulations established by the City Council from time to time. This section shall not be construed to prevent any person from hauling material from the City to be recycled.

Section 5. Garbage Containers Required. Every household or occupant of any dwelling house or other building used for the housing of persons and the owner, keeper or manager of every hotel, restaurant, store, wholesale business, retail business or other place where garbage accumulates in the city, shall use only enclosed containers for the keeping and storage for collection of garbage, rubbish, trash or waste materials, which containers are provided by the Licensee.

Section 6. Any person applying for a license under this ordinance will obtain such a license subject to the fee schedule on rates and charges currently in effect for the term affected by his license. Within five (5) days from the obtaining of a franchise under this ordinance, the licensee shall file its consent to all of the terms and conditions of this ordinance, all rate schedules then in effect and all of the terms and conditions of the franchise agreement. In the event such consent is not filed, then, and in that event, all rights under such franchise agreement shall cease and terminate.

Section 7. Rates and Charges.

(a) A schedule of charges for the collection of refuse and garbage shall be adopted by resolution of the City Council. The licensee shall have authority to set special rates for pick up of items which will not fit in refuse containers, subject to approval of the council.

(b) Sanitation service charges will be billed with water, electrical and sewer use fees and such charges will be effective with billing made on or after Feb. 8, 1991. Charges will be collected at the same time, in the same manner and by the same officers as electrical, water and sewer charges are collected by the city. If not paid within 12 days after billing, it shall be deemed delinquent. All payments on the unified bill shall be deemed paid first on the amount due for sanitation service.

Section 8. Increased Costs. The Council is authorized to establish, by resolution a schedule which takes into account increase in tipping fees, fuel prices and other items.

Section 9. Licenses Not Transferable: Any license granted pursuant to this ordinance shall not be deemed a property right and may not be transferred to any person. Any sale of any trash or garbage collection business may not transfer any franchise under this agreement. Any persons desiring to obtain such a franchise must make application to the City Council.

Section 10. Certain Materials Prohibited. Poisons, explosives, dangerous or corrosive chemicals,

clothing taken from persons with infectious diseases, heavy metals or metal parts, lumber, rocks, bricks, concrete blocks, tires, crates, vehicle batteries and other refuse from construction or remodeling, shall not be placed in garbage containers provided by the Licensee. Damage to any container shall immediately be reported to the Licensee by the party to whom the container is assigned or by the party who has damaged the container.

Section 11. The Council may, for cause, revoke a franchise after providing the Licensee with notice of the charges therefore and after a public hearing thereon by said Council.

Section 12. Rules and Regulations. The City Council shall be empowered and authorized to promulgate rules and regulations concerning the garbage collection policies of the city which deal with subjects or matters concerning garbage collection not provided for by ordinance or resolution of the city council. The City Council may authorize seasonal collection programs, such as neighborhood or self-service trash dumping.

Section 13. Initial Service. Every owner of real property within the city limits and the owner(s) of every platted lot or other real property hereafter annexed to the city, whether by acceptance and approval of a plat or subdivision, or by formal annexation of an established subdivision, government entity, or sanitary improvement district, who apply to the city for original water, sewer, and/or sanitation service for the said real property shall

pay an initial service charge as provided by resolution of the city council.

Section 14. Any person violating the terms of this ordinance shall be subject to a fine of \$100.00 for each occurrence.

Section 15. Repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. Effective Date. This ordinance shall take effect on the 1st day of January 1990.

DATED: 11-20-90

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

BY Eldon Lepp
Eldon Lepp, Mayor

ATTEST:

Connie Stull
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon
Michael L. Bacon,
City Attorney
MLB/lc/city86