

CHAPTER 9

GARBAGE AND REFUSE.

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9-101. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) Beneficial fill. The use of uncontaminated sand, gravel, stone, soil, rock, brick, concrete rubble, asphalt rubble, or similar material, or some combination thereof, for the purpose of erosion control, erosion repair, channel stabilization, landscaping, road bed preparation or other land improvement.

(2) City/County Service Area. The area consisting of the City of Hastings, and Adams, Clay, Franklin, Kearney, Nuckolls, and Webster Counties.

(3) Construction and demolition waste. Waste which results from land clearing, the demolition 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 wall paper, 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.

(4) Hazardous waste. Any waste designated or defined as a hazardous waste by N.A.C. Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska, which for purposes of general definition is a solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(5) Solid waste department. The department under the direction and control of the City Engineer which is responsible for administering all waste matters for the City of Hastings, Nebraska.

(6) Person. Any individual, corporation or other business entity.

(7) Recyclable material. Materials which are gathered, collected, or separated for the express purpose of preparation for and delivery to a secondary market for reuse, including materials such as newspaper, corrugated cardboard, magazines, computer printout paper, office paper, glass containers, plastics, tin cans, ferrous metal, and aluminum containers.

(8) Solid waste. Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities, but solid waste shall not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Clean

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Water Act, as amended, 33 U.S.C. 1251et seq., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 68 Stat. 923.

(9) 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, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

(10) Waste. The term waste shall include all types of waste, including solid waste, wood waste, construction and demolition waste, and yard waste.

(11) Wood waste. All tree debris more than one-half inch in diameter, stumps, pallets, lumber from construction and demolition projects, and any other wood products.

(12) Yard waste. Leaves, grass clippings, vegetable or garden debris, shrubbery, or brush or tree trimmings (no more than one-half inch in diameter) that can be converted into compost humus. (Code 1973, 15-1; Ord. Nos. 1684, 3243-1/92, 3312-4/93, 3396-5/94 and 3768-10/2000)

9-102. Rules and regulations of Solid Waste Department.

The Mayor and Council shall, from time to time, enact such reasonable rules and regulations as may be deemed expedient to properly regulate and control the collection, hauling, transportation and disposal of waste. Three (3) copies of such rules and regulations shall be filed in the office of the City Clerk. Any permitted landfill facility will operate in accordance with the most current regulations of the Nebraska Department of Environmental Quality. (Code 1973, 15-2; Ord. No. 1684 and 3768-10/2000)

Reference: As to Board of Health generally, see 2-801 to 2-805 of this Code.

9-103. Handling of waste.

Except as otherwise provided in this code:

(1) All solid waste shall be removed from every premises by the owner or occupant thereof, or by a licensed hauler, as often as is necessary, but in no event less than once each week.

(2) No solid waste or recyclable materials shall be burned or buried, except as provided in Chapter 13 of the Hastings City Code.

(3) All loads of waste transported to the Hastings/Adams County Sanitary Landfill in vehicles shall be covered; provided however, this requirement shall not apply when the entire load of waste is of such bulk that it is unlikely that any of such waste will blow out of or fall out of the vehicle when being driven at the speed of fifty five (55) miles per hour. Violation of this requirement shall subject the driver of the vehicle to double fees at the landfill gate. (Code 1973, 15-3; Ord. Nos. 1684, 2808, 3312-4/93 and 3768-10/2000)

9-104. Permits required; occupation tax.

(1) No person shall collect, haul, transport, or dispose of any waste for any consideration whatsoever, without having obtained a Permit to Collect and Transport Waste from the Solid Waste Department.

(2) No person shall collect, haul, transport, dispose of, or process any recyclable materials for any consideration whatsoever, without having obtained a Permit to Collect and Transport Recyclable Materials from the Solid Waste Department.

(3) Application for any permit under this section shall be made upon forms provided by the Solid Waste Department, and no permit shall be issued until the applicant has:

(a) paid an occupation tax as established in Hastings City Code Section 5-202 for the category of "solid waste hauling/recycling";

(b) demonstrated to the City Solid Waste Department that all vehicles and equipment utilized in the permitted activity meet standards established by the City;

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(c) furnished a corporate surety bond and a certificate of insurance as required by the rules and regulations of the City;

(d) demonstrated to the City Solid Waste Department that applicant will comply with all other rules and regulations of the City which pertain to the permitted activity.

(4) A separate occupation tax shall be charged for each of the above two described activities, but any person engaging in both activities shall be required to furnish only one corporate surety bond and certificate of insurance, covering both activities.

(5) The obligation to obtain a permit and pay an occupation tax shall not apply to local governmental subdivisions, the State of Nebraska, the federal government, nonprofit organizations, or to persons whose collection and transportation of solid waste is incidental to another primary activity in or near the City of Hastings, such as lawn care.

(Code 1973, 15-4; Ord. Nos. 1684, 3243-1/92, 3312-4/93 and 3768-10/2000)

9-105. Facilities.

(1) The Hastings City Council shall, by resolution or motion, designate or permit the use of one or more places for the deposit or disposal of waste. It shall be unlawful for any person to deposit or dispose of any waste within the city or its two-mile zoning jurisdiction, except within said designated or permitted areas. It shall be unlawful for any person to remove any solid waste deposited or disposed at any such facility, except with the permission of the City Engineer or his or her designee.

(2) All hazardous waste and yard waste are banned from the Hastings/Adams County Sanitary Landfill. Wood waste may be deposited or disposed of in the Hastings/Adams County Sanitary Landfill only in areas designated for such purpose by the Solid Waste Department. Any person who deposits or disposes, or causes the deposit or disposal of hazardous waste or yard waste in the Hastings/Adams County Sanitary Landfill shall be deemed guilty of a misdemeanor, and punished as provided in Hastings City Code Section 9-111. Any person who deposits or disposes, or causes the deposit or disposal of wood waste in any part of the Hastings/Adams County Sanitary Landfill which is not designated for such purpose by the Solid Waste Department, shall be deemed guilty of a misdemeanor, and punished as provided in Hastings City Code Section 9-111.

(Code 1973, 15-6; Ord. Nos. 1684, 3312-4/93 and 3768-10/2000)

9-106. Disposal of special wastes.

(1) The Solid Waste Department may, in its sole discretion, accept special wastes for disposal, but only if said special wastes are accompanied by a special permit from the Nebraska Department of Environmental Quality.

(2) No special waste shall be accepted at the sanitary landfill unless the appropriate disposal fees have been paid as established by the fee resolution then in effect.

(Ord. Nos. 3127-6/89, 3312-4/93 and 3768-10/2000)

9-107. Prohibitions against certain waste.

It shall be unlawful for any person to deposit or cause to be deposited, any waste in the Hastings/Adams County Landfill unless such waste originates from within the City/County Service Area, or as may be permitted by the City Council.

(Ord. No. 3146-10/89, 3526-3/96 and 3768-10/2000)

9-108. Unauthorized dumping and littering.

(1) Except as provided hereinafter, no person shall throw or deposit any waste upon or into any street right-of-way, alley, container or other property on any premises, public or private, or in any manner which violates Hastings City Code Section 9-109.

(2) Any person may deposit any waste into a container located on a public or private premises, only with the permission of the owner, proprietor, occupant or agent in charge of that premises, and for the purposes of this provision, the City of Hastings does hereby grant permission to deposit in containers located in its public parks, on its public streets, and in other public facilities, any waste generated in the course of the use of such public park, public street or other public facility. The City does not grant permission, and it is hereby

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declared unlawful, for any person to deposit waste into any container located in any public park, public street or other public facility, when such waste was not generated in connection with the use of said public park, public street, or other public facility.

(3) The City of Hastings shall provide suitable permitted landfill or transfer station areas for the disposal of waste. It shall be unlawful, except as set forth herein, to unload or deposit any waste hauled from any premises within the corporate limits of the City of Hastings and destined for disposal within the State of Nebraska, at any place other than the approved disposal site designated as the landfill or transfer station areas provided by the City of Hastings. The prohibition herein shall not apply to solid waste processed at a materials recovery facility operated pursuant to a permit issued by the Nebraska Department of Environmental Quality.

(4) The Hastings Police Department shall enforce the provisions of this section.
(Ord. Nos. 3243-1/92, 3312-4/93 and 3768-10/2000)

9-109. Construction and demolition waste.

It shall be unlawful for any person to deposit, or cause to be deposited, any construction and demolition waste upon lands, premises or property in the city or within 2 miles of the limits thereof, except in a construction and demolition landfill existing under a conditional use permit therefor pursuant to Chapter 34 hereof, except that the following activities are not prohibited by this section nor shall a conditional use permit be required therefor pursuant to Chapter 34 hereof:

(1) The use of dirt, stone, brick or other inorganic compounds for beneficial fill, so long as no excavation of the area to be filled occurs prior to deposit of said material.

(2) The storage of recoverable rubble upon property zoned Agricultural, Industrial-1 or Industrial-2 for a temporary period, not to exceed six (6) months. Storage of recoverable rubble means the placement on land of separate piles or rows of recoverable items consisting of asphaltic concrete, portland cement concrete, brick or stone for the purpose of storage to allow the removal and recycling of such material. Such piles or rows must be arranged so as to be readily accessible to loading and hauling equipment operated on the same grade as the base of such piles or rows; provided, that a person who desires to deposit beneficial fill or store recoverable rubble upon lands, premises or property in the city or within 2 miles of the limits thereof, shall first notify the Director of the Public Works Division and receive the written authorization of said person, or his designee, before commencing said activity, and, with respect to the storage of recoverable rubble, obtain a surety bond in an amount of not less than \$200,000, or such larger amount as may be determined by the Director of the Public Works Division, based upon the volume of recoverable rubble to be deposited thereon, to assure compliance with this ordinance, including the removal requirements thereof.

(3) Beneficial fill or recoverable rubble may be placed on lands in a flood plain or wetlands only when placed in conformance with all federal, state and local regulations applicable thereto.
(Ord. No. 3396-5/94 and 3768-10/2000)

9-110. Nuisance; enforcement.

It shall be unlawful for any person in possession, charge of, or control of any premises to keep, cause to be kept or allow the keeping on any premises within the City, of any type of waste or recyclable materials in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance. The Director of Development Services, or his or her designee is hereby authorized to inspect any premises in the City for the purpose of seeing that the requirements of this section are being complied with. The Hastings Police Department shall enforce the provisions of this chapter.
(Ord. Nos. 3243-1/92, 3312-4/93, 3396-5/94 and 3768-10/2000)

9-111. Violations; penalty.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined any sum not more than \$100.00 for each offense. Every day on which such violation shall continue, shall be deemed as a separate and distinct offense.
(Ord. No. 3243-1/92 and 3396-5/94)