

ORDINANCE 1031

AN ORDINANCE OF THE CITY OF ASHLAND, NEBRASKA, TO AMEND HEALTH AND SANITATION AND SOLID WASTE REGULATIONS BY AMENDING CHAPTER 4, ARTICLE 2 OF THE ASHLAND MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ASHLAND, SAUNDERS COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. Section 4-201 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 2. Section 4-202 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-202 SOLID WASTE; DISPOSAL.

The Municipality may provide or contract for, according to Nebraska State Statute, the disposal of non-hazardous solid waste from residential, commercial, institutional and governmental premises within its solid waste jurisdiction area. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility approved by the Governing Body and which meets all state and federal criteria. The Governing Body shall approve and is authorized to contract with any such licensed landfill facility for these purposes. *(Ref. 13-2020 RS Neb.)*

SECTION 3. Section 4-203 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-203 SOLID WASTE DISPOSAL; CONTRACTS FOR SERVICE; COLLECTION BY PRIVATE PERSONS; LICENSES.

- (A) The Municipality may contract with independent contractors to provide for the collection and disposal of non-hazardous solid waste after due process and according to proper bidding and letting procedures according to Nebraska State Statute. Any such contractor shall enter into a written agreement with the Municipality, which agreement shall provide for the rates to be charged and such other terms and conditions as may be required by the Governing Body.
- (B) In the event the Council deems it neither expedient nor advisable to enter into a contract for the collection of garbage, rubbish, trash or waste throughout the City as herein provided, any person may upon written application to the City Clerk and satisfaction of all applicable requirements of the City and State be issued a written license to engage in said work. Such applicant must satisfy the City Council that it can and will comply with all applicable provisions of the City Code before the license may be authorized. A fee will be charged for the issuance of the license at the discretion of the Governing Body. Said license shall entitle the recipient thereof to haul and collect garbage, rubbish, trash

and waste from householders or tenants in the City until April 30th after the date of issuance. Such license may be renewed annually if the Governing Body shall not, in the meantime, have elected to enter into a contract with a licensed collector according to Nebraska State Statute. The application for said licenses shall be on standard forms prepared by the City and shall elicit such information on the subject, as the Governing Body shall deem in the public interest. It shall be unlawful for any person to haul or collect for hire any garbage, rubbish, trash or waste for others in said city without first procuring a license from the City. *(Ref. 13-2020 RS Neb.)*

SECTION 4. Section 4-204 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 5. Section 4-205 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-205 SOLID WASTE DISPOSAL; MANDATORY SERVICE; BILLING.

Every residential, commercial, institutional and governmental building or premises in the municipal solid waste jurisdiction area shall be served at least once a week by the solid waste collection and disposal service system offered by the Municipality or a licensed hauler and shall be subject to the assessment and payment of charges for such services and collection action for any service fees not paid. The Municipality may also agree to provide such service to persons who do not live within the municipal solid waste jurisdiction area but who are served by Municipal utilities or who are within such close distance to the municipal solid waste jurisdiction area as to make such service economical and practical for the Municipality and its contracted or licensed hauler or haulers.

SECTION 6. Section 4-206 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 7. Section 4-207 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 8. Section 4-208 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 9. Section 4-209 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 10. Section 4-210 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 11. Section 4-211 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 12. Section 4-212 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 13. Section 4-213 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 14. Section 4-214 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 15. Section 4-215 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 16. Section 4-216 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-216 SOLID WASTE DISPOSAL; LICENSED HAULERS; FEE.

It shall be unlawful for any person to collect and transport garbage or refuse for hire without first obtaining a license therefore from the City.

- (A) The license year shall run from May 1 to April 30 of the following calendar year.
- (B) The Governing Body shall set the fee for a license by resolution no part of which shall be refundable.
- (C) The provisions of this section shall not apply to lawn care, tree trimmer businesses or construction debris roll-off container operators that place roll-off containers on a temporary basis at an active construction site.
- (D) No license issued hereunder shall be transferable.
- (E) Certain provisions will be attached to the license including but not limited to, the licensed hauler providing the City with a list of current addresses served by the hauler that reside in the Municipality's jurisdiction. Such list will be provided to the City every month by the 15th of that month.

SECTION 17. Section 4-217 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 18. Section 4-218 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-218 SOLID WASTE DISPOSAL; LICENSED HAULERS; APPLICATION FOR LICENSE; RENEWAL.

Any person applying for a garbage hauler's license shall file the following with the City Clerk:

- (A) A completed application form;
- (B) A list of all vehicles and auxiliary equipment to be used by the applicant in collecting and transporting garbage or refuse. All motor vehicles shall be identified in the manner required by Section 4-219;
- (C) A certificate of insurance as required by Section 4-222;
- (D) A performance bond as required by Section 4-223;
- (E) The fee for the license for which application is made as established by the City Council;

- (F) A copy of the document appointing an agent pursuant to Section 4-217 (D), if the residency requirement of said section is being met under that subsection;
- (G) All documentation from any Federal, State or other regulatory authority demonstrating compliance with that authority's regulations, if applicable.

After receiving the application the City Clerk will put the application on the next available City Council agenda for approval by the City Council.

The procedure for license renewal shall be the same as for a new license, with the additional requirement that the licensee must file his, her, or its application for renewal at least ten days but not more than thirty days prior to the expiration date of the license.

SECTION 19. Section 4-219 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 20. Section 4-220 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 21. Section 4-221 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 22. Section 4-222 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 23. Section 4-223 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-223 SOLID WASTE DISPOSAL; LICENSED HAULERS; PERFORMANCE BOND.

- (A) Each garbage hauler licensee shall maintain in full force and effect a performance bond with a corporate surety licensed to do business in Nebraska and in favor of the City and all customers of the licensee, guaranteeing:
 - (1) That all services purchased by the licensee's customers shall be furnished in a manner in full compliance with the provisions of Section 4-216 through Section 4-228 inclusive, or the money paid therefore be refunded in total to said customer or customers;
 - (2) That all the licensee's duties under all contracts with residential customers shall be performed; and
 - (3)
- (B) The bond required hereby shall be in the amount of Twenty-five Thousand Dollars (\$25,000.00).

SECTION 24. Section 4-224 of the Municipal Code of Ashland, Nebraska is amended to read as follows:

§4-224 SOLID WASTE DISPOSAL; LICENSED HAULERS; LICENSE REVOCATION.

- (A) The City Council may, after notice and hearing, suspend or permanently revoke a garbage hauler's license, for one or more of the following reasons:
- 1) Failing to maintain service of process requirements of Section 4-217.
 - 2) Failing to maintain all insurance required by Section 4-222.
 - 3) Misusing a license in violation of Section 4-226.
 - 4) Violating one or more provisions of this chapter relating to the collection and transportation of garbage, and/or trash; or sufficient and credible evidence has been presented to the City Council which demonstrates that the licensed garbage hauler has failed to properly service its customers and that such failures are significant enough to cause the City of Ashland concern for the community's public health, safety and welfare.
- (B) If the City Council determines that, based upon the evidence presented, a suspension is warranted, it shall order the hauler's license be suspended for a period of not less than thirty (30) nor more than one hundred eighty (180) days. Said suspension shall begin on the first day of the month following the date the order of suspension is entered. The licensee shall, before his, her, or its license may be renewed, refund to all customers all fees collected in advance for service to be rendered during the period of suspension; provided, that said licensee may, at his, her, or its option, pay a fine in lieu of suspension in the amount of ten (10) dollars for each day of suspension. Said option must be made and the fines must be paid prior to the first day of suspension under the Governing Body's order.
- (C) If the City Council determines that, based upon the evidence presented, revocation is warranted, it shall order the hauler's license to be revoked immediately. The order of revocation shall require the licensee to refund to his, her, or its customers, all fees collected in advance for services that were to be rendered after the date of revocation; and require the payment of all fees due the City.
- (D) Any licensee whose license has been revoked may not reapply for a license for a period of five years.
- 1) This prohibition shall apply to individuals, partners, corporate officers and agents, and all managerial personnel involved in the violations for which revocation was ordered.
 - 2) Nothing herein shall prohibit a licensee from employing a person who is subject to the order of revocation.

SECTION 25. Section 4-225 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 26. Section 4-226 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 27. Section 4-227 of the Municipal Code of Ashland, Nebraska shall now be added and read as follows:

§4-227 SOLID WASTE DISPOSAL; LICENSED HAULERS; LEVELS OF SERVICE OFFERED.

Every licensed garbage hauler shall offer regular collection service to all customers within the municipal solid waste jurisdiction area.

Upon customer request, every licensed garbage hauler shall provide minimum service collection.

The rate for minimum service collection shall be the minimum rate necessary to offset the cost of the minimal service and will not be used to offset the cost of services provided to other customers.

Haulers will provide a way for customers to occasionally dispose of additional refuse at additional cost. The hauler will charge an additional amount for this service, based on his additional cost to pick up, transport, process, and dispose of the additional refuse.

Nothing in this Article shall prohibit haulers from offering additional levels of service or suspending services for non-payment.

SECTION 28. Section 4-228 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 29. Section 4-229 of the Municipal Code of Ashland, Nebraska shall remain unchanged.

SECTION 30. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SECTION 31. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 3rd day of October 2006.

CITY OF ASHLAND
SAUNDERS COUNTY, NEBRASKA

BY: _____
Ronna Wiig, Mayor

ATTEST:

(SEAL)

Jessica Preister, City Clerk