

ORDINANCE NO. 621

AN ORDINANCE OF THE CITY OF RANDOLPH, CEDAR COUNTY, NEBRASKA, DEFINING A NUISANCE, DECLARING NUISANCES UNLAWFUL AND SETTING FORTH THE PROCEDURE TO ABATE A NUISANCE; PROVIDING A REPEAL OF ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES, AND PROVIDING A TIME WHEN THIS ORDINANCE GOES INTO FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RANDOLPH, CEDAR COUNTY, NEBRASKA:

SECTION 1. That Chapter 4 of the Code of the City of Randolph, Nebraska, is hereby amended by replacing Article 3, Section 4-302 and 4-303, with the following:

4-302 Nuisance; Declared Unlawful, Specifically Defined. 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 and shall be unlawful:

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 or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, 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 Municipality.
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, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the municipality, nor the dumping of nonputrifying waste in a

- place and manner approved by the health officer.
6. Tin cans, bottles, glass, cans, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash.
  7. 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.
  8. Stagnant water permitted or maintained on any lot or piece of ground.
  9. Stock yards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure in which animal or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter, including grain, is being processed when said 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.
  10. Any property within the City upon which litter has been thrown, deposited or accumulated. It shall be the duty of every owner, agent, occupant or person in possession of any lot or parcel of land within the City to keep the same free from litter. For purposes of this Section, 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) scrap metal or scrap rubber; (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 or are inoperative or unable to perform their intended functions, or are cast off, discarded or

thrown away or left as waste, wreckage or junk.

4-303 Nuisances; Abatement Procedure. 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 City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within five (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 City or fails to comply with the order to abate and remove the nuisance, the City may have such work done. If the owner or occupant does request a hearing, the governing body shall cause a hearing date to be filed and notice thereof to be served upon the owner, or owner's duly authorized agent, or the occupant. Such notice of hearing shall be by personal service or by certified mail and require such party or parties to appear before the governing body, or its designated hearing officer, to show cause why such condition should not be found to be a public nuisance and remedied. A return of service shall be required and such notice shall not be given less than five (5) days prior to the hearing. The governing body shall hear all objections made by interested parties and hear all evidence concerning the condition of the property. If, after consideration of all of the evidence, the Governing Body shall find that the said condition is a public nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the said public nuisance at once; Provided, the party or parties may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the Governing Body shall be stayed. Should the owner or occupant refuse or neglect to promptly comply with the order of the Governing Body, the Governing Body shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the Municipality, the City shall transmit to the Governing Body which is authorized to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. In the alternative, the

Governing Body may bill the landowner and recover in a civil action the costs and expenses of such work upon the lot or piece of ground. (Ref. 16-230, 17-207, 18-1720 RS Neb.)

**SECTION 2.** That any ordinances or portions of ordinances of the City of Randolph, Nebraska, which are in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 3.** That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 1<sup>st</sup> day of June, 2006.

CITY OF RANDOLPH

ATTEST:

  
City Clerk

By

  
Mayor