

## **ORDINANCE NO. 21-774**

AN ORDINANCE TO AMEND CHAPTER 99: SOLID WASTE DISPOSAL OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE SOLID WASTE COLLECTION, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 99 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

### **§ 99.02 COLLECTION AND DISPOSAL.**

(A) The municipality shall provide or contract for the collection and disposal of nonhazardous solid waste from residential, commercial, institutional and governmental premises within its solid waste jurisdiction area. The municipality is permitted to award an exclusive contract to obtain the best possible price for solid waste collection and disposal. These wastes shall be collected 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 licensed landfill facility for these purposes.

(B) It shall be unlawful for a solid waste collection contractor to provide services within the municipality without a contract awarded by the municipality.

(C) It shall be unlawful for any person other than the municipality or its solid waste collection contractor to collect, transport, recycle, compost, or dispose of solid waste, or pay another to do so, other than as permitted by the following:

(1) A person who generates solid waste, or who owns the premises upon which solid waste has generated or accumulated, may personally collect, transport and dispose of its own solid waste so long as it: (a) does so in accordance with all governing laws and regulations, and (b) disposes of such solid waste at a licensed landfill facility which meets all state and federal criteria.

(2) Any person may collect, transport, and dispose of solid waste during a period in which collection services by the city or its solid waste collection contractor are interrupted or delayed due to a labor strike or other circumstances affecting collection services throughout the city, provided such persons comply with any and all directives of the supervisor of public works.

(3) Any person to whom the city has issued a building permit and solid waste has accumulated and/or been generated at the temporary construction site of said building permit may haul such waste during the term of such permit.

(4) The supervisor of public works may, by written permit, authorize provisional bin service if the city's solid waste collection contractor fails to provide such service within five (5) calendar days after a customer order and such service is not thereafter provided within twenty-four (24) hours after notice to the city's solid waste collection contractor of such failure by the supervisor of public works.

(D) A monthly fee for solid waste collection and disposal services shall be set and approved by the City Council and shall be assessed as part of the City's monthly utility bill for each residence or commercial business. A person may have their residence or commercial business opted out of solid waste collection if the person can prove the waste was lawfully collected and hauled to a permitted facility. Such proof shall be provided by a receipt from a permitted facility, a statement from a licensed hauler, or other documentation acceptable to the City Council.

(1999 Code, § 4-202) Penalty, see § 99.99

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Passed and approved this 6<sup>th</sup> day of April, 2021.

**CITY OF FRIEND, NEBRASKA**



By: [Signature]  
MAYOR

Attest:

[Signature]  
CITY CLERK/TREASURER