

ORDINANCE NO. 42452

AN ORDINANCE to amend Omaha Municipal Code Sections 33-1, 33-25, 33-29, 33-30, 33-41, 33-42, 33-43, 33-44, 33-46, and 33-49 and to delete Omaha Municipal Code Sections 33-45 and 33-48; to provide definitions for terms; to establish procedures and rules for collection of materials, specifications for containers, amount of solid waste to be collected, and location for collection to make the Omaha Municipal Code consistent with the City's solid waste collection rules, practice, and contracts; to repeal Sections 33-1, 33-25, 33-29, 33-30, 33-41, 33-42, 33-43, 33-44, 33-45, 33-46, 33-48 and 33-49 as heretofore existing; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Omaha Municipal Code Sec. 33-1 is hereby amended to read as follows:

Sec. 33-1. - Definitions.

For the purposes of this chapter, except as otherwise provided, the following words and phrases shall have the meanings respectively ascribed to them:

Ashes: The solid waste products of coal, coke, wood and other fuels used for heating and cooling.

Bank stabilization: The regular and uniform placement on an earthen bank, without significant voids, of concrete, stone, brick, or creosote or pressure-treated wood, singularly or in combination, for the purpose of preventing or minimizing erosion. Metal may be used in conjunction with bank stabilization in the form of driven piles or structurally joined reinforcing rods or fabric. All such material, except driven piles, that has any dimension in excess of three feet shall have its greatest dimension lying flat on the bank slope. Bank stabilization does not include the piling of material, above the grade of other materials, at the top or toe of the bank.

Building rubble: Rubble from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and repairs.

City collector of solid waste: The city or the person contracting with the city to collect, haul or dispose of solid waste from residential property.

Commercial solid waste: Solid waste produced by retail, wholesale, service, and entertainment establishments, and by hotels and restaurants.

Demolition debris: Combustible and noncombustible waste material resulting from the demolition of structures, roadways or other paved surfaces, and excepting hazardous or toxic substances.

Filling: The placement, without significant voids, of earth, sand, broken concrete, stone or brick for the purpose of providing a stable raised grade of the property on which it is placed, with final cover of at least 24 inches of clean dirt, compacted and seeded to prevent erosion. Filling does not include and is not limited to the placement of wood, paper, plaster, gypsum board, brush, leaves, glass, grass clippings, garbage, vehicles, parts of vehicles, furniture, tires, appliances or trash.

Garbage: The organic waste and residue of animal, fruit, or vegetable matter arising from or attending the household preparation of meats, fish, fowl, fruits, and vegetables, and shall include the organic waste of animal, fruit, or vegetable matter attending the preparation of food from any home, hotel, hospital, church, restaurant, and commercial establishment.

Health department or department: The Douglas County health department.

Health officer: The director of the health department, or his authorized representative.

Industrial wastes: Waste from factories, processing plants and other manufacturing enterprises, other than items commonly disposed of as discards from dwellings.

Landfill: A limited refuse and demolition debris landfill or a sanitary landfill as defined in this section.

Limited refuse: All combustible and noncombustible waste material except garbage or hazardous or toxic substances.

Limited refuse and demolition debris landfill: A type of operation in which only limited refuse and demolition debris and trees or parts of trees are deposited by plan on a specified portion of land, and compacted by force applied by mechanical equipment and then covered with dirt or other approved material to a depth of not less than six inches over individual cells of the waste material so deposited and to a depth of not less than 24 inches over the finished landfill.

Litter: Trash, rubbish, refuse, paper, rags, ashes, grain, cobs, wooden or plaster building rubble, grass, leaves, worthless vegetation, offal and dead animals.

Planning department: The department of municipal government of the city consisting of the planning director and required subordinate employees.

Public works department: The department of municipal government of the city consisting of the public works director and required subordinate employees.

Recyclables: Material for which there is an established secondary market that sets a value on waste material when properly sorted and prepared for said market. Collection of material for a purely speculative purpose is not covered as a recyclable material.

Residential Unit: Shall mean either (1) a building or portion thereof including a house, trailer, or mobile home used as a living quarters for one family unit; or, (2) a singular apartment building with any numbers of units that has applied for and received a permit pursuant to OMC 33-30 as a group dwelling unit. A residential unit does not include units located in hotels, motels, or apartment buildings with greater than four (4) units.

Rubbish: All nonputrescible wastes, other than industrial wastes, including paper, plastic, tin cans, bottles, glass containers, rags, ashes, lawn trimmings and tree trimmings, discards from minor

household repairs, paper sacks, boxes, and packing materials from dwellings and all business, commercial and industrial establishments, except the following:

- (a) Sewage.
- (b) Dirt.
- (c) Manure.
- (d) Waste paper and other salvage materials which might affect the public health and safety but which actually have a value to the owner or producer thereof and which will not affect the public health and safety when handled and transported over the streets or alleys of the city in accordance with regulations contained herein.

Salvage material storage: The placement on land of separate piles or rows of the following materials: salvaged items such as asphaltic concrete, Portland cement concrete, brick or stone for the purpose of storage to allow the removal and recycling of such materials. Such piles or rows of materials must be segregated from each other as to material and 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.

Sanitary landfill: A type of operation in which garbage and refuse or garbage or refuse is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to 12 inches over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least 24 inches over the finished landfill.

Solid waste: Garbage and rubbish, except sewage, dirt and manure, from all public and private establishments and residences.

Section 2. That Omaha Municipal Code Sec. 33-25 is hereby amended to read as follows:

Sec. 33-25. – Frequency of service.

Except as otherwise provided in this article and other ordinances, and except in the case of emergency arising from an act of God or under circumstances over which the public works director has or had no control, solid waste shall be collected, removed, and disposed of at least once a week. Solid Waste that is recyclable material and which is non-putrescible may be collected less frequently.

Section 3. That Omaha Municipal Code Sec. 33-29 is hereby amended to read as follows:

Sec. 33-29. – Prohibitions on collection of recyclables.

All recyclables placed on city right-of-way at the curb area are the property of the city or that authorized entity retained to collect them. ~~its authorized agent.~~ Once placed, all recyclables in containers designated for the collection of recyclables, whether placed for pick up by the City or authorized entity, shall be the property of the City, the authorized entity, or an organization sponsoring the collection of recyclables. It shall be a violation of this section for any person unauthorized by the city or authorized entity to collect or pick up, or cause to be collected or picked up, any such recyclables or recycling receptacles.

Section 4. That Omaha Municipal Code Sec. 33-29 is hereby amended to read as follows:

Sec. 33-41. – Required.

Every person producing or having solid waste within the city shall ~~provide and~~ keep on the premises or property occupied or used by such person a sufficient number of solid waste containers to handle all the accumulation of solid waste on such premises or property in the interval between private collections or collections by the city, subject to the limitations contained in this division.

Section 5. That Omaha Municipal Code Sec. 33-42 is hereby amended to read as follows:

Sec. 33-42. – Specifications generally.

(a) ~~Containers for the collection of solid waste shall:~~ The only containers used for collection of solid waste and recycling by the City or the City's contractor shall be those carts provided by the City or the City's Contractor. These carts shall have a capacity of either 48 gallons or 96 gallons as determined by the City and established by city policy. These carts will be assigned to individual property addresses and shall remain with such property when ownership of such property is transferred. The ability to swap or exchange carts will be established by city policy. General care, maintenance, and security of the cart shall be the responsibility of the household/property owner where the cart is assigned.

(1) ~~Be of galvanized metal or rigid plastic of a substantial construction, watertight, with tight-fitting metal or plastic covers, and kept in good, serviceable condition, and covered at all times, and easily handled by one man; and~~

(2) ~~Have a capacity of not less than ten and not more than 32 gallons, and shall be provided with handles sufficient for safe and convenient emptying; and~~

(3) ~~Not exceed the total weight of 45 pounds each when full; or~~

(4) ~~Be plastic bags made of clear or see-through capability polyethylene, securely tied, a minimum of 13 gallons in capacity and a minimum of 1.0 mil thick, with a total weight not to exceed 30 pounds; or~~

(5) ~~Be special composite bags used with mechanical household compactors for the purpose of densifying solid waste, with a total weight when full not to exceed 45 pounds.~~

(b) ~~Containers for collection of recyclables shall be bins carts supplied by the city collector of solid waste.~~

(eb) ~~Containers for private collection are not controlled by OMC §33-42(a) may be larger and heavier than specified above.~~ Pursuant to R.R.S. 1943, §§ 71-1501—71-1511, inclusive, the public works director is authorized to approve the collection of solid waste from multifamily housing facilities of the housing authority of the city by the use of containers which are larger and heavier than specified above, provided the city collector of solid waste approves and the weight for each single-family unit does not exceed 600 pounds per week.

(dc) A solid waste container for private collection with capacity of five cubic yards or more shall not be used or maintained on a property for more than 30 days in any one-year period; provided, that such prohibition shall not apply to the following exceptions:

(1) Such prohibition shall not apply to lawful solid waste containers permanently used or maintained for regular weekly solid waste collection on the property.

- (2) A solid waste container with capacity of five cubic yards or more shall be allowed on a construction site during the period in which a building permit for such site is active.
- (3) A solid waste container with capacity of five cubic yards or more may be used or maintained on a property for a period of more than 30 days in any one-year period if the planning director, upon receipt of a written request from the property owner setting forth a hardship or difficulty justifying an extension of time, consents in writing to such extension of time.

Section 6. That Omaha Municipal Code Sec. 33-43 is hereby amended to read as follows:

Sec. 33-43. – Nonconforming or dangerous containers.

Any solid waste container that does not conform to the provisions of this division, or that may have ragged or sharp edges or any other defect liable to hamper or injure the general public or the persons collecting the contents thereof, must be promptly replaced by a proper container, and any nonconforming or defective container may be collected and disposed of by the city as solid waste, after reasonable effort has been made to provide written notice to the person in question.

Carts for solid waste collection provided by the City or the City's contractor must be maintained for the safe collection of waste. Households must report wear and tear, incidental, or negligent damage of the carts that affects the safe use of the cart. Typical wear and tear repairs or replacement will be the responsibility of the City or the City's contractor. Repair or replacement of any cart for any other reason will be at the expense of the household/property owner to which the carts are assigned. The cost for such repair and replacement is established by the contract between the City and the City's solid waste provider.

Section 7. That Omaha Municipal Code Sec. 33-44 is hereby amended to read as follows:

Sec. 33-44. – Yard waste bags containers generally.

Paper bags to be used for yard waste collection under the provisions of this article shall be of durable construction and closed without the use of plastic or metal ties:

~~Containers for collection of yard wastes shall be only:~~

- (a) Paper bags with a wet strength of 50 pounds or greater and a capacity of 30 gallons; or
- (1) For collection by the City or the City's contractor, said paper bags must have affixed a supplemental yard waste collection sticker applied. The sticker will provide proof that the fee for excess yard waste has been paid, except as defined below;
 - (2) During a period of 4 to 6 weeks of the spring and an additional 4 to 6 weeks in the fall as determined by the public works director, the City or the City's contractor will collect paper bags of yard waste without requiring a sticker be applied.
- (b) ~~Rigid containers, meeting the specifications of this division for solid waste containers, but with a total weight not exceeding 45 pounds when full, and marked on opposing sides with "YW" with a minimum height of four inches, or marked with a removable tag, placed and constructed so as to not constitute a hazard to the person collecting the refuse, attached to the container and bearing the same "YW" of the same minimum size; provided that no solid waste is commingled with yard waste in such container.~~

Section 8. That Omaha Municipal Code Sec. 33-45 is hereby deleted as follows:

~~Sec. 33-45. — Yard waste bags.~~

~~Paper bags to be used for yard waste collection under the provisions of this article shall be of durable construction, closed without the use of plastic or metal ties, and a minimum of 20 gallons and maximum of 35-30 gallons in capacity, with a total weight, when full, not to exceed 40 pounds.~~

Section 9. That Omaha Municipal Code Sec. 33-46 is hereby amended to read as follows:

Sec. 33-46. — Maximum amount of waste set out for collection.

(a) For collection provided by the City or the City's contractor, each single residential unit shall be offered one cart for waste and one cart for recyclables. The combined maximum volume of this collection of the two carts shall be 192 gallons provided at the City's expense. Those buildings that have more than one residential unit or are a group dwelling unit, as approved by OMC 33-30, shall receive two carts for waste and two carts for recyclables for the entire building and shall have a maximum volume of 384 gallons. Each residential unit shall be limited to a maximum of five rigid containers or bags meeting the specifications for solid waste containers for collection by the city.

(b) Households may exceed this amount in the following limited circumstances:

(1) Utilizing paper yard waste bags as set forth in Section 33-43; or

(2) Leasing additional carts for waste or recycling collection from the City's contractor.

(3) Where solid waste exceeds the amount established by this section, and such excess is not due to the failure of the city to make collections as provided herein, the public works director may require the tenant of such property or the owner or operator of the same to collect, remove and dispose of such excess; provided that such regulation shall be applicable to all such tenants, owner or operators without discrimination. However, each single unit A single family residence with five or more permanent inhabitants may, will be allowed to exceed the solid waste limit established herein upon presentation to the city public works director of reasonable proof of the number of inhabitants actually residing at such residence, be issued an additional cart for either waste or recycling. Such requests for the use of extra containers will be granted or denied in writing, and all granted requests shall state the exact number of solid waste containers allowed. A written statement by at least one responsible resident at the specific location, signed and notarized, shall create a rebuttable presumption that such residence is entitled to the additional cart requested exemption provided for herein. Such exemption The additional service shall require that the residence maintains a recycling cart, be revoked upon evidence of a failure to properly place recyclables in bins carts as provided in this article.

(c) ~~An unlimited amount of properly prepared recyclables may be set out for collection.~~

(d) ~~An unlimited number of paper bags or properly marked containers holding yard waste may be set out for yard waste collection.~~

Section 10. That Omaha Municipal Code Sec. 33-48 is hereby deleted as follows:

~~Sec. 33-45. — Solid waste may not be commingled.~~

~~Yard waste and other materials banned from landfills by state law shall not be placed in the same container with solid waste nor shall they be collected in the same truck unless the truck is equipped with separate compartments for such banned materials.~~

Section 11. That Omaha Municipal Code Sec. 33-49 is hereby amended to read as follows:

Sec. 33-49. – Location for collection.

(a) For collection by the city or the City's contractor, ~~collector of solid waste~~, bags and containers, including those containing recyclables, and yard waste bags shall be out and available for collection at the designated location placed by 6:00 a.m. on the regularly scheduled collection day as follows:

(1) ~~In the case of a residential unit which does not abut a paved or approved alley, outdoors Containers and yard waste bags shall be placed as close to, but not more than five feet from the curb or apparent traveled way of the street, but not on the traveled way or pavement. If a residence abuts an approved alley, containers and yard waste bags shall be placed as close to, but not more than five feet from the approved alley. In the case of a residential unit which does abut a paved or approved alley, bags or containers shall be placed outdoors within five feet of the curb or apparent traveled way of the alley, but not on the traveled way or pavement. Containers and yard waste bags placed out for collection~~ Bags or containers shall not be placed in such a way as to obstruct the sidewalk. Where it is impractical due to the physical condition of the site to place the bags and containers containers and yard waste bags within such five-foot area, they shall be placed as close as practical to such five-foot area. Any exception to the paragraph must be approved by the director of the public works department.

(2) Persons needing assistance either through age or medical need, may apply for special collection providing for collection at a location on their property within 25 feet of the residence. Disabled persons, as approved by the city, may place bags and containers near the front door or back door (but within 25 feet of the back door), or near an alley if paved or approved.

(b) Except on the regularly scheduled collection day, after 5:00 p.m. on the day preceding it, and the period up to 10:00 a.m. of the day following such collection day (or up to 7:00 p.m. on the day following collection day, if weather or other factors delay collection), containers and yard waste bags ~~bags and containers~~ shall not be located on public right-of-way.

(c) Solid waste containers for private collection shall not be kept on the public right-of-way at any time unless specifically authorized by a right-of-way lease with the city. Such containers shall never be located in a way which will obstruct the traveled portion of public right-of-way.

(d) As used in this article, the following words and expressions shall have the following meanings:
Approved alley: An alley which meets or exceeds the following minimum standards:

- (1) The alley shall have four inches of 1½-inch size crushed rock graded surfacing or an equivalent thickness.
- (2) The alley must have a ten-foot minimum width clearance.
- (3) The alley must drain properly.
- (4) The alley must have a 13-foot overhead clearance.

Commercial establishments: Shall be defined as commercial businesses, industrial establishments, schools, hospitals, hotels, motels, city facilities and charitable institutions, or as designated by the public works director.

Disabled: Shall mean any person who, by advanced age or physician verified medical need ~~otherwise, lacks competent power, strength, or physical or mental ability~~ requires assistance to move solid waste containers of the type specified in this article, and who resides with no other person able to move such containers. Such disability shall be established by application to the public works department ~~directly or in care of the city collector of solid waste~~. If the public works department determines the household applicant does not meet the definition of disabled, the assistance granted shall be canceled. ~~applicant may prove the same by the written statement of a licensed physician.~~

Easily accessible: Shall mean that the city collector of solid waste must be able to park the collection vehicle within 20 feet of a single location, and the collector must be provided with a minimum four-foot-wide unobstructed walkway to the containers and bags.

Group dwelling unit: ~~Hotels, motels,~~ Boarding houses or lodging houses, or apartment building complexes, all of which have living quarters for five or more family units or many unrelated individuals.

Paved alley: Any alley covered with concrete, bricks or asphalt and having a minimum overhead clearance of 13 feet and a minimum ten-foot width clearance.

Recyclable or recyclable material: Any material that has been identified as part of the recycling program by the city.

Residential unit: Shall mean a building or portion thereof, including a house, townhouse, as defined in chapter 55, trailer or mobile home used as a living quarters for one family unit, but not including group dwelling units.

Solid waste: Garbage and rubbish, except yard waste, sewage, dirt, and manure, from all public and private establishments and residences.

Yard wastes: Accumulations of grass or shrubbery cuttings, leaves, and other organic materials generated as a result of care of lawns, shrubbery, vines, and gardens; including but not limited to grass clippings, leaves, and tree branches and parts with diameters ~~less than~~ of two inches or less.

Section 12. That Omaha Municipal Code Sections 33-1, 33-25, 33-29, 33-30, 33-41, 33-42, 33-43, 33-44, 33-45, 33-46, 33-48 and 33-49 as heretofore existing are hereby repealed.

Section 13. That this Ordinance shall be in full force and take effect 15 days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Christopher Jerome

APPROVED BY:

Christopher Jerome

MAYOR OF THE CITY OF OMAHA

3-11-2021
DATE

PASSED MAR 09 2021 7-0

ACTING

ATTEST:

[Signature]

CITY CLERK OF THE CITY OF OMAHA

3-11-2021
DATE

APPROVED AS TO FORM:

[Signature]

DEPUTY CITY ATTORNEY

2/3/21
DATE