

**ORDINANCE NO. 24-02**

**AN ORDINANCE OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, ESTABLISHING RULES AND REGULATIONS TO GOVERN HEALTH AND SANITATION IN THE VILLAGE OF MANLEY; DEFINING A NUISANCE AND DESCRIBING AN ABATEMENT PROCEDURE TO ELIMINATE NUISANCES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA:**

**SECTION 1: NUISANCES: GENERALLY DEFINED.** A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health or safety or others.
2. Offends decency.
3. Is offensive to the sense.
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the Municipality.
5. In any way renders other persons insecure in life or the use of property, or
6. Essentially interferes with the comfortable enjoyment of life and property, or to depreciate the value of the property of others.  
(Ref. 18-1720 RS Neb)

**SECTION 2: NUISANCES: 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:

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 which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house yards, 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 house hold 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 non-putrefying waste in a place and manner approved by the health officer.

6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

8. 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, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

9. All places used or maintained as junk yards, or dumping grounds or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals 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.

12. Dogs that by loud, continued, or frequent barking, howling, or yelping, annoy or disturb any neighborhood, or person, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the municipality. Cats that annoy or disturb any neighborhood or person.

13. Dead or diseased trees or tall weeds, grass, shrubs, bushes, or vegetation, on property that adjoins a street or alley in the municipality.

14. Registered or unregistered non-operating, junked, wrecked, or partially disabled vehicles on any property within the Village.

15. Any loud and unnecessary noise, threatening behavior, or indecent and shocking behavior that disturbs the public peace, quiet, security, repose, or sense of morality.

16. To permit the emission of smoke from any source that is injurious or offensive to the residents of the Municipality. Air shall be considered to be polluted when the discharge into the open air of dust, fumes, gases, mist, odors, smoke, or any combination thereof is of such character and in a quantity which to any group of persons interferes with their health, repose, or safety, or causes severe annoyance or discomfort, or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind.

17. To obstruct or impede without legal authority any stream or collection of water or to corrupt and render unwholesome or impure any water course, stream or other water.

18. All other things specifically designated as nuisances elsewhere in the Village Ordinances.  
(Ref 18-1720 RS Neb.)

**SECTION 3: NUISANCE PROPERTIES; ABATEMENT.**

1. Whenever a code enforcement officer determines that a nuisance is maintained within the Village or its zoning jurisdiction, the officer shall cause written notice to be served upon the owner and any resident of the property on which such nuisance is located, by certified mail, return receipt requested, or by personal service. Such notice shall state the specific type of nuisance located on the property and shall provide that such nuisance shall be abated or removed within five business days following receipt of the notice.

2. When notice is given by certified mail, the same shall be conspicuously marked on the outside of the envelope with the following language: "IMPORTANT NOTICE: ORDINANCE VIOLATION."

3. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the Village to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the Village Clerk. Said hearing shall be held by the code enforcement officer within fourteen days after the filing of the appeal. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing.

4. If (a) the appeal fails, or (b) no appeal is requested and the property owner or occupant fails to abate the nuisance within five days after the receipt of such notice, the Village may have such work done and thereafter bill the costs and expenses of any such work to the owner. If the bill to the owner remains unpaid for two months after billing for the work that was done, the Village may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted as a special assessment or (b) recover the same in a civil action.

(Ref. Neb. Rev. Stat. §§ 17-563 and 18-1720)

**SECTION 4: NUISANCE PROPERTIES; FAILURE TO CORRECT.**

If the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice, he/she shall be guilty of a Class V misdemeanor. Each day's violation after the expiration of the five days' notice shall be a separate offense.

(Ref. Neb. Rev. Stat. §§ 17-563; 18-1720; and 28-1321)

**SECTION 5: ABATEMENT OF NUISANCE; STATE COURT.** Whenever a nuisance exists as defined in this ordinance, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the Court may, together with fine or penalty exposed, enter an Order of Abatement as a part of the Judgment in this case. (Ref. 18-1720, 18-1722, RS Neb.)

**SECTION 6.** That any other Ordinance passed and approved prior to this passage, approval, and publication or posting of this Ordinance and in conflict with its provisions, is hereby repealed.

**SECTION 7.** This Ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August, 2024

*Denise Clwenson*  
Village Board Chairman

**ATTEST:**

*Lindsey A. Cronk*  
Village Clerk  
(SEAL)

