

LEGISLATIVE BILL 893

Approved by the Governor March 6, 1972

Introduced by Loran Schmit, 23rd District; Willard H. Waldo, 31st District

AN ACT to amend sections 19-2106 and 19-2107, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to extend provisions to cover solid waste disposal areas; to extend the requirements for selecting a site for garbage disposal facilities and solid waste disposal areas; to provide for license as prescribed; to provide for charges; to transfer jurisdiction; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 19-2106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2106. When such system shall have been established, the municipality may provide by ordinance for the management and operation thereof, the rates to be charged for such service, including collection and disposal, the manner of payment and collection thereof and prescribe penalties for the violation of such ordinance, and do whatever is necessary to protect the general health in the matter of removal and disposal of garbage.

Sec. 2. That section 19-2107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2107. Whenever Notwithstanding any provision of any other statute, whenever any municipality or any person, corporation or other entity under contract to it selects a site for its garbage disposal facilities or solid waste disposal area without its corporate limits, as authorized in section 19-2101, or outside of its zoning jurisdiction, it shall first file with the Department of Health Environmental Control a written request for approval of such proposed site and an application for a license to operate such site pursuant to the provisions of Chapter 81, article 15, and furnish a copy of such request and application to the county board of the county in which such proposed site is located. Within fifteen days after receipt of such copy,

the county board shall submit to the Department of Health Environmental Control its written recommendation for approval or disapproval of such proposed site, which recommendation shall be advisory only. Within thirty days after receipt of such request, the Department of Health Environmental Control shall either approve or disapprove the same and either grant or refuse to grant a license to operate a solid waste disposal area pursuant to Chapter 81, article 15, and give written notice to the municipality of the action taken and furnish a copy of such notice to the county board involved. The only consideration by the Department of Health Environmental Control in granting such approval, or refusing the same, shall be whether or not the location and operation of such proposed garbage disposal facility or solid waste disposal area will be deleterious to the public health of the community surrounding such facility or area, or that the operation of such facility or area at that particular location would constitute a public nuisance, or be inimical to public safety. The department shall grant a license to operate a solid waste disposal area only if the provisions of Chapter 81, article 15, and all rules and regulations, including minimum standards governing solid waste disposal areas, adopted thereunder are complied with.

Sec. 3. That original sections 19-2106 and 19-2107, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.