



City of Omaha  
Jim Suttle, Mayor

## Law Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 804  
Omaha, Nebraska 68183-0804  
(402) 444-5115  
Telefax (402) 444-5125

**Paul D. Kratz**  
City Attorney

Honorable President

and Members of the City Council,

The attached proposed Ordinance, requested by City Councilmember Chris Jerram, will amend regulations governing the placement of solid waste bags and containers. The Ordinance will limit the days and times on which solid waste bags and containers can be placed on public right of way, and require that at all other times bags and containers be placed behind the front yard setback, and at least 20 feet away from the public right of way. These rules can be waived by a permit issued by the Public Works director. City housing inspectors will be authorized to enforce these rules.

Respectfully submitted:

Alan M. Thelen  
Deputy City Attorney

PLAW - CITY COUNCIL DOCUMENTS\2012\30005dlm

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE to amend Omaha Municipal Code Sec. 33-49; to clarify times during which solid  
2 waste bags and containers may be placed on public right of way; to require that bags and  
3 containers be placed behind the front yard setback at all other times, unless otherwise  
4 authorized; to incorporate such requirements into the City's Property Maintenance Code; to  
5 repeal Sec. 33-49 as heretofore existing; and to provide the effective date thereof.

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

7 Section 1. That Omaha Municipal Code Sec. 33-49 is hereby amended to read as follows:

8 **Sec. 33-49. Location for collection.**  
9

10 (a) For collection by the city collector of solid waste, bags and containers, including those  
11 containing recyclables, shall be placed by 6:00 a.m. on the regularly scheduled collection day as  
12 follows:  
13

14 (1) In the case of a residential unit which does not abut a paved or approved alley,  
15 outdoors within five feet of the curb or apparent traveled way of the street, but not on  
16 the traveled way or pavement. In the case of a residential unit which does abut a  
17 paved or approved alley, bags or containers shall be placed outdoors within five feet  
18 of the curb or apparent traveled way of the alley, but not on the traveled way or  
19 pavement. Bags or containers shall not be placed in such a way as to obstruct the  
20 sidewalk. Where it is impractical due to the physical condition of the site to place the  
21 bags and containers within such five-foot area, they shall be placed as close as  
22 practical to such five-foot area.  
23

24 (2) Disabled persons, as approved by the city, may place bags and containers near the  
25 front door or back door (but within 25 feet of the back door), or near an alley if paved  
26 or approved.  
27

28 (b) ~~Except on the regularly scheduled collection day, 5:00 p.m. on the day preceding it~~  
29 ~~and the period up to 10:00 a.m. of the day following such collection day, bags and containers shall~~  
30 ~~not be located on public right of way. Bags and containers shall not be placed on public right of way~~  
31 except on the regularly scheduled collection day, after 5:00 p.m. on the day immediately preceding  
32 the collection day, and before 10:00 a.m. on the day immediately after the collection day. Except for  
33 the times authorized in this subsection, bags and containers shall be placed (i) behind the front yard  
34 setback of the lot, as defined for that lot by chapter 55 of this Code, and (ii) at least 20 feet away  
35 from any public right of way. The requirements of this section may be waived by a permit issued by  
36 the public works director or his/her designee, upon proof of hardship or difficulty. It shall be

1 unlawful for any person to place bags or containers in violation of this section, and a person violating  
2 this section shall be subject to applicable criminal penalties and any civil remedies available at law.  
3 The violation of this section shall be punished by a fine of \$100 for the first such offense, and by a  
4 fine of \$500 for the second such offense and each such offense thereafter. Every day any such  
5 violation shall occur or continue shall constitute a separate offense. This subsection shall not apply  
6 to a solid waste container allowed on a construction or demolition site during the period in which the  
7 permit for the work on such site is active.

8  
9 (c) Solid waste containers for private collection shall not be kept on the public right-of-  
10 way at any time unless access to them is impractical when kept off the public right-of-way and such  
11 placement is authorized by a permit issued by the public works director upon proof of hardship or  
12 difficulty. Such containers shall never be located in a way which will obstruct the traveled portion of  
13 public right-of-way.

14  
15 (d) As used in this article, the following words and expressions shall have the following  
16 meanings:

17  
18 *Approved alley:* An alley which meets or exceeds the following minimum standards:

- 19  
20 (1) The alley shall have four inches of 1 1/2-inch size crushed rock graded surfacing or  
21 an equivalent thickness.  
22  
23 (2) The alley must have a ten-foot minimum width clearance.  
24  
25 (3) The alley must drain properly.  
26  
27 (4) The alley must have a 13-foot overhead clearance.

28  
29 *Commercial establishments:* Shall be defined as commercial businesses, industrial  
30 establishments, schools, hospitals, city facilities and charitable institutions, or as designated by the  
31 public works director.

32  
33 *Disabled:* Shall mean any person who, by advanced age or otherwise, lacks competent  
34 power, strength, or physical or mental ability to move solid waste containers of the type specified in  
35 this article, and who resides with no other person able to move such containers. Such disability shall  
36 be established by application to the public works department directly or in care of the city collector  
37 of solid waste. If the public works department determines the applicant does not meet the definition  
38 of disabled, the applicant may prove the same by the written statement of a licensed physician.

39  
40 *Easily accessible:* Shall mean that the city collector of solid waste must be able to park the  
41 collection vehicle within 20 feet of a single location, and the collector must be provided with a  
42 minimum four-foot-wide unobstructed walkway to the containers and bags.  
43



ORDINANCE NO. \_\_\_\_\_

Page 4

INTRODUCED BY COUNCILMEMBER

JE

\_\_\_\_\_

APPROVED BY:

\_\_\_\_\_  
MAYOR OF THE CITY OF OMAHA DATE

PASSED \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY DATE 1-5-12