



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: 5/13/2026

TO: Tara Vasicek

FROM: Capt. Douglas Molczyk

RE: Supplemental Information – Proposed Solid Waste Ordinance Amendment

DISCUSSION:

The following information is provided in response to questions and concerns raised regarding the proposed amendment to the city's solid waste ordinance.

1. What will the fee for a violation be?

Violations of the ordinance would be enforced pursuant to the city's general penalty provisions. Violations may result in citations, fines, court costs, and compliance orders. The current general penalty ordinance:

§ 10.99 GENERAL PENALTY.

Any person who violates any of the prohibitions or provisions of any chapter or section of this code shall be deemed guilty of an offense, hereinafter termed a misdemeanor. Unless otherwise specified in the particular chapter or section for which the person stands convicted of a violation, the penalty for such violation shall be in an amount not to exceed \$500, in the discretion of the court.

The proposed violation is currently classified as a misdemeanor offense, with the potential for court-ordered restitution to reimburse the city for clean-up and abatement costs. Because of restitution and the need for oversight in chronic nuisance situations, the original intent was for violations to be handled through a mandatory court appearance citation.

If the City would prefer a waiver fine structure for initial violations, the ordinance could be administered as follows:

- First offense: \$250 waiver fine
- Second offense: Mandatory court

2. What will Code Enforcement and/or the Police Department do if an individual continues to not comply?

Enforcement would follow the normal compliance process. Typical steps include:

- Initial contact and education regarding the violation;
 - Written notice providing time for corrective action;
 - Follow-up inspections by code enforcement staff;
 - Issuance of citations when voluntary compliance is not achieved;
-
-

- Continued enforcement action through court when necessary.
- Abatement if necessary and requests to the court for restitution to the city for the cost.

In cases involving significant public health or safety concerns, the city may also utilize nuisance abatement procedures authorized under state law and city code. This can include city-authorized cleanup of the property when conditions remain uncorrected after notice has been provided.

3. What happens if citations are not paid?

Unpaid citations are processed through the court system in the same manner as other ordinance violations. Failure to appear or failure to satisfy court-imposed penalties may result in additional court action as authorized by Nebraska law and local ordinance.

Additionally, if the city incurs costs associated with nuisance abatement or cleanup, those costs may be assessed against the property or the court could order restitution pursuant to applicable city code provisions and state statutes.

4. Costs incurred by the City for cleanup and enforcement

The city has incurred expenses related to the cleanup of properties containing excessive garbage, refuse, and solid waste accumulation. These costs have totaled \$4,796.24 since 2024. These costs are currently absorbed by the City, with liens being placed on the property. The recovery of the cost by the city would potentially be recouped upon the sale of the property.

The City currently has active liens associated with prior nuisance abatement and clean-up actions on multiple properties. The current outstanding lien amounts include:

- \$406.32
- \$210.88
- \$3,123.07
- \$210.88

There is only one additional property where the City completed abatement that does not currently have an active lien filed against the property. The cost associated with that abatement was \$434.41.

Under this proposed amendment the city could request the court to order the responsible party to provide restitution to the city for any and all cost incurred for clean-up.

5. Additional Considerations

The proposed ordinance amendment was developed to provide clearer authority and expectations regarding the handling and disposal of solid waste within the city limits.

The goal of enforcement is to obtain compliance and improve neighborhood conditions while allowing reasonable opportunities for property owners or occupants to correct violations.

The ordinance is not intended to target isolated or temporary conditions but rather repeated or ongoing accumulations that negatively impact surrounding properties and the community as a whole.

Staff will continue to prioritize education and voluntary compliance whenever possible before pursuing formal enforcement action.

6. What are other cities in our array doing?

Below is a chart that details what other cities in our array are doing with solid waste. Beatrice, Hastings, Kearney and North Platte require weekly disposal of solid waste.

Aspect	Beatrice	Hastings	Kearney	Norfolk	North Platte	Fremont
Primary Model	Exclusive city-operated	Private/licensed	Exclusive city-operated	Private/licensed	Hybrid (city residential)	Private/licensed
Collection Provider	City (MARS)	Private haulers	City Sanitation Division	Permitted private haulers	City (residential); Private (commercial)	Licensed private haulers
Residential Frequency	Weekly	Weekly	Weekly	Varies by hauler	Weekly	Varies by hauler
Private Hauling Allowed?	No	Yes	No	Yes	Yes (commercial/optional)	Yes (licensed)
Self-Haul by Homeowners?	No	Yes	yes	Yes	Yes (conditional)	Yes
Containers	City-provided automated	Hauler-provided	City provided color-coded	Hauler-provided	City-provided (residential)	Hauler-provided
Yard Waste Program	Seasonal	Varies	Seasonal (April–Nov)	After-hours site	Composting facility	Seasonal separation
Fees	Billed with utilities	Gate fees + hauler	Monthly (utilities)	Hauler + transfer fees	Monthly (residential)	Hauler + transfer fees
Disposal Facility	BASWA Landfill	Regional Landfill	Area Agency Landfill	Transfer → Regional	City Transfer/Compost	City Transfer → Regional

SIGNATURE:



By: _____

Approved By: _____



§ 50.35 HANDLING OF SOLID WASTE

(A) No person shall accumulate, store, or dispose of solid waste upon any property in a manner that creates a nuisance, health hazard, or violates state or local regulations.

(B) All solid waste generated on any property shall be removed and properly disposed of on a routine basis, but no less than once per week. Disposal shall occur by:

1. A licensed private waste hauler; or
2. The owner, occupant, or person responsible for the property transporting such waste to the City of Columbus Transfer Station.

(C) Solid waste shall be stored in suitable containers designed to prevent leakage, odor, and access by animals.

(D) Open dumping and the burning of solid waste are prohibited within the limits of the city.

(E) The owner, occupant, or person in control of the property shall be responsible for compliance with this section.

1. Upon complaint or observation of a violation of subsections (A) and (B), Code Enforcement Officers or Police Officers of the Columbus Police Department may issue a red tag notice identifying the violation and providing notice that the violation must be corrected within five (5) calendar days.
2. If the violation is not corrected by the sixth (6th) calendar day following issuance of the red tag notice, a citation shall be issued for a first offense and notice of abatement may be provided allowing up to an additional five (5) calendar days for compliance.
3. If the violation is not corrected by the eleventh (11th) calendar day following issuance of the red tag notice, a second offense citation shall be issued requiring a mandatory court appearance, and the property may be abated by the city in accordance with applicable procedures.

(F) Violations of subsection (B) shall be punishable as follows:

1. First offense: \$250 fine.
2. Second offense: Mandatory court appearance.

(G) All loads of waste transported to the City of Columbus Transfer Station in vehicles shall be covered; provided, however, this requirement shall not apply when the entire load consists of material of such bulk or weight that it is unlikely to blow or fall from the vehicle while being operated at lawful highway speeds.

Penalty, see § 50.99.