

## Chapter 8.02

### HEALTH AND SAFETY HAZARDS -- GENERALLY

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#### **8.02.010 Definitions.**

For the purpose of this chapter, the following words shall have the following meanings:

Health Director shall mean the Health Director of the Lincoln-Lancaster County Health Department or an authorized representative of the director.

Private property shall mean any privately-owned property which is not a public right-of-way, street, alley, highway, park, or other property of the federal government, state, city, or any political subdivision thereof.

Health and safety hazard shall mean any annoying, unpleasant, hazardous, obnoxious, unsafe, unhealthy, unsanitary condition or practice causing or capable of causing an unreasonable threat to the health, safety, and welfare of persons living or passing in the vicinity thereof.

Hazardous vehicle shall mean any vehicle causing or capable of causing a health and safety hazard because the vehicle is:

- (1) A potential breeding ground or harborage for mosquitoes or other insects, mice, rats, or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over twelve inches in height;
- (3) A point of collection for stagnant water;
- (4) A point of concentration of gasoline, oil, or other flammable materials;
- (5) So located that there is a danger of the vehicle falling or turning over;
- (6) A place in which junk, garbage, refuse, or hazardous material is discarded and is present within the vehicle;
- (7) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or through injury from exposed surfaces of metal, glass, or other rigid materials;
- (8) A potential source of contamination of the soil from petroleum products being discharged from the vehicle;
- (9) Creating any other similar conditions or circumstance which exposes the general public to a safety or health hazard.

Vehicle shall mean any motor vehicle, trailer, cabin trailer, semi-trailer, truck, motorcycle, passenger car, or mobile home.

Motor vehicle, trailer, cabin trailer, semi-trailer, truck, motorcycle, and passenger car shall mean the same as defined in Chapter 10.02 of the Lincoln Municipal Code.

Mobile home shall mean the same as defined by Section 27.03.430 of the Lincoln Municipal Code.

Hazardous material shall mean any substance which has been shown to have potentially adverse effects on the public health or to the environment including, but not limited to, petroleum products, volatile organic compounds, caustics, acids, particulate carcinogens, heavy metals, pesticides, poisons, and other toxics. This shall include the container of any hazardous material as herein defined.

Junk, garbage, and refuse shall mean the same as defined in Section 8.26.060 of the Lincoln Municipal Code. (Ord. 15548 §1; May 14, 1990: P.C. §8.40.010: Ord. 15023 §1; October 17, 1988: prior Ord. 14567 §1; December 22, 1986).

#### **8.02.020 Keeping of Hazardous Vehicles Unlawful; Exceptions.**

(a) It shall be unlawful for any person in charge or control of any private property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any hazardous vehicle to remain on such property longer than fifteen days; provided, that this section shall not apply to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

(b) It shall be unlawful for the owner of any hazardous vehicle to leave or allow said vehicle to remain on any private property within the city for more than fifteen days, except as provided in the above paragraph (a) of this section.

(c) Whenever it shall come to the knowledge of the Health Director that there exists upon private property a hazardous vehicle, said Health Director shall place a notice on the vehicle citing the violation and stating that the vehicle must be removed within fifteen days. The director shall also issue a written notice to the property owner and to the owner of record of the vehicle citing the violation and ordering that the vehicle be removed within fifteen days from receipt of said notice. The notice shall be served either in person or by certified mail, return receipt requested. If the Health Director is unable to determine the property owner, notice shall be given by publication in a newspaper of general circulation. Notice to the owner of the vehicle need not be given if the vehicle does not display a license plate or does not have an identification number traceable to the owner through the Nebraska Department of Motor Vehicles. (Ord. 15548 §2; May 14, 1990: P.C. §8.40.020: Ord. 15023 §2; October 17, 1988: prior Ord. 14567 §2; December 22, 1986).

#### **8.02.030 Health and Safety Hazards Prohibited.**

It shall be unlawful for any person, whether they be the owner, lessee, tenant, or occupant of any lot or parcel of ground within the city to permit, keep, maintain, or allow to exist on any private property any of the following things, practices, or conditions which shall be hereby declared health and safety hazards:

(1) Stagnant water which emits an obnoxious odor or which is a source or a potential source of mosquito breeding or otherwise presents a threat to the public health, safety, and welfare.

(2) An open pit, well, quarry, cistern, excavation, or other hole that has not been safely or properly sealed or abandoned without reasonable safeguards or barriers to prevent them from being accessible to humans.

- (3) Failure to secure against unauthorized access to any open area where dangerous conditions exist.
- (4) Any property, whether vacant or improved, which is infested by vectors or rodents.
- (5) Uncontrolled or uncultivated growth of weeds, brush, vines, grasses, or other vegetation which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, or unreasonably interfere with the use and enjoyment of abutting public or private property.
- (6) Any condition which provides harborage for non-domesticated rats and other vermin.
- (7) Any condition on private property which endangers the public or neighboring individuals or their property from damage caused by falling objects.
- (8) Any man-made condition or structure which is not secure from the public and could be attractive to children and which is a potential source of danger through:
  - (i) Entrapment in areas of confinement;
  - (ii) Injury caused by exposed sharp or pointed metal surfaces, glass, or other rigid surfaces;
  - (iii) Injury resulting from falls from heights greater than six feet; or
  - (iv) Loss of life by drowning.
- (9) The improper storage, handling, or disposal of any hazardous material which creates a potential health hazard to the public or hazard to the environment.
- (10) Any other condition which is detrimental to or causes an unreasonable threat to the public health or to the environment. (Ord. 15548 §3; May 14, 1990: P.C. §8.40.030: Ord. 15023 §3; October 17, 1988: prior Ord. 14567 §3; December 22, 1986).

#### **8.02.040 Enforcement.**

The enforcement of the provisions of this chapter shall be under the direction of the Health Director. For the purpose of enforcing this chapter or abating any nuisance existing hereunder, the Health Director or any Health Department sanitarian may enter private property. (Ord. 15548 §4; May 14, 1990: P.C. §8.40.040: Ord. 14567 §4; December 22, 1986).

#### **8.02.050 Penalty for Violations.**

(a) Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both, except that each person so convicted shall be fined in a sum of not less than \$150.00 for a first offense, not less than \$200.00 for the second offense, and not less than \$250.00 for the third offense and each offense thereafter.

(b) Each day that a violation of any section in this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter provided. (Ord. 15548 §5; May 14, 1990: P.C. §8.40.050: Ord. 14567 §5; December 22, 1986).