

## Chapter 8.34

### STAGNANT WATER

#### Sections:

- 8.34.010 Stagnant Water on Lots Prohibited.**
- 8.34.020 Notice to Owner.**
- 8.34.030 Draining or Filling Done by City.**
- 8.34.040 Resolution to Drain or Fill Lots.**
- 8.34.050 Work to be Done Within Ten Days After Passage of Resolution.**
- 8.34.060 Costs; Special Assessments.**
- 8.34.070 Assessment Notice.**
- 8.34.080 Notice; Service.**

#### **8.34.010 Stagnant Water on Lots Prohibited.**

The permitting or maintaining of stagnant water on any lot or piece of ground within the said city is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the said city is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance. Stagnant water as used in this chapter shall not include areas qualified or designated as wetlands by law or by an authorized governmental agency. (Ord. 15657 §3; July 9, 1990: Ord. 15563 §1; May 14, 1990: P.C. §8.56.010: Ord. 3489 §11-1601; July 6, 1936).

#### **8.34.020 Notice to Owner.**

It shall be the duty of the owners of such lots or pieces of ground to drain or fill or otherwise dispose of any of the stagnant water or other nuisance which shall accumulate upon such lots within ten days from the time that they are notified to drain or fill such lots or pieces of ground by resolution passed by the City Council and served upon the owners of such lots or pieces of ground. (Ord. 15563 §2; May 14, 1990: P.C. §8.56.020: Ord. 3489 §11-1602; July 6, 1936).

#### **8.34.030 Draining or Filling Done by City.**

In case that such owners of lots or parts of lots or pieces of ground within said city shall for the period of ten days after such notice has been served upon them, as herein provided, fail to drain or fill such lots or parts of lots or pieces of ground so as to remove the stagnant water or any other nuisance from the same, it shall be the duty of the Director of Public Works and Utilities to drain or fill such lots or parts of lots or pieces of ground so as to remove all stagnant water or any other nuisance that may have collected upon the same, upon being authorized so to do by a resolution of the City Council. (Ord. 16951 §45; March 11, 1996: prior Ord. 15563 §3; May 14, 1990: P.C. §8.56.030: Ord. 3489 §11-1603; July 6, 1936).

**8.34.040 Resolution to Drain or Fill Lots.**

The resolution authorizing the Director of Public Works and Utilities to so drain or fill such lots or parts of lots or pieces of ground shall designate and describe the lots to be drained or filled and the kind and quality and the estimated amount of work to be done upon said lots or parts of lots or pieces of ground so as to properly drain or fill the same. (Ord. 16951 §46; March 11, 1996: prior Ord. 15563 §4; May 14, 1990: P.C. §8.56.040: Ord. 3489 §11-1604; July 6, 1936).

**8.34.050 Work to be Done Within Ten Days After Passage of Resolution.**

It shall be the duty of the Director of Public Works and Utilities, within ten days after the passage of the resolution authorizing and empowering the director to drain and fill such lots or part of lots or pieces of ground, to properly drain and fill the same as provided for in the resolution directing such improvements to be made upon such lots. (Ord. 16951 §47; March 11, 1996: prior Ord. 15563 §5; May 14, 1990: P.C. §8.56.050: Ord. 3489 §11-1605; July 6, 1936).

**8.34.060 Costs; Special Assessments.**

The cost of draining or filling such lots or parts of lots or pieces of ground when done by the city shall be assessed against the respective lots and pieces of ground, and shall be a special assessment and create a sinking fund for the purpose of paying for the draining and filling of such lots or parts of lots or pieces of ground and shall be collected as other taxes. Nothing herein shall prevent the city from accepting payment or collecting for the related cost by any other means permitted by law. (Ord. 15563 §6; May 14, 1990: P.C. §8.56.060: Ord. 3489 §11-1606; July 6, 1936).

**8.34.070 Assessment Notice.**

The costs of such improvements shall be levied and assessed by the City Council at one of its regular sessions after giving ten days notice by one publication in a newspaper published and of general circulation in the city of such contemplated levy and assessment, and such taxes or assessment so levied and assessed for the purposes aforesaid shall become delinquent within fifty days from the date of their assessment and thereafter shall bear interest at the same rate percent per annum as other delinquent taxes, and shall be a lien upon the property improved. Nothing herein shall prevent the city from accepting payment or collecting for the related cost by any other means permitted by law. (Ord. 15563 §7; May 14, 1990: P.C. §8.56.070: Ord. 3489 §11-1607; July 6, 1936).

**8.34.080 Notice; Service.**

Notice as herein provided for shall be served by the Director of Public Works and Utilities or an authorized employee of the city upon the property holders by leaving a correct copy of such notice at the usual place of residence of the owners of such lots or by delivering such a copy to them personally; and in case the owners of such lots are nonresidents of Lancaster County, or nonresidents of Lancaster County and the State of Nebraska, then such notice shall be served upon the agents of such owners, and if there be no agents, then by publishing the same one time in a newspaper published in and of general circulation in Lincoln, Nebraska, and such Director of Public Works and Utilities shall make return, under oath, of his or her doings under this chapter to the City Council. (Ord. 16951 §48; March 11, 1996: prior Ord. 15563 §8; May 14, 1990: P.C. §8.56.080: Ord. 3489 §11-1607; July 6, 1936).

