

CHAPTER 4

HEALTH AND SANITATION

Article 1. General Provisions

§4-101 Health; Regulations.

For the purpose of promoting the health and safety of the residents of the City, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose.

§4-201 Disease; Spreading contagion.

It shall be unlawful for any person to willfully spread disease or cause the spread of disease.

§4-202 Disease; Quarantine regulations.

Whenever it shall come to the knowledge of the City Physician that any case of cholera, smallpox, or other disease of like virulence and danger, and infections and contagions in the same manner or with like facility, exists within the jurisdiction of the City, he shall call a meeting of the Board of Health and investigate such disease and take appropriate action.

§4-301 Garbage; Defined.

The term "garbage" as used herein shall mean rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by rendering plants, or anything that may decompose and become offensive to the public health.

§4-302 Rubbish; Defined.

The terms "rubbish" or "trash" as used herein shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety, but expressly excepting refuse, building materials, tree limbs or trimmings, and grass trimmings.

§4-303 Garbage; Trash and Waste.

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the City, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in enclosed receptacles.

It shall be the duty of every owner, manager, householder, tenant and occupant of any dwelling, trailer house or building, and the owner or manager of any hospital or business establishment of any kind to provide storage of trash or garbage which shall be watertight and shall have a tightly -fitting cover or lid, which covers or lids shall remain on such containers at all times except when container is being filled or emptied. Containers shall not exceed thirty-two (32) gallons capacity unless larger containers designed for mechanical collectors are approved by the City Council. Garbage and trash may be placed in the same container. The number of containers required for each unit shall be established by the amount of garbage and trash normally produced during a collection period. Such containers shall be kept or placed, if inside, on the ground floor, accessible to the collectors and, if outside, at the rear of the lot or accessible to collectors. Such containers must be so arranged that they cannot be turned over. In case of dispute as to the place where such containers are to be kept, then such place is determined by the City Administrator or someone designated by him for such duty. All garbage and other refuse material as defined above, shall be, by the owners, tenants, managers and producers thereof, placed in such containers and such containers shall at all times be kept clean and in a sanitary condition by the respective owners, tenants, managers or producers of such garbage and other refuse materials. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt,

paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property after being notified to do so by the Police Chief who shall represent the Board of Health.

§4-304 **Garbage; Dead animals, etc.**

If any person shall deposit any rubbish, manure, dead animals or any other nuisance within the City, or shall deposit any such animal outside the limits thereof at such a distance as to become offensive to any citizen residing in the City, he shall be deemed guilty of a misdemeanor.

§4-305 **Garbage; Duty of occupants.**

The area in any lot and around any house, apartment, hospital, business house or mercantile establishment between the rear of the building and the alley or rear lot line shall at all times be kept clean and clear of all refuse materials of any kind or nature, and the occupant or occupants thereof are hereby charged with the duty of keeping such area clean.

§4-306 **Garbage; Prohibitions.**

It shall be unlawful for an owner or occupant of any property within the City to maintain, use, keep, or permit to remain on the premises:

1. An uncovered garbage container;
2. Any non-metal garbage container in excess of thirty-two (32) gallons capacity; provided, however, such containers may be constructed of serviceable synthetics;
3. Any perforated or leaky garbage container;
4. Any container in the business, commercial and multiple-dwelling areas which does not prevent the scattering, leaking, blowing or the exposure thereof to fire.

§4-307 **Garbage; Burning.**

- (1) It shall be unlawful to conduct any burning of waste materials, wood, paper, cardboard, rakings, leaves, grass, weeds, litter, sweepings, either on public or private property within the limits of the City of Fremont except as provided in subsection (2) of this section.
- (2) Provisions of this section shall not apply to fires contained in portable or permanent grills when used for food preparation or fires conducted for the purpose of Fire Department training, or fires totally contained in incinerators that are an integral part of a building and installed to meet all applicable national and local codes and standards.
- (3) It shall be unlawful to keep, store, or maintain, in any building or on any premises, any waste, refuse, debris, rubbish, garbage, or other loose combustible material, except recognized fuels, in such manner as will enhance the danger of fire on said premises, when located within the City Limits of Fremont.

§4-308 **Garbage; Littering.**

It shall be unlawful for any person to throw or place weeds, grass, refuse, garbage, rubbish or any refuse matter whatever into any public property, or to throw or place the same upon the property of another without permission.

§4-309 **Hauler or Solid Waste Collection. Definitions.**

- (1) Every owner, operator, lessee or licensee and every hauler or other solid waste collection and transportation enterprise to hereby required to be licensed by the City of Fremont, for the collection

and transport of solid waste. The following definitions shall apply:

CONTAINER shall mean every device having a capacity in excess of 500 pounds or 250 gallons in which solid waste may be collected or stored pending transport.

HAULER or COLLECTOR shall mean any individual, company, partnership, corporation, or enterprise providing the transport of solid waste for hire.

SOLID WASTE shall include waste materials as defined by section Neb. Rev. Stat. §81-1502

VEHICLE shall mean every device in, upon, or by which any solid waste is or may be transported upon the public streets except devices moved solely by human power.

YARD WASTE shall mean grass and leaves and shall specifically exclude trees, shrubs, and branches.

§4-309.1 License required.

- (1) No person shall collect, haul, transport, or dispose of any waste or recyclable materials for any consideration whatsoever, without having obtained a license from the City of Fremont.
- (2) Application for any license under this section shall be made upon forms provided by the City of Fremont and no license shall be issued until the applicant has:
 - (a) paid any outstanding occupation tax due as established in Fremont Municipal Code 14-201 thru 14-205;
 - (b) demonstrated to the City that all vehicles and equipment utilized in the licensed activity meet standards established by the City (sworn statement acceptable);
 - (c) furnished a corporate surety bond in the amount of Twenty Five Thousand Dollars (\$25,000). Each licensed collector shall be required to notify the bonding company which is providing the bond required of the collector and obtain and provide written confirmation of the bonding company that the bond will cover the payment of the occupation taxes and penalties to the extent of the bond. The condition upon which the bond is to be held is that the collector shall be allowed to charge fees due and owing to the City for the use of the Transfer Station.
 - (d) furnished a certificate of insurance with the City named as additional insured in the sum of One Million Dollars (\$1,000,000). Such certificate cannot be cancelled until thirty (30) days written notice of such cancellation has been filed with the City Clerk.
 - (e) demonstrated to the City that applicant will comply with all other rules and regulations of the City which pertain to the permitted activity.
- (3) The obligation to obtain a license and pay an occupation tax shall not apply to local governmental subdivisions, the State of Nebraska, the federal government, nonprofit organizations, or to persons whose collection and transportation of yard and solid waste is incidental to another primary activity in or near the City of Fremont.
- (4) This license requirement shall be applicable to each hauler or other solid waste collection and transportation enterprise that collects and transports solid waste for hire, whether hired by a singular source/generator of refuse, or multiple sources/generators, and whether collection and transportation is on a daily, weekly, other periodic or irregular basis.
- (5) There is hereby levied a license fee on each hauler or other solid waste collection and transportation enterprise licensed to transport solid waste for hire of one hundred twenty-five dollars (\$125.00) per year for each three vehicles or portion thereof to be used within the City for the collection of solid waste. The license fee shall be paid on an annual basis without pro-ration. Fee to be paid on

or before January 1, in advance for the entire next year. After approval by the City of the application for the license, liability and bond as posted by the applicant, a license to haul garbage in the City shall be issued to any person which license shall expire on the last day of December next following the date of issuance thereof. Valid licenses issued prior to April 1, 2013 will continue to be valid thru December 31, 2013 as long as collectors comply with all new licensing and occupation tax requirements by April 1, 2013. Provisions of sections 4-309 through 4-315 shall be supplemental to, and be subject to, the additional provisions of the ordinances of the City of Fremont relative to Health and Sanitation under the Fremont Code, and such other and additional ordinances as effect garbage, trash and waste as therein defined.

- (6) Additionally, the owner of any vehicle, container, roll-off or drop box, exceeding eight (8) cubic yards in capacity left at any location within the City for the collection or accumulation of refuse pending transportation shall be required to uniquely identify each container used within the corporate limits of the City by permanently marking at least three (3) sides of the container with the name of the owner of the container and a number unique to each such container. Said markings shall be at least six (6) inches in height and legible from a distance of thirty (30) yards. Any person or firm placing or utilizing a container or vehicle for the collection or accumulation of solid waste pending transportation within the City in violation of this section shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day and each day of violation shall constitute a separate offense.
- (7) As a condition of licensing, the owner of each vehicle, operated or utilized to provide for the transport for hire of solid waste shall be required to certify his knowledge and understanding of the provisions of sections 13-2001 et seq. RS Neb. as it relates to the handling, transportation and disposal of refuse.

§4-309.2 Collector's occupation tax fees and payment.

All fees required by the Garbage Hauler Occupation Tax for the use of the Transfer Station, shall be paid at the time of the use or they may be charged by the collector and paid to the City Finance Director by the collector on a monthly basis. However, all charges shall be paid monthly to the City, and each payment shall be made no later than the first of the month immediately following the billing. Interest shall accrue on the unpaid balance at the annual rate of 18%. If the payment is not made to the City as described above by the first day of the month immediately following the billing, the collector shall pay in cash or certified check, for all fees which the collector incurs as a result of using the Transfer Station until all outstanding amounts owed the City are paid in full. If all of the payments are not paid as due to the City as set forth, the bond shall be deemed forfeited up to the amount of the total fee as charged but unpaid by the collector.

§4-310 Transport; Verification; Classification; Transfer Station.

All residents and licensed haulers for hire of solid waste shall be required to transport all solid waste as defined by section 81-1502(26) RS Neb. to the Transfer Station sited by Fremont in Dodge County, Nebraska for disposal unless such solid waste is to be taken to a landfill or other disposal facility outside the State of Nebraska or to be taken to any recycling center or material recovery facility. Solid waste which will be taken to a landfill or other disposal facility outside of the State of Nebraska or to be taken to any recycling center or material recovery facility, shall be transported to the Transfer Station for classification as to the type of waste material. Records shall be made of such classification and ultimate destination.

§4-312 Construction, Waste, Requirement.

It shall be unlawful for any person to carry, cart, haul or convey any refuse or wastes as defined by section 13-2001 RS Neb. or construction wastes generated within the corporate limits of the City for disposal outside the corporate City limits without having such refuse classified by the authorities at the Transfer Station. The waste from the razing of an entire structure shall not be accepted at the Transfer Station for disposal, but shall be brought to the Transfer Station to be weighed and classified prior to it being transported to another facility for disposal.

§4-313 License Tax; Costs and fees; May be recovered by civil action.

Any person whose duty it is pay a license tax as provided in Section 4-309.1 and 4-309.2 who shall fail to pay the same shall be liable to an action for the recovery of the amount of such license tax, together with costs and attorney fees; provided, that the remedy by action shall not be deemed exclusive but concurrent with other remedies provided for such violation.

§4-314 Restrictions on hours of garbage and trash pickup.

No garbage or trash hauler shall commence operations in residential areas and commercial areas adjacent to residential areas before five-thirty (5:30) A.M. All such operations shall cease by nine (9:00) p.m. For the purpose of this section, "residential areas" and "commercial areas" shall be those general residential and specific commercial zoning districts so designated on the City's Official Zoning District Map.

Penalty - Any person who violates the prohibitions or provisions of this section shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of One Hundred Dollars (\$100.00) per occurrence.

§ 4-314.1 Vehicle requirements.

- (1) Licensed hauler vehicles; display of licensing sticker:
 - a. All refuse hauling vehicles operated by licensed refuse haulers shall at all times prominently display a sticker issued by the City of Fremont on the driver's side of the licensed vehicle proximate to the DOT numbers. The sticker shall be color coded by year and registered to the specific VIN of the vehicle it is placed upon.
 - b. Fee, there is no additional fee aside from the standard licensing costs
 - c. Penalty for failing to obtain or properly display the issued licensing sticker is a penalty of Two Hundred Fifty Dollar (\$250) for the first offense, Five Hundred Dollar (\$500) for the second and subsequent offenses; in addition to suspension or revocation of the hauler's license for any third or subsequent violation.
- (2) Any vehicle used by a refuse hauler licensee to collect and transport refuse shall be equipped with a cover of such a material sufficient to prevent any refuse and waste materials from being blown away or jarred off such vehicle.
- (3) Any vehicle used by a garbage hauler licensee to collect and transport garbage, shall have a body designed specifically for the transportation of garbage.
- (4) All garbage and refuse vehicles, including trailers and roll-offs used for the purpose of hauling garbage, shall be kept in a painted condition and in as clean and sanitary a condition as possible while in use.
- (5) All garbage collectors must dump garbage and refuse collected by them within the City limits at the Transfer Station on the same day it is collected. However, should garbage or refuse be collected by the garbage hauler as otherwise permitted herein on days that the Transfer Station is closed, the garbage and refuse shall be deposited at the Transfer Station on the first business day immediately following the collection of the garbage and refuse. Failure to do so shall result in a ten (10) day suspension of the operator's license for the first violation, a thirty (30) day suspension for the second violation, and a third violation shall result in a termination of the license. A person, party, or entity terminated will not be eligible to reapply for a new license for a period of 12 months.

§ 4-314.2 Refuse container permitting.

Application for a permit under this section shall be made upon forms provided by the City of Fremont.

Licensed hauler containers, location permit:

1. All refuse containers exceeding eight (8) cubic yards in capacity must obtain a 'location permit' from the City of Fremont prior to placing the container within the City limits. The permit issued by

the city shall be registered to a single container and to a single location. The permit shall be shown to the employee in operation of the Transfer Station at the time of weighing of the refuse contained therein. If the container is to be reused in the same location after being emptied (or classified) at the Transfer Station, the hauler shall be permitted to retain possession of the permit for reuse up to one year. If the container is to be used in a different location, the Transfer Station employee shall retain the permit and the hauler shall obtain a new permit for the new location.

2. There will be a Seven Dollar (\$7.00) fee for each permit to be collected at the time or registration of the container for the permitted location.
3. There will be assessed a penalty for failing to obtain or properly display the issued location permit of Two Hundred Fifty Dollars (\$250) for the first offense, Five Hundred Dollars (\$500) for the second and subsequent offenses; in addition to suspension or revocation of the hauler's license for any third or subsequent violation.

§4-314.3 Promulgation of rules and regulations.

The City Administrator may promulgate any and all reasonable rules and regulations necessary and proper to implement and enforce this and related sections of the Fremont Municipal Code. All such rules and regulations shall be in writing and shall be available for public inspection in the office of the City Clerk and the Transfer Station.

§4-315 Penalty.

Any person who violates the provisions of sections 4-309 through 4-314.3 shall be guilty of a misdemeanor. The penalty for such violation shall be in an amount not to exceed five hundred dollars (\$500.00). The person against which this misdemeanor penalty may be imposed, shall be that person then operating the unlicensed vehicle.

§4-401 Nuisance: Generally defined.

A nuisance consists in doing any unlawful, wrongful or injurious act, omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others,
2. Offends decency,
3. Is offensive to the senses,
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the City,
5. In any way renders other persons insecure in life or the use of property, or
6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

§4-402 Nuisances: Abatement procedure.

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the City to keep such real estate free of public nuisances. Upon determination by the Board of Health, Code Enforcement Officer, Building Inspector or other City Official having jurisdiction that said owner, occupant, lessee, or mortgagee has failed to keep such real estate free of public nuisances, the City Council shall thereupon cause notice to be served upon the owner, occupant, lessee, mortgagee or agent thereof, by publication and by certified mail. Such notice shall describe the nuisance and state that said condition has been declared a public nuisance, and that the condition must be remedied at once. If the person receiving the notice has not complied therewith or taken an appeal from the determination within five (5) days after receipt of certified mail or within five (5) days after date of publication whichever is later, the City Council shall cause a hearing date to be fixed and notice thereof to be served upon the owner, occupant, lessee, or mortgagee, or agent of the real estate. Such

notice of hearing shall be by personal service, posting of the property or certified mail and shall require such party or parties to appear before the City Council to show cause why such condition should not be found to be a public nuisance and remedied. An affidavit of service shall be required by the City Council. Such notice shall be given not less than five (5) days prior to the time of hearing. Upon the date fixed for the hearing and pursuant to notice, the City Council shall hear all relevant evidence offered by the parties. If after consideration of all of the evidence, the City Council shall find that the said condition is a public nuisance, it shall, by resolution, order and direct the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once; provided, the party or parties may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the City Council may be stayed. Should the owner or occupant refuse or neglect to promptly comply with the order of the City Council, the City Council shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the City, a statement of the cost of such work shall be billed to the owner of the property. If the owner fails to reimburse the City after being properly billed, the cost may be assessed against the real estate and the City Council shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law for special assessments.

§4-403 Nuisances: Jurisdiction.

The Mayor and Chief of Police are directed to enforce this Municipal Code against all nuisances within the corporate limits of the Municipality.

§4-404 Nuisance: Dead or diseased trees.

- (1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Municipality.
- (2) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the Municipality. For the purpose of carrying out the provisions of this section, the Municipal Police shall have the authority to enter upon private property with any necessary and proper assistance to inspect the trees thereon.
- (3) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty (30) days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

§4-501 Weeds: Defined.

A weed shall be defined as any unsightly, troublesome or worthless plant or vegetation which, because of its detrimental nature would reduce the value of, the use, or enjoyment of the property upon which it stands or would reduce the value of, the use, or enjoyment of any surrounding property, including, but not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

§4-502 Weeds: Removal.

It shall be the duty of every owner of real estate in the City to cut and clear such real estate, together with one-half (1/2) of the streets and alleys abutting thereon, of all weeds and worthless vegetation as defined in section 4-501, or which obstruct travel on public ways, or create a fire or health hazard. Such weeds and worthless vegetation shall be cut so as not to extend more than twelve inches (12") above the ground. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed. Upon the failure of the owner, lessee, or occupant having control of any such real estate to cut and clear the said weeds and worthless vegetation as set forth hereinbefore, the Police Department shall serve notice on the said owner, lessee, or occupant to do so. In the event that the weeds and vegetation have not been removed after a period of

five (5) days, the City Council may order the same to be done under the direction of the Police Department, Code Enforcement Officer, or the Public Works Department or their designees, and the cost thereof shall be chargeable to the property owner. Said costs shall be the actual cost of the employee and equipment hours actually spent removing the weeds and vegetation. If the owner fails to reimburse the City after being properly billed, the cost may be assessed against the real estate and the City Council shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

§4-503 Weeds; Determination.

The Police Chief, Code Enforcement Officer or their designees shall determine whether the vegetation is a weed or worthless vegetation as defined in section 4-501. Should the property owner dispute the finding that said vegetation is a weed or weeds, the property owner shall file a notice of appeal within five (5) days with the City Clerk. The City Clerk shall notify the City Council, which shall act as the Board of Appeals, of the appeal. The City Council shall make its determination in the matter at the next public meeting. The procedures in section 4-502 shall apply.

§4-504 Nuisance; Weeds, litter, stagnant water.

- (A) Lots or pieces of ground within the City shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.
- (B) The owner or occupant of any lot or parcel of ground within the City shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of twelve (12) inches or more in height of weeds, grasses, or worthless vegetation.
- (C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the City is prohibited, except that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.
- (D) It is hereby declared to be a nuisance to permit or maintain any growth of twelve (12) inches or more in height of weeds, grasses or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.
- (E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.
- (F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within five (5) days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the City or fails to comply with the order to abate and remove the nuisance, the City may have such work done. The costs and expenses of any such work shall be paid by the owner. If the owner fails to reimburse the City after being properly billed, the cost may be assessed against the real estate and the City Council may direct that the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law for special assessments.
- (2) If unpaid for two (2) months after such work is done, the city may either:
 - (a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or
 - (b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground

and the adjoining streets and alleys.

(G) For purposes of this section, litter shall be defined as, but not limited to, Trash, rubbish, refuse, garbage, paper, rags, and ashes; Wood, plaster, cement, brick, or stone building rubble; Grass, leaves, and worthless vegetation; (d) Offal and dead animals; and Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

§4-601 Violation; Penalty.

Any person who violates any of the prohibitions or provisions of any Article or Section of this Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular Article or Section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed one thousand (\$1,000.00) dollars and/or imprisonment for any length of time not to exceed three (3) months, in the discretion of the court.

§4-602 Abatement of Nuisance.

Whenever a nuisance exists as defined in this Chapter, the City may institute legal proceedings to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.