

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 Municipality, 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. *(Ref. 17-121 RS Neb.)*

§4-102 HEALTH; ENFORCEMENT OFFICIAL. The Municipal Police Chief, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body and the Board of Health of health nuisances within the Municipality and its zoning jurisdiction. *(Ref. 17-121 RS Neb.)*

§4-103 HEALTH; STATE RULES. The "Rules and Regulations Relating to Public Health," Department of Health of the State of Nebraska are hereby incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended. Three (3) copies of the said pamphlet are filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time. *(Ref. 18-132, 19-902 RS Neb.)*

§4-104 HEALTH; COUNTY HEALTH BOARD. It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the Municipality.

Wakefield Code

Article 2. Garbage Disposal

§4-201 GARBAGE; DEFINED. The term "garbage" as used in Section 4-204 shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health. *(Amended by Ord. No. 8-2008, 7/9/08)*

§4-202 RUBBISH; DEFINED. The terms "rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Municipality.

§4-203 WASTE; DEFINED. The term "waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

§4-204 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 Municipality, decayed vegetable or animal substance, garbage, or refuse of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in receptacles as nearly airtight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, garbage, 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 within twenty-four (24) hours after being notified to do so by the Municipality. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is secured at its opening. All persons shall have the contents of their garbage cans removed at least once a week. *(Ref. 19-2106 RS Neb.) (Amended by Ord. No. 8-2008, 7/9/08)*

§4-205 DEAD ANIMALS. All dead animals shall be immediately removed and buried by the owner of such animals; and if the owner of such animal cannot be found within two (2) hours after discovering the same, then such animal shall be removed by and at the expense of the Municipality. Dead animals shall not be buried within the corporate limits of the Municipality, nor within one (1) mile thereof, nor in or above the course of ground water that is used for drinking purposes by the Municipality or its inhabitants. Such animals may, however, be buried in the Municipal Dumping Ground. (*Ref. 17-114, 17-123 RS Neb.*)

§4-206 GARBAGE DISPOSAL FEE. (1) The City Council is given authority to set, by resolution, a garbage disposal fee in a reasonable amount, to be levied against each of the households to defer the cost of maintenance and operation of the garbage disposal system of the City of Wakefield, Nebraska.

(2) Such fee shall be set by resolution which resolution shall be posted at three (3) public places in said City and a copy of such resolution to be kept on file in the office of the City Clerk of the City of Wakefield, Nebraska and a copy upon its passage, prior to taking effect, published in the official publication of the City of Wakefield, Nebraska. The fee shall be collected by adding it to the regular household utility bill.

(3) Failure to pay the fee set forth in such resolution shall be deemed a violation of this section and shall be punishable by a fine not to exceed one hundred (\$100.00) dollars. (*Ord. No. 310, 1/4/84*) (*Amended by Ord. No. 8-2008, 7/9/08*)

§4-207 GARBAGE AND TRASH HAULING METHODS.

(1) The City of Wakefield, Nebraska shall contract with a commercial trash hauler to collect and remove garbage and refuse from within the corporate limits of the City and those areas outside the corporate limits which are served by City utilities. Bids for said service shall be invited under such specifications as the Mayor and City Council shall approve; provided, such contract shall provide that

the cost or expense of any citywide collection shall be paid by each household which receives an electric/utility billing within the corporate limits of the City and each household outside the City limits served by City utilities, except as exempted hereinafter.

(2) *Definitions.* For purposes of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL. All establishments where retail, wholesale or manufacturing business is conducted and all remaining premises not defined below in HOUSEHOLD. Multi-unit (three (3) or more living units) apartment complexes are included within this term. All pickups from City facilities shall be defined as commercial.

GARBAGE. Every waste accumulation of animal, fruit or vegetable matter, liquid, or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl or vegetable and including tin cans or similar food containers. Dead animals are not included within the definition of GARBAGE.

HOUSEHOLD. Any residential premises with two (2) or less dwelling units, including residential premises outside City limits which are served by City utilities.

PERMITTED FACILITY/PERMITTED LANDFILL. A landfill approved by the Director of the Nebraska Department of Environmental Quality including a landfill as set forth under section 13-2020 RS Neb. and applicable rules and regulations of the State of Nebraska or a landfill located in any other state which has been approved by that state's Department of Environmental Quality or equivalent governing agency and which landfill is an approved landfill facility under the laws, rules and regulations of that state, also meeting applicable federal standards as well as the standards adopted by that state.

REFUSE. All combustible, inorganic waste materials and rubbish such as papers, sweepings, rags, ashes, cinders and similar materials originating from ordinary household operations.

YARD WASTE. All waste of a vegetable origin including leaves, garden brush or debris, trees, limbs or bushes. Lawn clippings are not included in this term.

(3) Household collection of garbage and refuse will be made only from the curb in front of each household, unless alternate arrangements are established as deemed necessary for traffic safety and the safety of the contractor. Collection will include only garbage and refuse collected and placed within the containers provided by the contractor and shall include only garbage and refuse as defined in this section. All garbage or refuse that is subject to decay or fermentation within a short period of time shall be placed in durable plastic garbage bags securely tied at the opening prior to placing it in the container for collection.

(4) In the event that a household has more garbage and/or refuse than can be contained in the container provided by contractor, private arrangements for the collection of such additional garbage and/or refuse and the cost thereof, shall be made between said household and contractor.

(5) Private arrangements between a household and contractor shall be necessary for the collection, and the cost thereof, of (but not limited to) such items as carpets, pallets, tires, large appliances, yard wastes, leaves, large branches and construction, housing demolition and remodeling materials.

(6) Contractor will provide timely pickup of Christmas trees. No burn barrels or their contents will be collected.

(7) Segregation of garbage is not required.

(8) Collection shall be offered to all commercial establishments for such compensation and at such times and locations as may be agreed upon by the contractor and each commercial establishment.

(9) Collection shall be made, so far as possible, through the use of "packer-type" (as said term is commonly understood in the garbage and refuse collection business) vehicles which include mechanical devices for packing and compressing garbage and refuse, and which shall be leak proof. All equipment, tools and labor as are necessary to assure collection as set forth above shall be provided by contractor. All such equipment shall be kept clean at all times and all employees of contractor engaged in said collection shall at all times present a neat appearance. Disposal of garbage by contractor shall be only at a permitted facility/permitted landfill.

(10) A garbage disposal fee shall be as set forth in Section 4-206. Each household, as described above, shall be billed a garbage disposal fee along with the regular utility bill of the City of Wakefield.

(11) No person, organization, association or corporation shall be authorized to collect and remove garbage and refuse from any household within the corporate limits of the City of Wakefield, Nebraska, or those areas outside the corporate limits which are served by City utilities, without entering into a formal contract with the City for such purpose, except that the provisions of this section shall not be interpreted as preventing persons from collecting and transporting their own garbage and refuse so long as such garbage and refuse is secured as set forth in paragraph (a) below and a receipt for such disposal is provided as set forth in paragraph (b) below.

(a) The garbage and refuse collected and hauled pursuant to this paragraph (11) must be completely covered or otherwise contained or securely fastened so as to prevent any such materials which are liquid in nature from seeping or leaking from the vehicle and any solid waste materials from being blown or jarred from the vehicle onto the streets or adjoining property.

(b) Persons collecting and transporting their own garbage and refuse must give forty-five (45) days advance notice to the Office of the City Clerk that they intend to collect and transport their own garbage and refuse in the event that they intend for the City not to bill them for garbage collection with their usual monthly utility bill. Said persons shall also provide a receipt to the City Clerk from a permitted facility/permitted landfill at least one (1) time every month for the disposal of said garbage and refuse. Persons who do not provide said receipt to the City Clerk's Office by the last working day of the month shall be charged for garbage service in the same manner as other households serviced by the City contractor.

(c) Any person who shall violate this paragraph (11) by collecting and transporting household garbage and/or refuse without a contract with the City or without meeting the requirements of the exception as set forth above shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred

dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed each time and for each household that garbage or refuse is collected. (*Ord. No. 318, 11/6/85*) (*Amended by Ord. No. 8-2008, 7/9/08*)

§4-208 GARBAGE AND TRASH DUMPSTERS. (1) *Nuisance.*

(a) The Mayor and City Council find that garbage and trash dumpsters located in residential areas pose a nuisance to neighbors and to area residents, because they are unsightly and emit offensive odors, and thereby interfere with the comfortable enjoyment of life by the residential population of the City of Wakefield.

(b) The Mayor and City Council further find that garbage and trash dumpsters located in the C-1 Central Commercial District of the City are unsightly and pose a nuisance to the comfortable enjoyment of life by the residents of the City of Wakefield.

(2) *Definition.* The term DUMPSTER shall mean a container designed to receive, transport and dump waste, the sizes of which generally range from two (2) cubic yards up to eight (8) cubic yards, or greater. A typical dumpster is rectangular in shape and equipped with metal sleeves welded onto the sides of the container to allow a garbage truck to insert a set of metal arms into these slots and mechanically lift the dumpster up and over the top or side of the truck, emptying the collected refuse into the garbage truck or an even larger mobile trash container for transport to the local dump or landfill.

(3) *Restriction in Residential Areas.* Except as provided below, garbage and trash dumpsters shall not be permitted in any R-1, R-2, or R-3 residential zoned district of the City.

(a) Dumpsters may be provided for the use of trailer court residents in R-3 Mobile Home Districts or residents of multi-unit apartment buildings containing three (3) or more living units in R-2 and R-3 Residential Districts, under the following circumstances:

1. Dumpsters must be enclosed such that they are not visible to the public.

2. A building permit shall be required for the installation or expansion of a dumpster enclosure.

3. Dumpsters shall not be allowed on City terraces. A city terrace is defined as "that part of a street or highway lying between the property line and that portion of the street or highway usually used for vehicular traffic."

(b) Dumpster enclosures shall be subject to inspection by the City to ensure that they meet specifications.

(c) Dumpsters may be provided for the use of businesses legally operating and in compliance with the City Zoning Regulations within Residential Districts R-1, R-2 and R-3; provided, that any such dumpster shall not be visible from the public street. This requirement may be met by enclosing the dumpster as hereinafter specified.

(4) *Enclosure Specifications.*

(a) Minimum inside dimensions of dumpster enclosures shall be: width - 7 ft. 5 in; depth 5 ft 2 in; and height, 6 ft and 0 inches.

(b) Container pads or enclosure floors must have a concrete surface consisting of a minimum of four (4) inches of concrete with wire mesh.

(c) The pad or floor must be either at lot or street level or a shallow grade ramp from the flat surface of the pad to the lot or street level must be constructed.

(d) Approved fencing must be used on all sides of the enclosure. Approved fencing shall consist of vinyl, wood planks, or wood privacy panels; no picket or chain link fencing will be allowed. Wood planks or wood privacy panels must be painted or stained with some type of sealant.

(e) Provisions must be made to prevent the dumpster from moving from its intended location when unattended.

(f) A clearance of twelve (12) inches on all sides of the dumpster is required for purposes of safe movability.

(g) Two (2) reinforcement posts or bumper blocks must be constructed along the back wall of the enclosure to protect the wall from impact with the dumpster.

(h) Enclosures must be three-sided unless visible from the street. If visible from the street, a fourth wall shall be constructed, which wall shall contain a gate for entrance to the enclosure.

(i) Gates, if required, shall be devised so that they can be latched in the closed position and secured in the fully open position during removal of the dumpster contents.

(5) *Restriction in C-1 Central Commercial District.* Garbage and trash dumpsters visible from the public street shall not be permitted in the C-1 Central Commercial District of the City. Any such garbage and trash dumpsters which meet this restriction shall be allowed in the C-1 Central Commercial District but are not required to be enclosed. Provided, however, that any single, family, or multiple family dwellings located within the C-1 Central Commercial District shall be required to enclose all garbage and trash dumpsters used by the inhabitants thereof and comply with the enclosure restrictions as previously set forth herein.

(6) *Construction Waste.* Dumpsters used for construction waste shall be allowed in residential districts for as long as the building permit for the construction project is valid or for thirty (30) days, whichever is greater. (*Ord. No. 1-2006, 3/8/06*)

Article 3. Nuisances

§4-301 NUISANCES; GENERALLY DEFINED. A nuisance consists in doing any unlawful act, or 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 Municipality,
 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.
- (Ref. 18-1720 RS Neb.)*

§4-302 NUISANCES; SPECIFICALLY DEFINED. The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Municipality.

5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Municipality, nor the dumping of non-putrifying waste in a place and manner approved by the health officer.

6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

8. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

9. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or are maintained and kept in such a manner as to be injurious to the public health.

12. All other things specifically designated as nuisances elsewhere in this Code. (*Ref. 18-1720 RS Neb.*)

§4-302.1 NUISANCES; OUTSIDE PLACEMENT OF INDOOR FURNITURE AND APPLIANCES.

(1) A person shall not place, store, or maintain outside of a closed structure for a continuous period in excess of twenty-four (24) hours any indoor furniture, appliances, or other items which are not customarily used or stored outside or made of material that is resistant to damage or deterioration from exposure to the outside environment.

(2) For purposes of this section, an item located on a porch of a building, or underneath a carport, lean-to, or other similar structure, is considered to be outside if such structure is not entirely enclosed.

(3) This section shall not apply to landscaping, including, but not limited to birdbaths, plant containers, or statuettes made for outdoor use, or to lawn furniture made of material that is resistant to damage or deterioration from exposure to the outside environment. (*Ord. No. 13-2012, 11/14/12*)

§4-302.2 NUISANCES; MAINTENANCE OF MOSQUITO BREEDING WATERS.

The collection or maintenance of standing or flowing water in which mosquitoes breed or are likely to breed is hereby declared to be a nuisance, unless such collection of water is treated in a manner prescribed by the City Administrator, or his designee, so as to prevent the breeding of mosquitoes therein.

1. Collections of water to be considered as coming within the terms of this section are those which are contained in ditches, excavations, holes, open cesspools, shallow wells, ponds, retention ponds, pools, lakes, creeks, depressions, privies, vaults, fountains, cisterns, tanks, wells, barrels, troughs (except drinking troughs in constant use), urns, cans, tubs, buckets, bottles, tires, defective house gutters or any other similar water container.

2. Methods of treatment under this section may include one (1) or more of the following.

a. Screening with wire net at least twenty-two (22) meshes to the linear inch or other material which will prevent the ingress or egress of mosquitoes.

b. Complete emptying, every six (6) days, of all unscreened containers, together with a thorough drying and cleaning.

c. Use of an effective and approved larvicide.

d. Stocking with mosquito-destroying fish or top minnows (*Gambusia Affinis*) or other natural predators.

e. Filling or draining such contained water in a manner satisfactory to the City Administrator, or his designee, or other environmentally approved methods.

f. Prompt and proper disposal of tin cans, tires, crockery, bottles, barrels or other articles or artificial containers likely to hold water.

g. Repairing of defective house gutters, tanks which are out of order, and similar articles likely to hold water.

3. For purposes of enforcing the provisions of this Article, the City Administrator, or his designee, may at all reasonable times enter in and upon any premises within the City. The City Administrator shall have the authority to cooperate with federal and state agencies and to enter into such cooperative agreements or commitments as the City Administrator may determine necessary to carry out and enforce the provisions of this Article. (*Ord. No. 7-2011, 8/10/11*)

§4-302.3 NUISANCES; MAINTENANCE OF FLY BREEDING PREMISES. The maintenance of any animal manure, privy, vault, cesspool, pit or like place, or any garbage, trash, litter, rags or other

thing in which flies may breed or multiply, unless the same is securely protected against the entrance of flies, is hereby declared a nuisance. (Ord. No. 7-2011, 8/10/11)

§4-303 NUISANCES; ABATEMENT PROCEDURE. (1) It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the Municipality to keep such real estate free of public nuisances. Upon determination by the Board of Health that said owner, occupant, lessee, or mortgagee has failed to keep such real estate free of public nuisances, the Board of Health shall notify the Governing Body of said determination. The Governing Body shall thereupon cause notice of said determination by the Board of Health to be served upon the owner, occupant, lessee, mortgagee or agent thereof, by personal service or by certified mail. A return of service shall be required by the Governing Body. Such notice shall describe the condition as found by the Board of Health and shall state that said condition has been declared a public nuisance which must be remedied within fourteen (14) days of receipt of notice. Said notice shall also advise the person upon whom notice was served of said person's right to a hearing before the Governing Body. The owner, occupant, lessee, mortgagee, or agent thereof shall have five (5) days from the receipt of notice to request a hearing. The notice shall state the time and place of hearing should the request for hearing be timely made, but in no case shall said hearing be set for less than ten (10) days from the date of notice. Said hearing shall be deemed waived by the owner, occupant, lessee, or mortgagee if not timely made. If service upon the owner, lessee, occupant, mortgagee, or agent thereof such real estate cannot be obtained by means of personal service or certified mail, then the Municipal Clerk shall publish, in a newspaper of general circulation in the Municipality, such notice of the Board of Health's determination of public nuisance and right to hearing thereon for two (2) consecutive weeks, the last publication to be at least one (1) week prior to the date set for the hearing.

(2) Upon the date fixed for the hearing and pursuant to notice, the Governing Body shall hear all objections made by interested parties and shall hear evidence submitted by the Board of Health. If

after consideration of all of the evidence, the Governing Body 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 within fourteen (14) days; provided, the party or parties subject to said order may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the Governing Body shall be stayed.

(3) Should the owner or lessee, occupant or mortgagee of such real estate refuse or neglect to comply within fourteen (14) days of the notice to remedy the nuisance or within fourteen (14) days of the order of the Governing Body, the Governing Body shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the Municipality, a statement of the cost of such work shall be transmitted to the Governing Body, which is authorized to bill the property owner, lessee, occupant, or mortgagee, or to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments.

(4) The owner of real estate whose lessee, occupant, or mortgagee has created a nuisance on the owner's real estate shall be held jointly and severally liable with the lessee, occupant, or mortgagee for said nuisance. (*Ref. 18-1720 RS Neb.*) (*Amended by Ord. No. 337, 6/6/90*)

§4-304 NUISANCES; JURISDICTION. The Mayor and Chief of Police of the Municipality are directed to enforce this Municipal Code against all nuisances. The jurisdiction of the Mayor, Chief of Police, and court shall extend to, and the territorial application of this Chapter shall include, all territory adjacent to the limits of the Municipality within one (1) mile thereof and all territory within the corporate limits. (*Ref. 18-1720 RS Neb.*)

Article 4. Penal Provisions

§4-401 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction, thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

§4-402 ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity 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. *(Ref. 18-1720, 18-1722 RS Neb.)*

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