

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 8.06.020 of the Lincoln Municipal Code  
 2 relating to Air Pollution, Definitions, to update the definitions of “person” and “stationary source”  
 3 to make them consistent with the Lincoln-Lancaster County Air Pollution Control Regulations and  
 4 Standards; and repealing Section 8.06.020 of the Lincoln Municipal Code as hitherto existing.

5 Section 1. That Section 8.06.020 of the Lincoln Municipal Code be amended to read  
 6 as follows:

7 **8.06.020 Definitions.**

8 Unless otherwise defined, or a different meaning is clearly required by context, the following  
 9 words and phrases shall have the following meanings:

10 **Act** shall mean the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

11 **Air contaminant** or **air contamination** shall mean the presence in the outdoor atmosphere  
 12 of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate matter differing  
 13 in composition from or exceeding in concentration the natural components of the atmosphere.

14 **Air pollutant** or **air pollution** shall mean the presence in the outdoor atmosphere of one or  
 15 more air contaminants or combinations thereof in such quantities and of such duration as are or may  
 16 tend to be injurious to human, plant, or animal life.

17 **Air Pollution Control Program** shall mean this chapter and the Air Pollution Control  
 18 Program adopted by the City and County to implement and enforce the Act.

19 **Ambient air** shall mean the portion of the atmosphere, external to buildings, to which the  
 20 general public has access.

21 **Board of Health** shall mean the Lincoln-Lancaster County Board of Health.

22 **Complaint** shall mean any charge, however informal, to or by the Department that any  
 23 person or agency, private or public, is polluting the air or is violating the provisions of the Air  
 24 Pollution Control Program.

25 **Control** and **controlling** shall mean prohibition of contaminants as related to air pollution.

26 **Department** shall mean the Lincoln-Lancaster County Health Department.

27 **Director** shall mean the Health Director of the Lincoln-Lancaster County Health Department,  
 28 or any representatives, agents, or employees of the Director.

29 **Emissions** shall mean releases or discharges into the outdoor atmosphere of any air  
 30 contaminant or combination thereof.

31 **Garbage** shall mean all animal, fruit, or vegetable waste residue which is produced by  
 32 preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables,  
 33 cereals, or grains for human consumption, and coffee or tea grounds.

1           **Odor** shall mean that property of an air contaminant detectable by the Department, beyond  
2 the boundary line of the property on which the source is located.

3           **Odorous emission** shall mean any objectionable odor detectable upon investigation by the  
4 Department beyond the boundary line of the property on which the source of the emission is located.  
5 Odorous emission shall not include odors from:

- 6                   (1)     Single family dwellings;  
7                   (2)     Restaurants and other establishments for the purpose of preparing food  
8 employing less than five persons;  
9                   (3)     Materials with odors added for safety purposes;  
10                  (4)     Necessary materials where no suitable substitute is available and where the  
11 best modern practices to minimize odor are employed.

12           **Open burning** shall mean the burning of any matter in such a manner that the products of  
13 combustion resulting from such fires are emitted directly into the ambient air without passing  
14 through an adequate stack, duct, or chimney.

15           **Owner** or **operator** shall mean any person who owns, leases, operates, controls, or  
16 supervises a stationary source.

17           **Person** shall mean any individual, ~~corporation~~, partnership, [limited liability company](#), firm,  
18 association, [public or private corporation](#), trustee, [receiver, assignee](#), estate, public or private  
19 institution, group, [public or private](#) agency, [municipality or other government subdivision](#), political  
20 subdivision of this state, any other state or political subdivision or agency thereof or any legal  
21 successor, representative, agent, or agency of the foregoing.

22           **Refuse** shall mean and include garbage, rubbish, ashes, street refuse, dead animals, vehicles  
23 and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves and grass,  
24 and any other waste matter or material which accumulates in the conduct of a household, business  
25 establishment, shop, or factory of any kind or nature, and any other combustible waste material  
26 containing carbon in a free or combined state.

27           **Salvage operation** shall mean any operation conducted in whole or in part for the salvaging  
28 or reclaiming of any product or material.

29           **Source** shall mean any factory, grain elevator, machine, industrial plant, real or personal  
30 property, or person contributing to air pollution.

31           **Stationary source** shall mean any building, structure, facility, or installation which emits or  
32 may emit any air contaminant [subject to regulation by the Act or by the Lincoln-Lancaster County](#)  
33 [Air Pollution Control Regulations and Standards](#).

1           Section 2. That Section 8.06.020 of the Lincoln Municipal Code as hitherto existing be  
2 and the same is hereby repealed.

3           Section 3. That this ordinance shall take effect and be in force from and after passage  
4 and publication in one issue of a daily or weekly newspaper of general circulation in the City,  
5 according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2013:  _____ Mayor
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