

**POLICY NUMBER:** 224.30  
**DIVISION:** Environmental Public Health  
**POLICY TITLE:** Nuisance and Solid Waste Complaints  
**AGENCY(ies):** Lincoln-Lancaster County Health Department  
**AUTHORITY:** Board of Health, Lincoln Municipal Code Chapters 5.41, 8.02, 8.26, 8.32, and Lancaster County Solid Waste Resolution 4308  
**DRAFTED:** 02-27-78  
**BOH:** 11-13-89  
**REVISED:** 12-10-15  
**APPROVED:**

**POLICY STATEMENT:**

To protect and promote the public’s health, all nuisance and solid waste complaints will be investigated and resolved in a timely manner. The mitigation of nuisance conditions in our community will reduce public health risks by preventing illness and disease caused by improper waste management.

**PROCEDURE:**

As shown in the attached flow charts (Exhibit 1), all complaints will be recorded, given a case number, and assigned to an Environmental Health Specialist for further action. At a minimum, all complaints will require a physical address or a detailed explanation of the location and a description of the offending conditions. All investigation reports will include any notes and photographs taken of observations of site conditions.

In general, all solid waste complaints will be handled in the following manner:

1. A complaint is received, documented, and assigned to an Environmental Health Specialist for investigation. If the complaint is within Lincoln or the 3-mile limit, then:
  - A. A letter (Exhibit 2) stating the alleged violations that need to be corrected is sent to the owner of the property, the occupant of a rental property, both parties, or a registered agent. The letter includes a return postcard (Exhibit 3), to be completed by the receiving party, to document his/her effort to correct the offending conditions. The recipient is allowed 5 days from the date of mailing to correct the violations and/or return the postcard.
  - B. An electronic version of the notification letter may also be sent to the receiving party(s) upon request.
  - C. If the postcard is returned indicating that the alleged violations don’t exist or have been corrected, the Environmental Health Specialist can:
    - i. Close the case or,
    - ii. Conduct an inspection of the property to confirm that there are no violations prior to closing the case.
  - D. If the postcard is not returned or if additional complaints on the property are received, the Environmental Health Specialist will conduct an inspection of the property to document conditions.
  - E. If the inspection of the property confirms that no violations exist, the Environmental Health Specialist will document the findings and close the case.

- F. If the inspection of the property confirms that violations exist, the Environmental Health Specialist will document the conditions in writing and with photographs and do one or more of the following:
  - i. If no contact is made with the owner/occupant at the time of inspection, the Environmental Health Specialist will send a certified letter (Exhibit 4) to the owner/occupant stating what violations were identified and what corrections need to be made to achieve compliance. The Environmental Health Specialist will allow 5 days from the date of mailing for compliance and then conduct a follow-up inspection of the property on or after the 6<sup>th</sup> day but no later than 10<sup>th</sup> day.
  - ii. If contact is made with the owner/occupant at the time of inspection, the Environmental Health Specialist will fill out an Official Notice (Exhibit 5) stating what violations were identified and a compliance date and leave a copy with the owner/occupant. A copy of the Official Notice will be scanned into the case record.
    - (a) The Environmental Health Specialist will send a certified letter to the owner/occupant that includes all the violations noted on the Official Notice, what corrections need to be made to achieve compliance, and the compliance date. The Environmental Health Specialist will conduct a follow-up inspection of the property on or after the 6<sup>th</sup> day but no later than the 10<sup>th</sup> day.
- G. If the follow-up inspection of the property confirms uncorrected and/or new violations, the Environmental Health Specialist will document the conditions in writing and with photographs and,
  - i. Complete a Nuisance Abatement Authorization Form (Exhibit 6), schedule an abatement with the City contractor, and meet the City contractor on-site to direct and document the abatement activities.
  - ii. Consult with the Solid Waste Supervisor about referring the case to the City Attorney for further action.
- 2. When a complaint is received that is outside Lincoln's 3-mile limit, the procedures are the same as previously discussed except:
  - A. If the complaint is in or within 1-mile of a village/city, the complainant will be directed to file a complaint with the appropriate Village Clerk or City Administrator and request an investigation in accordance with the inter-local agreement.
  - B. Upon receiving a complaint from the Village Clerk/official city representative, the Environmental Health Specialist will conduct an inspection of the property to document conditions.
  - C. Following visual assessment of site conditions, the Environmental Health Specialist will prepare a report for the Village Clerk/official city representative and testify on his/her behalf in court, as necessary. Any abatements must follow the village's/city's procedures.

POLICY NUMBER: 224.30  
DIVISION: Environmental Health  
POLICY TITLE: Nuisance Complaints  
AGENCY (ies): Lincoln-Lancaster County Health Department  
AUTHORITY: Board of Health, Lincoln Municipal Code Chapters 8:28,  
8:40, 8:44, 8:56, 9:40 and the Lancaster County Solid Waste Resolution  
of 1987.  
DRAFTED: 02-27-78  
BOH: 11-13-89  
REVISED: 03-14-96  
APPROVED:

~~POLICY STATEMENT:~~

~~All complaints to the Division will be [recorded and] investigated and a resolution achieved according to written procedures. [The Supervisor will assign a priority level to each complaint and assign it to a staff person. The investigations shall be documented and dated.]~~

~~PROCEDURE:~~

- ~~I. All complaints shall be recorded and logged in as to date received, and address about which the complaint is made. A case number shall be assigned by the person recording the complaint. The information shall be recorded onto Form 23-18 (See Exhibit 1) which will be forwarded to the Consumer Services supervisor for assignment of staff and priority.~~
  - ~~A. Complainants shall be queried as to their name, address and telephone number. Assurances will be given that this information will remain confidential. If complainant refuses, they shall be asked if they have reported the complaint previously. If affirmative, they shall be notified that the information is needed in order for staff to discuss the matter with them. If the complainant still refuses compliance, the complaint must be recorded and processed as above.~~
- ~~II. The Supervisor will assign priorities to all complaints according to their potential impact to the public health as reported by the complainant. Generally speaking complaints would be assigned priority as follows:~~
  - ~~Priority Level 1. Improper storage and retention of garbage~~
    - ~~Health and safety hazards~~
    - ~~Rat and insect infestations, sewage disposal~~
  - ~~Priority Level 2. Improper disposal of waste water~~
    - ~~Accumulations of junk and refuse~~
  - ~~Priority Level 3. Junk cars and hazardous vehicles~~
- ~~III. All complaints shall receive an initial assessment within 2 working days.~~
  - ~~A. Contact should be made with the resident prior to entry onto the property.~~
  - ~~B. The validity of the complaint shall be determined during the initial visit. Conditions found at all inspections should be accurately recorded at the time of inspection.~~
  - ~~C. The correct address, occupant's name, and owner's name shall be verified.~~
- ~~IV. The following procedures shall apply for specific nuisance types:~~
  - ~~A. Improper storage and retention of garbage~~

~~1. Definition~~

- ~~a. Garbage stored in such a manner to allow it to be accessible to flies, rodents, animals, or to be freely blown by the wind shall be declared a nuisance. (Ref: LMC 8.44.040, LCSWR Sec 12).~~
- ~~b. Garbage removed at such inadequate frequency as to generate odors or attract flies shall be declared a nuisance. (Ref: LMC 8.44.040 LCSWR Sec. 12).~~

~~2. A five day notice (See Exhibit 2) will be delivered to the occupant and to the owner of the property. Said notice shall be in person or by certified mail. Hand delivered notices shall be accomplished within two working days. Certified mail notices shall be mailed within two working days. In all cases a door card (See Exhibit 3) will be left at the initial inspection of valid complaints if the owner and occupant are not present to accept the official notice.~~

~~3. A reinspection shall be performed on the 1st working day following the end of the notice period. If the condition has not been removed, the investigating Environmental Health Sanitarian shall take photographs of the condition. On the same day, for cases within Lincoln's jurisdiction, the sanitarian shall notify the supervisor of the conditions and shall also make arrangements with the appropriate garbage hauler to meet at the property within the next two working days. For cases not in Lincoln's jurisdiction an arraignment report (See Exhibit 4) will be forwarded to the supervisor within 5 working days.~~

~~4. At the time of contracted garbage removal the Environmental Health Sanitarian and hauler representative shall effect a written authorization form. (See Exhibit 5) The original will be given to the hauler and a carbon copy shall be retained by the Environmental Health Sanitarian.~~

~~5. Anytime the Environmental Health Sanitarian determines the condition constitutes an immediate hazard to the public health and safety, the supervisor shall be notified. The supervisor, shall then implement policy #0202.29 for Executive Orders.~~

~~B. Use of unauthorized garbage containers~~

~~1. Garbage stored in containers unauthorized in LMC 8.28.170 shall require the delivery of a 15 day notice to the occupant and owner of the property by personal delivery or by certified mail as in (2) above. For cases not in Lincoln's jurisdiction this shall only apply to residential subdivisions.~~

~~2. A reinspection shall be performed on the 1st working day following the end of the notice period. If the violation remains photographs shall be taken and an arraignment report shall be completed and forwarded to the supervisor within 5 working days.~~

~~3. For all non-compliance cases a new notice shall be issued every 30 days from the date of the original notice until compliance is achieved.~~

~~4. For the purposes of the LCSWR, garbage generated from households on properties of 10 acres or more per household may dispose of their garbage on that property by burial as long as it is done in a sanitary manner and does not create a public health nuisance or pollute any body of water.~~

~~C. Health-Safety Hazard Complaints~~

- ~~1. Complaints concerning buildings shall be referred to the Department of Building and Safety. (See Exhibit 6)~~
- ~~2. Complaints concerning weeds in the City of Lincoln shall be referred to the weed enforcement program of the Department of Public Works. In the County, they shall be referred to the County Weed Control Authority.~~
- ~~3. The Supervisor shall be notified of conditions constituting an immediate threat to the public health. The Supervisor shall then implement policy #0202.29 for Executive Orders.~~
- ~~4. Improperly abandoned septic tanks, cisterns, wells, basements and other similar structures are considered a safety hazard.~~
- ~~5. Trees or branches split or broken in such a manner as to be leaning or hanging in a precarious manner shall be deemed a safety hazard if it has the potential to cause damage to an adjacent property or if it has the potential to fall on a spot that is frequented by people. The city arborist will be consulted in making this decision. The notice shall be issued to the owner of the property on which the tree is located. If the tree is situated on a property line the notice shall be issued to the owner of the property over which the split or break has occurred. If no obvious threat exists the complainant shall be informed that they may utilize the civil courts if they wish to pursue the case. (See Exhibit 7)~~
- ~~6. Complaints about depressions left from demolition projects shall be referred to the Department of Buildings and Safety.~~
- ~~7. Artificial containers which provide a source of mosquito breeding will be deemed a health hazard.~~
- ~~8. When a health or safety hazard is determined to exist the Environmental Health Sanitarian shall issue a 15-day notice to the property owner and to the occupant by personal delivery or by certified mail as in IV. A. (2). above. A reinspection shall be performed on the 1st working day following the end of the notice period. If the condition remains, photographs shall be taken and an arraignment report forwarded to the supervisor within 5 days.~~
- ~~9. For non-compliance cases new notices shall be issued every 30 days from the date of the original notice until compliance is achieved.~~

~~D. Waste Water Complaints~~

- ~~1. Complaints concerning washing machine and swimming pool wastewater emptied onto the complainer's property, city street, or alleyway shall be handled as staff are available.~~
- ~~2. These conditions shall be deemed a violation of LMC 9.40.010. The Environmental Health Sanitarian will accurately record the conditions observed and take photographs. The name of the violator must be obtained.~~
- ~~3. An arraignment report will be forwarded to the Supervisor within 5 days.~~
- ~~4. The absence of proper sewage connections within the city will be referred to the Department of Building and Safety.~~

~~E. Junk and Refuse Complaints~~

- ~~1. To be designated as junk or refuse, the material(s) in question must be old or scrap materials, or waste materials. (LMC 8.44.060, LCSWR Sec. 2)~~
- ~~2. The accumulation of junk or refuse in such a manner that conditions are liable to become putrid or produce disease, or is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodents or insects will be declared a nuisance. (LMC 8.44.040, LCSWR Sec. 13)~~
- ~~3. To be conducive to the breeding and existence of rats the accumulation must be large enough to provide harborage to the rats.~~
  - ~~a. Building materials, firewood, and other wanted items should be stored at least 12 inches off the ground.~~
  - ~~b. For the purposes of the LCSWR this will only be enforced in residential subdivisions unless a clear public health threat to occupants of neighboring properties can be established, or if junk or refuse is being deposited into bodies of water.~~

~~F. Junk Cars and Hazardous Vehicles~~

- ~~1. Due to the potential health and safety hazards of vehicles determined to be junk, as determined below, they shall be treated as hazardous vehicles in accordance with LMC 8.40 and the LCSWR.~~
  - ~~a. Vehicles that are being worked on, are not junk as defined in LMC 8.44, and complaints involving vehicles at repair operations are invalid except as noted in "c" below. If the repair operation is in a residential area, a 15-day warning notice for LMC 27 will be issued to the occupant in writing or by certified mail. The complaint will then be referred to the Department of Building and Safety for follow through by using the "Referral form for Abandoned vehicles" (Exhibit 8). Improperly handled waste materials generated by the operation shall be handled as described in sections IV. (A), (C) and (E) of this procedure.~~
  - ~~b. For the purposes of the LCSWR junk automobiles that are not located in or within 300 yards of a residential subdivision and are not located in a body of water will not be treated as a violation.~~
  - ~~c. Old or scrap vehicles that are wrecked or dismantled, or vehicles that meet the criteria set forth in LMC 8.40.010(f) or LCSWR 2 (0) that are not essential to the conduct of a business (including repair operations) will be declared to be hazardous.~~
- ~~2. When a vehicle(s) is declared to be hazardous, the Environmental Health Sanitarian shall place a hazardous vehicle sticker (See Exhibit 9) upon the windshield of the vehicle, or some other highly visible spot in the absence of a windshield. A 15-day notice (See Exhibit 10) shall be delivered in person or by certified mail to the property owner and to the owner of record of the vehicle if this can be ascertained. Such delivery shall be as in IV. A. (2) above. In addition to the notice, a vehicle waiver form (See Exhibit 11) shall be delivered to the owner of the property. Waivers will not be issued when the complaint is located at rental-storage units.~~
- ~~3. A reinspection shall be performed on the first working day following the end~~

~~of the notice period. If the condition remains, photographs shall be taken and an arraignment forwarded to the supervisor within 5 days.~~

- ~~4. In non-compliance cases a new notice shall be issued every 30 days from the date of the original notice until compliance is achieved.~~
- ~~5. Complaints of abandoned vehicles, as defined in LMC 10.30.080(4), shall be handled by issuing a vehicle waiver form to the property owner or tenant. Waiver forms shall be checked for completion and copied before being forwarded to the Property and Supply Division of the Police Department or Operations Division of the Sheriff's Department.~~
- ~~6. Whenever unlicensed vehicles are observed during an inspection, a description of the vehicles and the property address shall be forwarded to the Deputy Assessor of the County Assessor's Office. These shall be compiled on a bi-weekly basis by the supervisor before referral. (See Exhibit 12)~~
- ~~7. Upon inspection, vehicles will be checked for operational condition. The investigator will check the engine compartment if possible as part of this determination. Any visible signs that indicate the vehicle cannot be operated at that time will be documented on the inspection form, the referral form, and the warning notice. For non-operating vehicles, a 30 day warning notice, citing LMC 10.30 and a waiver form shall be issued to the occupant in person or by certified mail. The information necessary to complete the "Referral Form for Abandoned Vehicles" will be obtained to the extent possible during the inspection. Vehicle Identification Numbers (V.I.N.'s) will be recorded if they are plainly visible through the windshield of the vehicle, or on the drivers door. If the occupant or owner requests that the door not be opened to check the V.I.N., the investigator will not open the door.~~

~~The referral form with photograph and other pertinent attachments will be referred to the Lincoln Police Department for follow through. The backside of the photograph will be initialed by the sanitarian and will indicate the time, date, and location of exposure prior to the referral.~~

- ~~8. Upon inspection, if automobiles are parked illegally, a 15-day warning notice, citing LMC 27 will be issued to the occupant in person or by certified mail. LMC 10.60.450 allows the Police Department to issue citations for LMC 27 parking violations, therefore this will then be referred to the Department of Building and Safety and the Lincoln Police Department for follow through using the "Referral Form for Abandoned Vehicles".~~

#### ~~G. Stagnant Water Complaints~~

- ~~1. Stagnant bodies of water which provide aquatic habitat for plants or animals probably are protected by the Federal government. Any possible filling or draining of these bodies must be referred to the U.S. Army Corps of Engineers first.~~
- ~~2. Stagnant bodies which are not protected are deemed to be a nuisance by LMC 8.56. Upon declaring such a nuisance, the supervisor shall prepare a request that the City Council, by resolution, direct the property owner to drain or fill in the property and to authorize the Director of Public Works to do so if the property owner does not comply within 10 days of notification of passage of the resolution.~~

- ~~3. When authorized by the supervisor, small bodies of stagnant water will be treated with a mosquito larvacide at the initial inspection and every 30 days thereafter until September 1. Each staff member will maintain a list of properties that have been treated.~~
- ~~V. At the end of the warning periods, if substantial effort has been made toward compliance, additional time may be granted upon approval by the supervisor.~~
- ~~VI. The legal descriptions of the properties cleared of public nuisances by the Health Director will be referred to the Assessor's Office to determine the tax account (alternate key number) of each property. By September 15 of each year all properties cleared since September 1 of the previous year and their associated removal costs will be reported to the City Council for assessment. The Supervisor will coordinate this with the City Clerk.~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
CERTIFIED

Dear \_\_\_\_\_:

In response to a complaint, an investigation of the property located at \_\_\_\_\_, was conducted on \_\_\_\_\_. At the time of inspection, the following vehicle(s) appeared to be in violation of Chapter \_\_\_\_\_ of Lincoln Municipal Code:

\_\_\_\_\_ Vehicle Description:

\_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_ Year \_\_\_\_\_

\_\_\_\_\_ License Plate \_\_\_\_\_ Exp \_\_\_\_\_ Vin \_\_\_\_\_

This vehicle is in violation due to the following condition(s):

- 1. \_\_\_\_\_  
\_\_\_\_\_
- 2. \_\_\_\_\_  
\_\_\_\_\_
- 3. \_\_\_\_\_  
\_\_\_\_\_

We will appreciate your cooperation in abating the above stated violation(s). An official will reinspect \_\_\_\_\_ days from receipt of this letter. If violation is not corrected charges may be brought against you in Lancaster County Court.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~ This is being referred to the Lincoln Police Department.

If you have any questions regarding this matter, please contact this office.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~EXCERPTS FROM CHAPTER 8.28.-- SOLID WASTE~~

~~8.28.140. Owner or occupant of premises - Disposal of substances liable to become offensive. It shall be unlawful for any person to permit or suffer any substance of the nature mentioned in the preceding section (8.28.130) which is liable to become putrid, offensive, or injurious to the public health, to remain on any premises owned or occupied by him within the corporate limits of the City of Lincoln or within three miles thereof for a longer period than twenty-four hours after notification by the Health Director to remove and properly dispose of said substance.~~

~~8.28.160 Containers or Receptacles and pickup services to be provided for solid waste.-- Residential unit for rent or lease The owner, agent or manager having charge of a residential unit containing multiple dwelling units for rent or lease used in whole or in part for the purpose of housekeeping or lodging with the corporate city limits or within three miles thereof shall furnish the same with a sufficient number of solid waste receptacles or containers to accomodate all solid waste from the rented or leased dwelling units, and which shall comply with all specifications set forth in section 8.28.170.~~

~~-----The owner, agent or namager having charge of said residential unit containing multiple dwelling units for rent or lease shall be responsible for collecting, removing and disposing of any solid waste generated or accumulated at said residential unit.~~

~~-----The owner, agent or manager having charge of a single family dwelling which is rented or leased for use in whole or in part for the purpose of housekeeping or lodging within the corporate city limits or within three miles thereof shall furnish the sane with a sufficient number of solid waste receptacles or containers to accomodate all solid waste from said single family dwelling and shall be responsible for collecting, removing and disposing of any solid waste generated or accumulated at said single family dwelling; except that the owner, agent, or manager of a single family dwelling may be exempt from the above requirements if said owner, agent or manager has entered into a written agreement with the tenant which specifically states that the tenant i s responsible for providing their own refuse receptacles and refuse collection and removal services. For the purposes of this section "single family dwelling unit" means a residential unit maintained and used as a single dwelling unit and not structurally connected to any other dwelling units.~~

~~-----Solid waste accumulated by occupants of rented or leased residential units shall be collected and removed from the premises at least twice every week. The occupant of the rented or leased residential unit shall be responsible for the placing of solid waste in provided receptacles.~~

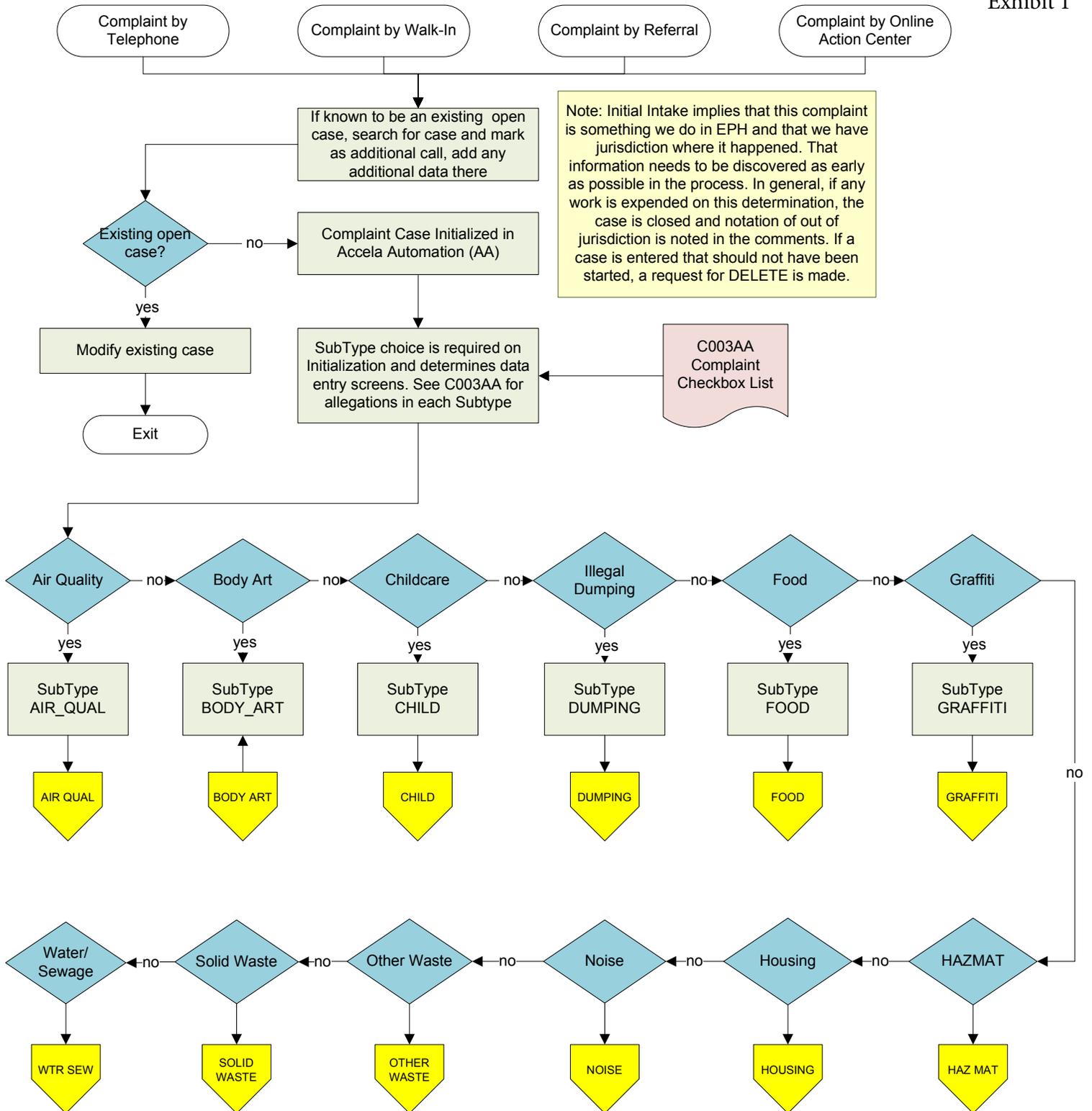
~~-----Solid waste materials left on the premises of a rented or leased residential unit by a tenant who has vacated said unit shall become the responsiblity of the owner, agent or manager of said unit at the time of vacation and said owner, agent, or manager shall remove those solid waste materials from the premises within 48 hours after vacation by the tenant.~~

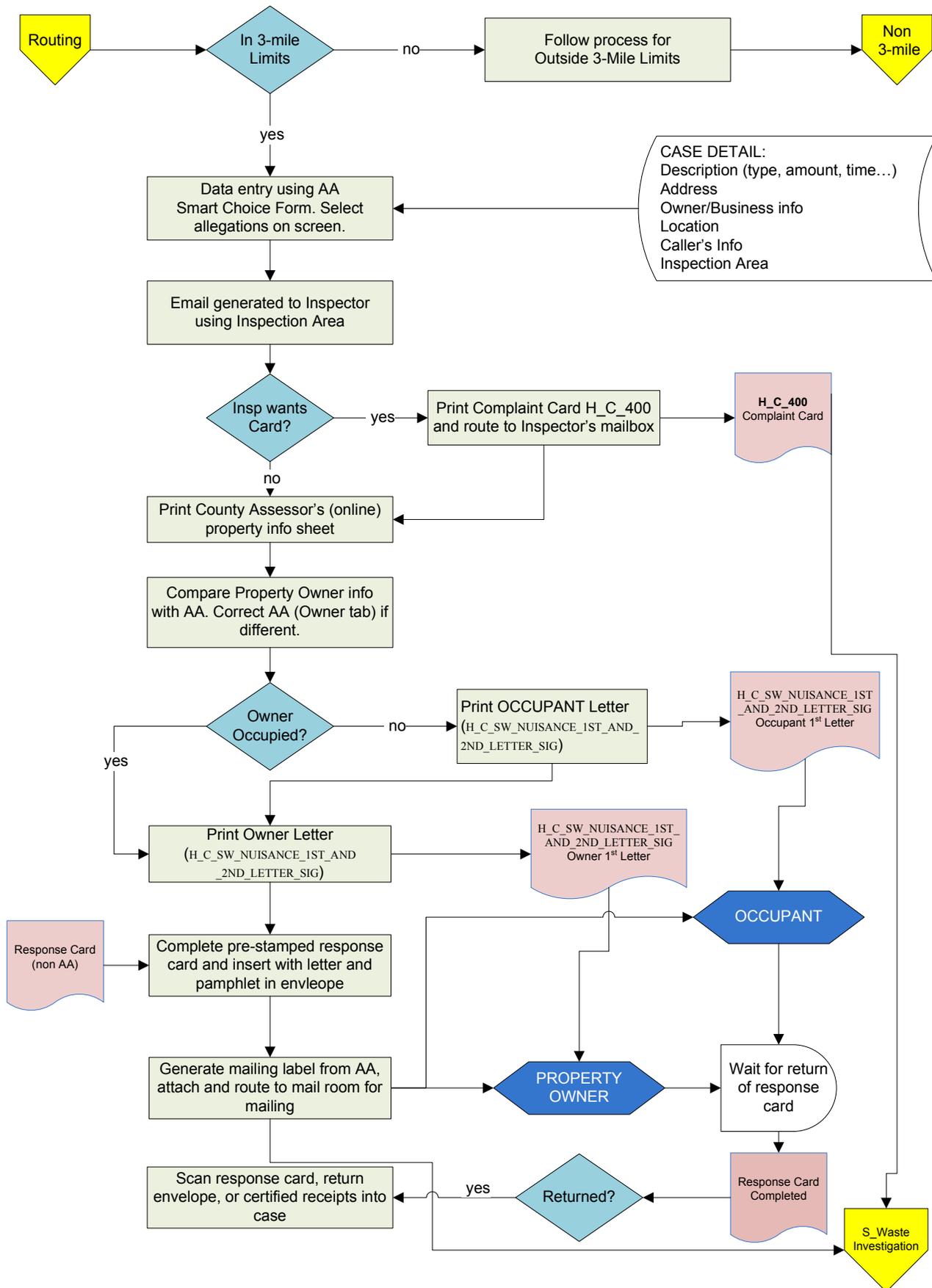
~~EXCERPTS -- PAGE 2~~

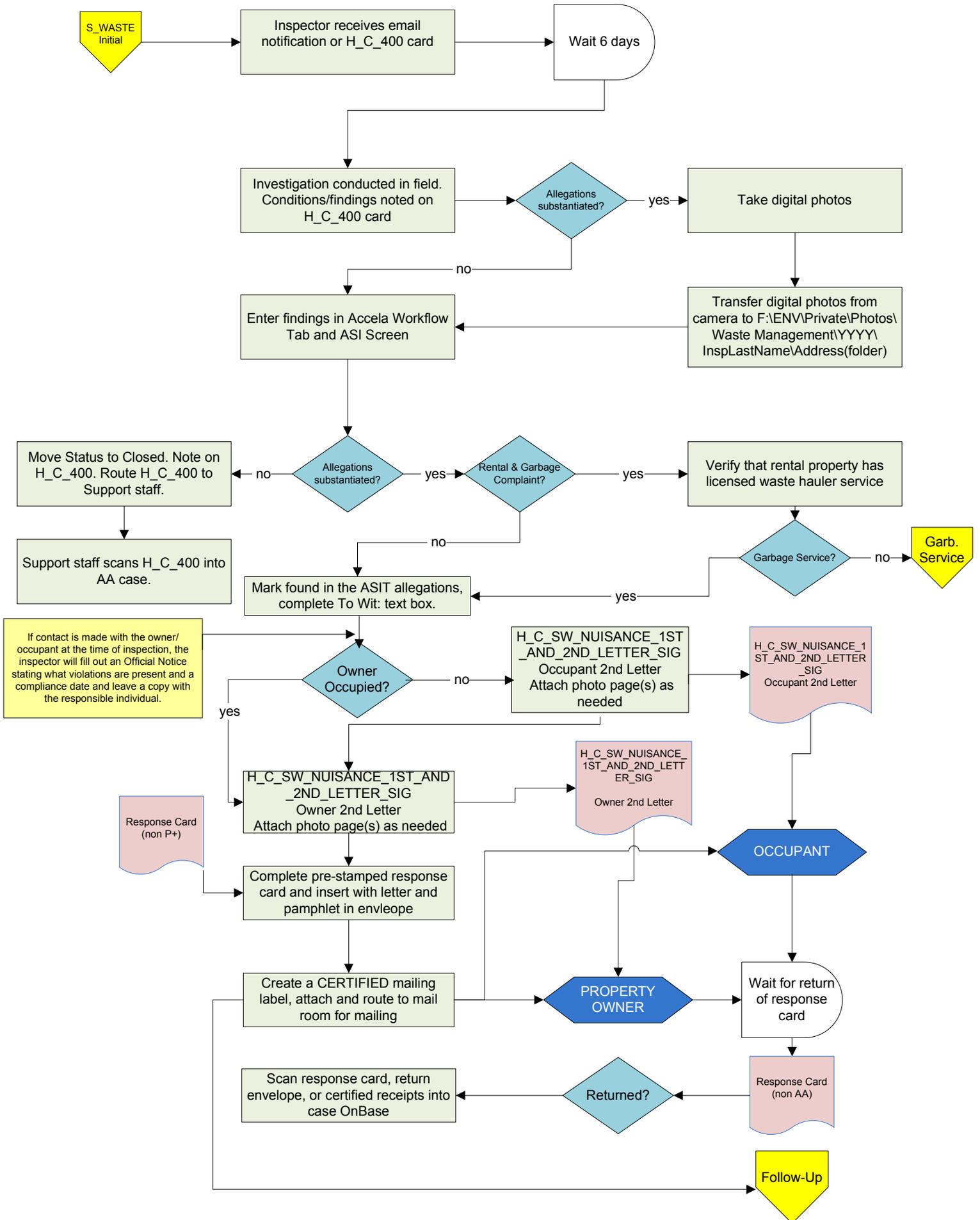
~~8.28.180 Depositing refuse and garbage - Places prohibited - Liability of occupant of premises. It shall be unlawful for any person to deposit any garbage or refuse in any street, alley or public place within the corporate limits of the city or within three miles therefrom, except at a sanitary landfill ground designated by the city council for such purpose, or at any place on private property with the same said boundries, except in a garbage and refuse container or receptacle as hereinbefore provided. If any garbage or refuse is found upon any private premises other than in such container or receptacle and a prosecution follows for such offense, it shall be presumed in such proceedings that such garbage and/or reuse was deposited there by the occupant of such premises.~~

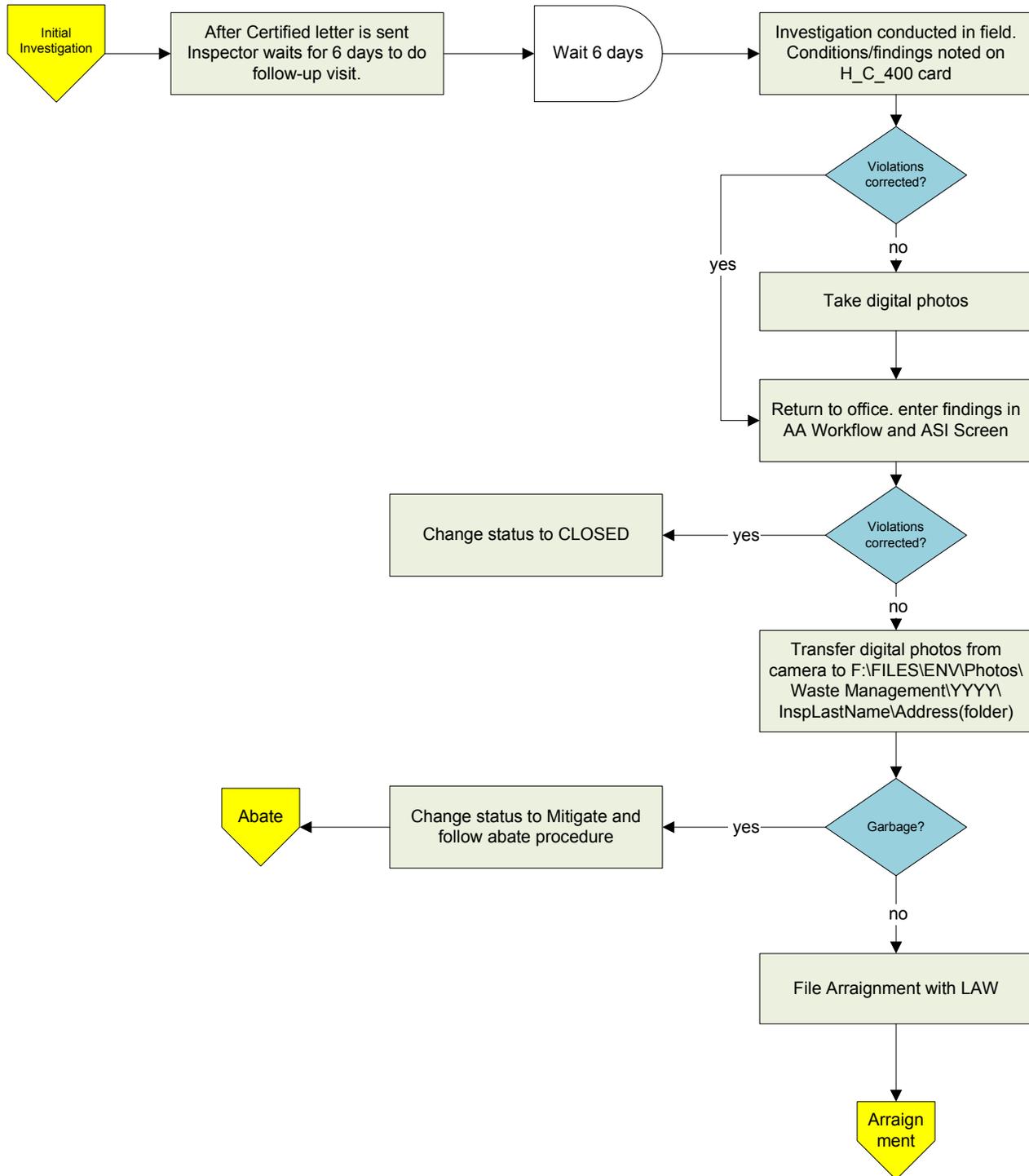


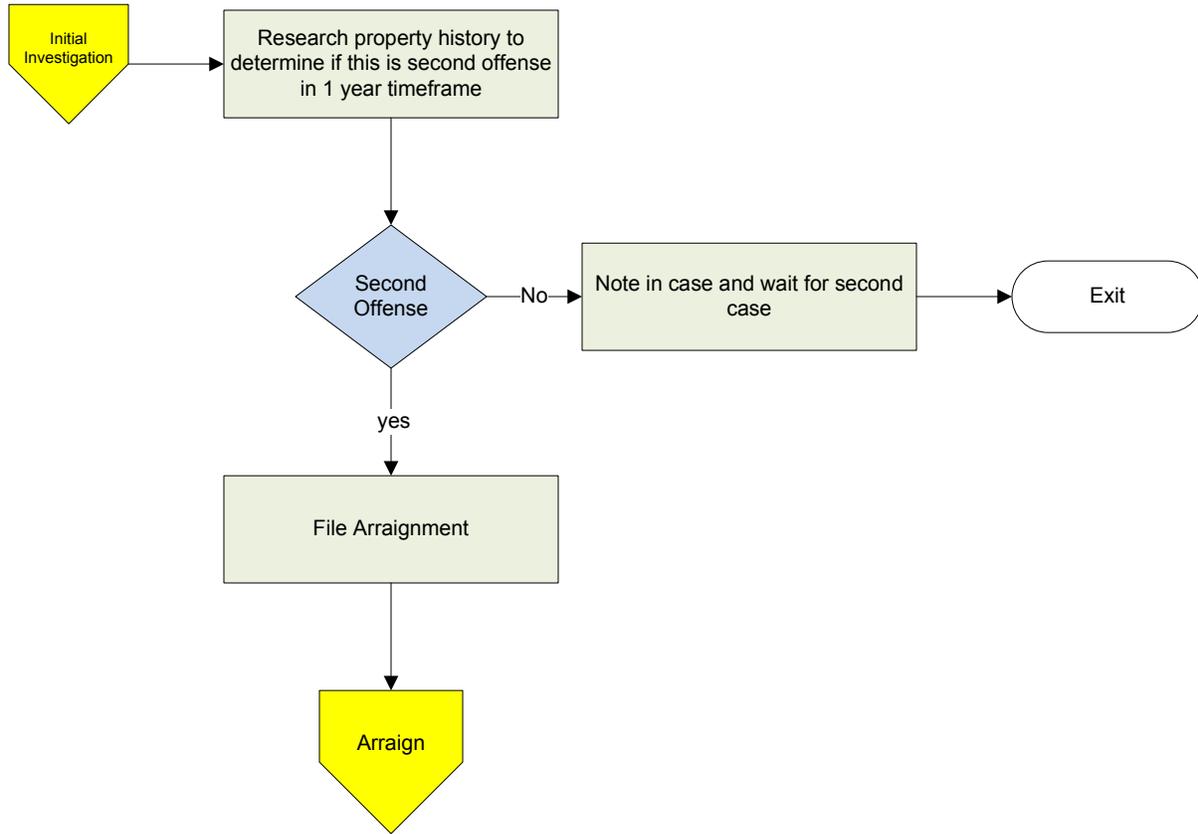
Exhibit 1

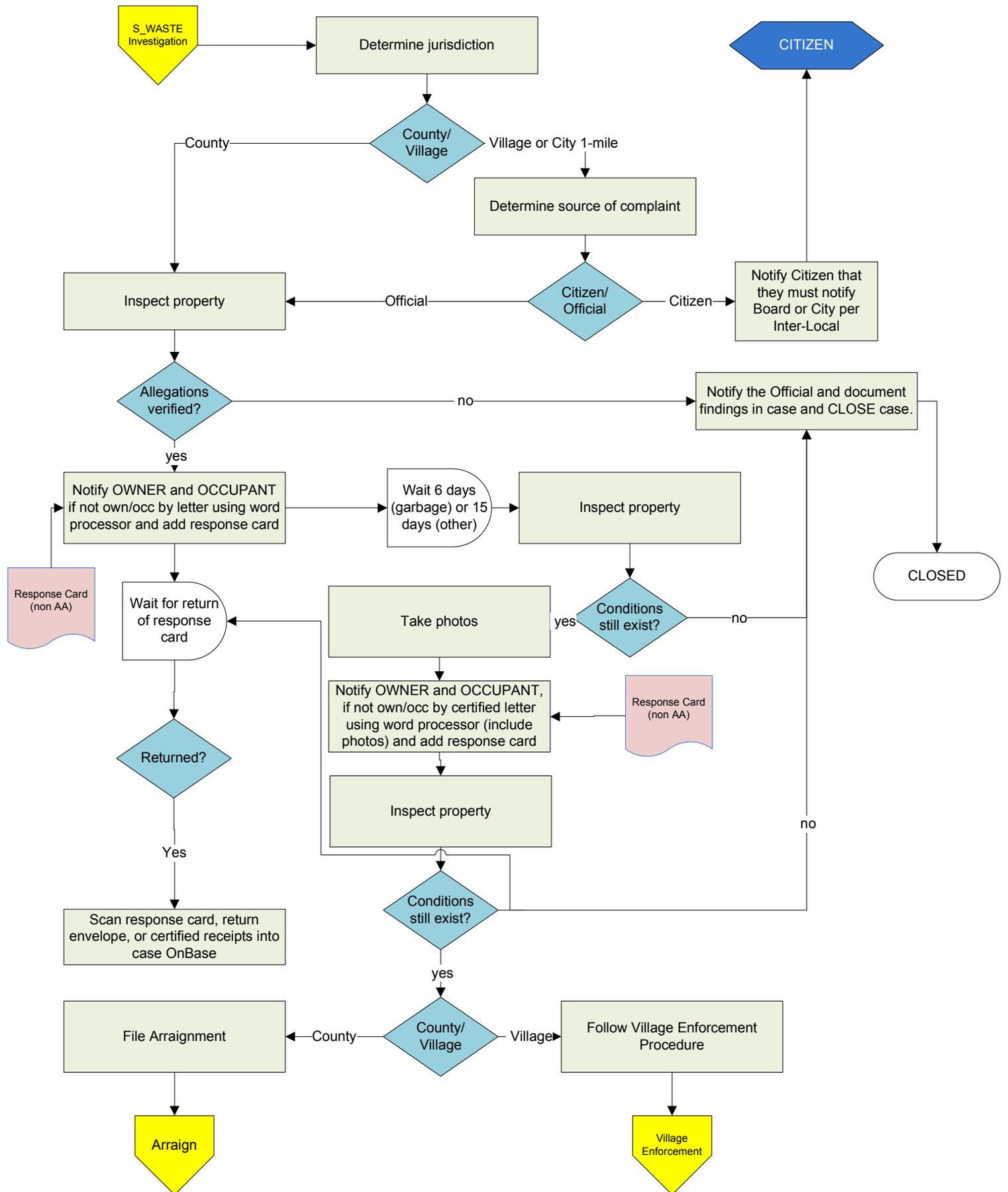


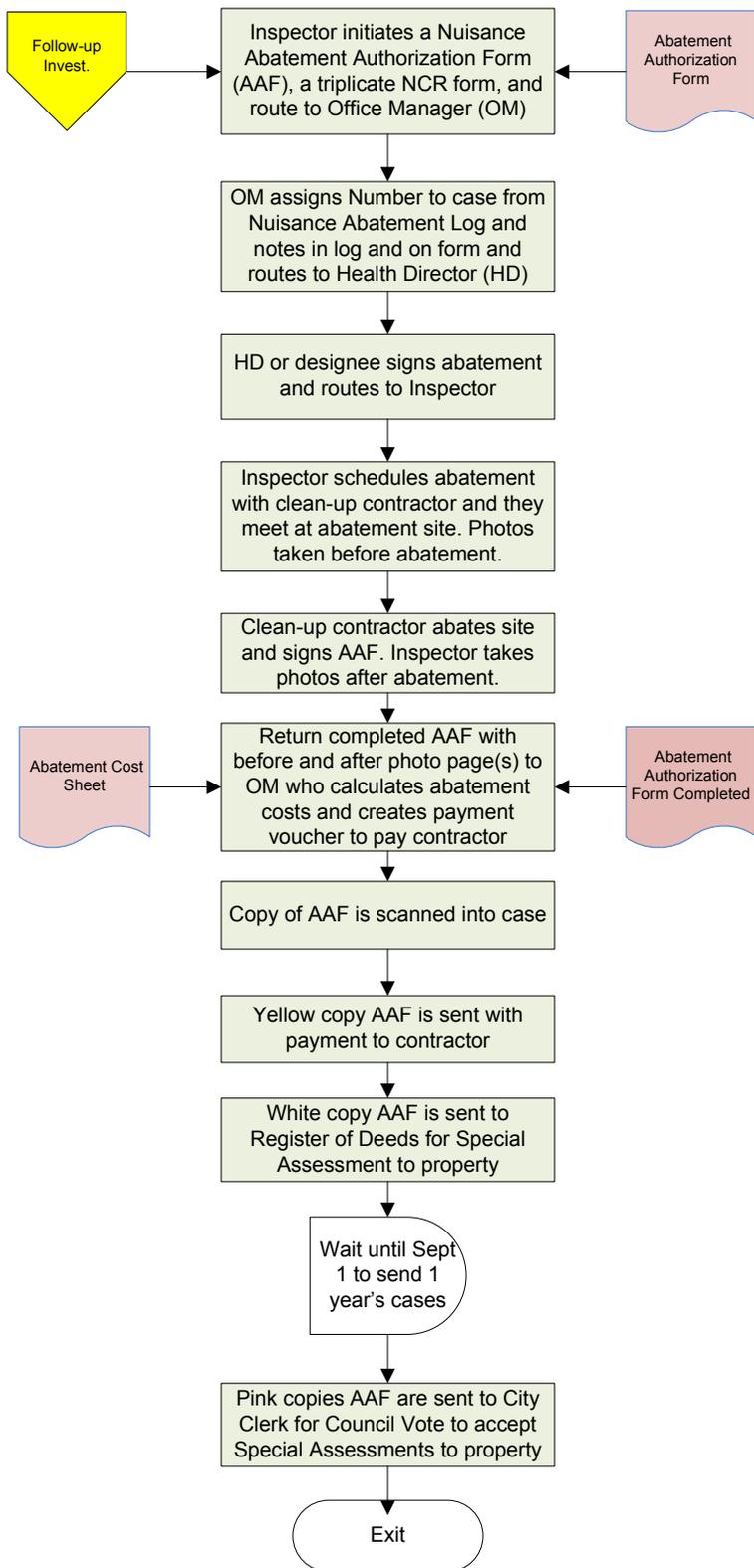






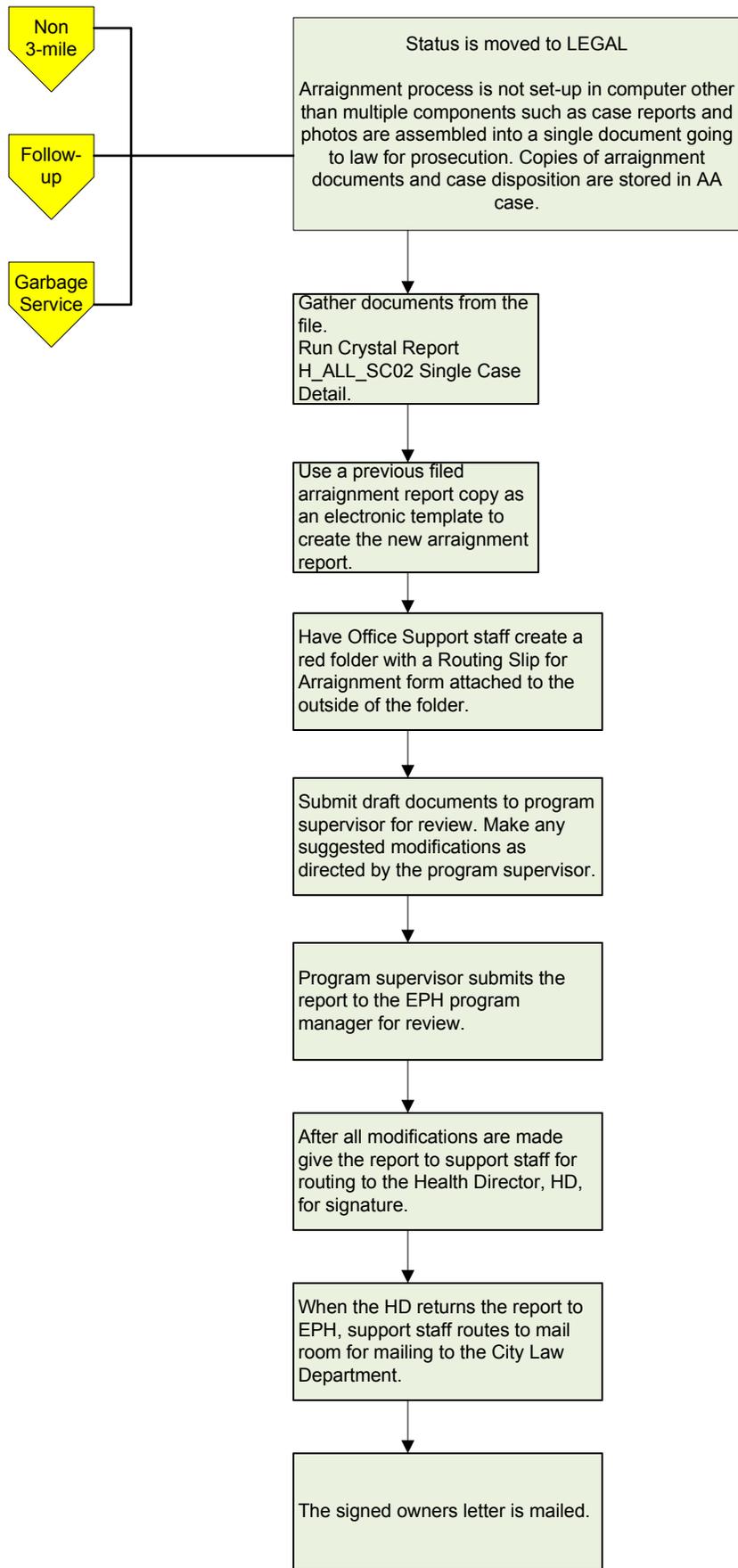








Village and Cities outside of Lincoln handle Enforcement differently so is case by case not suitable for flowcharting at this point in time.





LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
3140 "N" Street Lincoln, NE 68510-1514  
402-441-8000 TDD: 402-441-6284 fax: 402-441-6229



Exhibit 2

11/20/2015

PROPERTY OWNER  
123 N ABC STREET  
LINCOLN, NE 68501

**Nuisance Complaint on the Property Located at:  
3440 SAINT PAUL AVE  
LINCOLN, NE 68504**

The Lincoln-Lancaster County Health Department received a complaint on your property, which is a potential violation of the Lincoln Municipal Code Chapters 8.02, 8.26, 8.32, 5.41, or 21.05. **Potential nuisance condition violations reported are listed on the following page with corrective actions which need to be taken.**

Enclosed is a postage paid response card. Please complete and return the card. If you have any questions, please call 402-441-8002.

Thank you for your attention to these matters.

Sincerely,

James Bare, REHS  
Senior Environmental Health Specialist  
Environmental Public Health Division



# Nuisance Conditions Reported:

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**1 - Garbage (Not in cans with lids)**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of garbage, junk and nuisance conditions. The owner of every dwelling in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit containing more than two dwelling units shall provide a minimum of twice per week service. If garbage is not removed within 24 hours the Health Department may abate the conditions and assess all costs against your property. Clean-up costs are typically \$250.00 to \$350.00. In addition, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide containers with tight fitting lids.**

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**2 - No Garbage Service**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of nuisance conditions. The owner of every dwelling unit in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit with more than two units must have a minimum of twice per week service. Provide garbage service from a licensed waste hauler within 2 days of the mailing of this letter. If the garbage service is not provided within 2 days, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide garbage service. Owners are responsible for providing service to rental property.**





LINCOLN-LANCASTER COUNTY  
HEALTH DEPARTMENT  
3140 "N" Street Lincoln, NE 68510-1514  
402-441-8000 TDD: 402-441-6284 fax: 402-441-6229



Exhibit 2

11/20/2015

OCCUPANT  
123 N ABC STREET  
LINCOLN NE 68501

Environmental Public Health Division

**Nuisance Complaint on the Property Located at:**  
**123 N ABC STREET**  
**LINCOLN, NE 68501**

The Lincoln-Lancaster County Health Department received a complaint on your property, which is a potential violation of the Lincoln Municipal Code Chapters 8.02, 8.26, 8.32, 5.41, or 21.05. **Potential nuisance condition violations reported are listed on the following page with corrective actions which need to be taken.**

Enclosed is a postage paid response card. Please complete and return the card. If you have any questions, please call 402-441-8002.

As the occupant of a rental unit, you are responsible for keeping your property free of garbage, junk and nuisance conditions. Unless otherwise specified all other allegations must be corrected within 15 days.

Thank you for your attention to these matters.

Sincerely,

James Bare, REHS  
Senior Environmental Health Specialist  
Environmental Public Health Division



HC14002289

Page 1 of 2

# Nuisance Conditions Reported:

---

**1 - Garbage (Not in cans with lids)**

**Reported Date:**

You must keep your property free of garbage, junk and nuisance conditions. The owner of every dwelling in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit containing more than two dwelling units shall provide a minimum of twice per week service. Accumulation of garbage must be removed within 24 hours. If garbage is not removed within 24 hours the Health Department may abate the conditions and assess all costs against your property. Clean-up costs are typically \$250.00 to \$350.00. In addition, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide containers with tight fitting lids.**

---

**2 - No Garbage Service**

**Reported Date:**

You must keep your property free of nuisance conditions. The owner of every dwelling unit in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit with more than two units must have a minimum of twice per week service. If the garbage service is not provided within 2 days, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide garbage service. Owners are responsible for providing service to rental property.**



Lincoln-Lancaster County Health Department (402) 441-8022

Please check the appropriate box:

The conditions have been corrected. I took the following actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The alleged condition does not exist on my property.

Please provide your phone number ( ) \_\_\_\_\_ - \_\_\_\_\_

Complaint Address: \_\_\_\_\_

TO: Owner of Multiple Dwelling Unit or Business

Please check appropriate box and complete the hauler information:

The conditions have been corrected.  
My garbage hauler is: \_\_\_\_\_ and I'll have garbage  
picked up on **Sun M T W Th F Sat** (circle at least two)  
I took the following actions: \_\_\_\_\_  
\_\_\_\_\_

The alleged condition does not exist on my property.  
My garbage hauler is: \_\_\_\_\_ and I have garbage  
picked up on **Sun M T W Th F Sat** (circle at least two)

Please provide your phone number ( ) \_\_\_\_\_ - \_\_\_\_\_

Complaint Address: \_\_\_\_\_

Lincoln-Lancaster County Health Department (402) 441-8022



LINCOLN-LANCASTER COUNTY  
HEALTH DEPARTMENT  
3140 "N" Street Lincoln, NE 68510-1514  
402-441-8000 TDD: 402-441-6284 fax: 402-441-6229



Exhibit 4

11/20/2015

**CERTIFIED**

PROPERTY OWNER  
3440 Saint Paul Ave  
Lincoln, NE 68504

**Nuisance Complaint on the Property Located at:  
3440 SAINT PAUL AVE  
LINCOLN, NE 68504**

The Lincoln-Lancaster County Health Department investigated a complaint on your property, and found violations of Lincoln Municipal Code Chapters 8.02, 8.26, 8.32, 5.41, or 21.05. Nuisance condition violations identified are listed on the following page with corrective actions which need to be taken.

Enclosed is a postage paid response card. Please complete and return the card. If you have any questions, please call 402-441-8002.

Thank you for your attention to these matters.

Sincerely,

James Bare, REHS  
Senior Environmental Health Specialist  
Environmental Public Health Division



HC14002289

Page 1 of 2

# Nuisance Conditions Reported:

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**1 - Garbage (Not in cans with lids)**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of garbage, junk and nuisance conditions. The owner of every dwelling in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit containing more than two dwelling units shall provide a minimum of twice per week service. If garbage is not removed within 24 hours the Health Department may abate the conditions and assess all costs against your property. Clean-up costs are typically \$250.00 to \$350.00. In addition, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide containers with tight fitting lids.**

---

**2 - No Garbage Service**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of nuisance conditions. The owner of every dwelling unit in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit with more than two units must have a minimum of twice per week service. Provide garbage service from a licensed waste hauler within 2 days of the mailing of this letter. If the garbage service is not provided within 2 days, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide garbage service. Owners are responsible for providing service to rental property.**





LINCOLN-LANCASTER COUNTY  
 HEALTH DEPARTMENT  
 3140 "N" Street Lincoln, NE 68510-1514  
 402-441-8000 TDD: 402-441-6284 fax: 402-441-6229



Exhibit 4

11/20/2015

**CERTIFIED**

OCCUPANT  
 123 N ABC STREET  
 LINCOLN NE 68501

**Nuisance Complaint on the Property Located at:  
 123 N ABC STREET  
 LINCOLN, NE 68501**

The Lincoln-Lancaster County Health Department investigated a complaint on your property, and found violations of Lincoln Municipal Code Chapters 8.02, 8.26, 8.32, 5.41, or 21.05. Nuisance condition violations identified are listed on the following page with corrective actions which need to be taken.

Enclosed is a postage paid response card. Please complete and return the card. If you have any questions, please call 402-441-8002.

Thank you for your attention to these matters.

Sincerely,

James Bare, REHS  
 Senior Environmental Health Specialist  
 Environmental Public Health Division



Exhibit 4

HC14002289

Page 1 of 2

# Nuisance Conditions Reported:

---

**1 - Garbage (Not in cans with lids)**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of garbage, junk and nuisance conditions. The owner of every dwelling in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit containing more than two dwelling units shall provide a minimum of twice per week service. If garbage is not removed within 24 hours the Health Department may abate the conditions and assess all costs against your property. Clean-up costs are typically \$250.00 to \$350.00. In addition, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide containers with tight fitting lids.**

---

**2 - No Garbage Service**

**Reported Date:**

As the property owner, you are responsible for keeping your property free of nuisance conditions. The owner of every dwelling unit in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week. A dwelling unit with more than two units must have a minimum of twice per week service. Provide garbage service from a licensed waste hauler within 2 days of the mailing of this letter. If the garbage service is not provided within 2 days, charges may be filed against you in County court.

**CORRECTIVE ACTION: Provide garbage service. Owners are responsible for providing service to rental property.**





LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
3140 N Street, Lincoln, NE 68510  
402-441-8022

## OFFICIAL NOTICE

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM PM

Location: \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED THAT YOU ARE VIOLATING SECTIONS OF  
CITY/COUNTY HEALTH CODES AS INDICATED BELOW:**

- Failure to store garbage in approved containers with lids.
- Permitting accumulation of junk, trash and refuse.
- Keeping of hazardous vehicle(s).
- Keeping of salvage material.
- Maintaining a health or safety hazard.
- Littering.
- Permitting accumulation or release of offensive substances.
- Conditions attractive to rodents and insects.
- Depositing solid waste at a non-approved site.
- Improper use, storage, handling or disposal of a hazardous material.
- Improper disposal of special waste.
- Inadequate containment of vehicle load.
- Other \_\_\_\_\_

**WARNING** The conditions must be corrected within \_\_\_\_\_. Failure to correct said conditions will result in referral to the City or County Attorney. Charges may be brought against you in County Court, District 3.

**ABATEMENT** If conditions are not corrected within five days, the Health Department will abate (remove) the violation and all costs will be assessed to the property.

**VIOLATION** This matter is being referred to the City or County Attorney. Charges may be brought against you in County Court, District 3. The Attorney's Office will advise you of your court appearance date.

**I acknowledge receipt of this notice and agree to correct this situation within the time given.**

✘

\_\_\_\_\_  
Environmental Health Specialist

\_\_\_\_\_  
Phone Number



Nuisance Abatement Authorization

Authorization Number \_\_\_\_\_
Location of Premises \_\_\_\_\_
Legal Description \_\_\_\_\_

I, as Health Director, have found that:

- ☐ The owner (or his/her authorized agent) of the premises stated above has failed to comply with a five (5) day nuisance abatement notice served in person or via certified mail on \_\_\_\_/\_\_\_\_/\_\_\_\_.
☐ The tenant or occupant of said premises has failed to comply with a five (5) day nuisance abatement notice served in person or via certified mail on \_\_\_\_/\_\_\_\_/\_\_\_\_.

Therefore, by virtue of the authority vested in me by Lincoln Municipal Code Chapter 8.26.030, I hereby authorize a refuse hauler to remove the offensive substances constituting a declared public nuisance existing on the premises stated above.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
Health Director Date

By the authority granted in Nuisance Abatement Authorization No. \_\_\_\_\_ issued on \_\_\_\_/\_\_\_\_/\_\_\_\_ by the Director of the Lincoln-Lancaster County Health Department, and for a fee of \$\_\_\_\_\_ to be paid by the Department, representatives of \_\_\_\_\_ cleared the premises at \_\_\_\_\_ of the conditions constituting a public nuisance on \_\_\_\_/\_\_\_\_/\_\_\_\_.

Licensed Refuse Hauler \_\_\_\_\_

Name of Hauler Representative (print) \_\_\_\_\_
Signature \_\_\_\_\_

Health Department Representative \_\_\_\_\_
Signature \_\_\_\_\_

STATE OF NEBRASKA )
)ss.
County of Lancaster )

Before me, a notary public qualified for said County, personally came \_\_\_\_\_, known to me to be the identical persons who signed the foregoing Nuisance Abatement Authorization, and acknowledged the execution thereof to be a voluntary act and deed.

WITNESS MY HAND AND NOTORIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
NOTARY PUBLIC

Assessment Costs: \$\_\_\_\_\_ (These costs are approximate and are subject to change.) This form shall serve as notification of a pending assessment against the property.

White - Health Department

Pink - City Clerk

Yellow - Refuse Hauler