

CITY OF CRETE NEBRASKA

ORDINANCE NO. 2172

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA TO AMEND THE TITLE OF CHAPTER 1, ARTICLE 3, TO AMEND SECTIONS 1-301, 2-501, 3-701, 3-702, 3-703, 3-704, AND 3-705, TO ADD NEW SECTION 1-329, AND TO REPEAL SECTIONS 1-319, 1-320, 1-321, 1-323, 1-324, 1-327, 1-328, 3-706, AND 3-707, OF THE CRETE MUNICIPAL CODE, PERTAINING TO APPOINTED AND HIRED OFFICIALS, APPOINTMENT OF MEMBERS TO THE BOARD OF HEALTH, AND OPERATION OF THE PARKS AND RECREATION DEPARTMENT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That the title of Chapter 1, Article 3 of the Crete Municipal Code be amended to read as follows:

ARTICLE 3 APPOINTED AND HIRED OFFICIALS

Section 2. That Section 1-301 of the Crete Municipal Code be amended to read as follows:

1-301 Appointed Officials: Enumerated

The Mayor may, with the approval of a majority of the City Council, have such departments and appoint such officials as may be established by ordinance, which shall include a City Administrator, City Clerk, City Treasurer, City Engineer, City Attorney, ~~Police Chief~~, Fire Chief, and such other officials as may otherwise be required by law. All appointed officials may be removed at any time by the Mayor with the approval of a majority of the City Council.

Section 3. That Section 2-501 of the Crete Municipal Code be amended to read as follows:

2-501 Board of Health

(1) There is hereby established a Board of Health, which shall consist of five members: the Mayor, who shall serve as chairperson; the Police Chief, who shall serve as secretary and quarantine officer; a physician, who shall serve as the medical advisor; the President of the City Council; and one other member. **The City Council, with approval of the Mayor, shall appoint such non-delegated board members.** The members of the Board shall serve, without compensation, a one year term of office, unless reappointed. Such terms shall begin the second city council meeting in December of each year. No member of the Board shall hold more than one position on the Board of Health.

(2) The Board of Health shall be funded as needed out of the General Fund. It shall be the duty of the Board to enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the residents of the City. The Board shall have

the power and authority to enforce said rules and regulations and to provide fines and punishments for any violations thereof.

(3) The Board shall meet upon the call of the chairperson. A majority of the Board shall constitute a quorum for the purpose of doing business. The secretary shall keep full and correct minutes and records of all meetings and file the same with the City Clerk where they shall be available for public inspection at any reasonable time. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may designate.

Section 4. That Section 3-701 of the Crete Municipal Code be amended and restated in its entirety as follows:

3-701 Parks And Recreation Department; Operation And Funding; Rules And Regulations

(1) The Municipality owns and operates the Municipal Parks and other recreational areas throughout the City. The City Administrator shall be responsible for the direct management and administration of the Parks and its contractors, employees, and property and may delegate some or all of the authority set forth in this article to the Parks and Recreation Director or other city employee. If delegated management and administration authority, the Parks and Recreation Director may develop and propose rules and regulations for the proper and efficient management of the Parks and Recreation Department.

(2) The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the municipal parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasurer.

(3) The City Administrator shall have the authority to adopt and promulgate rules and regulations, not inconsistent with law, for the operation and use of parks and park facilities, the governance of the parks and recreation department, the conduct of its contractors and employees, the distribution and performance of its business and services, and the custody, use, and preservation of its records, papers, books, documents, and property.

Section 5. That Section 3-702 of the Crete Municipal Code be amended to read as follows:

3-702 Parks And Recreation Department; Camping; Permitted Areas; Duration

(1) Camping is defined as the temporary lodging out-of-doors for recreational purposes and presupposes occupancy of a shelter designed for such purpose, such as a sleeping bag, tent, trailer, or other recreational vehicle.

(2) Camping and the use of trailers or other camping units is permitted only at designated camping areas. Within those designated areas, the pitching of tents or parking of trailers or other camping units is permitted only at designated sites.

(3) Any person desiring to use a designated camping area for camping purposes shall pay the fee set forth in the City's [Master Fee Schedule](#), which fee shall be paid in advance to the Parks and Recreation Office during regular office hours ~~or to the Police Department after regular office hours~~. An appropriate receipt will be issued that must be displayed on the left front window of the vehicle of the person so camping. No camping shall be allowed in the City outside the designated camping areas.

(4) No camping shall be allowed for more than seven consecutive days during a thirty day period without the express, written permission of the City Administrator or a designee of the City Administrator ~~Director of Parks and Recreation~~.

Section 6. That Section 3-703 of the Crete Municipal Code be amended to read as follows:

3-703 Parks And Recreation Department; General Rules; Unlawful And Prohibited Acts

(1) The rules and regulations governing the use of the municipal parks and recreational facilities, as prescribed and adopted by the City Recreational Director, shall be on file with the Municipal Clerk or published in pamphlet form and available for public inspection at any reasonable time. In addition, the following general rules shall apply:

(a) It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub.

(b) It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the municipal parks and recreational areas.

(c) No person shall commit any waste on or litter the municipal parks or other public grounds.

(d) All pets, such as dogs, cats, or other domestic animals, are prohibited unless they are crated, caged, on a leash, or otherwise under physical control of the owner at all times. Horseback riding and the use of pack animals are permitted only on roadways and on designated areas.

(e) The vending, including mobile vendors, of various goods, services, products, and commodities is permitted on park lands with the prior written authorization of the Recreational Director. Such vending without authorization is prohibited. Said vendors are prima facie responsible for the maintenance and restoration of any park facility used by them, to specifically include the proper disposal of paper trash and waste in and around the area of such vending operation.

(f) All motor vehicles shall be operated in accordance with all provisions of Chapter 5 of the Crete Municipal Code and the laws of the State of Nebraska. The speed limits shall be fifteen miles per hour in all areas of the park, except the entrance road leading from 13th Street to the bridge crossing the Big Blue River within said park, which speed limit shall be twenty-five miles per hour.

(g) No motor vehicle shall be parked or driven other than on designated areas, roadways, designated camping areas, or parking areas. This shall include motorcycles, trail bikes, snowmobiles, and all motor vehicles.

~~(2) The use and leasing of cabins on municipal property shall be in accordance with the rules adopted therefore by the Governing Body.~~

Section 7. That Section 3-704 of the Crete Municipal Code be amended to read as follows:

3-704 Parks And Recreation Department; Swimming Pool; Operation And Funding; Rules And Regulations

(1) The Municipality owns and manages the municipal swimming pool. The City Administrator shall be responsible for the direct management and administration of the Municipal Swimming Pool and its contractors, employees, and property and may delegate some or all of the authority set forth in this article to the Parks and Recreation Director or other city employee. If delegated management and administration authority, the Parks and Recreation Director may develop and propose rules and regulations for the proper and efficient management of the Parks and Recreation Department. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer.

(2) The City Administrator shall have the authority to adopt and promulgate rules and regulations, not inconsistent with law, for the operation and use of parks and park facilities, the governance of the parks and recreation department, the conduct of its contractors and employees, the distribution and performance of its business and services, and the custody, use, and preservation of its records, papers, books, documents, and property. The Recreational Director shall manage the swimming pool. The Director shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as he or she may deem necessary and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. All actions by the Director shall be under the supervision and control of the Mayor.

Section 8. That Section 3-705 of the Crete Municipal Code be amended to read as follows:

3-705 Parks And Recreation Department: Swimming Pool: Admission Charge

The ~~City Recreational Director~~ may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, make a reasonable admission charge for the use by any person of the municipal swimming pool. The said charges shall be on file at the office of the Municipal Clerk, listed on the City's Master Fee Schedule, and shall also be posted in a conspicuous place at the municipal swimming pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges.

Section 9. That a new Section 1-329 of the Crete Municipal Code is hereby added to read as follow:

1-329 Hired Officials: Enumerated

The officials set forth below shall be hired officials which shall be selected for employment by the city as set forth in the personnel rules and regulations. All of the hired officials shall be subject to the personnel rules of the City of Crete as adopted by resolution. The personnel rules are supplemental to the Civil Service rules for the officials set forth in subparagraph (2). The officials listed in subparagraphs (1) and (2) shall be hired by the City Administrator with approval of the Mayor. The City Administrator shall have the authority to adopt and promulgate job specifications for hired officials, and all hired officials shall report to the City Administrator. The length of service of all officials listed below shall be indefinite. The discipline and/or removal of the officials listed in subparagraph (1) shall be governed by the City's personnel rules. The termination or suspension without pay of the officials listed in subparagraph (1) shall be entitled to a hearing before council. The discipline and/or removal of the officials listed in subparagraph (2) shall be governed by the City's personnel and Civil Service rules.

(1) The following shall constitute the general hired officials of the City of Crete:

- a. Special Engineer
- b. Public Works Director
- c. Parks and Recreation Director
- d. Economic Development Program Director
- e. Library Director
- f. Human Resources Director

(2) The following shall constitute the hired officials subject to the Civil Service rules of the City of Crete (Civil Service Officials):

- a. Police Chief

Section 10. That the following sections of the Crete Municipal Code are hereby repealed in their entirety:

1-319 Appointed Officials; Special Engineer;

1-320 Appointed Officials; City Physician;

1-321 Appointed Officials; Director of Public Works;

1-323 Appointed Officials; Parks and Recreation Director;

1-324 Appointed Officials; Chief of Police;

1-327 Appointed Officials; Economic Development Program Director;

3-706 Parks And Recreation Department; Swimming Pool; Pool Rental; and

3-707 Parks And Recreation Department; Swimming Pool; Rules And Regulations.

Section 11. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and that any partial repeal shall not affect the other parts of ordinances that can be given effect without the repealed parts.

Section 12. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 16th day of May, 2023.

CITY OF CRETE, NEBRASKA

By: _____
David Bauer, Mayor

ATTEST: _____
Jerry Wilcox, City Clerk

4871-4445-8847, v. 3