

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

June 1, 2021

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting
2. Roll Call
3. Items of Business
 - A. Discuss the prohibition of golf carts and ATVs on city streets.

Ryan Hinz: Present
Jack Oelschlager: Present
Dale Strehle: Present
Present: 3.

Crete community member Troy Ross brought to the Committee's attention that other surrounding communities allow golf carts and ATV's on city streets and he wanted to discuss it being done here in Crete. Chief Steve Hensel voiced that he was opposed to the idea for many reasons, the biggest being likely accidents with other city traffic. City Administrator Tom Ourada stated that we will need current definitions and state statute to see what it would take to license different vehicles and reconvene at the next Public Safety Meeting.

- B. Discuss amending the Burning Regulations to change the minimum distance an outdoor fireplace can be from structures and combustible materials.

City Administrator Tom Ourada has been asked to revisit the Burning Regulations for fire pits. People in the community think there is a difference between gas and wood-burning fire pits and believe there should be different regulations for each. Mayor Dave Bauer commented that the City should be covered if we went by manufacturer's specs when it comes to how far away the pit needs to be from structures and combustible materials. Ourada, Mayor Bauer and the Committee discussed permanent versus portable fire pits, gas versus wood-burning fire pits, and creating new ordinance to divide the different fire pit regulations. The Committee will come up with a way to rewrite the ordinance to separate out the different pits and will discuss it at the next meeting.

4. Officers' Reports

5. Adjournment

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)

ARTICLE 3
FIRES REGULATED

§7-301 FIRE PREVENTION; BURNING REGULATIONS.

- (1) For purposes of this section, unless the context otherwise requires, the following definitions shall apply:
 - (a) “Bonfire” means a large outdoor fire utilized for ceremonial purposes.
 - (b) “Chimney” means a primarily vertical structure containing one or more flues for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outdoor atmosphere.
 - (c) “Fire ring” means a construction or device made of metal, stone, bricks, or concrete used to surround and contain campfires or recreational fires.
 - (d) “Open burning” means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a chimney or stack from an enclosed chamber. Open burning does not include outdoor cooking devices, the use of outdoor fireplaces, or recreational fires.
 - (e) “Outdoor cooking device” means a grill, smoker, charcoal burner, or other similar outdoor cooking device designed to burn charcoal briquettes, regulated natural gas or propane, natural and seasoned firewood, or similar fuels for the purposes of cooking food.
 - (f) “Outdoor fireplace” means a portable or permanent, outdoor, fuel-burning fireplace that may be constructed of steel, concrete, brick, clay, or other noncombustible material. An outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
 - (g) “Recreational fire” means an outdoor fire burning natural and seasoned firewood where the fuel being burned is not contained in an incinerator, outdoor cooking device, or outdoor fireplace and has a total fuel area of three feet (3’) or less in diameter and two feet (2’) or less in height for pleasure, cooking, warmth, or similar purposes.
- (2) The burning of rubbish, trash, or waste materials by incinerator, oven, or stove is prohibited unless the chimney or stack emissions from such incinerator, oven, or stove conform with all laws and regulations promulgated by the State of Nebraska and its agencies.
- (3) A person shall not kindle or maintain or authorize to be kindled or maintained any bonfire or open burning except in the following instances:
 - (a) Any open burning done pursuant to a state- or city-issued burn permit.
 - (b) Any open burning done by the Crete Volunteer Fire Department in connection with training activities or courses.
 - (c) Any bonfire or open burning authorized by the City Council for events, ceremonies, or to relieve an emergency condition in order to protect public health and safety.
- (4) Outdoor cooking devices shall not be operated within any building or structure, under any overhanging portion of a building or structure, or on any balcony and shall not be used for the disposal of rubbish, trash, or combustible waste material.
- (5) Outdoor fireplaces shall be used in a safe, controlled manner and in accordance with the manufacturer’s instructions, if any, and shall not be operated within ten feet (10’) of a structure or combustible material. Only regulated natural gas or propane or natural and seasoned firewood shall be burned within outdoor fireplaces.

- (6) Recreational fires are prohibited within city limits except in authorized locations within city parks, campgrounds, or recreational areas and shall not be conducted within twenty-five feet (25') of a structure or combustible material unless the fire is contained within a fire ring. Conditions that could cause a recreational fire to spread within twenty-five feet (25') of a structure or combustible material shall be eliminated prior to ignition.
- (7) Bonfires, open burning, outdoor cooking devices, outdoor fireplaces, and recreational fires shall be constantly monitored or attended until the fire is extinguished and a portable fire extinguisher or other on-site fire-extinguishing equipment, such as dirt, sand, water barrel or bucket, or garden hose, shall be available for immediate utilization.
- (8) It shall be unlawful for any person to cause, permit, or maintain any burning authorized by this section that allows smoke, ashes, fumes, or other odors to travel onto nearby property and affect the health, safety, or welfare of the public, be unreasonably offensive or objectionable to the public, cause unreasonable injury or damage to property, or unreasonably interfere with the comfortable enjoyment of property or the normal conduct of business.
- (9) The Mayor or City Administrator may temporarily prohibit any or all burning otherwise allowed by this section for a reasonable period of time when atmospheric conditions or local circumstances make such fires hazardous to the public health, welfare, or safety.
- (10) Any person who violates this section shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Source: Ord. 2098, § 8 (2020); Ord. 1603, § 1 (2004); Ord. 1288, § 1 (1995).