

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

June 15, 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

Kyle Frans: Present

Ryan Hinz: Present

Jack

Oelschlager: Present

Present: 3.

3. Items of Business

A. Discuss amending the animal regulations to allow a limited number of hens within the City.

City Administrator Tom Ourada reported that this request recently came in to his office. The issue has been discussed in the past and chickens are currently not allowed. Council member Hinz suggested that the committee members do some research and that we discuss this further when there is more time.

B. Discuss and provide a recommendation to the City Council on enacting Ordinance 2129: An ordinance relating to fire prevention that reduces restrictions on outdoor fireplaces that burn natural gas or propane.

Recommend that the City Council approve Ordinance 2129 with the formatting change discussed. Carried with a motion by Jack Oelschlager and a second by Kyle Frans.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye

Aye: 3, No: 0

City Administrator reported that the changes have been made to the ordinance as has been discussed. All fireplaces will be constructed per manufacturers specifications. Homemade fire places will be at least 10 feet from any structure. Council member Hinz suggested a formating change that would make it more clear to read.

C. Discuss and provide a recommendation to the City Council on enacting Ordinance 2130: An ordinance relating to zoning administration, compliance, and enforcement.

Recommend that the City Council approve Ordinance 2130 as presented. Carried with a motion by Kyle Frans and a second by Jack Oelschlager.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye

Aye: 3, No: 0

City Administrator Tom Ourada reported that the changes to City Code addressed in this ordinance deal with the administration of the building, zoning and planning codes for the City.

4. Officers' Reports

City Administrator Tom Ourada reported that the State Historical Preservation Office has finished the review of 5 DTR applications and will be visiting to get some answers on others. It was discussed that the timeframe for the second round of applications may need to be changed, which would require an amendment to the guidelines. A meeting will be scheduled soon for further discussion.

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)

6/1/2021

Dear City Council Members,

I am addressing you today after a conversation I had with Mr. Ourada. He was very kind and supportive in our discussion and advised me this was how I should address this issue with you all. I truly hope you will keep an open mind while reviewing the material I took the time to print.

I would like Crete to allow chickens. I would like to have a few hens for eggs for my family. I know other families that would like the opportunity as well. I also believe chickens would be a family activity in the responsibility of their care. Just a few hens, maybe 2-4. No roosters. I think our small Crete community could benefit as well. Crete could charge a yearly permit fee.

I have included a copy of the Hickman community chicken application permit as an example of what our Crete community could do.

Crete has that hometown feel. Many cities and towns around us allow chickens. Several of these communities are larger than Crete. Lincoln, Omaha, Grand Island, Nebraska City, Beatrice, Bellevue, York, Fairbury, La Vista and Hickman all allow chickens. There are more communities in Nebraska but I thought I had given you enough information to look at.

The truth is organic is better for our health and our wallets. I already grow many of my families vegetables, I would love to be able to gather my own eggs and not have to buy them anymore. I would also share with my neighbors just like I do with my garden produce. It would be a blessing to have chickens for fresh eggs.

Please give me and other citizens of Crete the opportunity to have a few hens for eggs for their families. Other communities have had positive results after implementing chicken permits. I believe it would be a positive experience for Crete as well.

Thank you for your time and consideration in this matter.

Geraldine Waller

Larry Waller

ORDINANCE NO. 2129

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO FIRE PREVENTION; TO AMEND SECTION 7-301 OF THE CRETE MUNICIPAL CODE TO REDUCE RESTRICTIONS ON OUTDOOR FIREPLACES THAT BURN REGULATED NATURAL GAS OR PROPANE.

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

Section 1. That Chapter 7, Article 3, Section 7-301 of the Crete Municipal Code shall be amended as follows:

§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 only regulated natural gas or propane or natural and seasoned firewood shall be burned within an outdoor fireplace. Outdoor fireplaces that burn regulated natural gas or propane shall be operated in accordance with the manufacturer's recommendations instructions, if any, and. Outdoor fireplaces that do not have manufacturer's recommendations on the minimum distance the outdoor fireplace should be from buildings or combustible materials or that burn natural and seasoned firewood shall not be operated within ten feet (10') of any 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.

Section 2. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 3. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 4. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 5. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 15th day of June 2021.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2130

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING ADMINISTRATION, COMPLIANCE, AND ENFORCEMENT; TO AMEND SECTIONS 9-101, 9-103, 9-104, 11-206, 11-209, 11-226, 11-228, 11-229, 11-304, 11-306.01, 11-605, 11-607, AND 11-608 OF THE CRETE MUNICIPAL CODE; TO ASSIGN THE SUPERVISION OF THE BUILDING INSPECTOR TO THE CITY ADMINISTRATOR; AND TO DESIGNATE THE CITY ADMINISTRATOR AS THE ZONING ADMINISTRATOR.

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

Section 1. That Chapter 9, Article 1, Section 9-101 of the Crete Municipal Code shall be amended as follows:

9-101 Building inspector; power and authority.

- (1) The Building Inspector shall be under the direction and supervision of the City Administrator ~~Director of Public Works~~. Any issues relating to the interpretation of any building ~~or zoning~~ regulations or public policy considerations shall be ~~presented to~~ decided by the City Administrator ~~Director of Public Works for guidance~~.
- (2) The Building Inspector shall have the duty of enforcing all building, electrical, plumbing, housing, and ~~land development~~ property maintenance regulations, codes, or ordinances within the City and its extraterritorial jurisdiction and shall inspect all structures, buildings, and dwellings repaired, altered, built, or moved ~~and any land being developed~~ as often as necessary to ensure compliance with all federal, state, and local laws and regulations.
- (3) The Building Inspector shall have the power and authority to order all work stopped on any construction, alteration, or relocation of a structure, building, or dwelling ~~or land development~~ or to deny occupancy of any structure, building, or structure dwelling that violates any building, electrical, plumbing, housing, property maintenance, or nuisance ~~land development~~ regulation, code, or ordinance. The Building Inspector shall issue written permission to resume any construction, alteration, or relocation, ~~or land development~~ or to reallow occupancy of any structure, building, or structure dwelling when they are satisfied that no regulation, code, or ordinance will be violated or continue to be violated. If an oral stop or vacation order has been issued, it shall be followed by a written stop or vacation order within twenty-four (24) hours. Such written order may be served by the Building Inspector, ~~or any peace officer,~~ or any authorized agent or employee of the City.
- (4) The Building Inspector and their agents or assistants shall have the power and authority to issue criminal citations for a violation of the City Municipal Code or any building or zoning nuisance regulation in the same manner as if said citations were issued by a member of the Crete Police Department.

Section 2. That Chapter 9, Article 1, Section 9-103 of the Crete Municipal Code shall be amended as follows:

9-103 Building inspector; appeal from decision.

- (1) In the event it is claimed that any provisions of the building ~~or zoning~~ regulations have been wrongly

applied or enforced by the Building Inspector, that the time allowed for compliance with any order of the Building Inspector is too short, or that conditions unique to a particular building make it unreasonably difficult to meet the requirements prescribed by the building ~~and zoning~~ regulations, the property owner, their agent, or the occupant may file a notice of appeal with the ~~Director of Public Works~~ City within a reasonable time after the decision or order of the Building Inspector has been made.

- (2) The ~~Director of Public Works~~ City Administrator shall hear all appeals from the enforcement of any building ~~or zoning~~ regulation and shall have the power and authority to modify ~~the~~ any decision or order of the Building Inspector. Applications for review shall be in writing and shall state the reasons why ~~a variance~~ the appeal should be granted. A copy of ~~any variance so granted~~ the City Administrator's decision shall be sent to the Building Inspector and the appellant. Unless appealed to the City Council within thirty (30) days, any decision by the ~~Director of Public Works~~ City Administrator shall be final, subject only to any remedy which the aggrieved party may have at law or equity.
- (3) The City Council shall hear all appeals from a decision by the ~~Director of Public Works~~ City Administrator relating to the enforcement of any building ~~or zoning~~ regulation. Applications for review shall be in writing and shall state the reasons why ~~a variance~~ the appeal should be granted. A copy of ~~any variance so granted~~ the City Council's decision shall be sent to the ~~Director of Public Works~~ City Administrator, the Building Inspector, and the appellant. Any decision by the City Council shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Section 3. That Chapter 9, Article 1, Section 9-104 of the Crete Municipal Code shall be amended as follows:

9-104 Building inspector; investigations; order to correct.

- (1) The Building Inspector or their authorized agents or designees shall investigate all reports of violations or potential violations of the building regulations found in Chapter 9 ~~and the zoning regulations found in Chapter 11~~ and shall create and maintain records and reports on each investigation.
- (2) The Building Inspector or their authorized agent or designee shall issue and serve a written order to correct the violations on the property owner or the person responsible for the construction, alteration, repair, or other work to the property on which the violations exist. Such order shall fully describe the violations, provide information on the proper way to correct each violation, and direct the discontinuance and correction of said violations within thirty days or the time otherwise provided by law.
- (3) Any order issued pursuant to this section shall be deemed properly served if a copy thereof is delivered personally, sent by certified or registered mail addressed to the recipient's last known address with return receipt requested, or delivered in any other manner as prescribed by law for service of process.
- (4) If the person who received the order fails to correct the violations as ordered, the Building Inspector shall issue a citation or forward the records and reports on the investigation to the City Attorney for further action. The City Attorney may institute any appropriate proceeding at law or in equity to prosecute the violations; to restrain, correct, or abate such violations; or, to require the removal or termination of the unlawful occupancy of the structure, building, or ~~structure~~ dwelling that contains the violations.
- (5) It shall be unlawful for any person to refuse to comply with a lawful order issued pursuant to this section. Any person convicted of refusing to comply shall be guilty of a Class III misdemeanor.

Section 4. That Chapter 11, Article 2, Section 11-206 of the Crete Municipal Code shall be amended as follows:

11-206 Schedule of fees, charges, and expenses.

The City Council shall establish a schedule of fees, charges, and expenses ~~and a collection procedure~~ for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this article. The schedule of fees shall be ~~posted~~ available in the office of the ~~City Clerk~~ Administrative Official ~~and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, and no action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.~~

Section 5. That Chapter 11, Article 2, Section 11-209 of the Crete Municipal Code shall be amended as follows:

11-209 Complaints regarding violations.

~~Whenever a violation of this article occurs or is alleged to have occurred,~~ Any person may file a written complaint with the City whenever a violation of this article occurs or is alleged to have occurred. Such complaint shall ~~state~~ fully state the causes and basis thereof and shall be filed with the ~~Administrative Official~~ City Administrator. ~~He~~ The City Administrator or their authorized agent or designee shall properly record such complaint, immediately investigate the same, and take action thereon as provided by this article.

Section 6. That Chapter 11, Article 2, Section 11-226 of the Crete Municipal Code shall be amended as follows:

11-226 Administration and enforcement.

- (1) The City ~~Building Inspector~~ Administrator and their authorized agents and designees shall administer and enforce this article. ~~He or she may be provided with the assistance of such other persons as the City Council may direct.~~
- (2) If the City ~~Building Inspector~~ Administrator shall find determines that any of the provisions of this article are being violated or will be violated, ~~he shall notify~~ notification shall be provided in writing to the ~~person responsible for such violations,~~ owner, lessee, or occupant of the property indicating the nature of the violations and ordering the proper actions necessary to correct them. ~~He or she~~ The City Administrator or their authorized agent or designee shall order the discontinuance of all illegal uses of land, buildings, ~~or~~ structures, or dwellings; the removal of all illegal buildings, ~~or~~ structures, dwellings, or ~~of~~ illegal additions, alterations, or structural changes thereto; ~~or,~~ the discontinuance of any illegal work being done; ~~or,~~ and shall take any other actions ~~authorized by this article~~ that are reasonably necessary to ensure compliance with or to prevent violations of this article and any of its provisions.

Section 7. That Chapter 11, Article 2, Section 11-228 of the Crete Municipal Code shall be amended as follows:

11-228 Certificates of zoning compliance.

It shall be unlawful to use or occupy, or permit the use or occupancy of, any structure, building, dwelling, or premises, ~~or both,~~ or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued ~~therefore~~ by the ~~Building Inspector~~ City Administrator stating that the proposed use of the building or land conforms to the requirements of this article.

Section 8. That Chapter 11, Article 2, Section 11-229 of the Crete Municipal Code shall be amended as follows:

11-229 Construction and use as per applications, plans, permits, and certificates.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the ~~Building Inspector~~ City authorize only the uses, arrangements, and constructions set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction ~~at variance with~~ different from that authorized shall be deemed a violation of this article and punishable as provided by Section 11-210.

Section 9. That Chapter 11, Article 3, Section 11-304 of the Crete Municipal Code shall be amended as follows:

11-304 Definitions.

For the purposes of this Article, certain terms or words used herein shall be interpreted as follows:

~~BUILDING INSPECTOR. The person duly designated by the City Council of said City to enforce this Article.~~

BUILDING LINE. A line established generally parallel with and measured from the lot line defining the limits of a yard in which no building, ~~or~~ structure, or object may be located above ground, except as may be provided in this Article.

COMMON OPEN SPACE. That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision for the benefit of the owners of the individual building sites of said development.

COMMON SEWER SYSTEM. A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of ~~Environmental Quality~~ Environment and Energy for primary and secondary sewage treatment, ~~and which~~ Common sewer system does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM. A water system ~~which~~ that provides for the supply, storage, and distribution of potable water on an uninterrupted basis ~~which~~ and that is in public ownership.

COMPREHENSIVE PLAN. The set of long-range development plans adopted by the City Council to guide the growth and land development of the community for both the current period and the long term.

[. . .]

Section 10. That Chapter 11, Article 3, Section 11-306.01 of the Crete Municipal Code shall be amended as follows:

11-306.01 Preliminary plat.

- (1) *Pre-application Meeting.* A pre-application meeting between the ~~applicant or their representative~~ developer and ~~the City Administrator~~ Building Inspector will be required prior to the submission of an application for approval of a preliminary plat. No application for preliminary plat approval will be accepted until after the pre-application meeting. The purpose of the pre-application meeting is to review regulations, policies, procedures, and forms required by the City ~~of Crete~~. The ~~applicant~~

developer shall provide the following minimum information as part of a conceptual review sketch plan:

- (a) The proposed layout of streets, lots, and utilities in relation to existing streets, utilities, topography, and other conditions, and
 - (b) A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions, ~~and~~ community facilities in the area (such as streets, alleys, schools, and parks), commercial areas, and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.
- (2) *Plat Submission Requirements.* The subdivider shall submit ~~to the Building Inspector nine (9) physical and digital~~ copies of the preliminary plat and any supplemental material ~~specified, required by the City~~ with its written application for conditional preliminary plat approval, ~~at least twenty-one days prior to the regular meeting of the Planning Commission at which the request will be heard.~~
- (3) *Fees.* ~~The pre-application procedure does not require formal application, fee, or filing of plat with the Planning Commission. Filing and application fees thereafter will be set by the City Council shall be set forth in the City's Master Fee Schedule.~~
- (4) *Scale and Preliminary Plat Contents.* Preliminary plats shall be a scale of one inch to one hundred feet or one inch to two hundred feet if seventy-five (75%) percent of the lots are one acre or larger, and shall be prepared with the following information:
 - (a) Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
 - (b) Present zoning.
 - (c) Date, north point, and graphic scale.
 - (d) Location of property lines, roads, existing utilities with size of lines, and other underground installations and easements.
 - (e) Names of adjoining properties or subdivisions.
 - (f) Proposed utility system, including water, sewer and paving.
 - (g) Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.
 - (h) Location of proposed drainage.
 - (i) Contours at intervals of two (2') feet or five (5') feet intervals at 1" = 200' scale.
 - (j) Proposed improvements and grading concepts.
 - (k) Location of existing buildings.
 - (l) Proposed easements, dedications and reservations of land required.
- (5) *Notification of Improvement Schedule.* Sub-divider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.
- (6) *Notification of County Planning Commission.* The City shall notify the County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given six (6) weeks to officially comment on the appropriateness of the design and improvements proposed in

the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

- (7) *Notification of School Board.* At least ten (10) days prior to the Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.
- (8) *Approval or Rejection.* After review of the preliminary plat and negotiations with the sub-divider, the Planning Commission shall reject or conditionally approve the preliminary plat, within forty (40) days after the official meeting at which the plat was considered.
- (9) *Recording of Action.* The action of the Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.
- (10) *Approval is Conditional.* Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and the City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.
- (11) *Installation of Improvements for Final Plat Approval.* Following approval of the preliminary plat, the subdivider shall:
 - (a) Agree to install the required improvements;
 - (b) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
 - (c) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

Section 11. That Chapter 11, Article 6, Section 11-605 of the Crete Municipal Code shall be amended as follows:

11-605 Airport hazard area; permit requirements and exceptions.

~~Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance; or to plant or replant any tree or other object of natural growth; within the Hazard Area must first obtain a permit from the appropriate local Zoning Board, and, if Neb. Rev. Stat. § 3-403 is applicable, from the Nebraska Department of Aeronautics.~~

Building permits and certificates of zoning compliance must be obtained from the City and, if applicable, the Nebraska Department of Transportation before any new structure or use may be constructed or established; before any existing use or structure may be substantially changed, altered, or repaired; and, before any tree or other object of natural growth is planted or replanted within the hazard area.

Section 12. That Chapter 11, Article 6, Section 11-607 of the Crete Municipal Code shall be amended as follows:

11-607 Airport hazard area; marking of non-conforming structures.

Whenever the City Zoning Administrator determines that (i) a specific building, structure, or object exceeds the height violates the airport zoning restrictions and (ii) existed prior to the promulgation adoption or amendment of these regulations, the owner or ~~the~~ lessee of the premises on which the building, structure, or object is located shall be notified of the violations in writing ~~by the City Zoning Administrator~~. The owner ~~and or~~ lessee shall, within a reasonable time, permit allow the City to marking ~~and or~~ lighting of the building, structure, or object. ~~The appropriate local Zoning Board shall specify the required marking and lighting, consistent with Chapter 3 of Nebraska Administrative Code Title 17 entitled "Marking and Lighting of Structures".~~ The cost of marking or lighting shall not be assessed against the owner or lessee of said premises.

Section 13. That Chapter 11, Article 6, Section 11-608 of the Crete Municipal Code shall be amended as follows:

11-608 Airport hazard area; administrative agency, enforcement.

- (1) The City Administrator or their authorized agent or designee Building Inspector, serving as the Zoning Administrator, shall administer and enforce these regulations.
- (2) The City shall be the administrative agency provided for in Neb. Rev. Stat. § 3-319 (Reissue 2007), the Nebraska Airport Zoning Act and shall have all the powers and perform all the duties of ~~the an~~ administrative agency as provided in the Airport Zoning Act therein.

Section 14. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 15. That all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 16. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 17. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 15th day of June 2021.

Mayor

ATTEST:

City Clerk