

**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).