

## Chapter 7

### FIRE REGULATIONS

#### Article 1. Fires

##### **§7-101 FIRES; PRESERVATION OF PROPERTY:**

The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the Municipal Firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to be blown up, with explosives any building or structure during the progress of a fire for the purpose of checking the progress of the same.

##### **§7-102 FIRES; DISORDERLY SPECTATOR:**

It shall be unlawful for any person during the time of a fire and for a period of thirty-six (36) hours after its extinguishment to hinder, resist or refuse to obey the Municipal Fire Chief, or to act in a noisy or disorderly manner. The Fire Chief and Assistant Fire Chief shall have the power and authority during such time to arrest or command any such person to assist them in the performance of their official duties. *(Ref 28-908 RS Neb)*

##### **§7-103 FIRES; EQUIPMENT:**

It shall be unlawful for any person except the Fire Chief and the members of the Municipal Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Municipality. *(Ref 28-519 RS Neb)*

##### **§7-104 FIRES; INTERFERENCE:**

It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty. *(Ref 28-908 RS Neb)*

##### **§7-105 FIRES; OBSTRUCTION:**

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (15') feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. *(Ref 39-672 RS Neb)*

**§7-106 FIRES; ASSISTANCE:**

It shall be unlawful for any person to refuse, after the command of the Fire Chief or Asst. Fire Chief, to aid in extinguishing a fire or to assist in the removal and protection of property. *(Ref 28-908 RS Neb)*

**§7-107 FIRES; DRIVING OVER HOSE:**

It shall be unlawful for any person, without the consent of the Fire Chief or Assistant Fire Chief, to drive any vehicle over unprotected hose of the Fire Department. *(Ref 39-682 RS Neb)*

**§7-108 FIRES; TRAFFIC:**

Every vehicle already stationary when the fire alarm shall have been sounded must remain so for a period of five (5) minutes after the sounding of the fire alarm. No vehicle, except by the specific direction of the Fire Chief or Assistant Fire Chief, shall follow, approach or park closer than five hundred (500') feet to any fire vehicle, or to any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department, or emergency vehicles. *(Ref 39-681 RS Neb)*

**§7-109 FIRES; FALSE ALARM:**

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. *(Ref 28-907, 35-520 RS Neb)*

**§7-110 FIRES; PEDESTRIANS:**

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm shall have sounded until the fire trucks shall have completely passed. *(Ref 28-908 RS Neb)*

## Article 2. Fire Prevention

### **§7-201 FIRE PREVENTION; CODE:**

Incorporated by reference into this Code are the standards recommended by the Building Officials and Code Administrators International, Inc., known as the Basic Fire Prevention Code, Second Edition, 1970. This Code shall have the same force and effect as if set out verbatim herein. Three (3) copies of the Code are on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (*Ref 18-132, 19-902, 19-922, 81-502 RS Neb*)

### **§7-202 FIRE PREVENTION; FIRE CODE ENFORCEMENT:**

It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

### **§7-203 FIRE PREVENTION; REMOVAL OR REPAIR REQUIRED:**

In the event that a building within the corporate limits becomes damaged it shall be the duty of the owner, lessee, or occupant to remove or repair the said building in accordance with the provisions of this Article. It shall be unlawful for any person to allow a building to stand in such damaged or decayed. Any such building shall be removed or repaired within thirty (30) days after receiving notice to do so by the Governing Body. (*Ref 17-550 RS Neb*)

### **§7-204 POISONOUS AND FLAMMABLE GASES:**

Any person, firm, or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous or flammable gas or liquefied petroleum gas in a quantity of fifty (50) gallons or more or add to, enlarge, or replace any facility used for the storage of such gases, must first get permission from the Governing Body. The Governing Body shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the Governing Body shall prescribe such rules, regulations, and precautionary actions as they may deem necessary. The provisions of this section shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref 17-549 RS Neb*) (*Amended by Ord 400, 1/10/77*)

**§7-205 FIRE PREVENTION; MERGER:**

The Municipal Fire Department may be merged with the Rural Fire Protection District. The proceedings for the merger may be initiated by the presentation to the County Clerk of a petition, signed by sixty (60%) percent or more of the electors who are owners of any interest in real or personal property assessed for taxation in the territory to be merged and who are residing within the boundaries of such territory, stating the desires and purposes of such petitioners. The petition shall contain a description of the boundaries of the territory proposed to be merged and it shall be accompanied by a map or plat and a deposit for publication costs.

The County Clerk shall examine the tax schedules in the office of the County Assessor and determine and certify whether or not such petition complies with the requirements of this section and that the persons signing the petition appear to reside within the boundaries described by such petition. Thereafter, the County Clerk shall forward such petition, map or plat, and certificate to the Board of Directors of the District and the Governing Body affected by such merger.

Within thirty (30) days after receiving the petition, map or plat, and certificate of the County Clerk, in accordance with this section, the Board of Directors and Governing Body shall transmit the petition, map or plat, and certificate to the proper County Board, accompanied by a report in writing approving or disapproving the proposal contained in the petition, or approving such proposal in part and disapproving it in part.

The County Clerk shall designate a time and place for a hearing before a joint meeting of the County Boards of all counties in which the proposed district is to be situated and shall give notice of such hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing. At the time and place so fixed, the County Board or Boards shall meet and said hearing shall be held respecting the merger or location of the boundaries of the District. Thereupon the County Board shall determine the boundaries of the proposed District, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the District and be filed in the office of the County Clerk.

If the report of the Board of Directors and the Governing Body require under this section disapproves the proposal, the petition shall be rejected. If the report is favorable to such proposal, either in whole or in part, the County Board shall promptly designate a time and place for a hearing upon the petition and shall give notice of the hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing.

The County Board shall, at or shortly after the hearing, determine whether such territory shall be merged and shall fix the boundaries of the territory to be merged. The determination of the County Board shall be set forth in a written order which shall describe the boundaries determined upon and shall be filed in the office of the County Clerk. The County Clerk shall then fix a time and place for a public meeting of all electors who are owners of any interest in real or personal property assessed for taxation in the District who are residing within the boundaries. A Board of Directors shall be elected consisting of five (5) residents of the District.

Such merged District shall operate under the same mill levy limit as the Rural Fire Protection District. (*Ref 35-504, 35-506, 35-508, 35-509, 35-511, 35-530 - 35-536 RS Neb*) (*Ord 421, 10/9/78*)

**§7-206 FIRE PREVENTION; OPEN BURNING BAN; WAIVER:**

(1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The Fire Chief of the Municipal Fire Department or his or her designee may waive an open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or his or her designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or his or her designee, and on a form provided by the State Fire Marshal.

(3) The Municipal Fire Chief or his or her designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Chief or his or her designee. Anyone burning in such jurisdiction when the open burning ban has been waived shall notify the Fire Department of his or her intention to burn.

(4) The Municipal Fire Chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The Municipal Fire Department may charge a fee, not to exceed ten dollars (\$10.00), for each such permit issued. This fee shall be remitted to the Governing Body for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties. (*Ref 81-520.01 RS Neb*) (*Ord 451, 10/26/81*) (*Amended by Ords 470, 9/13/82; 650, 4/24/95*)

**§7-207 FIRE PREVENTION; FIRES REGULATED:**

It shall be lawful to build or set out certain fires; provided that the person building such fires is doing so for cooking or recreational purposes, said fire is no larger than two and a half (2.5) feet in diameter in size, and said fire does not contain garbage or salvage material. In order to be considered lawful, said fire must also be located at least twenty (20) feet from any building and must not operate in such a way as to permit smoke from the fire to travel onto any street, road or highway in such a way as to obscure the vision of any person operating a vehicle on that street, road or highway. A fire of greater than two and a half (2.5) feet in diameter in size are allowed if a permit has been issued by the local Fire Chief on a form provided by the State Fire Marshal; and provided further that said fire should be located at least twenty (20) feet from any building. (*Ord 471, 9/13/82*) (*Amended by Ord 883, 9/27/10*)

### Article 3. Explosives

#### **§7-301 EXPLOSIVES; BLASTING PERMITS:**

In addition to notifying the Municipal Fire Department pursuant to section 28-1233(3) RS Neb, any person desiring to discharge explosive materials within the Municipality shall apply for and secure a permit from the Governing Body twenty-four (24) hours prior to such discharge, and shall discharge such explosive materials in conformance with the conditions specified in the permit. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol. (*Ref 17-549, 17-556, 28-1229, 28-1233 RS Neb*) (*Ord 563, 11/27/89*) (*Amended by Ord 636, 5/23/94*)

#### **§7-302 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION:**

In addition to notifying the Municipal Fire Department pursuant to section 28-1233(3) RS Neb, and person desiring to store or keep for any period of time explosive materials as defined in section 28-1213 RS Neb, or any form of poisonous or flammable gases or liquefied petroleum gases within the Municipality shall register such information with the Municipal Clerk twenty-four (24) hours prior to such storage. The transfer of such explosives or gases to another person within the Municipality shall require the person receiving such explosives or gases to register the transfer and the new location of the explosives and gases with the Municipal Clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the Municipal Clerk. This section shall not apply to the storage of five (5) gallons or less of gasoline. (*Ref 17-549, 17-556, 28-1229, 28-1233 RS Neb*) (*Ord 637, 5/23/94*)

#### **§7-303 PROPANE GAS AND STORAGE TANKS; PERMIT REQUIREMENT:**

(1) To provide certain minimum standards, provisions, and requirements for the safe and fireproof storage and handling of liquefied petroleum gases, as recommended and published by the National Fire Protection Association #58, printed in book or pamphlet form in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the state of Nebraska.

(2) One (1) copy of the National Fire Protections Association #58 is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the National Fire Protection Association #58 shall be controlling throughout the Municipality and throughout its zoning jurisdiction. Any person, firm or corporation desiring to store or keep in the Municipality for any period of time any form of propane gas in a quantity of fifty gallons or more or add to, enlarge, or replace any facility used for the storage of such gas, must first get permission from the Governing Body. The Governing Body shall require an application indicating the size of the propane gas tank, its intended use, and the place where the tank will be located.

(3) A twenty-five dollar permit fee shall be paid to the Municipal Clerk upon the application for said permit. Installation of a propane tank shall be done by a certified technician within six months following the approval of said permit. (*Ord 683, 2/10/97*) (*Amend by Ord 877, 3/8/10*)

Article 4. Penal Provision

**§7-401 VIOLATION; PENALTY:**

(1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref 17-505, 18-1720, 18-1722 RS Neb) (Amended by Ord 756, 8/28/00)*