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CHAPTER 7 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 7-101: OPERATION AND FUNDING

The City operates the city Fire Department and rescue squad through the city fire chief and firemen. The City Council, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be placed in the General Fund. The General Fund shall be in the possession of the city clerk/treasurer. Said monies so levied and collected shall be set aside in the city budget as the Fire Department budget and the ambulance budget, for defraying the cost of those departments. In addition, the Fire Department is authorized to enter into agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the City and the Rural Fire District. The agreement so entered into shall be on file in the office of the city clerk/treasurer for public inspection at any reasonable time. The fire chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the City Council, the fire chief shall cause the repair, improvement or maintenance of the said equipment and shall personally supervise and approve of the same. (Ref. Neb. Rev. Stat. Sec. 17-147, 17-718, 17-953)

SECTION 7-102: FIRE CHIEF

A. The fire chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the City Council, the fire chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the fire chief to come before the City Council at the regular meeting in January of each year to give an annual report to the City Council of the general condition and the proposed additions or improvements recommended by him/her.

B. The fire chief shall be elected by the members of the Fire Department. He/she shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He/she shall within two days investigate the cause, origin and circumstances of fires arising within his/her jurisdiction.

C. He/she shall, on or before the first day in April and October of each year, cause the secretary to file with the city clerk and the clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law.

D. He/she shall have the power during the time of a fire and for a period of 36 hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself/herself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the fire chief or assistant fire chief. The fire chief or his/her assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The fire chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his/her jurisdiction for the purpose of examining the same for fire hazards and related dangers.

(Ref. Neb. Rev. Stat. Sec. 17-147, 17-905, 35-102, 35-108, 81-506, 81-512)

SECTION 7-103: MEMBERSHIP

A. The fire chief shall appoint no more than 25 members for each Fire Department company subject to the review and approval of the City Council. All vacancies shall be filled in this manner. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the fire chief or the City Council.

B. Said members shall be considered to be employees of the City for the purpose of providing them with workmen's compensation and other benefits. Each fireman shall be entitled to a term life insurance policy in the amount of at least \$10,000.00 dollars for death from any cause to age 65 and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age 65, provided that the firemen covered are actively and faithfully performing the duties of their position. (Am. Ord. 429, 2/11/04)

C. The Fire Department members may organize themselves in any way they may decide, subject to the review of the City Council. They may hold meetings and engage in social activities with the approval of the Council. The secretary shall keep a record of all meetings and shall, upon request, make a report to the City Council of all meetings and activities. The City Council may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the State of Nebraska.

D. Volunteer firemen and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City.

(Ref. Neb. Rev. Stat. Sec. 33-139.01, 35-101 through 35-103, 35-108 RS Neb)

SECTION 7-104: RECORDS

The fire chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, a record of all fires, and shall make a full report of such records to the city clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he/she shall include the information of whether such losses were covered by

insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

SECTION 7-105: FIRES

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the City; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 7-106: PRESERVATION OF PROPERTY

Any official of the city Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the hook and ladder men to remove any building, erection, or fence for the purpose of checking the progress of any fire, and the official in charge of the firefighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

SECTION 7-107: HOSE TESTED

All fire hose shall be pressure tested at least once each year.

SECTION 7-108: INSPECTIONS

It shall be the duty of the fire chief, when directed to do so by the City Council, to inspect or cause to be inspected by Fire Department officers, members, or some other official as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to create a fire hazard. The inspection shall be of the storage, sale and use of flammable liquids, combustibles and explosives; electric wiring and heating; and the means and adequacy of exits, in case of fire in schools, churches, hotels, halls, theatres, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose, whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist. (Ref. Neb. Rev. Stat. Sec. 81-512)

SECTION 7-109: NOTICE OF VIOLATION

A. Upon the finding that the municipal code has been violated, the fire chief shall notify, or cause to be notified, the owner, occupant or manager of the premises where a violation has occurred. Notice may be made personally or by delivering a copy to the premises and affixing it to the door of the main entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner, such order may be served personally, or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction. Any such order shall be immediately complied with by the owner, occupant or manager of the premises or building.

B. The owner, occupant or manager may, within five days after such order by the chief of the Fire Department or his/her agent, appeal the order with the City Council requesting a review and it shall be the duty of the City Council to hear the same within not less than five days nor more than ten days from the time when the request was filed in writing with the city clerk. The City Council shall then affirm, modify or rescind the said

order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the fire chief. A copy of any decision so made shall be sent to both the fire chief and the owner, occupant or manager making the appeal.

SECTION 7-110: POWER OF ARREST

The fire chief or the assistant fire chief shall have the power during the time of a fire, and for a period of 36 hours after its extinguishment, to arrest any suspected arsonist or other person hindering or resisting the firefighting effort, or any person who conducts himself/herself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of city policemen to command all persons to assist them in the performance of their duties.

SECTION 7-111: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the City in which property has been destroyed or damaged in excess of \$50.00. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident or design. Such investigation shall be begun within two days of the occurrence of such fire and the state fire marshal shall have the right to supervise and direct the investigation whenever he/she deems it expedient or necessary. The officer making the investigation of fires occurring within the City shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him/her with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he/she may call for. (Ref. Neb. Rev. Stat. Sec. 81-506)

SECTION 7-112: DISORDERLY SPECTATOR

It shall be unlawful for any person during the time of a fire and for a period of 36 hours after its extinguishment to hinder, resist or refuse to obey the 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. Neb. Rev. Stat. Sec. 28-908)

SECTION 7-113: EQUIPMENT

It shall be unlawful for any person except the fire chief and the members of the city 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 City. (Ref. Neb. Rev. Stat. Sec. 28-519)

SECTION 7-114: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duty. (Ref. Neb. Rev. Stat. Sec. 28-908)

SECTION 7-115: 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. Neb. Rev. Stat. Sec. 60-6,184)

SECTION 7-116: FALSE ALARM

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

SECTION 7-117: FOLLOWING FIRE OR AMBULANCE APPARATUS OR OTHER EMERGENCY VEHICLES IN RESPONSE TO AN ALARM OR MEDICAL EMERGENCY CALL; PROHIBITED

A. The driver of any vehicle other than one on official business shall not follow any fire apparatus, ambulance or other emergency vehicles in response to a fire or rescue or medical emergency alarm.

B. It shall be unlawful to drive into or park a vehicle, or walk within, two city blocks of where the fire or emergency vehicles have stopped in answer to a fire or ambulance alarm.

SECTION 7-118: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Fire Department under the orders of the fire chief or the assistant fire chief, or members of the Water Department, to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

Article 2 – Emergency Extrication Unit (Jaws of Life)

SECTION 7-201: OFFICERS AND TERMS

The officers of the extrication unit shall be the chief, assistant extrication unit chief, secretary and treasurer. Said officers shall be elected by the active members of said extrication unit and approved by the mayor and City Council and shall hold office until their successors are elected and approved by the mayor and City Council. Said officers may be removed from office by the mayor and Council for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs, by removal or otherwise, the members of said extrication unit shall immediately elect a successor subject to the approval of the Council.

SECTION 7-202: UNIT CHIEF; POWERS AND DUTIES

The extrication unit chief shall have full control of the actions of the members of the extrication unit during the time said members are on duty at an accident or during the period of accident drills, and the chief shall have full charge and control of all of the equipment of said extrication unit and of the movement thereof.

SECTION 7-203: ASSISTANT CHIEF; POWERS AND DUTIES

The assistant extrication unit chief shall have and exercise all of the powers, duties and responsibilities of the unit chief in the absence of or disability of the unit chief and shall perform such other duties as may be assigned to him/her by the unit chief.

SECTION 7-204: SECRETARY; DUTIES

The secretary of the extrication unit shall record all official actions taken by said unit at

its regular or special meetings and shall report such actions to the City Council when requested to do so. Said meeting actions shall constitute the official minutes of the unit and shall be available for public inspection during normal business hours and shall be maintained at the city clerk's office.

SECTION 7-205: TREASURER; DUTIES

The extrication unit treasurer shall receive all funds from donations, taxation or otherwise and shall strictly account for the same. Said treasurer shall also pay all bills approved by the City Council at its regular or special meetings, which funds used shall be drawn on the extrication unit checking account and signed by the unit chief and co-signed by the unit treasurer. Said treasurer shall strictly account for all funds handled by him/her and shall account to the City Council on an annual basis the receipts and disbursements of all funds for the past fiscal year.

SECTION 7-206: INSURANCE POLICY

The City shall provide a minimum death benefit insurance policy for each voluntary Jaws of Life member in the amount of \$10,000.00, which policy shall be convertible to a permanent form of life insurance at age 65. (Ref. Neb. Rev. Stat. §35-108) (Ord. No. 428, 2/11/04)

SECTION 7-207: FISCAL YEAR

The fiscal year of the extrication unit shall coincide with the fiscal year of the City and all reports shall be made to coincide with said fiscal year.

SECTION 7-208: RULES AND REGULATIONS

The members of the extrication unit are granted authority to adopt and promulgate rules and regulations from time to time for the government of the members thereof, not inconsistent with this ordinance, and such rules and regulations shall be binding on said unit members and shall have the same force and effect as if made a part of this article.

SECTION 7-209: ACTIONS BEYOND CORPORATE LIMITS

The members of the extrication unit shall be considered as acting in the performance and within the scope of their duties in responding to all emergency accident calls or saving property or life outside the corporate limits of the City, and in so doing may take such equipment of the City as may be designated by the extrication unit chief.

SECTION 7-210: TESTING OF EQUIPMENT

All equipment owned and used by the extrication unit shall be maintained in serviceable condition and shall be tested at least annually to determine its efficiency level.

SECTION 7-211: FALSE ALARMS

It shall be unlawful for any person to willfully or knowingly give or cause to be given any false alarms of accident or emergency in said city or to operate any accident or emergency alarms except in case of a bona fide belief of the existence of an accident or emergency in said city, unless done under the express orders of the unit chief or the mayor.

SECTION 7-212: USE OF EQUIPMENT

No person shall move any extrication unit vehicle or other unit apparatus without the

express authority of the unit chief or mayor, or shall molest, tamper with, injure or destroy any of the extrication unit apparatus or equipment or hinder or delay any unit member in the performance of his/her duties.

Article 3 – Fire Prevention

SECTION 7-301: FIRE PREVENTION CODE

Incorporated by reference into this Code are the standards recommended by the American Insurance Association, Engineering and Safety Department, known as the Fire Prevention Code, 1970 Edition, and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. One copy of the Fire Prevention Code is on file with the city clerk and shall be available for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. Sec. 18-132, 19-902, 19-922, 81-502)

SECTION 7-302: FIRE CODE ENFORCEMENT

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

SECTION 7-303: LAWFUL ENTRY

It shall be the duty of the owner, lessee or occupant of any building or structure, except the interiors of private dwellings, to allow the fire chief to inspect or cause to be inspected the said structure as often as necessary to ascertain and enumerate all conditions therein that are likely to cause fire, or any other violations of the provisions of the city ordinances affecting the hazard of fire. (Ref. Neb. Rev. Stat. Sec. 81-512)

SECTION 7-304: VIOLATION NOTICE

It shall be the duty of the owner, lessee or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who receives written or verbal notice of a violation of any of the provisions of the city ordinances, to correct the condition that violates the said ordinance or ordinances within 20 days from the date of receipt of such notice.

SECTION 7-305: STREET FIRES PROHIBITED

It shall be unlawful for any person to set out a fire on the pavement or near any curb, now built or hereafter to be built within the City. (Ref. Neb. Rev. Stat. Sec. 17-956)

SECTION 7-306: FIRES PROHIBITED

All outside burning of any substance be and hereby is determined unlawful unless the same is burned in a state-approved incinerator or approved by the state fire marshal or his/her agent. This prohibition shall not apply to the burning of wood or other substances in a home heating system or fireplace, nor shall it apply to charcoal or gas grills normally used in outdoor cooking activities.

SECTION 7-307: OPEN BURNING BAN, WAIVER

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

B. The fire chief or his designee may waive an open burning ban under subsection (A) of this section for an area under his jurisdiction by issuing an open burning per-

mit to a person requesting permission to conduct open burning. The permit issued by the fire chief or his designee to a person desiring to conduct open burning shall be in writing, signed by the fire chief or his designee, and on a form provided by the state fire marshal.

C. The fire chief or his designee may waive the open burning ban in his jurisdiction when conditions are acceptable to the chief or his 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.

D. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under subsection (B) of this section.

E. The Fire Department may charge a fee not to exceed \$10.00 for each such permit issued. This fee shall be remitted to the City Council 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 (B) of this section in the course of such state's or political subdivision's official duties. (Ref. Neb. Rev. Stat. Sec. 81-520.01)

SECTION 7-308: POISONOUS AND FLAMMABLE GASES

A. Any person, firm or corporation desiring to store or keep in the City any form of poisonous or flammable gas or liquefied petroleum gas in an amount over ten gallons for any period of time, or add to, enlarge or replace any facility used for the storage of such gases, must first get permission from the fire chief in accordance with federal, state and local regulations as may be enacted from time to time. The applicant shall provide the name of the gas, place of storage, amount of gas stored and other information as may be required by the fire chief.

B. For any application where permission is granted, the City Council may prescribe such rules, regulations and precautionary actions as they may deem necessary. Permit requirement for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this section; provided any such present use that is discontinued for a period of 60 days shall not be revived without a permit. (Ref. Neb. Rev. Stat. Sec. 17-949)

Article 4 – Explosives

SECTION 7-401: STORAGE

A. Any person desiring to store or keep for any period of time explosive materials shall notify the city Fire Department and register such information with the city clerk 24 hours prior to such storage. The transfer of explosive materials to another person within the City shall require the person receiving the explosive materials to register the transfer and the new location of the explosive materials with the city clerk. The transfer of explosive materials to a new location by the owner shall require registration of the new location with the city clerk.

B. All explosive materials shall be stored in a proper receptacle made of cement, metal or stone and be closed at all times, except when in actual use. Such receptacles shall not be located in any room where there are flames or flammable materials. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass or trees not less than 25 feet in all directions. Any other combustible materials shall be

kept a distance of not less than 50 feet from outdoor storage facilities.

SECTION 7-402: BULLETS

Cartridges, shells and percussion caps shall be kept in their original containers away from flame, flammable materials and high explosives.

SECTION 7-403: BLASTING PERMITS

Any person wishing to discharge high explosives within the City must secure a permit from the City Council and shall discharge such explosives in conformance with their direction and under their supervision, and 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. Neb. Rev. Stat. Sec. 17-956, 28-1229)

Article 5 – Fireworks

SECTION 7-501: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the City, as defined by Neb. Rev. Stat. Section 28-1241, shall be governed and regulated by Neb. Rev. Stat. Sections 28-1241 to 28-1252, including any and all amendments thereto, together with any rules and regulations adopted by the state fire marshal for the enforcement of Neb. Rev. Stat. Sections 28-1241 to 28-1252.

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.