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## **CHAPTER 8 – FIRE REGULATIONS**

### **Article 1 – Fires**

#### **SECTION 8-101: 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 Village 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 deems it expedient or necessary. The official making the investigation of fires occurring within the Village shall immediately notify the fire marshal and shall, within one week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire and such further information as he may call for. (Neb. Rev. Stat. §81-506)

#### **SECTION 8-102: PRESERVATION OF PROPERTY**

During the time of a fire, any law enforcement officer or official of the Fire Department shall have the power 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 removal of any building, erection, fence or any part thereof for the purpose of checking the progress of any fire. 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 halting the same.

#### **SECTION 8-103: POWER OF ARREST**

The fire chief or the assistant 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 in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of municipal police officers to command all persons to assist them in the performance of their duties.

#### **SECTION 8-104: TRAFFIC**

Every vehicle within 500 feet of the fire station which is already stationary when the fire alarm has been sounded must remain so for a period of five minutes after the sounding of such alarm. No vehicle shall follow, approach or park closer than 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 members of the Fire Department, doctors or emergency personnel. (Neb. Rev. Stat. §38-581)

#### **SECTION 8-105: PEDESTRIANS**

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has been sounded until the fire trucks shall have completely passed. (Neb. Rev. Stat. §28-908)

#### **SECTION 8-106: FIRE EQUIPMENT**

It shall be unlawful for any person except the fire chief and the members of the 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 fire equipment or apparatus belonging to the Fire Department. (Neb. Rev. Stat. §28-419)

#### **SECTION 8-107: INTERFERENCE**

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

#### **SECTION 8-108: 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. (Neb. Rev. Stat. §28-908)

#### **SECTION 8-109: ASSISTANCE**

It shall be unlawful for any person to refuse to aid in extinguishing a fire or to assist in the removal and protection of property after the command of the fire chief or assistant fire chief. (Neb. Rev. Stat. §28-908)

#### **SECTION 8-110: DRIVING OVER HOSE**

It shall be unlawful for any person to drive a vehicle over any unprotected hose of the Fire Department unless authorized to do so. (Neb. Rev. Stat. §38-582)

#### **SECTION 8-111: OBSTRUCTION OF HYDRANT**

It shall be unlawful for any person to obstruct the use of any fire hydrant or have or place any material within 15 feet of 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. (Neb. Rev. Stat. §38-572)

**SECTION 8-112: FALSE ALARM**

It shall be unlawful for any person intentionally to raise any false alarm of fire. (Neb. Rev. Stat. §28-907, 35-520)



## **Article 2 – Fire Prevention**

### **SECTION 8-201: FIRE PREVENTION CODE**

The rules and regulations promulgated by the office of the state fire marshal relating to fire prevention are incorporated by reference into this code and made a part of this article as though spread at large herein, together with all subsequent amendments thereto.

### **SECTION 8-202: FIRE CODE ENFORCEMENT**

It shall be the duty of all village officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the Village Board.

### **SECTION 8-203: 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 inspector, as designated by the Village Board, to inspect the structure for purposes of ascertaining and enumerating all conditions therein that are likely to cause fire, or any other violations of the provisions of the village ordinances affecting the hazard of fire.

### **SECTION 8-204: FIRES ON STREET**

It shall be unlawful for any person to set out a fire on the street or near any curb now built or hereafter to be built within the Village. (Neb. Rev. Stat. §17-556)

### **SECTION 8-205: 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. The fire marshal or his/her designee may waive an open burning ban issued under this section for an area under his/her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said permit shall be in writing on a form issued and signed by the fire marshal.

2. The fire marshal or designee may waive the open burning ban in his/her district when conditions are acceptable to him/her. Anyone burning in such district when the open burning ban has been waived must notify the marshal of his/her intention to burn.

(Neb. Rev. Stat. §81-520.01)

### **SECTION 8-206: STOVES, FURNACES AND CHIMNEYS**

All furnaces, stoves and other heating devices shall be installed at a proper distance

from any materials and portions of the building which are combustible. Any combustible materials or portions of the building that are dangerously close to such heating devices shall be protected by non-combustible material. This section shall apply both to existing structures and those which may hereafter be erected.

### **SECTION 8-207: INSPECTIONS**

It shall be the duty of the fire chief, in cooperation with the state fire marshal when directed to do so by the Village Board, 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, prozolin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist. (Neb. Rev. Stat. §81-512)

### **SECTION 8-208: VIOLATION; NOTICE**

A. Upon a 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, it 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, appeal the order with the Village Board requesting a review and it shall be the duty of the Board 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 village clerk. The Village Board 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 8-209: VIOLATION; CORRECTION OF CONDITION**

It shall be the duty of the owner, lessee or occupant of any building or structure that was lawfully inspected as herein prescribed, and who receives written or verbal notice of a violation of any of the provisions of the village ordinances, to correct the condition within five days of the date of receipt of such notice.



## **Article 3 – Fireworks**

### **SECTION 8-301: REGULATION OF USE, SALE, POSSESSION**

The use, sale, offer for sale, and possession of permissible fireworks in the Village as defined by Neb. Rev. Stat. §28-1241 shall be governed and regulated by Neb. Rev. Stat. §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. §28-1241 to 28-1252.

### **SECTION 8-302: GIVEAWAY OR SALE PROHIBITED**

It shall be unlawful for any person to give away or to sell or offer for sale any fireworks within the Village. (Ord. No. 41, 5/1/35)



## **Article 4 – Penal Provision**

### **SECTION 8-401: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.