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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department and Rescue Squad

SECTION 8-101: OPERATION AND FUNDING; AGREEMENT WITH RURAL FIRE DISTRICT

A. The village operates the Fire Department and Rescue Squad through the village fire chief and firemen. The fire chief shall manage the Fire Department. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvement of 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 village that is subject to taxation. The revenue from the said tax shall be placed in the general fund, which shall be in the possession of the village treasurer. Said monies so levied and collected shall be set aside in the village budget as the Fire Department budget and the Rescue Squad budget for defraying the cost of those departments.

B. In addition, the Fire Department is authorized to enter into an agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the village and the Rural Fire District. Such an agreement shall provide for mutual aid, protection and a shar­ing of necessary expenses between the village and the Rural Fire District. The agreement so entered into shall be on file in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-718, 35-501, 35-530)

SECTION 8-102: OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES

There are hereby created the offices of fire chief, assistant fire chief and two captains of the Fire Department. Said officers shall be elected by the active members of the department and approved by the chairman and Village Board, and shall hold their offices until their successors are elected and approved by the chairman and board. Such officers may be removed from office by the chairman and board for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs by removal or otherwise, the members of said Fire Department shall immediately elect a successor subject to the approval of the Village Board. In the event of the failure of the department to elect a fire chief, assistant fire chief or captains or in case of a vacancy in any of said offices for a period of five days, the board shall fill such vacancy by the appointment of some member of the Fire Department to said office.

SECTION 8-103: DUTIES OF FIRE DEPARTMENT

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

SECTION 8-104: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department. He or she shall manage the Fire Department and it shall be his or her duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the board, 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 Village Board at the regular meeting in January each year to give a report of the general condition and the proposed additions or improvements recom­mended by him or her.

B. The fire chief shall, before December 1 each year, file with the village clerk 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.

C. The chief shall enforce all laws and ordinances covering the prevention of fires; the storage and useof explosives and flammable substances; the installation of fire alarm systems; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his or her jurisdiction for the purpose of examining the same for fire hazards and related dangers. The chief shall investigate the cause, origin, and circumstances of fires arising within his or her jurisdiction.

(Neb. Rev. Stat. §17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-105: 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 Village Board. All vacancies shall be filled in this manner.

B. 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 Village Board.

C. Members of the Fire Department may hold meetings and engage in social activities with the approval of the Village Board. The secretary shall keep a record of all meetings. All records shall be available to the public at any reasonable time.

D. Members of the Fire Department shall be considered to be employees of the village for the purpose of providing them with workers' compensation and other benefits. The Village Board may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution. The board shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the village's active volunteer fire and rescue personnel; except that when any such person serves more than one municipality or rural or suburban fire protection district, the policy shall be purchased only by the first entity or district which he or she serves. The policy shall provide a minimum death benefit of $10,000 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age 65. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department.

E. For purposes of Neb. Rev. Stat. §33-139.01, volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the village.

(Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108) (Am. by Ord. Nos. 304, 3/1/83; 371, 3/12/91; 2008-02, 8/6/08)

SECTION 8-106: EQUIPMENT

A. 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 other apparatus belonging to the village. (Neb. Rev. Stat. §28-519)

B. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. Village employees shall not be involved in the fire or rescue actions other than as firemen or Rescue Squad members. Maintenance of the Fire Department building is the responsibility of the Village Board. The temperature control of the building shall be administered to insure that oxygen and other equip­ment of the Rescue Squad and other department companies are maintained at safe operating and administration temperatures.

SECTION 8-107: COMMUNICATIONS EQUIPMENT

No unauthorized person shall oper­ate any radio or communications equipment of the Fire Department. All persons authorized to operate said equipment shall do so only as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-108: IMPERSONATING FIREFIGHTER

It shall be unlawful for any person to falsely personate a firefight­er by wearing a badge or other apparel usually worn by a fire­fighter for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theat­rical representation of a firefighter for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

Article 2 – Fires

SECTION 8-201: PRESERVATION OF PROPERTY

Any official of the 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 firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 8-202: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-203: 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. (Neb. Rev. Stat. §28-908)

SECTION 8-204: 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. (Neb. Rev. Stat. §60-6,184)

SECTION 8-205: FALSE ALARM

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

Section 8-206: MANDATORY ASSISTANCE

Any official of the Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the fire or in the removal and protection of property. In the event that a spectator refuses, neglects or fails to assist the Fire Department after a lawful order to do so, he or she shall be deemed guilty of a misdemeanor.

SECTION 8-207: 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 duties. A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his or her duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he or she has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-208: 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. Any fire 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 in compliance with the rules and regulations of the state fire marshal. (Neb. Rev. Stat. §81-506)

SECTION 8-209: DISTANT FIRES

Upon the permission of the village chairman or fire chief or pursuant to any agreement with a rural fire district for mutual aid and protection, such fire equipment of the village as may be designated by the Village Board as rural equipment may be used beyond the corporate limits to extin­guish a reported fire. The firefighters of the village shall be considered as acting in the performance and within the scope of their duties in fighting fires or saving property or life outside the corporate limits of the village when directed to do so by the village chairman, chief of the Fire Department or some person authorized to act for such chief and in so doing, may use such fire equipment of the village as may be desig­nated by the Village Board.

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE

All of the provisions of the 2015 edition of the Fire Code, as published by the National Fire Protection Association and recom­mended by the American Insurance Association, are hereby adopted by reference as part of this chapter. One copy, together with all revisions of and amendments thereto, shall be available in the office of the village clerk for public inspection during office hours. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §18-132, 19-902, 19-922, 81-502)

SECTION 8-302: LIFE SAFETY CODE

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, 2015 Edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code shall be on file with the village clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all village officials to enforce the incorporated fire code provisions as provided in Sections 8-301 and 8-302, and all infractions shall be immediately brought to the attention of the fire chief.

SECTION 8-304: 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 or her designee may waive an open burning ban under subsection (A) 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. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief or his or her designee. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning.

C. The 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.

D. The Fire Department may set and charge a fee for each such permit issued. Such fees shall be remitted to the Village Board 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. (Neb. Rev. Stat. §81-520.01)

Section 8-305: FIRES regulated

A. No open fires shall be allowed within the village limits. However, closed container burning shall be allowed, provided that it takes place in a fireproof trash burner or incinerator with a metal fireproof screen of not more than one inch mesh, and located at least 20 feet from any building. The incinerator or trash burner shall be built in such a way as to not permit the escape of burning paper or other substance;

B. No fires shall be burned during night-time hours or when, in the opinion of the fire chief, weather conditions are such that burning a closed-container fire would present an unreasonable risk to other property owners;

C. Nothing shall be burned that emits a noxious or offensive odor such as to create a nuisance to other property owners;

D. No person under the age of 18 years shall burn a fire within the village limits;

E. All persons burning a fire within the village limits shall have a water hose or fire extinguisher readily accessible near the fire that is adequate to extinguish it and any fires which may ignite in the immediate surrounding area;

F. All persons burning a fire within the village limits shall supervise and monitor the fire at all times until it is completely extinguished.

(Am. by Ord. No. 2003-05, 12/3/03)

SECTION 8-306: INSPECTIONS; VIOLATION NOTICE

A. It shall be the duty of the fire chief, when directed to do so by the Village Board, to inspect or cause to be in­spected by a Fire Department officer, member, 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. 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 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.

B. 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, theaters, 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.

C. 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 such condition within five days from the receipt of such notice.

(Neb. Rev. Stat. §81-512)

SECTION 8-307: FIRE ON PAVEMENT

It shall be unlawful for any person to set out a fire on the pave­ment or near any curbwith­in the village. (Neb. Rev. Stat. §17-556)

SECTION 8-308: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow to be burned crank case drainings, or to burn oil or other flammable substances, other than wood, in a homemade stove.

section 8-309: STOVES, FURNACES, AND CHIMNEYS

All stoves and other heating devices shall be installed at a proper distance from combustible materials and portions of the building. Any combustible materials or portions of the building that are dangerously close to such heating de­vices shall be protected by noncombustible material. This sec­tion shall apply both to existing structures and those which may hereafter be erected. (Neb. Rev. Stat. §17-549)

Article 4 – Explosives; Poisonous

and Flammable Gases

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the village for any period of time shall register such information with the village clerk within ten days after such explosives are brought into the village. The clerk shall provide such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the village shall require the individual receiving the explosives to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. All high explosives, including dynamite, gunpowder and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such cement, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for 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.

(Neb. Rev. Stat. §17-549)

SECTION 8-402: EXPLOSIVES; BULLETS

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

SECTION 8-403: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the village must secure a permit from the Village Board 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. (Neb. Rev. Stat. §17-556, 28-1229)

SECTION 8-404: POISONOUS GAS

Any person, firm or corporation desiring to store or keep in the village for any period of time any form of poisonous gas must first get permission from the fire chief. The fire chief shall require the name of the gas, the place of storage and the amount of gas stored. It shall then be the duty of the fire chief to prescribe such rules, regulations and precautionary actions as he or she may deem necessary. (Neb. Rev. Stat. §17-549)

section 8-405: PETROLEUM GAS

Any person desiring to store or keep in their possession liquefied petroleum gas shall place the containers outside of buildings on nonflammable docks or platforms, and no such container shall at any time be stored within a building of any kind.

Article 5 – Fireworks

SECTION 8-501: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

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 said sections.

SECTION 8-502: PERMITTED FIREWORKS

A. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever except those defined as “consumer fireworks” in Neb. Rev. Stat. §28-1241:

1. Any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission set forth in 16 C.F.R., as such regulations existed on January 1, 2010;

2. Any small device designed to produce audible effects such as a whistling device;

3. Any ground device or firecracker containing 50 milligrams or less of explosive composition; or

4. Any aerial device containing 130 milligrams or less of explosive composition.

5. Class C explosives as classified by the United States Department of Transportation.

B. “Consumer fireworks” does not include:

1. Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;

2. Wire sparklers;

3. Nighttime parachutes;

4. Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;

5. Firecrackers that contain more than 50 milligrams of explosive composition; and

6. Fireworks that have been tested by the state fire marshal as a response to complaints and have been deemed to be unsafe.

B. The provisions of this section shall not apply to any fire­works to be used for purpose of public exhibitions or display under authorization of the Village Board or to fireworks fur­nished for agricultural purposes pursuant to written authoriza­tion from the state fire marshal.

(Neb. Rev. Stat. §17-556, 28-1241, 28-1244, 28-1245)

SECTION 8-503: sale of consumer fireworks; dates allowed

Consumer fireworks may be sold at retail only between June 24 and July 5 of each year. (Neb. Rev. Stat. §28-1249)

Article 6 – Penal Provision

SECTION 8-601: 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. (Ord. No. 358, 12/17/01)