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## **CHAPTER 7 – FIRE REGULATIONS**

### **Article 1 – Fires**

#### **SECTION 7-101: 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 firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire.

#### **SECTION 7-102: 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 have stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

#### **SECTION 7-103: PEDESTRIANS**

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

#### **SECTION 7-104: 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 7-105: FALSE ALARM**

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

#### **SECTION 7-106: 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. Any spectator who refuses, neglects, or fails to assist after a lawful order to do so shall be deemed guilty of a misdemeanor.

#### **SECTION 7-107: 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 7-108: FIRE INVESTIGATION**

It shall be the duty of the Fire Department, or the village clerk if the Village has no 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. The officer making the investigation of fires occurring within the Village shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him or her with a written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for. (Neb. Rev. Stat. §81-506)

**SECTION 7-110: 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 firemen 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, fire chief, 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 2 – Fire Prevention**

### **SECTION 7-201: FIRE CODE**

All of the provisions of the most recent 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. If requested, the village clerk shall provide a source for obtaining a copy of the said code. 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 7-202: 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, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. If requested, the village clerk shall provide a source for obtaining a copy of the said code. (Neb. Rev. Stat. §§18-132, 19-902, 81-502)

### **SECTION 7-203: CODE ENFORCEMENT**

It shall be the duty of all village officials to enforce the incorporated fire code provisions as provided in Sections 7-201 and 7-202, and all infractions shall be immediately brought to the attention of the fire chief.

### **SECTION 7-204: OPEN BURNING; BAN; WAIVER; PERMIT**

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 may waive an open burning ban under subsection (A) of this section for an area under the Fire Department's 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. He or she may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under this section.

C. The fire chief may waive an open burning ban under the local Fire Department's jurisdiction when conditions are acceptable to the chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire chief beforehand of his or her intention to burn.

D. The Fire Department may set and charge a fee not exceeding \$10.00 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) (Am. Ord. Nos. 409, 6/13/94; 430, 2/13/95)

### **SECTION 7-205: OPEN BURNING; PERMITTED ACTIVITIES; EXCEPTIONS**

For recreational purposes, religious activities, or outdoor cooking of food for human consumption, the following types of open burning may be conducted within the village limits without a permit from the fire chief, under the terms and conditions stated herein:

A. Materials to be burned shall be limited to natural trees or brush, untreated and unpainted lumber, propane or natural gas in fire pits designed to use the same; products sold commercially for use in outdoor cooking or barbeques; or products sold commercially for use in indoor fireplaces. Under no circumstance shall any other material be burned including but not limited to plastic, rubber, oils or other petroleum products or any type of household waste.

B. Burning under this section shall only occur on private property and shall be conducted in a non-flammable fire ring, masonry confinement, or a dug pit. Burnable material in the ring or pit shall be limited in height to three times the depth of the ring or pit to create a reasonable wind break for the fire.

C. The confinement area shall not exceed 3 feet in diameter if round or 12 square feet if rectangular or square.

D. The owner of the property where the burning shall occur shall be responsible to ensure no burning material, airborne or otherwise, leaves the owned property. He or she shall avoid and control any spread of fire outside the confined area and shall conclusively extinguish with water all trace of burning material prior to leaving the fire area unattended for a period of 15 minutes or more. If wind speed at the burn area may reach 10 miles per hour or more at any time during the burn, sufficient water shall be available on site to extinguish any fire which may endanger surrounding property.

E. Any person conducting burning under this section shall immediately extinguish any such fire if instructed to do so by the fire chief or law enforcement personnel when in the opinion of the chief or law enforcement officer(s) such is necessary for public safety.

F. Any burning in violation of this section, or other burning without a proper burn permit, shall be subject to citation(s) and fine(s) as set forth in Section 7-501.  
(Ord. No. 670, 7/9/18)

### **SECTION 7-206: OUTDOOR FIRE PITS AND FIREPLACES**

A. The following definitions shall apply in this section:

1. "Outdoor fireplaces" shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.
2. "Portable fire pits" are defined as being commercially designed and intended to confine and control outdoor wood fires.
3. "Chimineas" are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.
4. "Fire pits" are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover.

B. All outdoor fireplaces shall meet the following requirements:

1. *Clearances.* A minimum ten-foot clearance shall be maintained between the outdoor fireplace and combustible structure or materials such as walls, roofs, fences, decks, wood piles, and other combustible material.
2. *Construction.* Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. Not permitted are drums, barrels, half-barrels, or similarly constructed devices.
3. *Size.* The fuel area for a fire pit shall not be larger than 3 feet in diameter and not more than 3 feet in height.
4. *Location.* An outdoor fireplace shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level and shall not be located on a combustible balcony or deck nor under any combustible balcony or any overhanging portion of a structure.
5. *Type of Materials Being Burnt.* Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber, or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.
6. *Amount of Materials Being Burnt.* Users must (a) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend above the pit or into the chimney and (b) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with the spark guard in

place.

7. *Supervision.* Every outdoor fireplace shall be under constant supervision by at least one responsible person age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.
8. *Provisions for Protection.* A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.
9. *Weather Conditions.* Outdoor fireplaces shall not be operated when weather conditions are extremely dry.
10. *Hazard.* Outdoor fireplaces shall be completely extinguished and/or not be operated when breezes or winds are blowing which will cause smoke, embers, or other burning materials to be carried toward any building or other combustible materials. The fire chief or an authorized representative shall have the authority to require that use of the outdoor fireplace be immediately discontinued if such use is determined to constitute a hazardous condition to occupants of surrounding property.
11. *Nuisance to Neighbors.* Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of any neighboring property owner of any smoke nuisance.
12. *Maintenance.* The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At a minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

(Neb. Rev. Stat. §§17-549, 17-556, 81-520.01)

## **SECTION 7-207: CHIMNEY CONSTRUCTION**

It is hereby declared unlawful for any person, firm or corporation within the corporate limits of the Village to enter or cause to be entered any stovepipe into an outlet other than a brick chimney constructed with what is known as flue lining, well-burnt clay, or terra cotta pipe; nor shall any person run a stovepipe through any partition, floor or roof except through a ventilator in said partition, floor or roof. All chimneys hereafter constructed shall be lined continuously on the inside with such materials as hereinbefore provided; shall be made smooth on the inside from the bottom of the flue or from the throat of the fire place if the flue starts from the latter; and shall be carried up continuously to the extreme height of the flue. The ends of all lining pipes shall be made to fit close together. The pipe shall be built in as the flue or flues are carried up and shall extend at least 6 inches above the cap of the chimney. Each flue shall be enclosed on all sides with not less than 4 inches of solid brickwork properly banded together and

the wither or brickwork between the lined flues on the inside of the chimney shall be 4 inches in thickness. All chimneys, flues and fireplaces shall be kept at all times clean and free from the accumulation of soot, ashes and cinders and in good and proper repair. No metal flues or stovepipes shall pass through any wooden partition, ceiling, floor or roof of any house or building.

#### **SECTION 7-208: 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. The failure to correct such violation is hereby declared a misdemeanor. The accumulation of trash on a premises either by the owner or occupant is hereby declared a condition affecting the fire hazard and is hereby forbidden.

(Neb. Rev. Stat. §81-512)



## **Article 3 – Hazardous Materials**

### **SECTION 7-301: EXPLOSIVES; STORAGE; REGISTRATION**

A. Any person wishing to transport or store high explosives in the Village shall first acquire a permit from the village law enforcement and shall take such precautions and use such route as they may prescribe. Nothing herein shall be construed to apply to the village law enforcement or any of the armed services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five minutes within the Village. In the event of mechanical failure, immediate notice of such breakdown shall be given the chief of police, who shall then prescribe such precautions as may be necessary to protect the residents of the Village and a reasonable time for removal of the vehicle from the Village. Any such permit issued for the transportation or storage of explosives in the Village shall be filed with the village clerk. All such permits shall state the route of transportation and/or the location where such storage shall take place.

B. Any 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 concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facility 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, 17-556, 28-1213, 28-1229, 28-1233)

### **SECTION 7-302: EXPLOSIVES; BULLETS**

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

### **SECTION 7-303: EXPLOSIVES; BLASTING PERMITS**

Any person wishing to discharge high explosives within the Village must secure a permit from the chief of police and shall discharge such explosives in conformance with his or her direction and under his or her supervision. A record of all blasting permits issued shall be kept on file at the office of the village clerk. All such permits shall list the name of the permittee, his or her address, and the location, time and duration of the blasting. 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 7-304: POISONOUS OR FLAMMABLE GASES**

Any person, firm, or corporation desiring to store or keep in the Village any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge, or replace any facility used for the storage of such gases must first get

a permit from the Village Board, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. (Neb. Rev. Stat. §17-549)

## Article 4 – Fireworks

### SECTION 7-401: 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 7-402: DEFINITIONS

A. “Consumer fireworks” means any of the following devices that (i) meet the requirements set forth in 16 C.F.R. Parts 1500 and 1507, as such regulations existed on January 1, 2010, and (ii) are tested and approved by a nationally recognized testing facility or by the state fire marshal:

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.

Class C explosives as classified by the United States Department of Transportation shall be considered consumer fireworks.

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, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
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.

(Neb. Rev. Stat. §§17-556, 28-1241)

### **SECTION 7-403: SALE; LICENSE; FEES**

A. It shall be unlawful for any person to sell, hold for sale, or offer for sale any fireworks as a retailer unless such person has first obtained a license as a retailer. Application for each such license shall be made to the state fire marshal. Each application shall be accompanied by the required fee, which shall be \$25.00 for a retailer's license. Each application for a retailer's license shall be received by the fire marshal at least ten business days prior to the sales period, as set forth in Neb. Rev. Stat. §28-1249, in which the retailer wishes to sell consumer fireworks. A retailer's license shall be good only for the specific sales period listed on the application and within the calendar year in which issued. The retailer's license shall at all times be displayed at the place of business of the holder thereof.

B. Licensees shall only sell fireworks that have been allowed as "consumer fireworks." Consumer fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year.

(Neb. Rev. Stat. §§17-556, 28-1246, 28-1249) (Am. Ord. Nos. 637, 7/11/05; 664, 12/11/17)

### **SECTION 7-404: UNLAWFUL ACTS; EXCEPTIONS**

A. Except as provided in subsection (B), it shall be unlawful for any person to possess, sell, offer for sale, or discharge any fireworks other than consumer fireworks, as defined in Section 7-402.

B. Subsection (A) shall not apply to:

1. Any display fireworks purchased from a licensed distributor; or
2. Any display fireworks purchased by the holder of a display permit issued pursuant to Neb. Rev. Stat. §28-1239.01; or
3. Toy cap pistols or toy caps, each of which does not contain more than .25 of a grain of explosive material.

(Neb. Rev. Stat. §§17-556, 28-1244, 28-1245) (Am. Ord. No. 664, 12/11/17)

### **SECTION 7-405: DISCHARGE DATES AND TIMES**

A. *Definitions.*

1. "Pyrotechnic displays" shall mean any fireworks discharged as part of a

public or commercial event that requires licensed persons to operate the program.

2. "Residence" shall mean the personal property of residence exterior or yard, whether owned or rented.

B. It shall be unlawful for any person to ignite or discharge any permissible fireworks in the Village except between the hours of 8:00 a.m. to 10:00 p.m. from June 24 through June 30 inclusive of each year and between the hours of 8:00 a.m. and 12:00 midnight July 1 through July 5 and December 28 through January 1 each year; provided, in no event shall the permissible fireworks be ignited or discharged in any place other than private property or a place of residence.

### **SECTION 7-406: UNLAWFUL THROWING OF FIREWORKS**

A person commits the offense of unlawful throwing of fireworks if he or she throws any firework or any object which explodes upon contact with another object:

- A. From or into a motor vehicle;
- B. Onto any street, highway, or sidewalk;
- C. At or near any person;
- D. Into any building; or
- E. Into or at any group of persons.

(Neb. Rev. Stat. §§17-556, 28-1242) (Am. Ord. No. 664, 12/11/17)

### **SECTION 7-407: PUBLIC DISPLAY; PERMIT**

Permission to hold a public pyrotechnic display must be obtained in writing from the Village Board and the fire chief, and a state-approved display permit shall be obtained as provided in Neb. Rev. Stat. §28-1239.01.

(Neb. Rev. Stat. §28-1239.01) (Am. Ord. Nos. 332, 4/11/88; 647, 9/12/05; 664, 12/11/17)



## **Article 5 – Penal Provision**

### **SECTION 7-501: 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.