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## CHAPTER 8 – FIRE REGULATIONS

### Article 1 – Fire Department

#### SECTION 8-101: OPERATION AND FUNDING

The City operates the Fire Department through the fire chief and firemen. The City Council, 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 City that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund, which shall be at all times in the possession of the city treasurer. In addition to the above, 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 City and Rural Fire District. Any such agreement shall be on file at the Fire Department for public inspection. (Neb. Rev. Stat. §17-147, 17-718, 17-953)

#### SECTION 8-102: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department, provided said election is subsequently approved by the City Council. He shall manage the Fire Department and it shall be his duty to inform the 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 council at the regular meeting in January of each year to give an annual report of the general condition and the proposed additions or improvements recommended by him.

B. The fire chief 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. The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards and related dangers. He shall investigate the cause, origin, and circumstances of fires arising within his jurisdiction.

C. The chief shall, on or before April 1 and October 1 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. The chief 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 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 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.

(Neb. Rev. Stat. §17-147, 17-505, 35-102, 35-108, 81-506, 81-512)

### **SECTION 8-103: 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. Said members shall be considered to be employees of the City for the purpose of providing them with workers' compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$10,000.00 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 positions.

B. 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.

C. The City Council may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. 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 council.

D. 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.

E. 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.

(Neb. Rev. Stat. §35-101 thru 35-103, 35-108)

### **SECTION 8-104: DISTANT FIRES**

Upon the permission of the mayor or fire chief, the fire equipment of the City may be used beyond the corporate limits to extinguish a reported fire if a request is made by

a partner agency pursuant to an inter-local fire service agreement.

**SECTION 8-105: 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 when the damage exceeds \$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 immediately after 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 officer making the investigation of fires occurring within the City 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)

## Article 2 – Fires

### SECTION 8-201: 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 city 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.

### SECTION 8-202: 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.

### SECTION 8-203: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of a fire hydrant or have or place any material within 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. (Neb. Rev. Stat. §60-6,166)

### SECTION 8-204: 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. (Neb. Rev. Stat. §28-730.01)

### SECTION 8-205: 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 in a noisy or disorderly manner.

### 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 shall be deemed guilty of a misdemeanor. It shall be unlawful for any person to refuse, after the command of the fire

chief or assistant chief, to aid in extinguishing a fire or to assist in the removal and protection of property. (Neb. Rev. Stat. §28-730.01)

**SECTION 8-207: DRIVING OVER HOSE**

It shall be unlawful for any person, without the consent of the fire chief or assistant chief, to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §60-6,184)

**SECTION 8-208: TRAFFIC**

No vehicle, except by the specific direction of the fire chief or assistant chief, 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 doctors or members of the Fire Department or to emergency vehicles. (Neb. Rev. Stat. §60-6,183)

**SECTION 8-209: FALSE ALARM**

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire.

## Article 3 – Fire Prevention

### SECTION 8-301: LIFE SAFETY CODE

Incorporated by reference into this code are the standards recommended by the National Fire Protection Association, known as the Life Safety Code. 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 city clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

### SECTION 8-302: FIRE PREVENTION CODE; ENFORCEMENT

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. Three copies of the Fire Prevention Code shall be on file with the city clerk, available for public inspection during office hours. 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. (Neb. Rev. Stat. §18-132, 81-502)

### SECTION 8-303: FIRE LIMITS DEFINED

The following-described territory in the City shall be and constitute the fire limits: All of Blocks 28, 32, 33, 38, 39, 41, 42, and 43; the west one-half of Block 29; and the east one-half of Block 44, all in the Original Town of Indianola. (Neb. Rev. Stat. §17-550)

### SECTION 8-304: FIRE LIMITS MATERIALS

Within the aforesaid fire limits, no structure shall be built unless it will be enclosed with walls constructed wholly of stone, well-burned brick, terra cotta, concrete, or other such noncombustible materials as will satisfy the fire chief that the said structure will be reasonably fire proof. (Neb. Rev. Stat. §17-550)

### SECTION 8-305: 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 during regular business hours the said structure for the purpose of ascertaining and enumerating 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.

### SECTION 8-306: 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 con-

dition that violates the said ordinance or ordinances within five days from the date of receipt of such notice.

#### **SECTION 8-307: PROHIBITED STOVES**

It shall be unlawful for any person to permit or allow crankcase drainings to be burned or to burn oil or other flammable substance in a homemade stove. (Neb. Rev. Stat. §17-549)

#### **SECTION 8-308: STOVES, FURNACES, AND CHIMNEYS**

All furnaces, 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 non-combustible material. This section shall apply both to existing structures and those which may hereafter be erected.

#### **SECTION 8-309: REMOVAL REQUIRED**

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or other casualty. (Neb. Rev. Stat. §17-550)

#### **SECTION 8-310: REMOVAL OR REPAIR REQUIRED**

In the event that a building within the fire limits becomes damaged by fire, wind, flood, vandalism or any other cause to the extent of less than 50% of its value, exclusive of the foundation, 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 condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the City Council. (Neb. Rev. Stat. §17-550)

#### **SECTION 8-311: FIRES REGULATED**

It shall be lawful to build or set out fires; provided, the person building such fires shall have the substance to be burned 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.

#### **SECTION 8-312: POISONOUS AND FLAMMABLE GASES**

Any person, firm, or corporation desiring to store or keep in the City for any period of time any form of poisonous or flammable gas or liquefied petroleum gas or add to, enlarge, or replace any facility used for the storage of such gases must first get per-



mission from the City Council. The council shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the council shall prescribe such rules, regulations, and precautionary actions as they may deem necessary. Permits shall not be transferable and any change in use or occupancy of the permits shall require a new permit. Permit requirements for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this ordinance; provided, any such present use that is discontinued for a period of 60 days shall not be revived without a permit. (Neb. Rev. Stat. §17-549)

## Article 4 – Fireworks

### SECTION 8-401: DEFINED

“Fireworks” shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations. (Neb. Rev. Stat. §28-1241)

### SECTION 8-402: 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. §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.

## Article 5 – Penal Provision

### SECTION 8-501: 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.