

CHAPTER VII FIRE REGULATIONS

ARTICLE I - FIRE REGULATIONS

- 7-101 FIRE PREVENTION CODE
- 7-102 FIRE CODE ENFORCEMENT
- 7-103 LAWFUL ENTRY
- 7-104 VIOLATION NOTICE
- 7-105 POISONOUS OR FLAMMABLE GAS
- 7-106 SMOKING IN PUBLIC PLACES
- 7-107 PROHIBITED FUELS
- 7-108 BURNING PROHIBITED
- 7-109 STOVES, FURNACES AND CHIMNEYS
- 7-110 PRESERVATION OF PROPERTY
- 7-111 POWER OF ARREST
- 7-112 FIRE INVESTIGATION
- 7-113 DRIVING OVER HOSE
- 7-114 TRAFFIC
- 7-115 FALSE ALARM
- 7-116 PEDESTRIANS
- 7-117 FIRE EQUIPMENT
- 7-118 INTERFERENCE
- 7-119 OBSTRUCTION
- 7-120 ASSISTANCE
- 7-121 POISONOUS GASES; ANHYDROUS AMMONIA
- 7-122 POISONOUS GASES; DRY FERTILIZER
- 7-123 POISONOUS GASES; TRANSPORTATION ROUTES
- 7-124 OPEN BURNING BAN; WAIVER
- 7-125 FIRE LIMITS; DEFINED
- 7-126 FIRE LIMITS; MATERIALS

ARTICLE II - EXPLOSIVE MATERIAL

- 7-201 STORAGE
- 7-202 BULLETS
- 7-203 BLASTING PERMITS
- 7-204 REGISTRATION

ARTICLE III - FIREWORKS

- 7-301 REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

ARTICLE IV - PENAL PROVISION

- 7-401 VIOLATION; PENALTY

CHAPTER VII FIRE REGULATIONS

ARTICLE I - FIRE REGULATIONS

SECTION 7-101: FIRE PREVENTION CODE

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska 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 and shall be available for public inspection at any time that the city office is open for business.

SECTION 7-102: 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 City Council.

SECTION 7-103: 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 City Council, 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 city ordinances affecting the hazard of fire.

SECTION 7-104: VIOLATION NOTICE

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 city ordinances, to correct the condition within five days of the date of receipt of such notice.

SECTION 7-105: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep any form of poisonous or flammable gas in the City for any period of time must first get permission from the City Council. The Council 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 City Council to prescribe such rules, regulations and precautionary actions as it may deem necessary.

SECTION 7-106: SMOKING IN PUBLIC PLACES

It shall be unlawful for any person to ignite a lighter, strike a match, or indulge in

the smoking of tobacco on or in any building or structure where public gatherings take place within the corporate limits while any entertainment, program, show, amusement, game, exhibition or other spectacle to which the general public is invited is in progress, or while patrons thereof are finding or leaving seats and standing room; provided, the foregoing shall not be construed to apply to banquets, dinners or entertainments held in any of the aforesaid buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith.

SECTION 7-107: PROHIBITED FUELS

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

SECTION 7-108: BURNING PROHIBITED

It shall be unlawful for any person to set a fire of any kind, either contained fires, such as garbage and other refuse in barrels, or open burning of any kind.

SECTION 7-109: 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 7-110: PRESERVATION OF PROPERTY

Any police officer or official of the rural fire district 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 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 7-111: POWER OF ARREST

The city police or rural fire department chief shall have the power during the time of a fire and after its extinguishment to arrest any suspected arsonist or any person hindering or resisting the firefighting effort.

SECTION 7-112: FIRE INVESTIGATION

It shall be the duty of the city police department and the State Fire Marshal 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 \$500.00. 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. 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.

SECTION 7-113: 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 by the fire department.

SECTION 7-114: TRAFFIC

Every vehicle within 500 feet of the fire station which is already stationary when the fire alarm shall have been sounded must remain so for a period of five minutes after the sounding of the fire 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 doctors, members of the fire department or emergency vehicles.

SECTION 7-115: FALSE ALARM

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

SECTION 7-116: 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.

SECTION 7-117: 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 other apparatus belonging to the fire department.

SECTION 7-118: 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.

SECTION 7-119: OBSTRUCTION

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.

SECTION 7-120: 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.

SECTION 7-121: POISONOUS GASES; ANHYDROUS AMMONIA

It shall be unlawful for any person to keep or permit the loading or unloading or storage of anhydrous ammonia within the corporate limits of the City.

SECTION 7-122: POISONOUS GASES; DRY FERTILIZER

It shall be unlawful for any person, firm, partnership or corporation to allow dry fertilizer to escape into the atmosphere within and around the premises where it is being loaded or unloaded.

SECTION 7-123: POISONOUS GASES; TRANSPORTATION ROUTES

The City Council may, by resolution, designate the streets upon which all anhydrous ammonia or other liquid or dry fertilizer may be transported within the City.

SECTION 7-124: OPEN BURNING BAN; WAIVER

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 issued by the fire marshal shall be in writing, signed by the fire marshal and on a form provided by the state fire marshal.

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

(Ref. Neb. Rev. Stat. §81-520.01)

SECTION 7-125: FIRE LIMITS; DEFINED

The following prescribed territory in the City shall embrace and constitute the fire limits of said city, to-wit:

Blocks 2 through 7; Blocks 9 through 12; Block 15; east one-half of Block 8, all in the Original Town of Atkinson, Holt County, Nebraska.

SECTION 7-126: FIRE LIMITS; MATERIALS

Within the aforesaid fire limits, no structure shall be built, altered, moved or enlarged unless such structure will be enclosed with such incombustible materials as will satisfy the fire chief that the said structure will be reasonably fireproof; provided, the construction requirement above shall not apply to buildings less than eight feet by 12 feet in size, and buildings to be used for other than business purposes.

(Ref. Neb. Rev. Stat. §17-550)

ARTICLE II - EXPLOSIVE MATERIAL

SECTION 7-201: STORAGE

Dynamite and other explosives shall be stored in a proper receptacle made of concrete, metal or stone, which shall be closed at all times except when actually in use. Such receptacle shall not be located in any room where there is a flame or flammable materials.

SECTION 7-202: BULLETS

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

SECTION 7-203: 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 such directives and precautions as may be prescribed under the direction and supervision of the Council, 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. §17-556)

SECTION 7-204: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, gun powder or other high explosives in any quantity shall register such information as the City Council may require with the city clerk, who shall forward such information to the fire chief.

ARTICLE III - FIREWORKS

SECTION 7-301: 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 (Reissue 1985), 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 IV - PENAL PROVISION

SECTION 7-401: 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.