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CHAPTER 9 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 9-101: OPERATION AND FUNDING; RURAL FIRE DISTRICT

A. The City operates the Fire Department through the city 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.

B. The City is authorized to enter into an agreement with the appropriate Rural Fire District for cooperation in providing mutual aid and protection to the residents of both the City and the Rural Fire District.

(Neb. Rev. Stat. §19-247, 17-718, 17-953)

SECTION 9-102: MEMBERSHIP

A. The Fire Department shall consist of so many members as may be decided by the City Council. 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 such manner. Said members shall be considered to be employees of the City for the purpose of providing them with workmen's 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 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 and shall make a report to the City Council of all meetings and activities of the Fire Department.

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 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 City 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 city code or the laws of the State of Nebraska.

E. Volunteer firefighters and rescue squad members testifying as a witness in connection with his or her officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City. (Neb. Rev. Stat. §33-139.01, 35-101 thru 35-103, 35-108)(Am. by Ord. No. 1188, 11/6/85)

SECTION 9-103: POWERS AND DUTIES OF CHIEF

A. The fire chief shall manage the Fire Department, and in doing so shall:

1. See that all fire equipment is in proper working order and report to the City Council whenever any repairs or new equipment are required.
2. Have full charge and control of all of the equipment of said Fire Department and of the movement thereof.
3. Have full control of the actions of Fire Department members during the time said department is on duty at a fire or during the period of fire drills.
4. Have and is hereby invested with the authority of a police officer in the performance of duty as fire chief.
5. Preserve and maintain order at all times during a fire and shall have power and authority to call to aid, either for the purpose of maintaining order or for the performance of any other act in connection with the fire, any and all bystanders who may be selected at the time; and it shall be the duty of all persons who are called upon by the fire chief for service at a fire to promptly obey all orders issued by said chief.
6. 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.
7. Perform such other duties as are imposed by law.

SECTION 9-104: ADDITIONAL POWERS AND DUTIES OF CHIEF

A. It shall be the duty of the chief of the Fire Department, as often as directed by the mayor or City Council, or as often as the chief shall deem it necessary, to enter any house, building or premises within said city for the purpose of examining:

1. Fire flues, hearths, chimneys, stoves, stove pipes, ovens, boilers and other apparatus likely to cause fire, and
2. Places where any coal, oils, gasoline, tar, hay, straw, shavings or any

other combustible material may be lodged or stored.

B. The chief shall give such directions in regard to the several foregoing matters as shall deem expedient to guard against fire or accident, either for the removal or alteration or better care and management thereof.

SECTION 9-105: FIRES; DUTY

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.

SECTION 9-106: 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 any public or private 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 firefighters 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 9-107: DISTANT FIRES

The Fire Department shall answer all fire calls within one-half mile of the corporate limits; provided, the Fire Department may answer fire calls beyond one-half mile of the corporate limits when pursuant to any fire protection contract or mutual aid agreement. The firemen shall be considered as acting in the performance and within the scope of their duties in fighting any fire or saving property or life outside the corporate limits of the City and in so doing may use such fire equipment of the City as may be designated by the City Council.

SECTION 9-108: 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/she shall be deemed guilty of a misdemeanor.

SECTION 9-109: 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,

other person hindering or resisting the fire fighting effort, or any person who conducts himself in a noisy or disorderly manner.

SECTION 9-110: 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 interfere with the use and storage of any of the fire trucks and other apparatus belonging to the City. (Neb. Rev. Stat. §28-519)

SECTION 9-111: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than members of the City Fire Department under the orders of the fire chief, the assistant chief, or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 9-112: INTERFERENCE

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

SECTION 9-113: IMPERSONATING FIREMEN

It shall be unlawful for any person to falsely impersonate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing herein shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §29-1219)

SECTION 9-114: 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 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 begin 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 deemed expedient or necessary. 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 may be called for. (Neb. Rev. Stat. §81-506)

Article 2 – Fires and Fire Prevention

SECTION 9-201: FIRE LIMITS; DEFINED

A. The following-described territory in the City shall be and constitute the fire limits:

Any and all such areas or districts as may from time to time be zoned as B-1, C-1, or M-2 Districts pursuant to Chapter 10 of this code.

Such districts shall not be considered within the fire limits as to any structure erected, constructed, altered, moved, or enlarged prior to its designation as a B-1, C-1, or M-2 District, but after such designation it shall be considered within the fire limits even if the zoning designation is later changed to a district other than B-1, C-1, or M-2.

B. A fire limits map showing all areas or property within the city limits contained in the fire limits shall be located at city hall, identified by the signature of the mayor attested by the city clerk and bearing the seal of the City under the following words: "This is to certify that this is the official fire limits map referred to in the Ainsworth City Code," together with the date of adoption of this section.

C. If, in accordance with the provisions of Chapter 10 of this code, such fire limits shall change by reason of the designation of additional areas or districts as B-1, C-1, or M-2, then the city clerk shall add such areas to the official fire limits map and shall re-certify such map in accordance with the provisions of this section indicating the date of such amendment.

(Am. by Ord. Nos. 1073, 2/4/81, 1276, 7/9/90)

SECTION 9-202: FIRE LIMITS; MATERIALS

A. Within the fire limits, no structure shall be built, altered, moved, or enlarged unless such structure will be constructed of brick, stone, terra cotta, concrete, or other such noncombustible materials as will satisfy the fire chief that the said structure will be reasonably fireproof, including a fireproof roof.

B. All buildings, sheds, and structures known as ironclads, which are constructed of wood and covered with sheet iron or tin attached to the frame, shall be considered and deemed to be constructed of combustible materials. Any future construction of an ironclad building shall hereafter be prohibited.

(Neb. Rev. Stat. §17-550) (Am. by Ord. No. 1276, 7/9/90)

SECTION 9-203: FIRE LIMITS; PERMITTED REPAIRS

It shall be unlawful for any person to repair, alter or add to any building in the fire limits where the repair is less than 25% of the building unless the said person shall first submit an application with the city clerk to make such repairs, alterations or additions, stating on the application that the material used will be non-combustible and ap-

proved by the fire chief. Repairs in the form of patching and other minor repairs shall not require a permit. (Neb. Rev. Stat. §17-550)

SECTION 9-204: FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged, 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 and decayed condition, and any such building shall be removed or repaired within 180 days after such damage occurs. (Neb. Rev. Stat. §17-550)

SECTION 9-205: FIRES REGULATED

It shall be lawful to build or set out fires, provided that 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, located at least 15 feet from any building. The incinerator shall be built in such a way as to not permit the escape of burning paper or other substance. If any person shall require a fire in the course of his or her trade as a blacksmith or mechanic, such fire shall be built and maintained in the manner prescribed by the fire chief. All fires shall be built after sunrise and completely extinguished by sunset, except the aforesaid fires used in the course of a trade, which shall be allowed during such hours as the fire chief shall prescribe. It shall be unlawful for any person to set fire to, burn, or cause to be burned any garbage, animal matter, and vegetable matter. The burning of straw, hay, leaves, or brush in the open air is hereby permitted and allowed, provided that any such burning shall be done while the said fire is attended at all times by the person setting out the same, and further provided that the said fire shall be located at least 15 feet from any building. (Neb. Rev. Stat. §17-549, 17-556)

SECTION 9-206: OPEN BURNING BAN; WAIVER

The state fire marshal may prohibit bonfires, outdoor rubbish fires, and fires for the purpose of clearing land by issuing an open burning ban on a statewide or regional basis when atmospheric conditions or local circumstances make such fires hazardous. The fire chief 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 chief shall be in writing on a form provided by the state fire marshal and signed by the said fire chief. (Neb. Rev. Stat. §81-538) (Ord. No. 1078, 5/6/81)

SECTION 9-207: TRAFFIC

Every vehicle already stationary when the fire alarm has 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 except by the specific direction of the fire chief or assis-

tant fire chief. Nothing herein shall be construed to apply to emergency vehicles or vehicles carrying doctors or members of the Fire Department.

SECTION 9-208: 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.

SECTION 9-209: 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 9-210: OBSTRUCTION OF HYDRANT

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. §39-672)

SECTION 9-211: 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 an unprotected hose of the Fire Department. (Neb. Rev. Stat. §39-682)

SECTION 9-212: 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)

Article 3 – Explosive Materials

SECTION 9-301: STORAGE

Dynamite and other explosives shall be stored in a receptacle made of concrete, metal or stone, which shall be closed at all times except when actually in use.

SECTION 9-302: BULLETS

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

SECTION 9-303: 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. 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)

SECTION 9-304: 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 within ten days, who shall forward such information to the fire chief. Registration shall not be required for individuals involved in making ammunition for their private use.

SECTION 9-305: LIQUEFIED PETROLEUM GASES; STANDARDS INCORPORATED BY REFERENCE

Incorporated by reference into this code are the *Standards for the Storage and Handling of Liquefied Petroleum Gases*, promulgated by the state fire marshal as published and Am. from time to time. These standards shall have the same force and effect as if set out verbatim herein. One copy of the Standards is on file with the city clerk and shall be available for public inspection at any reasonable time.

Article 4 – Fireworks

SECTION 9-401: 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. §29-1241 (Reissue 1985), shall be governed and regulated by Neb. Rev. Stat. §29-1241 to §29-1252, 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. §29-1241 to §29-1252.

SECTION 9-402: PERMISSIBLE FIREWORKS

It shall be unlawful for any person to ignite or cause to be exploded fireworks or fire-crackers of any description whatsoever, except sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers not exceeding seven-eighths inch in length or one-eighth inch in diameter and which do not contain more than one-half grain each in weight of explosive material. (Neb. Rev. Stat. §28-1241, 28-1244)

SECTION 9-403: SPECIFIC PROHIBITION; VIOLATION, PENALTY

A. The City Council, pursuant to Neb. Rev. Stat. §17-737, 17-556 and 18-1757, may prohibit the use of fireworks if conditions warrant, at any time of the year, upon the recommendation of the city fire chief. If placed into effect, the prohibition of the use of fireworks shall continue until further action by the Council.

B. This prohibition will be applicable in all areas within the corporate limits and within an area one mile beyond and adjacent to the corporate limits with the same force and effect as if such outlying area were within the corporate limits.

C. This ordinance may be invoked by the City Council by resolution when weather conditions provide an environment that is considered to be susceptible to fires that would pose a risk to life or property.

D. Violators found guilty of this ordinance may be issued a citation and fined in the amount of \$100 for each violation.
(Ord. No. 1523, 5/8/13)

Article 5 – Penal Provision

SECTION 9-501: 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.