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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

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

The City and the Brown County Rural Fire District operate the Fire Department through a mutual finance organization. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvement of the Fire Department, shall each year provide in the budget for the Fire Department fund. The Rural Fire District shall provide funding for certain expenses. (Neb. Rev. Stat. §§17-718, 17-953, 35-530)

SECTION 8-102: DUTIES OF 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 City, and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 8-103: RESCUE UNIT

The Fire Department may also operate a rescue unit for the benefit of those within the Fire Protection District. The department shall make rules and regulations for the proper and effective use of emergency rescue equipment and for the adequate training of personnel to operate such equipment, subject to the review of the City Council. It shall be the duty of the official in charge of the Rescue Squad during the time of a rescue call to ensure that every victim of mishap is aided or aided and transported to the emergency room of the nearest hospital. When necessary, rescue personnel shall also respond to fire calls. (Neb. Rev. Stat. §35-514.02)

SECTION 8-104: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department. He shall manage the Fire Department and in doing so shall:

1. Have full charge and control of all of the equipment and vehicles of said Fire Department and of the movement thereof.
2. See that all fire equipment is in proper working order and report to the City Council whenever any repairs or new equipment are required.
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. 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 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.
8. Perform such other duties as are imposed by law.

B. The fire chief shall investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the City by which property has been destroyed or damaged. All fires of unknown origin shall be reported, and the chief shall especially make investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall begin immediately after the occurrence of such fire and the state fire marshal shall have the right to supervise and direct such investigation whenever he or she deems it expedient or necessary. The chief shall forthwith notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him or her 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. §§17-505, 35-102, 81-506, 81-512)

SECTION 8-105: MEMBERSHIP

A. The Fire Department shall consist of so many members as may be decided by the City Council. The department shall not have upon its rolls at one time more than 25 persons for each engine company. Members in good standing are hereby defined to be those who keep their dues promptly paid up and are present and render active service when called out for the legitimate purposes of the Fire Department.

B. Volunteer firefighters of the Fire Department shall be deemed employees of the City while in the performance of their duties as members of the department. Members of the volunteer Fire Department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the fire chief or some

person authorized to act for the chief for membership therein to the mayor and City Council, and upon confirmation shall be deemed employees of the City. After confirmation to membership, members of the department may be removed by a majority vote of the council and thereafter shall not be considered employees of the City. Firefighters shall be considered as acting in the performance and within the course and scope of their employment when performing activities outside of the corporate limits of the City but only if directed to do so by the fire chief or some person authorized to act for the chief. Any volunteer firefighter and rescue squad member testifying as a witness in connection with his or her officially assigned duties shall not be deemed an employee of the City.

C. The City Council shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the active volunteer fire and rescue personnel, except that when any such person serves more than one city or rural fire protection district, the policy shall be purchased only by the first city or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000.00 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 department.

D. 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 City Council. The members of the 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.

E. 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. The secretary shall keep a record of all meetings and shall make a report to the council of all meetings and activities of the Fire Department.
(Neb. Rev. Stat. §§33-139.01, 35-102, 35-103, 35-108, 48-115) (Am. Ord. No. 1188, 11/6/85)

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 City.

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

(Neb. Rev. Stat. §28-519)

SECTION 8-107: DISTANT FIRES

The Fire Department shall answer all fire calls within one-half mile of the corporate limits; provided, the 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 8-108: LAWFUL BURNING OF PROPERTY FOR TRAINING AND SAFETY PROMOTION

Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business, or no longer serving any useful value in the area in which situated, and any other combustible material that will serve to be used for test fires to educate and train members the Fire Department and promote fire safety. Before any structure may be destroyed by fire for training and educational purposes, it must be reported to the state fire marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the department. (Neb. Rev. Stat. §28-506)

SECTION 8-109: IMPERSONATING FIREMAN

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing in this section 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. §28-609)

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 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 8-202: FIRE HYDRANTS; OBSTRUCTION

A. 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 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.

B. 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 8-203: TRAFFIC; FOLLOWING; PARKING

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 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 raise any false alarm of fire intentionally and without good and reasonable cause. (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. Any spectator who refuses, neglects, or fails to assist after a lawful order to do so 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 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 has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE; ADOPTED BY REFERENCE

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. 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; ADOPTED BY REFERENCE

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. (Neb. Rev. Stat. §§18-132, 19-902, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all city 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: 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. Ord. Nos. 1073, 2/4/81; 1276, 7/9/90)

SECTION 8-305: 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. Ord. No. 1276, 7/9/90)

SECTION 8-306: 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 approved 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 8-307: 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 8-308: FIRES REGULATED

A. 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 1 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. The fire chief shall approve any such burner or incinerator before use. 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.

B. It shall be unlawful for any person to set fire to, burn, or cause to be burned any garbage, animal matter, and vegetable matter including straw, hay, leaves and brush.

(Neb. Rev. Stat. §§17-549, 17-556)

SECTION 8-309: 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 City Council 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) (Ord. No. 1078, 5/6/81)

SECTION 8-310: 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 8-311: INSPECTIONS; VIOLATION NOTICE

A. It shall be the duty of the fire chief, when directed to do so by the City Council, 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 city 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 city ordinances to correct such condition within five days from the receipt of such notice.

(Neb. Rev. Stat. §81-512)

Article 4 – Hazardous Materials

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the City for any period of time shall register such information with the city clerk 24 hours prior to being brought into the City. The clerk shall forward such information to the fire chief and to the City Council. Transfer of explosives to another individual within the City shall require the recipient 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. Registration shall not be required for individuals involved in making ammunition for their private use.

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 8-402: EXPLOSIVES; 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 8-403: EXPLOSIVES; 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 its direction and under its supervision. 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 OR FLAMMABLE GASES

Any person, firm, or corporation desiring to store or keep in the City 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 City Council, which 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 it may deem necessary. (Neb. Rev. Stat. §17-549)

**SECTION 8-405: 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 amended from time to time. These standards shall have the same force and effect as if set out verbatim herein.

Article 5 – Fireworks

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

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 said sections.

SECTION 8-502: DEFINITIONS

A. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except consumer fireworks as defined hereafter.

B. “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.

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

(Neb. Rev. Stat. §28-1241)

SECTION 8-503: LAWFUL DISCHARGE TIMES

Times for lawful discharge of fireworks shall be as follows:

- A. 8:00 a.m. to 11:00 p.m. from June 25 through July 3.
- B. 8:00 a.m. to 12:00 midnight on July 4.
- C. 5:00 p.m. to 12:00 midnight on December 31.

D. At times other than above, after obtaining a special permit from the City Council upon application and payment of a fee as set by resolution by the council and kept on file in the office of the city clerk, available for public inspection.

(Am. Ord. No. 1543, 11/11/20)

SECTION 8-504: SPECIFIC PROHIBITIONS; 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. This section 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. If placed into effect, the prohibition of the use of fireworks shall continue until further action by the council.

B. Discharge of fireworks is prohibited within 300 feet of a fireworks stand, gasoline station, or a fertilizer or grain handling facility.

C. Any litter or debris from the discharge of fireworks must be removed not later than 9:00 a.m. the morning after the discharge.

D. This prohibition will be applicable in all areas within the corporate limits.

E. Violators found guilty of this article may be issued a citation and fined in the amount of \$100 for each violation.

(Ord. Nos. 1523, 5/8/13; 1543, 11/11/20)

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.