

CHAPTER 8 – FIRE REGULATIONS

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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: MANAGEMENT

The Village owns and operates the Fire Department through the village fire chief and firemen. The Village Board, for the purpose of defraying the costs of the management, maintenance, and improving 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 Village that is subject to taxation. The Village Board may enter into agreements with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the Village and the Rural Fire District. It shall be the obligation of the Village to provide a suitable building for the Fire Department and to provide and maintain the village-owned equipment. (Neb. Rev. Stat. §17-718, 17-953)

SECTION 8-102: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department. He shall manage the Fire Department and it shall be his duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the board, 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 Village Board at the regular meeting in January each year to give a report of the general condition and the proposed additions or improvements recommended by him.

B. The fire chief shall, before December 1 each year, cause the secretary of the Department to file with the village clerk and the clerk of the district court a certified copy of the rolls of all members in good standing in their respective companies (including the Rescue Squad Company) in order to obtain the exemptions provided by law.

C. The 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 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.

D. The chief shall investigate the cause, origin, and circumstances of fires arising within his jurisdiction immediately after the occurrence of such fire and shall within one week furnish the state fire marshal a written statement of all the facts relating to the cause and origin of the fire. He 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 refusing to obey any lawful order by the fire chief or assistant fire chief. The fire chief or his/her 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. §17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-103: MEMBERSHIP

A. The fire chief shall appoint no more than 25 members to the Fire Department, subject to the review and approval of the Village Board. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Village 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 \$5,000.00 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, the firemen covered are actively and faithfully performing the duties of their position.

B. The members may organize themselves in any way they may decide, subject to the review of the Village Board. They may hold meetings and engage in social activities. The secretary shall, upon request, keep a record of all meetings and shall make a report to the board of all meetings and activities of the Fire Department.

C. The Village Board 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 Village Board. 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 policemen 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.

(Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108)

SECTION 8-104: RECORDS

The fire chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, and a record of all fires and shall make a full report of such records to the village clerk in January each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he/she shall include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public during office hours.

SECTION 8-105: 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 Village; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 8-106: FIREFIGHTING PROCEDURES

During the time of a fire, any police officer or official of the Fire Department shall have the power 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 structure during the progress of a fire for the purpose of extinguishing or halting the same.

SECTION 8-107: DISTANT FIRES

Upon the permission of the village chairman or fire chief, 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. In the event of an emergency and under exceptional circumstances the village chairman or fire chief may authorize the use of non-rural equipment to be used outside of the corporate limits. The firemen of the Village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the Village when directed to do so by the chairman, fire chief or some person authorized to act for such chief.

SECTION 8-108: 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 department after a lawful order to do so, he/she shall be deemed guilty of a misdemeanor.

SECTION 8-109: POWER OF ARREST

The village fire chief or the assistant fire chief shall have the power during the time of a fire and for a period of one hour after its extinguishment to arrest any suspected arsonist or other person hindering or resisting the firefighting effort or any person who conducts himself/herself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of village police to command all

persons to assist them in the performance of their duties.

SECTION 8-110: INVESTIGATIONS

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 Village 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 be begun 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 he/she deems it expedient or necessary. The officer making the investigation of fires occurring within the Village 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)

SECTION 8-111: TRAFFIC DURING FIRES

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 has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-112: 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 8-113: 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 duties. (Neb. Rev. Stat. §28-908)

SECTION 8-114: OBSTRUCTION OF HYDRANTS

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 8-115: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire

alarm has been sounded until the fire trucks shall have completely passed.

SECTION 8-116: FALSE ALARM

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

Article 2 – Fire Prevention

SECTION 8-201: FIRE PREVENTION CODE

All of the provisions of the most recent edition of the Fire Prevention Code, as recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. One copy, together with all revisions of and amendments thereto, shall be available in the office of the village clerk for public inspection during office hours. In the event that any of the provisions of said code are in conflict with any of the provisions of the Palmer Municipal Code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §18-132)

SECTION 8-202: LIFE SAFETY CODE

All of the provisions of the most recent edition of the Life Safety Code, as recommended by the National Fire Protection Association, NFPA Number 101, are hereby adopted by reference as part of this chapter. One copy, together with all revisions of and amendments thereto, shall be available in the office of the village clerk for public inspection during office hours. In the event that any of the provisions of said code are in conflict with any of the provisions of the Palmer municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §18-132)

SECTION 8-203: BUILDING REQUIREMENTS

Every building or structure hereafter erected or enlarged within the Village shall be enclosed on all sides with walls constructed to the greatest extent possible of incombustible materials covered with incombustible material. No alteration or addition to any building or structure now located in said village increasing the size of such structure shall be made unless the same is made of incombustible materials to the greatest extent possible. (Neb. Rev. Stat. §17-207)

SECTION 8-204: REMOVAL OF DAMAGED BUILDINGS

Whenever any wooden or combustible building or structure standing within the Village shall be damaged by fire or other casualty to the extent of 50% of its value, exclusive of foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 30 days from the date of such fire or other casualty. It shall be unlawful for any person to repair or rebuild any such damaged building or structure or for any owner thereof to fail to remove such damaged building or structure within 60 days after notice to do so from the Board of Trustees. (Neb. Rev. Stat. §17-207)

SECTION 8-205: STORAGE OF COMBUSTIBLES

It shall be unlawful for any person to have or keep any hay, straw, stalks, excelsior, empty boxes, barrels or other combustible materials, which are hereby designated as nuisances, scattered, stacked or piled up or exposed, enclosed by a building or upon

any street, alley or lot within the Village. (Neb. Rev. Stat. §17-207)

SECTION 8-206: FIRES REGULATED

It shall be unlawful for any person to build or cause to be built or to set out any fire in the open air in the residential areas of the Village unless said person so causing such fire remains by it or has it under complete control until the same be completely extinguished. No fire shall be made within 10 feet from any building or upon any pavement, sidewalk, driveway, or gutter within the corporate limits. It shall be unlawful for any person to build or cause to be built or set out any fire in the open air within the Village unless the person building such fire shall have the substance to be burned in some metallic can or wire container so built as not to permit the escape of burning paper or other substance. Such container shall not be placed closer than 10 feet of any building or wooden framework of any nature. No fires shall be set out under any circumstances within the Village after 4:00 P.M. on any day. (Neb. Rev. Stat. §17-207)

SECTION 8-207: HAZARDOUS CONDITIONS

It shall be the duty of the fire chief to report to the chairman and Village Board any buildings or conditions which he deems hazardous with regards to fire safety. The village clerk, pursuant to the directive of the board, shall forthwith notify the state fire marshal of the same. The fire marshal or any deputy fire marshal or inspector, upon finding in any building or upon any premises any combustibles or explosive material, rubbish, rags, waste, oil, gasoline or inflammable matter of any kind endangering the safety of such building or property or the occupants thereof or the occupants of adjoining buildings, shall order such materials removed or such dangerous condition abated forthwith. Such order shall be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises; and any such owner, lessee, agent or occupant served with such notice who shall fail to comply therewith within 24 hours thereafter, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition abated at the expense of the owner of such building and premises or the person upon whom such service is so made, or both, and the fire marshal may maintain all necessary actions for the recovery thereof. The fire marshal may also condemn and by order direct the destruction, repair, or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus, or other defect is especially liable to fire and which in his judgment is so situated as to endanger life or limb or other buildings or property in the vicinity. (Neb. Rev. Stat. §81-513; 81-520)

SECTION 7-208: 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 Village Board, 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 provi-

sions of the village ordinances affecting the hazard of fire.

SECTION 8-209: 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 village ordinances to correct the condition within five days of the date of receipt of such notice.

SECTION 7-210: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep any form of poisonous or flammable gas or liquefied petroleum gas in the Village for any period of time must first get permission from the Board of Trustees; provided, it shall be lawful to store gasoline in amounts not exceeding five gallons without permission. Nothing in this section shall be construed to prohibit the storage of more than five gallons of gasoline in an underground tank or storage facility. "Underground tank or storage facility" shall not mean or include a basement in any dwelling, business establishment or other building commonly frequented by persons. It shall be lawful to store gasoline in quantities greater than provided herein when the storage container is connected directly to the engine or facility which consumes the gasoline. The board 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 board to prescribe such rules, regulations and precautionary actions as it may deem necessary.

SECTION 8-211: STOVES, FURNACES AND CHIMNEYS

All furnaces, stoves and other heating devices shall be installed at a proper distance from any materials and portions of the building which are combustible. 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.

Article 3 – Explosive Materials

SECTION 8-301: NOTICE TO FIRE CHIEF

It shall be unlawful for any person within the corporate limits to store more than five pounds of gun powder, any nitroglycerin, dynamite, or any other explosives other than lawful fireworks on his/her premises without first notifying in writing the fire chief of the type of explosive, the amount, and the exact location of the same on the premises. (Neb. Rev. Stat. §17-207)

SECTION 8-302: 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 8-303: TRANSPORTATION

A. Any person wishing to transport high explosives in the Village shall first acquire a permit from the Village Board and shall take precautions and use the route as the board may prescribe. Nothing herein shall be construed to apply to the county sheriff or deputies or any members of the Armed Services of the United States.

B. 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 to the county sheriff, 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.

SECTION 8-304: BLASTING PERMITS

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board 24 hours prior to such discharge and shall discharge such explosives in conformance with such conditions specified in the permit. 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.

SECTION 8-305: BULLETS

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

Article 4 – Fireworks

SECTION 8-401: 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 Neb. Rev. Stat. §28-1241 to §28-1252.

SECTION 8-402: PERMIT REQUIRED; FEE; CONDITIONS OF ISSUANCE

A. It shall be unlawful for any person to sell at retail any fireworks within the corporate limits of the Village without a permit. Application for a permit shall be made to the village clerk. Said application shall particularly describe the location of the sale and shall set out the name or names of the persons applying for said license, along with any types and quantities of fireworks proposed to be sold. Said inventory may estimate the description to the size, types, and quantities but the same shall be made in good faith and material variances shall be brought to the attention of the village clerk as soon as they are known. The clerk shall then refer the application to the fire chief, who shall report in writing to the clerk as to whether the storage and sale of the fireworks at the location proposed would or would not create an unreasonable fire hazard. Upon a favorable report by the fire chief, the clerk shall issue the permit after receipt of the permit fee set by motion of the Village Board and on file in the office of the clerk. Only consumer fireworks may be sold by the permittee.

B. “Consumer fireworks” shall mean:

1. Any small firework device designed to produce visible effects by combustion;
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;
4. Any aerial device containing 130 milligrams or less of explosive composition; or
5. Class C explosives as classified by the U. S. Department of Transportation.

C. “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.

D. The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Village Board or to fireworks furnished for agricultural purposes pursuant to written authorization from the state fire marshal.

E. Permits are not transferable and may be revoked for good cause or violation of state law relating to the storage or sale of fireworks by the fire chief or the village police. Said permit shall authorize the sale of consumer fireworks between June 24 and July 5, inclusive, of each year.

(Neb. Rev. Stat. §17-556; 28-1003.07; 28-1003.11; 28-1003.14)

Article 5 – Penal Provision

SECTION 8-501: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.