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CHAPTER VII FIRE DEPARTMENT

ARTICLE I - ORGANIZATION

SECTION 7-101: OPERATION AND FUNDING

The City operates the City Fire Department through the fire chief. The City Council, for the purpose of defraying the costs of the management, maintenance, and improvement of the Fire Department, shall 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. The fund shall at all times be in the possession of the city treasurer. The fire chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders or other apparatus needs repair. Upon the written consent and directive of the City Council, the fire chief shall cause the repair, improvement or maintenance of the said equipment and shall personally supervise and approve the same.

SECTION 7-102: MEMBERSHIP

The fire chief shall appoint no more than 25 members to each Fire Department company, subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the City for the purpose of providing them with 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, the firemen covered are actively and faithfully performing the duties of their position. The Fire Department shall consist of so many members as may be decided by the City Council. 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, upon request, keep a record of all meetings and shall make a report to the City Council of all meetings and activities of the Fire Department. The City Council may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the fire chief or the City Council. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the State of Nebraska; provided,

however, volunteer firefighters and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City.

SECTION 7-103: OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES

There are hereby created the offices of fire chief, assistant fire chief and two captains of the Fire Department. Said officers shall be elected by the active members of said Fire Department and approved by the mayor and City Council of said city and shall hold their offices until their successors are elected and approved by the mayor and City Council. The fire chief shall be a member of the City Board of Health. Such officers may be removed from office by the mayor and City Council for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs by removal or otherwise the members of said Fire Department shall immediately elect a successor subject to the approval of the City Council. In the event of the failure of said Fire Department to elect a fire chief, assistant fire chief or captains, or in case of a vacancy in any of said offices, for a period of five days after such vacancy occurs the City Council shall fill such vacancy by the appointment of some member of the Fire Department to said office.

SECTION 7-104: POWERS AND DUTIES OF CHIEF

The fire chief shall have full control of the actions of the members of the Fire Department during the time said department is on duty at a fire or during the period of fire drills, and the fire chief shall have full charge and control of all of the equipment of said Fire Department and of the movement thereof. The chief shall have and is hereby invested with the authority of a police officer in the performance of his/her duty as such fire chief. It shall be his/her duty to preserve and maintain order at all times during a fire and he/she shall have power and authority to call to his/her 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 whom he/she may select 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 him/her. It shall also be the duty of the fire chief to see that all fire equipment is in proper working order and to report to the mayor whenever any repairs or new equipment are required. He/she shall perform such other duties as are imposed upon him/her by law.

SECTION 7-105: ADDITIONAL POWERS AND DUTIES OF CHIEF

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 the fire flues, hearths, chimneys, stoves, stove pipes, ovens, boilers and other apparatuses likely to cause fire, and also places where any coal, oils, gasoline,

tar, hay, straw, shavings or any other combustible material may be lodged or stored. The chief shall give such directions in regard to the several foregoing matters as he/she shall deem expedient to guard against fire or accident, either for the removal, alteration or better care and management thereof.

SECTION 7-106: FAILURE TO OBEY NOTICE OF FIRE CHIEF; PENALTY

Whenever the chief shall give the directions mentioned in the foregoing section to the owner or occupant of any premises, either verbally or by written notice, it shall be the duty of said owner or occupant to cause such removal or alteration thereof within 24 hours at the owner's or occupant's expense. If the owner or occupant refuses or neglects to cause such removal or alteration within the time specified, upon conviction he/she shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance and shall pay the costs of prosecution. His/her failure to comply with such directive for each 24 hours thereafter shall constitute a separate and distinct offense.

SECTION 7-107: RECORDS

The fire chief shall keep or cause to be kept a record of all fires and shall make a full report of such records to the city clerk during the last week in April 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 at any reasonable time.

SECTION 7-108: FIRES

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 7-109: DISTANT FIRES

Upon the permission of the mayor or fire chief, the fire equipment of the City may be used beyond the corporate limits to extinguish a reported fire.

SECTION 7-110: PRESERVATION OF PROPERTY

Any official of the Fire Department 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, or fence for the purpose of checking the

progress of any fire, and 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 checking the same.

SECTION 7-111: 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 same or in the removal and protection of property. In the event that the said 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 7-112: 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 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 city police officers to command all persons to assist them in the performance of their duties and to make arrests.

SECTION 7-113: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin and circumstances of every fire occurring in the City in which property has been destroyed or damaged when the damage exceeds \$50.00. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident or design. Such investigation shall be begun 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 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 7-114: EQUIPMENT

It shall be unlawful for any person to molest, destroy or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the City.

SECTION 7-115: INTERFERENCE

It shall be unlawful for any person to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duty.

SECTION 7-116: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within 15 feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost and expense of the owner or claimant.

SECTION 7-117: ASSISTANCE

It shall be unlawful for any person to refuse, after the command of the fire chief or assistant fire chief, to aid in extinguishing a fire or to assist in the removal and protection of property.

SECTION 7-118: 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.

SECTION 7-119: TRAFFIC

Every vehicle 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, except by the specific direction of the fire chief or assistant fire chief, shall follow, approach or park closer than 500 feet to any fire vehicle or to any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department or emergency vehicles.

SECTION 7-120: FALSE ALARM

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

SECTION 7-121: 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.

ARTICLE II - FIRE REGULATIONS

SECTION 7-201: 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 7-202: 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 7-203: 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 7-204: 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 7-205: 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. Permit requirements for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this ordinance; provided, any such present use that is discontinued for a period of 60 days shall not be revived without a permit.

SECTION 7-206: 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 at which any public meeting is held to which the general public is entitled to be present.

SECTION 7-207: 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 7-208: 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 7-209: 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 7-210: 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 7-211: FIRE LIMITS; DEFINED

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

On Main Street from First Street including the following lots: 155 to and through 184, 186, 243 to and through 271, 273 and 274, all in the Original Town of the City of Louisville, Cass County, Nebraska, as shown on the recorded plat thereof.

SECTION 7-212: FIRE LIMITS; MOVING BUILDINGS

No building constructed of combustible materials shall be moved into the fire limits or from one location to another within the fire limits; provided, when a building is constructed of materials required by the provisions of this article and on the same location as a combustible building, such combustible building may be relocated on the same lot on which it originally stood.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-213: FIRE LIMITS; MATERIALS

It shall be unlawful for any person to build, erect, construct or cause to be constructed any wooden or other combustible building or part thereof or to enlarge any such building, or to build any addition thereto within the fire limits. Every building hereafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, well-burned brick, terra cotta, concrete or equivalent noncombustible materials. Roofs and dormer windows on such masonry building may be constructed with wood joists, but such roofs and dormer windows shall, in all cases, be covered with noncombustible materials such as tin, iron, slate, tile or fireproof roofing. Noncombustible materials may be constructed to include wood when applied to floors in any building within the fire limits. All cornices shall be of noncombustible materials. Permits for minor repairs on existing wooden or ironclad structures, where the work might be fairly construed or inside of combustible buildings shall not require fireproof materials. When combustible buildings are permitted to be roofed and reroofed in the fire limits, roof covering over all combustible roof construction shall be of the following types:

1. Composition roofings bearing the label and laid in the manner provided by the Underwriters' Laboratory, Inc. for Class A and B.
2. Concrete slab or concrete tile.
3. Slate.
4. Tile.
5. Asphalt.

Any person may seek from the City Council a waiver of the requirements of this provision in written form fully describing the need therefor. The application of the provisions thereof may be waived by the Council following full and complete hearing on such request.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-214: FIRE LIMITS; IRONCLADS PROHIBITED

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.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-215: FIRE LIMITS; REMOVAL REQUIRED

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or 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 any such damaged structure or building. It shall also be unlawful for the owner to fail to protect and guard the public from injury or damage arising out of such excavation or open basement remaining, if any. If such owner fails or neglects to remove such building or structure and to protect and guard the public from injury or damage arising out of any excavation or open basement, the City may cause the removal of such building or structure and the installation of a proper device for protections against injury or damage; the costs of which shall be reported to the owner, who shall be responsible for the payment thereof together with the interest thereon from the date of such report and the building and land shall be subject to sale in satisfaction of such claim.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-216: FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged to the extent of less than 50% of its value, exclusive of foundation, it shall be the duty of the owner, lessee or occupant to remove or repair the said building in accordance with the provisions of this article. It shall be unlawful for any person to allow a building to stand in such damaged and decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the City Council.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-217: FIRE PREVENTION; OUTDOOR FIREPLACES

The term "Outdoor fireplaces" shall include Fire Pits, Portable Fire Pits, and Chimineas. These devices shall use wood as a fuel and are used for contained 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 used primarily for outdoor cooking. Portable Fire Pits are defined as being commercially designed and intended to confine and control outdoor wood fires. Chimineas are defined as an outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires. Fire pits are usually constructed of steel, concrete and/or stones and constructed above ground with a heavy steel screen cover. All outdoor fireplaces shall meet the following requirements:

1. Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by steel screening or an approved non-combustible screening material with openings in screening not to exceed $\frac{1}{2}$ -inch square. These requirements also shall apply to vent stacks, chimneys and openings to Fire Pits. Barrels, half-barrels, drums or similarly constructed devices are prohibited.
2. The Fire Pit fuel area shall not exceed three (3) feet in diameter, nor two (2) feet in height.
3. Burn material shall be untreated wood only. Rubbish, grass, leaves, cardboard, tires, plastics, railroad ties, treated lumber and household garbage shall not be burned.
4. The amount of material being burned shall be limited to ensure containment of the fire within the device and shall follow the manufacture's recommendation on fuel amounts.
5. Devices shall be continuously attended by a responsible person until the fire is completely extinguished and will not rekindle. Outdoor fireplaces shall not be operated when winds exceed ten (10) miles per hour or if embers and smoke might travel to other combustible materials.
6. Smoke from any outdoor fireplace shall not create a nuisance for adjacent property owners. The Fire Chief and Assistant Chiefs will be authorized to require any fire to be extinguished immediately if he/she determines the outdoor fireplace is creating an unsafe condition due to weather, amount of fuel being burned, or if the device is deemed improper.
7. An open burn permit is not required for these devices provided that the fire is completely contained within the device and covered by a screen, or similar device, which meet the requirement identified above, at all times.

(Section 7-217 Added by Ordinance #777 November 9, 2005)

ARTICLE III - EXPLOSIVE MATERIAL

SECTION 7-301: 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.

SECTION 7-302: 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 7-303: 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, 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 7-304: 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, who shall forward such information to the fire chief. Registration shall not be required for individuals involved in making ammunition for their private use.

ARTICLE IV - FIREWORKS

SECTION 7-401: 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. §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 V - PENAL PROVISION

SECTION 7-501: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense, recoverable with costs, or by imprisonment in the county jail for a term not to exceed 30 days. Each day such violation continues may be considered a separate offense.