

CHAPTER 7 - FIRE REGULATIONS

Article 1. Fires

§7-101. FIRES; 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 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 Municipal Firemen 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.

§7-102. FIRES; DISORDERLY SPECTATOR. It shall be unlawful for any person during the time of a fire and for a period of thirty-six (36) hours after its extinguishment to hinder, resist or refuse to obey the Municipal 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. *(Ref. 28-908 RS Neb.)*

§7-103. FIRES; EQUIPMENT. It shall be unlawful for any person except the Fire Chief and the members of the Municipal 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 Municipality. *(Ref. 28-519 RS Neb.)*

§7-104. FIRES; INTERFERENCE. It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty. *(Ref. 28-908 RS Neb.)*

§7-105. FIRES; OBSTRUCTION. It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (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. *(Ref. 39-672 RS Neb.)*

§7-106. FIRES; 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. *(Ref. 28-908 RS Neb.)*

§7-107. FIRES; 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. *(Ref. 39-682 RS Neb.)*

§7-108. FIRES; TRAFFIC. Every vehicle already stationary when the fire alarm shall have been sounded must remain so for a period of five (5) 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 five hundred (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. **(Ref. 39-681 RS Neb.)**

§7-109. FIRES; FALSE ALARM. It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire.

§7-110. FIRES; 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. *(Ref. 28-908 RS Neb.)*

Article 2. Fire Prevention

§7-201. FIRE PREVENTION; 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. One (1) copy of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (*Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.*)

§7-202. FIRE PREVENTION; FIRE CODE ENFORCEMENT. It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

§7-203. FIRE PREVENTION; 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 Chief to inspect, or cause to be inspected, as often as necessary the said structure for the purpose of ascertaining and enumerating all conditions therein that are likely to cause fire, or any other violations of the provisions of the Municipal ordinances affecting the hazard of fire. (*Ref. 81-512 RS Neb.*)

§7-204. FIRE PREVENTION; VIOLATION NOTICE. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who receives written or verbal notice of a violation of any of the provisions of the Municipal ordinances to correct the condition that violates the said ordinance or ordinances within five (5) days from the date of receipt of such notice.

§7-205. FIRE PREVENTION; SCHOOL DRILLS. It shall be the duty of the officials and teachers of all the schools in the Municipality to cooperate with the Municipal Fire Department in conducting fire drills in such number and at such times as the Fire Chief shall prescribe; Provided, that at least one (1) fire drill shall be held each month. All doors and exits leading to the outside of the school shall be kept unlocked during school hours.

§7-206. FIRE PREVENTION; FIRE LIMITS DEFINED. The following described territory in the Municipality shall be and constitute the fire limits:

All of Block Three; all of Block Four; All of Block Five; all of Block Six; the East half of Block Fourteen; all of Block Twenty-five; all of Block Twenty-six; all of Block Twenty-seven; all of Block Thirty; all of Block Thirty-one; all of Block Thirty-two; all of Block Thirty-three; all in the Original Town, now City of Red Cloud, Nebraska, and all of Block One, all of Block Two, in Williams Addition to the City of Red Cloud, Nebraska, as shown by the recorded plat thereof. (*Ref. 17-550 RS Neb.*)

§7-207. FIRE PREVENTION; FIRE LIMITS BUILDING PERMIT. Prior to the moving or construction of any building in the fire limits, application must be made to the Governing Body. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the Municipal Clerk and shall require such information as the Governing Body deems necessary to determine whether or not to grant a building permit. *(Ref. 17-550 RS Neb.)*

§7-208. FIRE PREVENTION; FIRE LIMITS; NEW CONSTRUCTIONS AND ADDITIONS; MATERIALS PERMITTED; REPAIRS. It shall be unlawful for any person, persons, company or corporation to build, erect, construct or cause to be built, erected or constructed any wooden or other combustible commercial building or part thereof or to enlarge any such buildings or to build any addition thereto within the fire limits as defined in this Article. 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, tin, or sheet iron or equivalent incombustible materials. Every roof hereafter placed on a building shall be covered with an approved roofing of brick, concrete, tile, slate, metal, asbestos, or built-up roof finished with asphalt, slag or gravel, or with other approved material. All cornices shall be of incombustible material. No alterations or additions to any frame, stucco, or ironclad structure now located in the fire limits, increasing the size of such structure, shall be made unless the same is made of incombustible material. *(Ref. 17-550 RS Neb.)*

§7-209. FIRE PREVENTION; 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 fifty (50%) per cent of the building unless the said person shall first submit an application to the Municipal Clerk to make such repairs, alterations, or to add to any building and shall state 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. In the event that the repairs, alteration, or addition is to involve more than fifty (50%) per cent of the building, the owner shall be required to apply for a new building permit which shall state that the building, when completed, shall be fireproof and made of non-combustible materials. *(Ref. 17-550 RS Neb.)*

§7-210. FIRE PREVENTION; 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. 17-550 RS Neb.)*

§7-211. FIRE PREVENTION; 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 fifty (50%) per cent or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt, but shall be taken down and removed within sixty (60) days from the date of such fire or other casualty. (*Ref. 17-550 RS Neb.*)

§7-212. FIRE PREVENTION; REMOVAL OR REPAIR REQUIRED. In the event that a building within the fire limits becomes damaged by fire, wind, flood, vandalism or any other cause, to the extent of less than fifty (50%) per cent of its value, exclusive of the 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 or decayed condition. Any such building shall be removed or repaired within thirty (30) days after receiving notice to do so by the Governing Body. (*Ref. 17-550 RS Neb.*)

§7-213. FIRE PREVENTION; PROHIBITED STOVES. It shall be unlawful for any person to permit or allow to be burned crank case drainings, or to burn oil or other flammable substance in a home-made stove. (*Ref. 17-549 RS Neb.*)

§7-214. FIRE PREVENTION; FIRE LIMITS, MOVING COMBUSTIBLE BUILDINGS WITHIN, PROHIBITED. It shall be unlawful for any person, persons, company or corporation to move into, on or place upon any lot or parcel of ground within the fire limits, any wooden or combustible building or structure, or of any part thereof which has been built, erected or constructed elsewhere, or to remove any such buildings or structure, or part thereof, from one part of the same lot to another part thereof, within the fire limits. (*Ref. 17-550 RS Neb.*)

§7-215. FIRE PREVENTION; STOVES, FURNACES, AND CHIMNEYS. All 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. (*Ref. 17-549 RS Neb.*)

§7-216. FIRE PREVENTION; OPEN BURNING BAN; WAIVER. (1) There shall be an open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The Fire Chief may waive an open burning ban under subsection (1) of this section for an area under the municipal Fire Department's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief, and on a form provided by the State Fire Marshal.

(3) The Fire Chief may waive the open burning ban in the municipal Fire Department's

jurisdiction when conditions are acceptable to the Chief. Anyone intending to burn in that jurisdiction when the open burning ban has been waived shall notify the Fire Chief of his or her intention to burn prior to starting the burn.

(4) The Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The Fire Department may charge a fee not to exceed \$10 for each such permit issued. This fee shall be remitted to the governing body for inclusion in the general funds allocated to the Fire Department. These 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 (2) of this section in the course of that state's or political subdivision's official duties.

(Ref. 81-520.01 Neb. RS) (Amended by Ord. No. 446, 7/6/95; Ord. No. 610, 6/5/12)

§7-217. FIRE PREVENTION; FIRES REGULATED. It shall be lawful to build or set out such fires as are required in the course of a trade or business as blacksmith, mechanic, cook, or other such trade or business. Any such fire shall be built and maintained in the manner prescribed by the Fire Chief. It shall be unlawful for any person to set fire to, burn, or cause to be burned any hazardous chemicals, plastics, garbage, animal matter, or vegetable matter, or other substance which would create a danger to the public health or safety. *(Ref. 17-549, 17-556, 81-520.01 RS Neb.) {Amended by Ord. No. 402, 8/4/92}*

Article 3. Poisonous and Flammable Gas and Explosive Control

§7-301. POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION. Any person, firm, or corporation storing or keeping for any period of time dynamite, gunpowder, nitroglycerine, or other high explosives or any form of poisonous or flammable gases or liquefied petroleum gases within the Municipality shall register such information with the Municipal Clerk within ten (10) days after such gases or explosives are brought into the Municipality. The Clerk shall provide such information to the Municipal Fire Chief and to the Governing Body. Transfer of gases or explosives to another individual within the Municipality shall require the individual receiving the gases or explosives to register the transfer and the new location of the gases or explosives with the Municipal Clerk. Also, moving gases or explosives to a new location by the owner shall require registration of that fact to the Municipal Clerk. This Section shall not apply to the storage of five (5) gallons or less of gasoline.

§7-302. EXPLOSIVES; BLASTING PERMITS. Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction and under their supervision, 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 State Fire Marshal. (*Ref. 17-556, 28-1229 RS Neb.*)

§7-303. EXPLOSIVES; TRANSPORTATION. Any person wishing to transport high explosives in the Municipality shall first acquire a permit from the Municipal Police and shall take such precautions and use such route as he may prescribe. Nothing herein shall be construed to apply to the Municipal Police, or any of the Armed Services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five (5) minutes within the Municipality and in the event of mechanical failure, immediate notice of such breakdown shall be given the Police Chief or any other person so designated by the Governing Body who shall then prescribe such precautions as may be necessary to protect the residents of the Municipality and a reasonable time for removal of the vehicle from the Municipality. (*Ref. 17-549, 28-1235 RS Neb.*)

Article 4. Fireworks

§7-401. FIREWORKS; PERMITTED FIREWORKS. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, vesuvian 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 (7/8") inch in length or one-eighth (1/8") inch in diameter, and which do not contain more than one half (1/2) grain each in weight of explosive material.

The provision of this Section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Governing Body or to fireworks furnished for agricultural purpose pursuant to written authorization from the State Fire Marshal. (*Ref. 17-556, 28-1241, 28-1244, 28-1245 RS Neb.*)

§7-402. FIREWORKS; THROWING FIRECRACKERS. It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object; from or into a motor vehicle; onto any street, highway, or sidewalk; at or near any person; into any building; or into or at any group of persons. (*Ref. 17-556, 28-1242 RS Neb.*)

§7-403. FIREWORKS; SALE. It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the State Fire Marshal for that calendar year. Licensed Vendors shall only sell fireworks which have been approved by the State Fire Marshal and such permissible fireworks may be sold at retail only between June 24th and July 5th of each year. (*Ref. 28-1246 thru 28-1250 RS Neb.*)

Article 5. Penal Provisions

§7-501 VIOLATION: PENALTY. *(Repealed by Ord. No. 587, 1-08-08. See §12-101)*

§7-502. ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*