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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department and Rescue Squad

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

A. The village operates the Fire Department and Rescue Squad through the fire chief and firefighters. The fire chief shall manage the Fire Department.

B. The Village Board may levy a tax annually of not more than \$0.07 on each \$100.00 upon the taxable value of all the taxable property within the village for the maintenance and benefit of the volunteer Fire Department. The amount of such tax shall be established at the beginning of the year and shall be included in the adopted budget statement. Upon collection of such tax, the village treasurer shall disburse the same upon the order of the fire chief with the approval of the Village Board.

C. The Fire Department is authorized to enter into an agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the village and the Rural Fire District. Such an agreement shall provide for mutual aid, protection and a sharing of necessary expenses between the village and the Rural Fire District. The agreement so entered into shall be on file in the office of the village clerk for public inspection during office hours.
(Neb. Rev. Stat. §§17-718, 35-501, 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 village, 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 SQUAD

The Fire Department also operates a rescue unit for the benefit of those within the Fire Protection District. They 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 Village Board. It shall be the duty of the official in charge of the Rescue Squad during the time of a rescue call to insure that every victim of mishap is aided or aided and transported to the emergency room of the nearest hospital. When available, rescue personnel shall respond to all 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 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, on the first day of January and June each year, file with the village clerk a certified copy of the rolls of all members in good standing in their respective companies 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. The chief shall investigate the cause, origin, and circumstances of any fire arising within his jurisdiction.

(Neb. Rev. Stat. §§17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-105: MEMBERSHIP

A. The Fire Department shall consist of so many members as may be decided by the Village Board. The members may organize themselves in any way they may decide, subject to the review of the board.

B. The volunteer Fire Department shall not have upon its rolls at one time more than 25 persons for each engine company in the Fire Department. Members in good standing are 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.

C. Volunteer firefighters of the Fire Department shall be deemed employees of the village 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 chairman and Village Board, and upon confirmation shall be deemed employees of the village. After confirmation to membership, members of the department may be removed by a majority vote of the board and thereafter shall not be considered employees of the village. 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 village but only if directed to do so by the fire chief or some person authorized to act for the chief.

D. The Village Board 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 village or rural fire protection district, the policy shall be purchased only by the first village 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.

E. The Village Board may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution.

F. 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 Village Board. 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 village code or the laws of the state.

G. Members of the Fire Department may hold meetings and engage in social activities with the approval of the Village Board. 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.

(Neb. Rev. Stat. §§33-139.01, 35-101 through 35-103, 35-108, 48-115)

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 village.

B. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. Village employees shall not be involved in the fire or rescue actions other than as firemen or Rescue Squad members. Maintenance of the Fire Department building is the responsibility of the Village Board. The temperature control of the building shall be administered to insure 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: COMMUNICATIONS EQUIPMENT

No unauthorized person shall operate any radio or communications equipment of the Fire Department. All persons authorized to operate said equipment shall do so only

as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-108: 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

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 firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 8-202: TRAFFIC

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 8-203: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has sounded until the fire trucks have completely passed. (Neb. Rev. Stat. §28-908)

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 com-

mits 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 or she has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-208: FIRE INVESTIGATION

It shall be the duty of the Fire Department, or the village clerk if the village has no 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. Any fire 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 in compliance with the rules and regulations of the state fire marshal. The officer making the investigation of fires occurring within the village shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him or her with a 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. §81-506)

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE

All of the provisions of the 2015 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. 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 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

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, 2015 edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code shall be on file with the village clerk, available for public inspection during office hours. (Neb. Rev. Stat. §§18-132, 19-902, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all village 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: 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 Village Board for inclu-

sion_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)

SECTION 8-305: OUTDOOR FIRE PITS AND FIREPLACES

“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.

“Portable fire pits” are defined as being commercially designed and intended to confine and control outdoor wood fires.

“Chimineas” are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.

“Fire pits” are usually constructed of steel, concrete and/or stone, constructed above ground with a steel screen cover.

All outdoor fireplaces shall meet the following requirements:

A. *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.

B. *Construction.* Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. Not permitted are barrels, half-barrels, drums, or similarly constructed devices.

C. *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.

D. *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.

E. *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.

F. *Amount of Materials Being Burnt.* Users must (1) 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 (2) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with the spark guard in place.

G. *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.

H. *Provisions for Protection.* A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

I. *Weather Conditions.* Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

J. *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.

K. *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.

L. *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 8-306: INSPECTIONS; VIOLATION NOTICE

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

(Neb. Rev. Stat. §81-512)

SECTION 8-307: FIRE ON PAVEMENT

It shall be unlawful for any person to set out a fire on the pavement or near any curb within the village. (Neb. Rev. Stat. §17-556)

SECTION 8-308: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow to be burned crankcase drainings or to burn oil or other flammable substances, other than wood, in a homemade stove.

SECTION 8-309: STOVES, FURNACES, AND CHIMNEYS; CONSTRUCTION

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 noncombustible material. This section shall apply both to existing structures and those which may hereafter be erected. (Neb. Rev. Stat. §17-549)

SECTION 8-310: EXITS; CHAIRS IN AISLES

It is hereby unlawful for any person, firm, corporation, association, or their agents, who have control or use of any hall, church or other building resorted to by the people of the village for worship, amusement, or for public assemblages, to fail to provide such hall, church or other building with suitable, ample and sufficient means of exit and entrance. No chairs or seats of any description shall be placed or allowed to remain in the aisle or aisles of said building(s) during the time when any meeting or entertainment is in progress.

SECTION 8-311: FIRE LIMITS; DEFINITIONS

For purposes of this article, the following terms, phrases, words, and their derivations shall have the meanings given herein.

"Building" shall mean a house for business, residence or public use; or the shelter of man or beast; or the storage or display for sale of goods, wares or merchandise; or any erection connected with the temporary or permanent use of man; any fixture or article of a chattel nature which can be severed from the land after having been affixed to it.

"Structure" shall mean any production or piece of work used for shelter artificially built up or composed of parts joined together in some definite manner and not necessarily affixed to the land, although resting upon it and capable of being moved from one place to another.

"Ironclads" shall mean buildings, sheds or structures constructed of wood and covered with sheet iron or tin, or constructed of sheet iron or tin attached to a framework or posts or any skeleton support constructed of wood or other combustible material.

SECTION 8-312: FIRE LIMITS; TERRITORY

The following-described territory in the village shall be and constitute the fire limits:

Commencing at the Southeast corner of Lot 9, Block 37, original Town of Oxford, Nebraska, thence West along the North line of Cornwall Street to the Southwest corner of Lot 15, Block 35, thence North to the Northwest corner of Lot 1, Block 35, thence West on the South line of South Railway Street to the Northeast corner of Lot 1, Burlington Addition, thence North on the West line of Central Street extended, and the West line of Central Street to a point where the same intersects Bright Street, thence East along the South line of Bright Street to the Northeast corner of Lot 1, Block 27, thence South along the West line of Ogden Street to the Southeast corner of Lot 10, Block 27, thence East along the North line of North Railway Street to the Southeast corner of Lot 10, Block 25, thence South to the place of beginning, all in the Village of Oxford, Nebraska, as shown on the recorded plats thereof.

(Neb. Rev. Stat. §17-550)

SECTION 8-313: FIRE LIMITS; CONSTRUCTION AND ADDITIONS

A. It shall be unlawful for any person or persons, company or corporation to build, erect, construct, or cause to be built, erected or 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.

B. *Building Requirements.* 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 incombustible materials; provid-

ed, roofs and dormer windows on masonry buildings may be constructed with wood joists, but such roofs and dormer windows shall, in all cases, be covered with non-combustible material such as tin, iron, slate, tile or fireproof roofing; provided further, incombustible materials may be construed to include wood when applied to floors in any building within the fire limits. All cornices shall be of incombustible material.

C. *Minor Repairs.* Minor repairs on existing wooden or ironclad structures, such as to stop leaky shingle roofs or to replace siding on existing warehouses or storage sheds, where the work might be fairly construed as patching or covering small areas on the outside or inside of combustible buildings, shall not require fire-proof materials.

D. *Roofing.* When combustible buildings are permitted to be roofed or reroofed in the fire limits, roof covering over all combustible roof construction shall be either of the following:

1. Combustible roofing bearing the label and laid in the manner provided by the Underwriters Laboratory, Inc., for Class A and B concrete slab or concrete tile; or

2. Slate, clay, tile, or asphalt.

(Neb. Rev. Stat. §17-550)

SECTION 8-314: FIRE LIMITS; MOVING COMBUSTIBLE BUILDINGS

A. It shall be unlawful, without a permit from the Village Board, for any person or persons, company or corporation to move in or on, or to 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 building or structure or part thereof from one part of the same lot to another part thereof within said fire limits.

B. *Temporary Permits.* Upon application in writing from the owner or his or her agent, the Village Board, by two-thirds vote, may grant permission for the temporary moving or removal of a combustible building to such a location in the street or other place within the village fire limits as the board shall specify upon such temporary permit. Upon completion of the non-combustible building, the owner of any such building of non-combustible material shall immediately move the combustible building outside of the fire limits.

1. *Bond.* Before any such permit shall be issued, the owner or his or her agent shall furnish the village with a good and sufficient bond removing the village from any liability occasioned by such removal.

2. *Penalty.* There is hereby imposed a penalty of \$10.00 per day for each day such combustible building is allowed to remain on its temporary site after the completion of the non-combustible building.

(Neb. Rev. Stat. §17-550)

SECTION 8-315: FIRE LIMITS; DAMAGED BUILDINGS OR STRUCTURES

Whenever any wooden or any non-combustible building stands within the fire limits of the village, and has been damaged by fire or other casualty to the extent of 50% or more of its value (exclusive of its foundation), it shall not be repaired or rebuilt but shall be taken down and removed. (Neb. Rev. Stat. §17-550)

SECTION 8-316: FIRE LIMITS; BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, lessee, and/or contractor during the construction of any building or improvement upon or near the line of any public street, highway, alley or sidewalk, to have all excavations or exposures of any kind protected and guarded by suitable guards or barricades by day and by red warning lights at night. In case of the failure, neglect or refusal of said person(s) to erect such guards and keep the street, highway, or sidewalk well and securely guarded, it shall be lawful for the village marshal or any law enforcement officer of the village to stop all work upon said building or improvement until guards are erected and kept in the manner aforesaid.

SECTION 8-317: FIRE LIMITS; VIOLATION; PENALTY

Any person or persons, firm or corporation who shall violate, neglect, or refuse to comply with, or who resists or opposes the enforcement of any of the provisions of this article shall, upon conviction, be fined not less than \$10.00 nor more than \$100.00 for each offense, and the costs of prosecution; and every such person or persons, firm or corporation shall be deemed guilty of a separate offense for every day on which such violation, neglect or refusal shall continue; and any builder, contractor or owner who shall construct, or cause to be constructed, any building or any part of such building, in violation of any of the provisions of this article or who shall fail or neglect to remove buildings or structures when damaged by fire or other casualty or to protect and guard the public from and injury or damage arising from the remaining excavation or open basement, if any, and any architect or other person designing or drawing plans for or having charge of such building or part of such building or who shall permit the same to be so constructed shall be liable to the penalties provided by this section.

SECTION 8-318: FIRE LIMITS; FIRES INSIDE

It shall be unlawful for any person or persons to build, or intentionally cause to be built, or to set out any fire in the open air within the fire limits of the village, except as hereinafter provided.

A. Fires in Containers. A person or persons may build such fires if the substance to be burned is in some fireproof trash burner or incinerator, metallic can or wire container with the openings thereof completely covered with fireproof screen of

not more than 1 inch mesh, located at least 20 feet from any building, and so built as not to permit the escape of burning paper or other substances, the type to be approved by the fire inspector, unless such person or persons shall require such fire in the course of his or her trade, such as a blacksmith or mechanic, or if such fire is built under the supervision of the county sheriff.

B. *Time.* Such fires shall be built after 7:00 a.m. and completely extinguished by 6:30 p.m. of the same day unless such fires are required by blacksmiths or mechanics in the course of their trade.

(Neb. Rev. Stat. §§17-137, 17-549)

SECTION 8-319: FIRE LIMITS; FIRES OUTSIDE

The burning of straw, hay, leaves, brush, paper shavings, and the like, in the open air outside said fire limits when the same can be done without damage to the public or any property is hereby permitted and allowed; provided, any such burning shall be done while said fire is attended by the person setting out the same and between the hours of 7:00 a.m. and 9:00 p.m. and said fire shall be located at least 20 feet from any building. (Neb. Rev. Stat. §§17-137, 17-549)

Article 4 – Explosives; Poisonous and Flammable Gases

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the village for any period of time shall register such information with the village clerk 24 hours prior to being brought into the village. The clerk shall forward such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the village 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.

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, and percussion caps 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 village must secure a permit from the Village Board 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; STORAGE REGISTRATION

A. Any person, firm or corporation desiring to store or keep in the village for any period of time any form of poisonous or flammable gas or liquefied petroleum gas or to add to, enlarge, or replace any facility used for the storage of such gases, must first receive permission from the Village Board. The board shall require the name of the gas, the place of storage and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations, and precautionary actions as may

be deemed necessary. A permit shall be required for storage of such gases and a fee will be required for issuance of such permit, said fee to be set by the Village Board and placed on file in the office of the village clerk. A plot map must also be presented at the time of the application for the permit to show the proposed location of such storage container or facility. 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 article; provided, any such present use that is discontinued for a period of 30 days shall not be revived without a permit. The provisions of this section shall be controlling throughout the village corporate limits and throughout its zoning jurisdiction.

B. In addition to notifying the village Fire Department pursuant to Neb. Rev. Stat. §28-1233(3), any person desiring to store or keep for any period of time explosive materials as defined in Neb. Rev. Stat. §28-1213 or any form of poisonous or flammable gases or liquefied petroleum gases within the village corporate limits or its zoning jurisdiction shall register such information with the village clerk 24 hours prior to such storage. The transfer of such explosives or gases to another person within the village corporate limits or its zoning jurisdiction shall require the person receiving such explosives or gases to register the transfer and the new location of the explosives and gases with the village clerk. The transfer of explosive material and gases to a new location by the owner shall require registration of the new location with the village clerk. This section shall not apply to the storage of 5 gallons or less of gasoline. (Neb. Rev. Stat. §§17-549, 17-556, 28-1229, 28-1233, 57-501, 57-601, 81-502) (Ord. No. 296, 5/5/97)

SECTION 8-405: PETROLEUM GAS; DEFINITION

For the purposes of this section, "liquefied petroleum gas" shall mean and include any material which is composed predominantly of any of the hydrocarbons or mixtures of the same, such as propane, propylene, butanes (normal butane or isobutane) and butylenes. (Neb. Rev. Stat. §57-501) (Ord. No. 296, 5/5/97)

SECTION 8-406: PETROLEUM GAS; REGULATIONS

The construction, design, location and operation of liquefied petroleum gas installations, installations utilizing containers of such liquefied petroleum gases and the transportation of such liquefied petroleum gases within the village shall be in accordance with the rules and regulations published by the National Fire Protection Association and promulgated by the state fire marshal for the storage and handling of liquefied petroleum gases. A copy of such rules and regulations is hereby incorporated in and made a part of this article by reference, as if set forth in its entirety herein, and shall be on file in the office of the village clerk. (Ord. No. 296, 5/5/97)

SECTION 8-407: PETROLEUM GAS; PIPING; MATERIALS

The construction, design, location and operation of piping and materials necessary for the installation and utilization of liquefied petroleum gas containers shall be governed by Pamphlet 54, published by the National Fire Protection Association and promulgated by the state fire marshal's office. A copy of said pamphlet is hereby in-

incorporated in and made a part of this article by reference, as if set forth in its entirety herein, and shall be on file in the office of the village clerk. (Ord. No. 296, 5/5/97)

SECTION 8-408: PETROLEUM GAS; PLACEMENT OF CONTAINERS

The placement of liquefied petroleum gas containers within the corporate village limits shall be governed by Pamphlet 58, published by the National Fire Protection Association and promulgated by the state fire marshal's office. A copy of said pamphlet is hereby incorporated in and made a part of this article by reference, as if set forth in its entirety herein, and shall be on file in the office of the village clerk. (Ord. No. 296, 5/5/97)

Article 5 – Fireworks

SECTION 8-501: 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 said sections.

SECTION 8-502: DEFINITIONS

A. “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.

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

B. “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; 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. §§17-556, 28-1241)

SECTION 8-503: SALE; LICENSE; FEES

A. Any person may display, sell or offer for sale any of the aforesaid fireworks during a period beginning on June 25 and ending on July 4, and beginning December 28 and ending on January 1 each year, between the hours of 8:00 a.m. and 11:00 p.m.; provided, said person shall keep, store, display, sell and offer for sale, said fireworks in a fireproof building located within the angle parking area of the village.

B. Permissible fireworks may be ignited or exploded outside the fire limits of the village beginning on June 25 and ending on July 4, and beginning December 28 and ending on January 1 each year.

(Neb. Rev. Stat. §§17-556, 28-1246, 28-1249)

SECTION 8-504: UNLAWFUL ACTS; EXCEPTIONS

A. Except as provided in subsection (B), it shall be unlawful for any person to possess, sell, offer for sale, or discharge any fireworks other than consumer fireworks, as defined in Section 8-502.

B. Subsection (A) shall not apply to:

1. Any display fireworks purchased from a licensed distributor; or
2. Any display fireworks purchased by the holder of a display permit issued pursuant to Neb. Rev. Stat. §28-1239.01; or
3. Toy cap pistols or toy caps, each of which does not contain more than .25 of a grain of explosive material.

(Neb. Rev. Stat. §§17-556, 28-1244, 28-1245)

SECTION 8-505: UNLAWFUL THROWING OF FIREWORKS

A person commits the offense of unlawful throwing of fireworks if he or she throws any firework or any object which explodes upon contact with another object:

- A. From or into a motor vehicle;
- B. Onto any street, highway, or sidewalk;
- C. At or near any person;
- D. Into any building; or

E. Into or at any group of persons.
(Neb. Rev. Stat. §§17-556, 28-1242)

**SECTION 8-506: PYROTECHNIC DISPLAYS; APPROVAL OF FIRE CHIEF;
PERMIT**

The foregoing prohibitions shall not apply to pyrotechnic displays on Independence Day or at other public celebrations or festival occasions within any of the parks in the village if such display is given from a place or point within said park that is fenced or roped off so that any member of the public cannot approach within 100 feet of the point where said pyrotechnics are ignited or set off. No person shall be allowed within such enclosure except persons who are actually engaged in and authorized to handle the giving or putting on of such pyrotechnic displays; provided, no such displays shall be given, even in compliance herewith, unless the person or persons sponsoring such a display shall have first applied to and secured a permit in writing from the chairman and the Village Board to do so; and, provided further, each application shall first be approved by the fire chief of the Fire Department in writing before the permit shall be granted by the board, and if granted, said permit shall provide, among other things, that the said display shall be under the direct supervision and control of the fire chief with regard to all details affecting the fire and safety hazards. (Neb. Rev. Stat. §28-1239.01)

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.