

## Chapter 3

### DEPARTMENTS

#### Article 4. Fire Department

**§3-401 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING.** The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost 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 Municipality that is subject to taxation. The revenue from said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. (*Ref. 17-718, 17-953, 35-530 RS Neb.*)

**§3-402 MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF.** The Fire Chief shall manage the Fire department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, 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 Governing Body at the regular meeting in January each year to give an annual report to the Governing Body of the general conditions and the proposed additions or improvements recommended by him.

**§3-403 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP.**

(A) The Fire Department shall consist of so many members as may be decided by the Board of Trustees. The members may organize themselves in any way they may decide, subject to the review of the Board of Trustees. The Fire Chief shall appoint no more than twenty-five (25) members for each fire department company subject to the review and approval of the Board of Trustees. All vacancies shall be filled in this manner.

(B) 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 Board of Trustees. 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.

(C) Members of the Fire Department may hold meetings and engage in social activities with the approval of the Board of Trustees. The secretary shall, upon request, keep a record of all meetings and shall make a report to the Board of Trustees of all meetings and activities of the Fire Department.

(D) Members of the Fire Department shall be considered to be employees of the village for purposes of providing them with workers' compensation and other benefits. The Board of Trustees 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.

(E) The Board of Trustees shall purchase and maintain in force a policy of group term life insurance to age sixty-five (65) covering the lives of all of the Village's active volunteer fire and rescue personnel, except that when any such person serves more than one (1) municipality or rural or suburban fire protection district, the policy shall be purchased only by the first municipality or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age sixty-five (65).

The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department of the Village. *(Ref. 35-108 RS Neb.)*

(F) For purposes of section 33-139.01 RS Neb., volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the Village. *(Ref. 33-139.01 RS Neb.)(Amended by Ord. No. 531, 4/13/04)*

**§3-404 MUNICIPAL FIRE DEPARTMENT; 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, a record of all fires, and shall make a full report of such records to the Municipal 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 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.

**§3-405 MUNICIPAL FIRE DEPARTMENT; 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 Municipality; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

**§3-406 MUNICIPAL FIRE DEPARTMENT; DISTANT FIRES.** Upon the permission of the Village Chairman or Fire Chief, or pursuant to any agreement with a Rural Fire District for mutual aid and protection, such fire equipment of the Municipality as may be designated by the Governing Body as rural equipment may be used beyond the corporate limits to extinguish a reported fire.

**§3-407 MUNICIPAL FIRE DEPARTMENT; FIGHTING DISTANT FIRES.** The firefighters of the Municipality 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 Municipality when directed to do so by the Chairman or Chief of the Fire Department or some person authorized to act for such Chief and in so doing, may take such fire equipment of the Municipality as may be designated by the Governing Body.

**§3-408 MUNICIPAL FIRE DEPARTMENT; PRESERVATION OF PROPERTY.** Any official of the Municipal 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 Municipal firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting 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.

**§3-409 MUNICIPAL FIRE DEPARTMENT; HOSE TESTED.** All fire hose shall be pressure tested at least two (2) times each year.

**§3-410 MUNICIPAL FIRE DEPARTMENT; DRILLS.** The Municipal Fire Department shall hold departmental fire drills at least six (6) times per year at such times as the members of the Fire Department decide.

**§3-411 MUNICIPAL FIRE DEPARTMENT; INSPECTIONS.** It shall be the duty of the Fire Chief, when directed to do so by the Governing Body, to inspect or cause to be inspected by Fire Department officers, members, 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. 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, theatres, 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 liquified 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. (*Ref. 81-512 RS Neb.*)

**§3-412 MUNICIPAL FIRE DEPARTMENT; NOTICE OF VIOLATION.** Upon the finding that the Municipal Code has been violated, the Fire Chief shall notify, or cause to be notified, the owner, occupant, or manager of the premise where a violation has occurred. Notice may be made personally or by delivering a copy to the premise and affixing it to the door of the main entrance of the said premise. Whenever it may be necessary to serve such an order upon the owner, such order may be served personally, or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction. Any such order shall be immediately complied with by the owner, occupant, or manager of the premise or building. The owner, occupant, or manager may, within five (5) days after such order by the Chief of the Fire Department or his agent, appeal the order with the Governing Body requesting a review and it shall be the duty of the Governing Body to hear the same within not less than five (5) days nor more than ten (10) days from the time when the request was filed in writing with the Municipal Clerk. The Governing Body shall then affirm, modify, or rescind the said order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the Fire Chief. A copy of any decision so made shall be sent to both the Fire Chief and the owner, occupant, or manager making the appeal.

**§3-413 MUNICIPAL FIRE DEPARTMENT; IMPERSONATING FIREMEN.** 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 herein shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (*Ref. 28-609 RS Neb.*)

**§3-414 MUNICIPAL FIRE DEPARTMENT; MANDATORY ASSISTANCE.** Any official of the Municipal 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 Fire Department after a lawful order to do so, he shall be deemed guilty of a misdemeanor.

**§3-415 MUNICIPAL FIRE DEPARTMENT; POWER OF ARREST.** The Municipal Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected arsonist, or other person hindering or resisting the fire fighting effort, or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of Municipal Policemen to command all persons to assist them in the performance of their duties.

**§3-416 MUNICIPAL FIRE DEPARTMENT; 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 Municipality in which property has been destroyed or damaged in excess of fifty dollars (\$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 (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) 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. *(Ref. 81-506 RS Neb.)*

**§3-417 MUNICIPAL FIRE DEPARTMENT; EMERGENCY UNIT.** The Fire Department may also operate an Emergency Unit for the benefit of those within the Fire Protection District. The Emergency Unit may be comprised of the same members as that of the Fire Department and can hold meetings in conjunction with Fire Department meetings. The Emergency Unit may elect its own Captain.