

Chapter 7

FIRE REGULATIONS

Article 2. Fire Prevention

§7-201 FIRE PREVENTION; FIRE PREVENTION. The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska relating to the 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; FIRES REGULATED. It shall be unlawful to build or set out certain fires; provided, that the person building such fires shall have the substance to be burned in a fireproof trash burner or incinerator with a metal fireproof screen of not more than one inch (1") mesh, and located at least twenty feet (20') from any building. The incinerator shall be built in such a way as to not permit the escape of burning paper or other substance. If any person shall require a fire in the course of his trade as a blacksmith or mechanic, such fire shall be built and maintained in the manner prescribed by the Fire Chief. All fires shall be built after seven o'clock (7:00) A.M. and completely extinguished by eight o'clock (8:00) P.M., except the aforesaid fires used in the course of a trade which shall be allowed during such

hours as the Fire Chief shall prescribe. It shall be unlawful for any person to set fire to, burn, or cause to be burned any garbage, animal matter, or vegetable matter. The burning of straw, hay, leaves, or brush in the open air is hereby permitted and allowed; provided, that the person setting out the same request permission and receive an open burning permit in writing, signed by the local Fire Marshal; and provided further, that any such burning shall be done while the said fire is attended by the person setting out the same at all times, and further provided that the said fire shall be located at least twenty feet (20') from any building. (*Ref. 17-549, 17-556, 81-520.01 RS Neb.*)

§7-207 FIRE PREVENTION; MERGER. The Municipal Fire Department may be merged with the Rural Fire Protection District. The proceedings for the merger may be initiated by the presentation to the County Clerk of a petition, signed by sixty percent (60%) or more of the electors who are owners of any interest in real or personal property assessed for taxation in the territory to be merged and who are residing within the boundaries of such territory, stating the desires and purposes of such petitioners. The petition shall contain a description of the boundaries of the territory proposed to be merged and it shall be accompanied by a map or plat and a deposit for publication costs.

The County Clerk shall examine the tax schedules in the office of the County Assessor and determine and certify whether or not such petition complies with the requirements of this section and that the person signing the petition appear to reside within the boundaries described by such petition.

Thereafter, the Count Clerk shall forward such petition, map or plat, and certificate to the Board of Directors of the District and the Governing Body affected by such merger.

Within thirty (30) days after receiving the petition, map or plat, and certificate of the County Clerk, in accordance with this section, the Board of Directors and Governing Body shall transmit the petition, map or plat and certificate to the proper County Board, accompanied by a report in writing approving or disapproving the proposal contained in the petition, or approving such proposal in part and disapproving it in part.

The County Clerk shall designate a time and place for a hearing before a joint meeting of the County Boards of all counties in which the proposed district is to be situated and shall give notice of such hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing. At the time and place so fixed, the County Board or Boards shall meet and said hearing shall be held respecting merger or location of the boundaries of the District. Thereupon the County Board shall determine the boundaries of the District. Thereupon the County Board shall determine the boundaries of the proposed District, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the District and be filed in the office of the County Clerk.

If the report of the Board of Directors and the Governing Body required under this section disapproves the proposal, the petition shall be rejected. If the report is favorable to such proposal, either in whole or in part, the County Board shall promptly designate a time and place for a hearing upon the petition and shall give notice of the hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing.

The County Board shall, at or shortly after the hearing, determine whether such territory shall be merged and shall fix the boundaries of the territory to be merged. The determination of the County Board shall be set forth in a written order which shall describe the boundaries determine upon and shall

be filed in the office of the County Clerk. The County Clerk shall then fix a time and place for a public meeting of all electors who are owners of any interest in real or personal property assessed for taxation in the District who are residing within the boundaries. A Board of Directors shall be elected consisting of five (5) residents of the District.

Such merged District shall operate under the same mill levy limit as the Rural Fire Protection District. (Ref. 35-504, 35-506, 35-508,35-509, 35-511, 35-530 through 35-536 RS Neb.)

§7-208 FIRE PREVENTION; OPEN BURNING BAN, WAIVER.

(1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

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

(3) The Municipal Fire Chief or his or her designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Chief or his or her designee. Anyone burning in such jurisdiction when the open burning ban has been waived shall notify the Fire Department of his or her intention to burn.

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

(5) The Municipal Fire Department may charge a fee, not to exceed ten dollars (\$10.00) 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. 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 (2) of this section in the course of such state's or political subdivision's official duties. (Ref. 81-520.01 RS Neb.)(Amended by Ord. No. 344, 3/14/95)