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CHAPTER VII FIRE REGULATIONS

ARTICLE I - FIRE REGULATIONS

SECTION 7-101: FIRE PREVENTION CODE

The rules and regulations promulgated by the office of the Nebraska State Fire Marshal 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 village clerk and shall be available for public inspection at any time that the village office is open for business.

SECTION 7-102: FIRE CODE ENFORCEMENT

It shall be the duty of all village officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the Village Board.

SECTION 7-103: 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 Village Board, 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.

SECTION 7-104: 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 village ordinances, to correct the condition within five days of the date of receipt of such notice.

SECTION 7-105: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep any form of poisonous or flammable gas in the Village for any period of time must first get permission from the Board of Trustees. The Board 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 Board of Trustees to prescribe such rules, regulations and precautionary actions as it may deem necessary.

SECTION 7-106: 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 where public gatherings take place within the corporate limits while any entertainment, program, show, amusement, game, exhibition or other spectacle to which the general public is invited is in progress, or while patrons thereof are finding or leaving seats and standing room; provided, the foregoing shall not be construed to apply to banquets, dinners or entertainments held in any of the aforesaid buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith.

SECTION 7-107: 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 7-108: 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 7-109: 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 7-110: PRESERVATION OF PROPERTY

Any police officer or official of the rural fire district 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, fence or any part thereof for the purpose of checking the progress of any fire. 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 halting the same.

SECTION 7-111: POWER OF ARREST

Any village police officer or the rural fire department chief shall have the power

during the time of a fire and after its extinguishment to arrest any suspected arsonist or any person hindering or resisting the firefighting effort.

SECTION 7-112: FIRE INVESTIGATION

It shall be the duty of the village police department and the State Fire Marshal 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 when the damage exceeds \$500.00. 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. 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/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 7-113: DRIVING OVER HOSE

It shall be unlawful for any person to drive a vehicle over any unprotected hose of the fire department unless authorized to do so by the fire department.

SECTION 7-114: TRAFFIC

Every vehicle within 500 feet of the fire station which is 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 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 personnel.

SECTION 7-115: FALSE ALARM

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

SECTION 7-116: 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.

SECTION 7-117: FIRE EQUIPMENT

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 fire department.

SECTION 7-118: INTERFERENCE

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

SECTION 7-119: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of any fire hydrant, or have or place any material within 15 feet of 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 7-120: ASSISTANCE

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

SECTION 7-121: 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 designee may waive the open burning ban in his/her district when conditions are acceptable to him/her. Anyone burning in such district when the open burning ban has been waived must notify the marshal of his/her intention to burn.

The fire marshal or his/her designee may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under this section.

The fire department may charge a fee, not to exceed \$10.00, for each such permit issued. This fee shall be remitted to the City Council 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 this section in the course of such political subdivision's official duties.

Source: Neb. Rev. Stat. §81-520.01

SECTION 7-122: LIFE INSURANCE POLICIES FOR FIRE DEPARTMENT MEMBERS

The Village may provide a minimum death benefit insurance policy for each volunteer fire department member in the amount of \$10,000.00, which policy shall be convertible to a permanent form of life insurance at age 65. The Village may reimburse the rural fire department for such premium for village fire department members if it is provided by the rural fire department.

Source: Neb. Rev. Stat. §35-108

SECTION 7-123: FIRE PREVENTION; USE OF OUTDOOR FIREPLACES

1. *Definitions.* "Outdoor fireplaces" shall include portable fire pits, gas fire pits, chimineas, and fire rings. These outdoor fireplaces use wood, natural gas, or liquid propane as fuel and are used for contained recreational fires for personal enjoyment. Outdoor fireplaces do not include barbeque grills or smokers that use propane, charcoal, wood chips, pellets, or other flammable material as 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. "Gas fire pits" are defined as being commercially designed and intended to confine and control outdoor patio fires that use natural gas or liquid propane (LP) as fuel and shall not be used for cooking nor used with wood, charcoal or any other flammable material. All outdoor fireplaces shall meet the following requirements:

- a. *Construction.* Outdoor fireplaces that use wood as fuel shall be completely enclosed by steel screening or an approved non-combustible screening material with openings in screening to be not larger than one-half-inch square. Vent stacks and chimneys shall have a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square. The fire fuel area shall be covered with a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.
- b. *Size.* The fuel area for a fire pit shall not be larger than 3 feet in diameter and a height of more than 2 feet.
- c. *Location.* An outdoor fireplace shall be placed on a stable non-combustible surface such as a concrete pad. Every outdoor fireplace shall be placed on a firm, non-combustible surface while in use and shall be 15 feet from the property line and 10 feet from the nearest structure. Outdoor fireplaces shall not be located on combustible balconies or decks or on any balcony above the first floor. Outdoor

fireplaces shall not be located under any combustible balcony or any overhanging part of a structure.

2. *Types of Materials Being Burnt.* Outdoor fireplaces shall only burn commercial logs and untreated wood; natural, sawn dry wood will be allowed to be burned. 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.

3. *Amount of Materials Being Burnt.* The amount of material being burnt shall be limited to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend into the chimney or above the pit. The manufacturer's recommendation on the maximum amount of fuel to be used at one time shall be followed.

4. *Supervision.* Outdoor fireplaces shall be under constant supervision by at least one responsible person age eighteen 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cool and the fire will not rekindle. Supervision further requires that the person(s) be near enough to continually see and observe the fireplace.

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

6. *Wind and Weather Conditions.* Outdoor fireplaces shall not be operated when winds are blowing over 10 mph and wind direction will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

7. *Maintenance.* The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. The outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

8. *Smoke Nuisance.* Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. Outdoor fireplace use will be immediately discontinued if the use of the outdoor fireplace is determined by law enforcement to constitute a hazardous or unpleasant condition to occupants of surrounding property.

(Ord. No. 460, 9/11/18)

ARTICLE II - EXPLOSIVE MATERIAL

SECTION 7-201: 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. Such receptacle shall not be located in any room where there is a flame or flammable materials.

SECTION 7-202: BULLETS

Cartridges, shells and percussion caps shall be kept in their original containers away from flame, flammable materials and high explosives.

SECTION 7-203: BLASTING PERMITS

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board 24 hours prior to such discharge, and shall discharge such explosives in conformance with such conditions specified in the permit. 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.

SECTION 7-204: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, gun powder or other high explosives in any quantity shall register such information as the Board of Trustees may require with the village clerk, who shall forward such information to the fire chief.

ARTICLE III - FIREWORKS

SECTION 7-301: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the Village of Cairo 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 Neb. Rev. Stat. §28-1241 to 28-1252.

ARTICLE IV - PENAL PROVISION

SECTION 7-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.

