

CHAPTER 97: FIRE REGULATIONS

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*FIRES***§ 97.001 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 firefighters 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.

(1999 Code, § 7-101)

§ 97.002 DISORDERLY SPECTATOR.

It shall be unlawful for any person during the time of a fire and for a period of 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 that time to arrest or command any person to assist them in the performance of their official duties.

(1999 Code, § 7-102) Penalty, see § 97.999

Statutory reference:

Similar provisions, see Neb. RS 28-908

§ 97.003 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.

(1999 Code, § 7-103) Penalty, see § 97.999

Statutory reference:

Criminal mischief, see Neb. RS 28-519

§ 97.004 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.
(1999 Code, § 7-104) Penalty, see § 97.999

§ 97.005 OBSTRUCTION.

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within 15 feet of the 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.
(1999 Code, § 7-105) Penalty, see § 97.999

§ 97.006 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.
(1999 Code, § 7-106) Penalty, see § 97.999

§ 97.007 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.
(1999 Code, § 7-107) Penalty, see § 97.999

§ 97.008 FIRES; TRAFFIC.

Every vehicle 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, except by the specific direction of the Fire Chief or Assistant Fire Chief, 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 vehicles.
(1999 Code, § 7-108) Penalty, see § 97.999

§ 97.009 FALSE ALARM.

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

(1999 Code, § 7-109) Penalty, see § 97.999

§ 97.010 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.

(1999 Code, § 7-110)

FIRE PREVENTION**§ 97.025 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 subchapter as though spread at large herein together with all subsequent amendments thereto. One 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.

(1999 Code, § 7-201)

Statutory reference:

Authority, see Neb. RS 18-132, 19-902, 19-922, 81-502

§ 97.026 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.

(1999 Code, § 7-202)

§ 97.027 FIRES REGULATED; INCINERATORS.

It shall be unlawful for any person, firm or corporation to intentionally burn or cause to be burned any paper, rubbish, lawn rakings, refuse, garbage or other inflammable materials of any kind within the portion of the city known as the fire limits, except the same be burned in a stove or furnace, or within a fireplace in an enclosed building. The use of outside incinerators for the burning of any materials by

any person is hereby prohibited within the fire limits and declared to be unlawful and in violation of this subchapter.

(1999 Code, § 7-211) Penalty, see § 97.999

§ 97.028 OPEN BURNING BAN; WAIVER.

(A) There shall be an 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 division (A) above for an area under the City 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.

(C) The Fire Chief may waive the open burning ban in the City 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.

(D) The Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under division (B) above.

(E) The Fire Department may charge a fee not to exceed \$10 for each permit issued. This fee shall be remitted to the City Council for inclusion in the general funds allocated to the Fire Department. These funds shall not reduce the tax requirements for the Fire Department. No fee shall be collected from any state or political subdivision to which a permit is issued to conduct open burning under division (B) above in the course of that state's or political subdivision's official duties.
(Neb. RS 81-520.01) (1999 Code, § 7-212) Penalty, see § 97.999

FIRE LIMITS

§ 97.040 DEFINED.

The following described territory in the city constitutes the fire limits of the city: Lots numbered 120 through 176, both inclusive, and Lots numbered 205 through 234, both inclusive, in the Original Town of Friend, Saline County, Nebraska, as shown by the recorded plat thereof.

(1999 Code, § 7-203)

§ 97.041 BUILDING REQUIREMENTS.

It shall be unlawful for any person to erect, build, construct, repair or enlarge, or cause to be erected, placed, built, constructed, repaired or enlarged within the fire limits any building or addition, stairway, porch, or alteration thereto, except the same shall be constructed of brick, iron, stone, cement, terra cotta or other equivalent noncombustible material with tin, iron, slate, tile or fire-proof roof. Dormer windows and cornices shall be of or be covered with incombustible material. Any person wishing to make any improvement, alteration or addition to any now-existing frame structure located within the fire limits may, on application to the Mayor and City Council, in writing, for that purpose, be granted by a two-thirds vote of the Council, a permit to make the improvement or addition, if the cost of the same does not exceed one-fourth of the present valuation of the original structure. Permits will be issued only when it clearly appears that the fire hazard will be reduced thereby; provided, that the same are not covered with corrugated iron sheathing, galvanized iron sheathing, tin sheathing or cover of like material; and provided further, that the Council may by a two-thirds vote authorize minor alterations or additions to existing structures if the alterations or additions are made with materials which are fire resistant.

(1999 Code, § 7-204) Penalty, see § 97.999

§ 97.042 MOVING BUILDINGS; BOND REQUIRED.

It shall be unlawful for any person to move any frame building of combustible material from any part of the city into the fire limits or to move any building from one place to another within the fire limits, except that upon application in writing from the owner or agent, permission may be granted by a two-thirds vote of the City Council for a temporary removal of the combustible building at a location in the street or other place within the fire limits as the Council shall specify, when the owner of any building desires immediately to construct on its former site a building of noncombustible material and shall immediately after the completion of the noncombustible building move the combustible building outside of the fire limits. Before any permit shall be issued, the owner or agent desiring the same shall furnish the city with a good and sufficient bond conditioned to save the city harmless from any liability occasioned by the removal and the payment of a penalty of \$3 per day for each and every day the combustible building is allowed to remain on its temporary site after the completion of the noncombustible building.

(1999 Code, § 7-205) Penalty, see § 97.999

§ 97.043 BUILDING PERMITS.

Any person desiring to erect, enlarge or add to any building within the fire limits shall, before the commencement of the work, file an application for a permit with the Municipal Clerk, which application shall state the material to be used in the construction, the estimated cost and the general plan of the same. The application shall be considered and acted upon by the Mayor and City Council as soon after its filing as can be conveniently done. The Council shall grant the application if it appears that the proposed

building or addition complies with the requirements of the Municipal Code of this city; otherwise they shall have the power to refuse the same.

(1999 Code, § 7-206)

§ 97.044 UNLAWFUL BUILDINGS.

Any building erected, enlarged or removed into or within the fire limits, contrary to or in violation of the provisions of this subchapter, shall be deemed and is hereby declared a nuisance. It shall be the duty of the Chief of Police or other agent appointed by the City Council, upon instructions received from the Mayor and Council, to remove the building or addition thereto to some place outside of the fire limits, after three days' notice in writing to the builder or owner thereof to abate the same and report the expense thereof to the Council for assessment against the owner of the building, who shall be liable to the city for all expenses incurred in the removal of the same. The city may recover the expenses thereof by civil suit brought in the name of the city in any court of competent jurisdiction or may certify the cost thereof as other delinquent taxes for assessment to the County Clerk.

(1999 Code, § 7-207) Penalty, see § 97.999

§ 97.045 IRONCLADS PROHIBITED.

All buildings, sheds and structures known as ironclads, that is buildings, sheds or structures constructed of wood and covered with a sheet iron or tin or by sheet iron or tin attached to a framework or posts or any skeleton support shall be considered and deemed for all purposes within every section of this subchapter to be constructed of combustible materials and the erection of those buildings, sheds and structures is hereby prohibited.

(1999 Code, § 7-208) Penalty, see § 97.999

§ 97.046 FIRE DAMAGED BUILDING; REMOVAL.

Whenever any wooden or combustible building or structure standing within the fire limits is damaged by fire or other casualty to the extent of 50% of its value (exclusive of foundation), it shall not be repaired or rebuilt, but shall be taken down and removed within 30 days from the date of the fire or other casualty. It shall be unlawful for any person, persons, company or corporation to repair or rebuild any damaged building or structure or for any owner thereof to fail to remove any damaged building or structure within 30 days after notice to do so from the Mayor and City Council.

(1999 Code, § 7-209) Penalty, see § 97.999

§ 97.047 EXCEPTIONS.

This subchapter shall not be construed to prevent the placing or piling of lumber, brick, shingles or other building material, when necessary to be used in the erection of brick or stone buildings or buildings constructed of other incombustible material, upon the lot or lots on which the buildings are

about to be erected, or upon grounds adjoining the building sites. This subchapter shall not attach or apply to buildings owned and occupied by lumber or coal dealers and used exclusively for the storing of lumber or coal and other building material, which buildings may be constructed, repaired, reconstructed or rebuilt of any material meeting the approval of a majority of the members of Mayor and Council, upon the procurement by the owner of the lot or piece of ground upon which the buildings are to be built, or his or her agent, of the permit provided for in § 97.043. This subchapter shall likewise not apply to buildings hereinafter constructed within the fire limits which are constructed to be used and are in fact used for the storage of coal for consumption by the owner of the building or tenant, and for no other purpose or storage whatsoever; provided, that the buildings shall be of dimensions not exceeding 12 feet in length, eight feet in width and eight feet in height, or of other dimensions specifically approved by the Council. The building, if not built in accordance with the provisions of this subchapter may be constructed of wood frame within, encased and covered on the outside with fireproof material of iron, cement or brick, and of no other construction of any kind whatsoever. Before any building may be constructed, the permit provided for in § 97.043 must be secured.
(1999 Code, § 7-210)

POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES

§ 97.060 POISONOUS AND FLAMMABLE GASES.

Any person, firm or corporation desiring to store or keep in the municipality for any period of time any form of poisonous or flammable gas or liquefied petroleum gas or add to, enlarge or replace any facility used for the storage of those gases, must first get permission from the governing body. The governing body shall require the name of the gas, the place of storage and the amount of gas stored. If permission is granted, the governing body shall prescribe those rules, regulations and precautionary actions as it may deem necessary. 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 subchapter; provided, any present use that is discontinued for a period of 60 days shall not be revived without a permit. The provisions of this section shall be controlling throughout the municipality and throughout its zoning jurisdiction.
(1999 Code, § 7-301)

§ 97.061 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION.

In addition to notifying the Municipal Fire Department pursuant to Neb. RS 28-1233(3), any person desiring to store or keep for any period of time explosive materials as defined in Neb. RS 28-1213, or any form of poisonous or flammable gases or liquefied petroleum gases within the municipality shall register the information with the Municipal Clerk 24 hours prior to the storage. The transfer of the explosives or gases to another person within the municipality shall require the person receiving those explosives or gases to register the transfer and the new location of the explosives and gases with the

Municipal Clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the Municipal Clerk. This section shall not apply to the storage of five gallons or less of gasoline.

(1999 Code, § 7-302)

FIREWORKS

§ 97.075 DEFINED.

FIREWORKS shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in C.F.R. Title 49. (1999 Code, § 7-401)

Statutory reference:

Similar provisions, see Neb. RS 28-1241

§ 97.076 PERMITTED FIREWORKS.

(A) 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 inch in length or one-eighth inch in diameter, and which do not contain more than 50 milligrams each in weight of explosive material.

(B) The provisions 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 purposes pursuant to written authorization from the State Fire Marshal.

(1999 Code, § 7-402) Penalty, see § 97.999

§ 97.077 SALE AND USE.

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. Licensees shall only sell fireworks which have been approved by the State Fire Marshal and permissible fireworks may be sold at retail only between December 28 and January 1, and between June 24 and July 5 of each year. During these dates, it shall be unlawful to discharge, explode or use permissible fireworks on any

Friend - General Regulations

Monday through Thursday prior to 10:00 a.m. and after 11:00 p.m., and on any Friday, Saturday, Sunday or July 4 prior to 10:00 a.m. and after midnight.

(1999 Code, § 7-403) (Ord. passed 12-7-1999; Ord. 02-759, passed 6-4-2002; Ord. 05-683, passed 6-23-2005; Ord. 10-716, passed 9-14-2010) Penalty, see § 97.999

Statutory reference:

Authority or similar provisions, see Neb. RS 28-1246 through 28-1250

§ 97.078 PROHIBITED USES.

(A) It shall be unlawful for any person to discharge, explode, fire, launch or throw any fireworks or any object which explodes upon contact with another object:

- (1) From or into any motor vehicle;
- (2) At or near any person;
- (3) Into or upon any building;
- (4) Onto or at any group of persons; or
- (5) Into or upon the premises of another person.

(B) For purposes of this section, **PERSON** shall mean any natural person or any private or public firm, partnership or corporation. It shall further be unlawful for any person to discharge, fire, launch or throw any fireworks from, to or on any private property without the expressed permission of the owner of the property. The provisions of this section shall not apply to any fireworks to be used for the purpose of public exhibitions or displays under authorization of the governing body.
(1999 Code, § 7-404) (Ord. 02-580, passed 6-4-2002) Penalty, see § 97.999

§ 97.999 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this title, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) 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 a part of the judgment in the case.
(1999 Code, § 7-501) (Ord. 00-20, passed 6-6-2000)