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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

The village and the Rural Fire District own and operate the Village Fire Department through the fire chief. The Rural Fire District owns, maintains, and insures the equipment. The village owns the building housing the fire equipment, pays the insurance on the building, provides for membership on the Fire Department, and pays for the insurance on the volunteer firefighters. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department, shall each year provide in the budget for the Fire Department fund. The fund shall be at all times in the possession of the village treasurer. (Neb. Rev. Stat. §17-718, 17-953, 35-530) (Am. by Ord. No. 81-1, 8/17/81)

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. (Am. by Ord. No. 81-1, 8/17/81)

SECTION 8-103: RESCUE SQUAD

The Fire Department may also operate a rescue unit for the benefit of those within the Fire Protection District. 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 or the facility chosen by the patient or his or her family. When available, rescue personnel shall respond to all fire calls. (Neb. Rev. Stat. §35-514.02)

SECTION 8-104: RULES AND REGULATIONS

All members of the Fire Department shall be directed by the fire chief and governed by the provisions adopted by the Rural Fire Board and the members of the Fire Department. The secretary of the Fire Department shall keep a record of all meetings and shall within one week of the date of any such meeting provide the village clerk with a copy of the minutes thereof. In addition, said secretary shall maintain and distribute to all members and the Rural Fire Board a current copy of all rules and regulations adopted by the Fire Department. In the event of a conflict between rules and regulations of the department and rules and regulations of the board, the rules and regulations of the board shall control. (Ord. No. 81-1, 8/17/81)

SECTION 8-105: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department. The chief shall manage the Fire Department and it shall be his or her duty to inform the Rural Fire 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 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 or her.

B. The fire chief shall, before December 1 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 fires arising within his jurisdiction.
(Neb. Rev. Stat. §17-505, 35-102, 35-108, 81-506, 81-512) (Am. by Ord. No. 81-1, 8/17/81)

SECTION 8-106: RESCUE SQUAD CHIEF

The rescue squad chief shall have immediate control over the rescue vehicle. It shall be his duty to keep the same in good and proper working order and to prescribe rules and regulations subject to the review of the Rural Fire Board for its use. The chief shall make a detailed report to the board whenever requested to do so of any improvements, repairs, and additional equipment that the vehicle might require. He or she shall have such additional duties as may be prescribed by the board.

SECTION 8-107: MEMBERSHIP

A. The fire chief shall appoint no more than 32 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 Rural Fire Board.

C. Members of the Fire Department may hold meetings and engage in social activities with the approval of the Rural Fire Board and/or Village Board of Trustees. The secretary shall keep a record of all meetings. All records shall be available to the public during normal business hours.

D. Members of the Fire Department shall be considered to be employees of the village for the purpose 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 duties in an amount set by resolution. The board shall purchase and maintain in force a policy of group term life insurance to age 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 municipality or rural or suburban fire protection district, the policy shall be purchased only by the first entity 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 70. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department.

E. For purposes of Neb. Rev. Stat. §33-139.01, volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the village.

(Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108) (Ord. No. 81-1, 8/17/81) (Am. by Ord. No. 86-3, 3/17/86)

SECTION 8-108: TERMINATION OF MEMBERSHIP

A. Membership in the Fire Department may be terminated by the Executive Board of the Ceresco Volunteer Fire Department or Rural Fire Board or by action of a majority of the members present at a meeting for any one or a combination of the following reasons:

1. Violation of or failure to comply with state statutes, village ordinances, or rules and regulations of the Village Board or Fire Department during the carrying out of duties as a member of the department;
2. Failure or refusal to comply with a lawful order of the fire chief, rescue squad chief, or other authority;
3. Inefficiency, incompetence or negligence in the performance of duties as a Fire Department member;
4. Negligent or improper use of Fire Department equipment;
5. Failure to obtain or maintain a current license or certificate required by the department;
6. Other acts which bring discredit upon the department or village.

B. The Fire Department may terminate membership for any of the above-designated reasons. The member may appeal any such decision to the Village Board, which

shall hear all evidence in closed session unless requested otherwise by the appellant. Upon a complaint being filed with the board that any member has violated any of the above provisions for removal, the board shall direct the fire chief to conduct an investigation and to make a report within 30 days. Upon receipt of such report, the board may, without action of the department members, provide notice to the affected members and conduct hearings to determine whether the violations alleged in the complaint occurred and to determine what action, if any, should be taken regarding any membership in the Fire Department. Such hearings may be held in closed session unless the affected member requests otherwise. The board may also choose to terminate membership in the Fire Department without a cause or reasons and the member should not have any expectation of continuing indefinitely in the department. (Ord. No. 81-1, 8/17/81)

SECTION 8-109: 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 Rural Fire Board and/or the village. Village employees shall not be involved in the fire or rescue actions other than as firefighters or Rescue Squad members. (Neb. Rev. Stat. §28-519)

B. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. Maintenance of the Fire Department building is the responsibility of the Village Board. The temperature of the building shall be controlled to insure that oxygen and other equipment of the Rescue Squad and other department companies are maintained at safe operating and administration temperatures.

SECTION 8-110: 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 8-111: IMPERSONATING FIREFIGHTER

It shall be unlawful for any person to falsely personate a firefighter by wearing a badge or other apparel usually worn by a firefighter for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theatrical representation of a firefighter 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 firefighters 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 has 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 shall have sounded until the fire trucks shall 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 intentionally and without good and reasonable cause raise any false alarm of fire. (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. In the event that a spectator refuses, neglects or fails to assist the Fire Department after a lawful order to do so, said person shall be deemed guilty of a misdemeanor. (Am. by Ord. No. 81-1, 8/17/81)

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 commits

the offense of interfering with a firefighter if at any time and place where any firefighter is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any firefighter in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any firefighter while performing his or her 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 WATCH

After all fires have been extinguished and the firefighting equipment has been removed from the scene, a fire watch shall be maintained about the fire area for a period of not less than 24 hours or until, in the opinion of the fire chief, the fire is deemed to be completely extinguished and no possibility of re-kindling is likely

SECTION 8-209: 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 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. (Neb. Rev. Stat. §81-506) (Am. by Ord. No. 86-4, 5/19/86)

SECTION 8-210: DISTANT FIRES

Upon the permission of the village chair, Rural Fire Board president or fire chief or pursuant to any agreement with a rural fire district for mutual aid and protection, such fire equipment owned by the village, if any, may be used beyond the corporate limits to extinguish a reported fire. The firefighters of the village shall be considered as acting in the performance and within the scope of their duties in fighting fires or saving property or life outside the corporate limits of the village when directed to do so by the village chair, fire chief, Rural Fire Board president or other authorized person and in so doing, may use such fire equipment of the village as may be designated by the Village Board or Rural Fire Board.

Article 3 – Fire Prevention

SECTION 8-301: FIRE PREVENTION CODE

All of the provisions of the most recent edition of the Fire Prevention Code, as 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, most recent 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: STOVES, FURNACES, AND CHIMNEYS

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 8-305: OUTDOOR FIRE PITS AND FIREPLACES

Notwithstanding anything in this article to the contrary, it shall be lawful to build or set out fires in a fire pit subject to the terms, rules, and regulations hereinafter set forth, to wit:

A. For purposes of this section, "fire pit" is defined as either a commercially manufactured portable device made mostly of metal or clay, designed to contain the components of a fire at all times and further designed to have wood burned within it or containing a gas burning element or constructed "in ground" of fireproof materials and designed to contain the components of a fire at all times.

B. For purposes of this section, a commercially manufactured fire pit originally purchased from a retail store shall be permitted in the village provided it is located a minimum of 10 feet from any structure and located at least 4 feet from any property line.

C. A self-constructed in-ground fire pit shall be allowed if inspected by the village to determine that it meets the requirements below and shall be designed to include the following:

1. Be located at least 10 feet from any structure;
2. Be located at least 4 feet from any property line;
3. Be constructed of fireproof, noncombustible materials such as steel, brick, or masonry;
4. Burn area shall not exceed 3 feet in diameter;
5. Be at least 4 inches in depth in the ground or, in the alternative, be built upon non-combustible material such as brick or masonry; and
6. Though not required, it is recommended that a metal fireproof screen of not more than 1 inch mesh be placed on top of the fire pit so as not to permit the escape of burning paper or other substance.

D. All fire pits shall:

1. Be constantly attended and supervised by at least one responsible, capable person, who should be near the fire at all times;
2. Have adjacent thereto a portable fire extinguisher or other approved extinguishing equipment such as a readily available garden hose or a large bucket of sand;
3. Not have a fire pile exceeding 2 feet in height;
4. Not exceed 3 feet in diameter;
5. Not burn any material that is offensive or objectionable because of smoke or odor omissions;
6. Not burn any paper or other waste products, such as leaves, yard waste, cardboard, garbage, and other similar items;
7. Be subject to immediate extinguishment if a village official determines that the burning of material in the fire pit creates or adds to a hazardous or objectionable situation;
8. Not be used between 1:00 a.m. and 8:00 a.m. of any day of the week.

E. These terms, rules, and regulations shall not apply to fire pits fueled with propane and/or natural gas.

(Neb. Rev. Stat. §81-520.01 (Ord. No. 2011-4, 7/19/11))

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 within ten days after such explosives are brought into the village. The clerk shall provide such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the village shall require the individual receiving the explosives 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. All 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 cement, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facilities 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)

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 and a valid ATF permit. (Neb. Rev. Stat. §17-556, 28-1229)

SECTION 8-404: POISONOUS OR FLAMMABLE GASES

Any person, firm or corporation desiring to store or keep in the village any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge or replace any facility used for the storage of such gases must first get a permit from the building inspector, who shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, said permit shall only be granted by the building inspector pursuant to such rules, regulations, and precautionary actions as the Village Board has prior thereto deemed necessary. (Neb. Rev. Stat. §17-549) (Am. Ord. No. 2021-7, 12/1/21)

Article 5 – Fireworks

SECTION 8-501: USE, SALE, POSSESSION; STATE STATUTES

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: REGULATION BY VILLAGE BOARD

Permissible fireworks may be sold at retail, discharged, exploded or used within the village as set by resolution of the Village Board in conformance with all applicable Nebraska statutes. (Am. by Ord. No. 85-5, 5/20/85; 2011-1, 3/15/11; 3-2013, 5/21/13)

SECTION 8-503: DISCHARGE; EXCEPTION

It shall be unlawful for any person to discharge, explode or use any fireworks other than permissible fireworks, except by approval of the Village Board. These provisions shall not apply to any fireworks for the purposes of public exhibitions or displays purchased from a distributor licensed under state law or holder of a display license issued by the state fire marshal and a current ATF permit as provided by state and federal law. (Ord. No. 85-5, 5/20/85)

SECTION 8-504: VENDORS

A. It shall be unlawful for any person to sell, hold or offer any fireworks for sale unless such person has obtained a permit from the village. The fee shall be set by resolution of the Village Board and placed on file in the office of the village clerk for public inspection.

B. Persons under the age of 14 shall be prohibited from selling fireworks at retail. (Am. by Ord. No. 85-5, 5/20/85; 2010-7, 11/16/10)

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. (Am. by Ord. Nos. 89-8, 2/19/90; 2002-13, 10/15/02)