

## **CHAPTER 7: FIRE REGULATIONS**

Article

- 1. FIRES**
- 2. FIRE PREVENTION**
- 3. PENAL PROVISION**



## **ARTICLE 1: FIRES**

### **§ 7-101 FIRES; 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 Firemen 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.

### **§ 7-102 FIRES; DISORDERLY SPECTATOR.**

It shall be unlawful for any person during the time of a fire and for a period of thirty-six (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 such time to arrest or command any such person to assist them in the performance of their official duties. (*Ref. 28-730.01 RS Neb.*)

### **§ 7-103 FIRES; 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.

### **§ 7-104 FIRES; 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. (*Ref. 28-730. 01 RS Neb.*)

### **§ 7-105 FIRES; OBSTRUCTION.**

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (15) feet of the said hydrant. Any vehicle or material found as an obstruction may be

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immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. (*Ref. 39-672 RS Neb.*)

**§ 7-106 FIRES; 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. (*Ref. 28-730.01 RS Neb.*)

**§ 7-107 FIRES; 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. (*Ref. 39-682 RS Neb.*)

**§ 7-108 FIRES; FALSE ALARM.**

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

## **ARTICLE 2: FIRE PREVENTION**

### **§ 7-201 FIRE PREVENTION; 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 Article as though spread at large herein together with all subsequent amendments thereto. Three (3) copies 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; FIRE LIMITS DEFINED.**

The following described territory in the Municipality shall be and constitute the fire limits:

All of Blocks One, Two, Four, Five, original Town of Plainview, all of Block Eight except Lots 13 through 25, and all of Block Nine except Lots 1 through 4 and 17 through 20; in Kimball and Blairs Addition to Plainview, Nebraska. (*Ref. 17-550 RS Neb.*) (*Amended by Ord. No. 732, 3/9/00*)

### **§ 7-204 FIRE PREVENTION; FIRE LIMITS MATERIALS.**

Within the aforesaid fire limits, no structure shall be built, altered, moved, or enlarged unless such structure will be enclosed with walls constructed wholly of stone, well-burned brick, terra cotta, concrete, or other such noncombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof. (*Ref. 17-550 RS Neb.*)

### **§ 7-205 FIRE PREVENTION; FIRE PROHIBITED.**

It shall be unlawful for any person to set out a fire on the pavement, or near any curb, now built or hereafter to be built, within the Municipality. (*Ref. 17-556 RS Neb.*)

**§ 7-206 FIRE PREVENTION; FIRES REGULATED.**

It shall be lawful 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 (1") inch mesh, and located at least twenty (20') feet 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 (7:00) o'clock A.M. and completely extinguished by eight (8:00) o'clock 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 Chief, on a form provided by the State 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 (20') feet from any building. (*Ref. 17-549, 17-556, 81-520.01 RS Neb.*) (*Amended by Ord. No. 399, 9/14/82*)

**§ 7-207 FIRE PREVENTION; 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) of this section for an area under the municipal 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 municipal 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) of this section.

(E) The 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. These 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 division (B) of this section in the course of that state's or political subdivision's official duties. (*Ref. 81-520.01 RS Neb.*) (*Ord. No. 359, 10/13/80*) (*Amended by Ord. Nos. 398, 9/14/82; 612, 2/14/95; 7-207, 5/8/12*)





**ARTICLE 3: PENAL PROVISION**

**§ 7-301 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 744, 7/11/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*

