

Chapter 7

FIRE REGULATIONS

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. 28-908 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. *(Ref. 28-519 RS Neb.)*

§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. 28-908 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 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. 60-6,166 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. 28-908 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. 60-6,184 RS Neb.)*

§7-108 FIRES; TRAFFIC. Every vehicle already stationary when the fire alarm shall have been sounded must remain so for a period of five (5) 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 five hundred (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. *(Ref. 60-6,183 RS Neb.)*

§7-109 FIRES; FALSE ALARM. It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. (*Ref. 28-907, 35-520 RS Neb.*)

§7-110 FIRES; 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. (*Ref. 28-908 RS Neb.*)

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; 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; REMOVAL REQUIRED. In the event that any wooden or combustible building or structure is damaged to the extent of fifty (50%) percent or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt, but shall be taken down and removed within thirty (30) days from the date of such fire or other casualty. (*Ref. 17-550 RS Neb.*)

§7-206 FIRE PREVENTION; REPAIR REQUIRED. In the event that a building becomes damaged to the extent of less than fifty (50%) percent of its value, exclusive of the foundation, it shall be the duty of the owner, lessee, or occupant to remove or repair the said building in accordance with the provisions of this Article and with the provisions of this Code relating to building permits. It shall be unlawful for any person to allow a building to stand in such damaged or decayed condition. Any such building shall be removed or repaired within thirty (30) days after receiving notice to do so by the Governing Body. (*Ref. 17-550 RS Neb.*)

§7-207 FIRE PREVENTION; FIRES REGULATED. It shall be lawful to build or set out 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.*) (*Ord. No. 239, 4/5/83*)

§7-208 FIRE PREVENTION; OPEN BURNING BAN; WAIVER. (1) There shall be an open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The Fire Chief of the Springfield Rural Fire Protection District or his or her designee may waive an open burning ban under division (1) 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.

(3) The Fire Chief or his or her designee 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.

(4) The Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under division (2) of this section. (*Ref. 81-520.01 RS Neb.*)(*Ord. No. 240, 4/5/83*) (*Amended by Ord. Nos. 370, 3/7/95; 818, 6/19/12*)

Article 3. Explosives

§7-301 EXPLOSIVES; STORAGE REGISTRATION. Any person storing dynamite, gunpowder, nitroglycerine, or other high explosives within the Municipality shall register such information with the Municipal Clerk. The Clerk shall provide such information to the Municipal Fire Chief. Explosives 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. (*Ref. 17-549 RS Neb.*)

§7-302 EXPLOSIVES; BLASTING PERMITS. Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction and under their supervision, and 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. (*Ref. 17-556, 28-1229 RS Neb.*) (*Ord. No. 317, 3/13/90*)

Article 4. Penal Provision

§7-401 VIOLATIONS; PENALTY. (1) 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 five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) 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. (*Ref. 17-505, 18-1720, 18-1722 RS Neb.*) (*Amended by Ord. No. 495, 7/5/00*)