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CHAPTER VII FIRE DEPARTMENT

ARTICLE I - ORGANIZATION

SECTION 7-101: OPERATION AND FUNDING

The City operates the City Fire Department through the Fire Chief. The City Council, for the purpose of defraying the costs of the management, maintenance, and improvement of the Fire Department, shall each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The fund shall, at all times be in the possession of the city treasurer. The Fire Chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders or other apparatus needs repair. Upon the written consent and directive of the City Council, the Fire Chief shall cause the repair, improvement or maintenance of the said equipment and shall personally supervise and approve the same.

SECTION 7-102: MEMBERSHIP

The Fire Chief shall appoint no more than 25 members to each Fire Department company, subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the City for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$10,000.00 for death from any cause to age 65 and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age 65; provided, the firemen covered are actively and faithfully performing the duties of their position. The Fire Department shall consist of so many members as may be decided by the City Council. The members may organize themselves in any way they may decide, subject to the review of the City Council. They may hold meetings and engage in social activities.

The secretary shall, keep a record of all meetings upon request and shall make a report to the City Council of all meetings and activities of the Fire Department. The City Council may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. 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 City Council. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty

of any violation of the municipal code or the laws of the State of Nebraska; provided, however, volunteer firefighters and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City.

SECTION 7-103: OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES

There are hereby created the offices of Fire Chief, Assistant Fire Chief and two Captains of the Fire Department. Said officers shall be elected by the active members of said Fire Department, approved by the Mayor and City Council of said city, and shall hold their offices until their successors are elected and approved by the Mayor and City Council. The Fire Chief shall be a member of the City Board of Health. Such officers may be removed from office by the Mayor and City Council for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs by removal or otherwise the members of said Fire Department shall immediately elect a successor subject to the approval of the City Council. In the event of the failure of said Fire Department to elect a Fire Chief, assistant Fire Chief or Captains, or in case of a vacancy in any of said offices, for a period of five days after such vacancy occurs the City Council shall fill such vacancy by the appointment of some member of the Fire Department to said office.

SECTION 7-104: POWERS AND DUTIES OF CHIEF

The Fire Chief shall have full control of the actions of the members of the Fire Department during the time said department is on duty at a fire or during the period of fire drills, and the Fire Chief shall have full charge and control of all of the equipment of said Fire Department and of the movement thereof. The Chief shall have and is hereby invested with the authority of a police officer in the performance of his/her duty as such Fire Chief. It shall be his/her duty to preserve and maintain order at all times during a fire and he/she shall have power and authority to call to his/her aid, either for the purpose of maintaining order or for the performance of any other act in connection with the fire, any and all bystanders whom he/she may select at the time; and it shall be the duty of all persons who are called upon by the Fire Chief for service at a fire to promptly obey all orders issued by him/her. It shall also be the duty of the Fire Chief to see that all fire equipment is in proper working order and to report to the Mayor whenever any repairs or new equipment are required. He/she shall perform such other duties as are imposed upon him/her by law.

SECTION 7-105: ADDITIONAL POWERS AND DUTIES OF CHIEF

It shall be the duty of The Chief of the Fire Department, as often as directed by the Mayor or City Council, or as often as The Chief shall deem it necessary, to enter any house, building or premises within said city for the purpose of examining the fire flues, hearths, chimneys, stoves, stove pipes, ovens, boilers

and other apparatuses likely to cause fire, and also places where any coal, oils, gasoline, tar, hay, straw, shavings or any other combustible material may be lodged or stored. The Chief shall give such directions in regard to the several foregoing matters as he/she shall deem expedient to guard against fire or accident, either for the removal, alteration or better care and management thereof.

SECTION 7-106: FAILURE TO OBEY NOTICE OF FIRE CHIEF; PENALTY

Whenever The Chief shall give the directions mentioned in the foregoing section to the owner or occupant of any premises, either verbally or by written notice, it shall be the duty of said owner or occupant to cause such removal or alteration thereof within 24 hours at the owner's or occupant's expense. If the owner or occupant refuses or neglects to cause such removal or alteration within the time specified, upon conviction he/she shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance and shall pay the costs of prosecution. His/her failure to comply with such directive for each 24 hours thereafter shall constitute a separate and distinct offense.

SECTION 7-107: RECORDS

The Fire Chief shall keep or cause to be kept a record of all fires and shall make a full report of such records to the City Clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved and whether criminal conduct may have been involved. In the event of sizable property damage, he/she shall include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

SECTION 7-108: FIRES

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the City; and to secure the observance of all ordinances, laws and other rules and regulations with respect to fires and fire prevention.

SECTION 7-109: DISTANT FIRES

Upon the permission of the Mayor or Fire Chief, the fire equipment of the City may be used beyond the corporate limits to extinguish a reported fire.

SECTION 7-110: 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 removal of any building, erection, or fence for the purpose of checking the

progress of any fire, and the official in charge of the firefighting 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 checking the same.

SECTION 7-111: 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 same or in the removal and protection of property. In the event that the said spectator refuses, neglects, or fails to assist the Fire Department after a lawful order to do so, he/she shall be deemed guilty of a misdemeanor.

SECTION 7-112: POWER OF ARREST

The Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of 36 hours after its extinguishment to arrest any suspected arsonist, other person hindering or resisting the firefighting effort, or any person who conducts himself/herself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of city police officers to command all persons to assist them in the performance of their duties and to make arrests.

SECTION 7-113: 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 City in which property has been destroyed or damaged when the damage exceeds \$50.00. 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. Such investigation shall be begun within two days of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct the investigation whenever he/she deems it expedient or necessary. The officer making the investigation of fires occurring within the City shall immediately notify the state fire marshal and within one week of the occurrence of the fire, shall, 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 7-114: EQUIPMENT

It shall be unlawful for any person to molest, destroy or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the City.

SECTION 7-115: INTERFERENCE

It shall be unlawful for any person to hinder or obstruct the Fire Chief or the members of the Fire Department in the performance of their duty.

SECTION 7-116: 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 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 7-117: 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.

SECTION 7-118: 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.

SECTION 7-119: 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.

SECTION 7-120: FALSE ALARM

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

SECTION 7-121: 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.

ARTICLE II - FIRE REGULATIONS

SECTION 7-201: 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 copies of the Fire Prevention Code shall be on file with the City Clerk and shall be available for public inspection at any time that the city office is open for business.

SECTION 7-202: FIRE CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the City Council.

SECTION 7-203: 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 City Council, 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 city ordinances affecting the hazard of fire.

SECTION 7-204: 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 city ordinances, to correct the condition within five days of the date of receipt of such notice.

SECTION 7-205: POISONOUS OR FLAMMABLE GAS

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

SECTION 7-206: 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 at which any public meeting is held to which the general public is entitled to be present.

SECTION 7-207: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow crank case drainage, oil or other flammable substances, other than wood, to be burned in a homemade stove.

SECTION 7-208: BURNING PROHIBITED

It shall be unlawful for any person to set a fire of any kind, either contained fires, such as garbage or other refuse in barrels, or open burning of any kind.

SECTION 7-209: 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 that may hereafter be erected.

SECTION 7-210: 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 his/her designee may waive the open burning ban in his/her district when conditions are acceptable to the marshal. Anyone burning in such district when the open burning ban has been waived must notify the marshal of his/her intention to burn.

(Ref. Neb. Rev. Stat. §81-520.01)

SECTION 7-211: FIRE LIMITS; DEFINED

The following prescribed territory in the City shall embrace and constitute the fire limits of said city, to-wit:

All of Blocks 4, 5 and 8; Lot 1 in Block 7; Lots 1 to 14 inclusive and 30 to 35 inclusive in Block 9; Lots 1 to 12 inclusive in Block 10; Lots 1 to 12 inclusive in Block 11, all in the Original Town of Crawford; Lots 12 to 24 inclusive in Block 21; Lots 1 to 21 inclusive in Block 20, all in Pioneer Townsite Company's Second Addition to the City of Crawford; Lots 1 to 5 inclusive in Block 30, and Lots 12 to 16 inclusive in Block 31, all in Pioneer Townsite Company's Third Addition to the City of Crawford, Dawes County, Nebraska.

SECTION 7-212: FIRE LIMITS; BUILDING PERMIT

Prior to the moving or construction of any building in the fire limits, application must be made to the City Council. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the City Clerk and shall require such information as the City Council deems necessary to determine whether or not to grant a building permit.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-213: FIRE LIMITS; MATERIALS

Within the aforesaid fire limits, no structure shall be built, altered, moved or enlarged unless such structure will be enclosed with such incombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-214: FIRE LIMITS; PERMITTED REPAIRS

It shall be unlawful for any person to repair, alter or add to any building in the fire limits where the repair is less than 50% of the building, unless the said person shall first submit an application with the City Clerk to make such repairs, alterations or additions to any building and shall state on the application that the material used will be non-combustible and approved by the Fire Chief. Repairs in the form of patching and other minor repairs shall not require a permit. In the event that the repairs, alterations or additions cost or involve more than 50% of the building, the owner shall be required to apply for a new building permit, which shall state that the building, when completed, shall be fireproof and made of non-combustible materials.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-215: FIRE LIMITS; REMOVAL REQUIRED

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or casualty.
(Ref. Neb. Rev. Stat. §17-550)

SECTION 7-216: FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged to the extent of less than 50% of its value, exclusive of 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. It shall be unlawful for any person to allow a building to stand in such damaged and decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the City Council.

(Ref. Neb. Rev. Stat. §17-550)

ARTICLE III - EXPLOSIVE MATERIAL

SECTION 7-301: 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.

SECTION 7-302: BULLETS

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

SECTION 7-303: BLASTING PERMITS

Any person wishing to discharge high explosives within the City must secure a permit from the City Council, and shall discharge such explosives in conformance with such directives and precautions as may be prescribed under the direction and supervision of the Council; 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. Neb. Rev. Stat. §17-556)

SECTION 7-304: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, gunpowder or other high explosives in any quantity shall register such information as the City Council may require with the City Clerk, who shall forward such information to the Fire Chief. Registration shall not be required for individuals involved in making ammunition for their private use.

ARTICLE IV - FIREWORKS

SECTION 7-401: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the City, as defined by Neb. Rev. Stat. §28-1241 (Reissue 1985), 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 V - PENAL PROVISION

SECTION 7-501: 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.