

CHAPTER 7 – FIRE REGULATIONS

ARTICLE 1 – FIRE REGULATIONS

SECTION 7-101: 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 Village Board, 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 village ordinances affecting the hazard of fire. ▫

SECTION 7-102: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep any form of poisonous or flammable gas or liquefied petroleum gas in the Village for any period of time must first get permission from the Board of Trustees; provided, it shall be lawful to store gasoline in amounts not exceeding five gallons without permission. Nothing in this section shall be construed to prohibit the storage of more than five gallons of gasoline in an underground tank or storage facility. "Underground storage facility" shall not mean or include a basement in any dwelling, business establishment or other building commonly frequented by persons. It shall be lawful to store gasoline in quantities greater than provided herein when the storage container is connected directly to the engine or facility which consumes the gasoline. The Board 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 Board to prescribe such rules, regulations and precautionary actions as it may deem necessary. ▫

SECTION 7-103: 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 where public gatherings take place within the corporate limits while any entertainment, program, show, amusement, game, exhibition or other spectacle to which the general public is invited is in progress or while patrons thereof are finding or leaving seats and standing room; provided, the foregoing shall not be construed to apply to banquets, dinners or entertainments held in any of the aforesaid buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith. ▫

SECTION 7-104: FIRES REGULATED

It is lawful to build or set fires within the Village, regardless of whether the fires are in fireproof trash burners or incinerators. It shall be unlawful for any person to set fire to, burn or cause to be burned any garbage, trash, refuse, animal matter, or vegetable matter. The burning of straw, hay, leaves or brush in the open air when

the same can be done without damage to the public or any property is hereby permitted and allowed, but any such burning shall be done while the said fire is attended by the person setting the same, in between the hours of 7:00 A.M. and 8:00 P.M., and said fire shall be located at least 30 feet from any building. It shall be unlawful to do any such burning in the streets or alleys of the Village. ▫

SECTION 7-105: STOVES, FURNACES AND CHIMNEYS

All furnaces, stoves and other heating devices shall be installed at a proper distance from any materials and portions of the building which are combustible. 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 which may hereafter be erected. ▫

SECTION 7-106: PRESERVATION OF PROPERTY

During the time of a fire, any law enforcement officer or official of the Fire Department shall have the power 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, fence or any part thereof for the purpose of checking the progress of any fire. 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 halting the same. ▫

SECTION 7-107: POWER OF ARREST

Any law enforcement officer or the rural fire chief shall have the power during the time of a fire and after its extinguishment to arrest any suspected arsonist or any person hindering or resisting the firefighting effort. ▫

SECTION 7-108: FIRE INVESTIGATION

It shall be the duty of local law enforcement officers and the state fire marshal 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 in an amount exceeding \$500.00. All fires of unknown origin shall be reported, and such officers shall make an investigation and report whether such fire was the result of carelessness, accident or design. The officer making the investigation of fires occurring within the Village shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, 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 7-109: DRIVING OVER HOSE

It shall be unlawful for any person to drive a vehicle over any unprotected hose of the Fire Department unless authorized to do so. ▫

SECTION 7-110: TRAFFIC

Every vehicle within 500 feet of the fire station which is already stationary when the fire alarm has been sounded must remain so for a period of five minutes after the sounding of such alarm. No vehicle 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 members of the Fire Department, doctors or emergency personnel. ▫

SECTION 7-111: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has been sounded until the fire trucks shall have completely passed. ▫

SECTION 7-112: FALSE ALARM

It shall be unlawful for any person intentionally to raise any false alarm of fire. ▫

SECTION 7-113: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or other members of the Fire Department in the performance of their duty. ▫

SECTION 7-114: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of any fire hydrant or have or place any material within 15 feet of 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 7-115: ASSISTANCE

It shall be unlawful for any person to refuse to aid in extinguishing a fire or to assist in the removal and protection of property after the command of the fire chief or assistant fire chief. ▫

ARTICLE 2 – EXPLOSIVE MATERIAL

SECTION 7-201: 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. Such receptacle shall not be located in any room where there is a flame or flammable materials. ▫

SECTION 7-202: BULLETS

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

SECTION 7-203: BLASTING PERMITS

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board 24 hours prior to such discharge and shall discharge such explosives in conformance with such conditions specified in the permit. 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. ▫

SECTION 7-204: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, gun powder or other high explosives in any quantity shall register with the village clerk such information as the Village Board may require. Such information shall be forwarded to the fire chief. ▫

ARTICLE 3 – FIREWORKS

SECTION 7-301: DEFINITIONS

“Applicant” shall mean the individual, partnership or corporate entity seeking to obtain a permit to operate a fireworks stand within the Village. For purposes of the priorities for allocation of permits, the applicant and the owner of the real estate on which the fireworks stand is to be located shall be considered one and the same person or entity if they are related parties. ▫

“Fireworks” shall mean those items of fireworks allowed for sale during any permitted period by the State of Nebraska, which period is presently restricted to a defined number of days as set by each municipality within the range of days allowed by the State leading up to and including the Independence Day holiday. ▫

“Fireworks stand” shall mean any facility, whether temporary or permanent, whether involving a wood, canvas or other structure, where fireworks are sold within the Village during the period of time in which fireworks sales are permitted under this article. ▫

“Related parties” shall mean that there is at least a 50% overlap in ownership between the ownership of the real estate and the ownership of the applicant. ▫

SECTION 7-302: FIREWORKS STANDS; PERMIT REQUIRED

Any individual, partnership, corporation or other company or entity desiring to sell fireworks within the Village during the time allowed shall first obtain a fireworks stand permit from the Village. Each stand shall require a separate permit. ▫

SECTION 7-303: FIREWORKS STANDS; ANNUAL FEE

The annual fee for a fireworks stand within the Village shall be \$2,500.00. Payment shall be submitted to the village clerk along with the permit application. ▫

SECTION 7-304: FIREWORKS STANDS; SALES PERIOD

Fireworks may be sold in the Village only for the seven days preceding and including the Independence Day holiday, being June 28 through July 4, with the seventh day ending at 10:00 P.M. the evening of July 4. ▫

SECTION 7-305: FIREWORKS STANDS; TIME REQUIREMENTS FOR APPLICATION

Application for each permit shall be made with the village clerk any time after February 15 each calendar year, but at least 24 hours prior to the regularly scheduled May meeting of the Board of Trustees so that all such applications can be placed on

the May agenda for approval. All fireworks applications for the year will be considered at the May meeting. ▫

SECTION 7-306: FIREWORKS STANDS; REQUIREMENTS

1. The application for a fireworks stand permit shall state the location where the fireworks stand is to be located, the proposed beginning date of operation and the proposed ending date of operation. Each application shall include an approximate plot plan showing width and depth of the permit area and location of the fireworks stand so that the Village Board can assess adequacy of parking. All fireworks stands shall provide adequate areas for off-street parking to accommodate expected customers. No fireworks stand shall be located closer than 500 feet from any other fireworks stand. All requirements of Chapter 9, Article 4 of the Zoning Code regarding off-street parking for retail businesses shall apply to fireworks stands. ▫

2. Each fireworks stand shall: ▫

- A. Maintain all fireworks inventory at least 50 feet from any other structure; ▫
- B. Permit no open flame within 25 feet of the fireworks offered for sale; ▫
- C. Post "NO SMOKING WITHIN 25 FEET" signs clearly visible with at least 2½" lettering on all sides of the stand facing the public; ▫
- D. Post "NO DISCHARGING OF FIREWORKS WITHIN 100 FEET OF STAND" signs clearly visible with at least 2½" lettering on all sides of the stand facing the public; ▫
- E. Post "NO PARKING WITHIN 12 FEET" signs clearly visible with at least 2½" lettering on all sides of the stand facing the public; ▫
- F. Permit no vehicle to be parked unattended within 12 feet of the stand;
- G. Not allow any matches or butane lighters to be stored, sold or given away at such stand; ▫
- H. Furnish and maintain at least one multi-purpose portable fire extinguisher in all areas used for the sale and storage of fireworks, said extinguisher to have a rating of at least 4-A for Class A fires, mounted conspicuously not more than five feet from the floor to the top of the extinguisher and just inside the walk-in door. All personnel must be instructed in proper fire extinguishing procedures; and, ▫
- I. Require that at least one competent person 18 years or older be in attendance at ALL times while the stand is open for business. ▫

SECTION 7-307: FIREWORKS STANDS; RESOLVING CONFLICTS AMONG APPLICANTS

In the event all other conditions are met, permits for fireworks stands which would otherwise be within 500 feet of each other shall be determined under the following

system of priorities: ▫

1. Any applicant who owns the real estate on which his/her/their fireworks stand is to be located shall have priority over an applicant who proposes placing a fireworks stand on leased or otherwise non-owned property. ▫

2. Between competing applicants who own the property on which the fireworks stand is to be located, the order of priority is the day the application was submitted to the village clerk; and if submitted on the same date, the priority will be determined by lot by means of a coin toss conducted by the chairman or, in his/her absence, by a designated member of the Board of Trustees. ▫

3. Between competing applicants who are leasing or otherwise do not own the property on which the fireworks stand is to be located, the order of priority is the day the application was submitted to the village clerk; and if submitted on the same date, the priority will be determined by lot by means of a coin toss conducted by the chairman or, in his/her absence, by a designated member of the Board of Trustees. ▫

SECTION 7-308: FIREWORKS STANDS; REMOVAL AND CLEANUP; PENALTIES

Each fireworks stand that is not a permanent structure shall be removed from its temporary location within ten calendar days of the last day of sale (July 4). All fireworks stands and the surrounding grounds on which located shall be cleaned up and all trash and debris removed within ten calendar days of the last day of sale (July 4). Any permittee or related party who fails to remove a temporary fireworks stand or fails to clean up the surrounding grounds will be billed the expense of such cleanup and removal and will be ineligible for a fireworks stand permit for the next two years. ▫

SECTION 7-309: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

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 Neb. Rev. Stat. §28-1241 to 28-1252. ▫

ARTICLE 4 – PENAL PROVISION

SECTION 7-401: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than \$500.00. Each day that maintenance of the same continues shall constitute a separate offense. ▫

