

CHAPTER 3

DEPARTMENTS

ARTICLE 8. FIRE DEPARTMENT

3-801 FIRE DEPARTMENT; OPERATION AND FUNDING. The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost of the management, maintenance and improving the fire department, may 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 Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The fund shall be at all times in the possession of the Municipal Treasurer.

In addition to the above, the Fire Department is authorized to enter into an agreement with the appropriate Rural Fire District(s) for the mutual aid and protection of the residents of both the municipality and the rural fire district (Ref. 17-718, 18-1709, 81-829.37 RS Neb.)

3-802 FIRE DEPARTMENT; FIRE CHIEF. The Fire Chief shall manage the Fire Department and it shall be his or her duty to inform the Governing Body when any of the fire engines, hoses, ladders or other apparatuses need repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall personally supervise and approve the same. It shall be the duty of the Fire Chief to come before the Governing Body at the regular meeting in January of each year to give an annual report concerning the general condition of all equipment and the proposed additions or improvements recommended by him or her.

3-803 FIRE DEPARTMENT MEMBERSHIP. The Fire Chief shall appoint no more than twenty-five (25) members for each Fire Department Company subject to the review and approval of the Governing Body. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the municipality for the purpose of providing them with worker's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least five thousand dollars (\$5,000) for death from any cause to age sixty-five (65) and such policy shall at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65), provided that 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 Governing Body. The members may organize themselves in any way they may decide, subject to the review of the Governing Body. The Secretary shall, upon request, keep a record of all meetings and make a report to the Governing Body on all activities of the Fire Department. The Governing Body may, for services rendered, compensate or reward any member 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 Governing Body. 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 policemen and shall have full power and authority to arrest all persons guilty of any violation of the Municipal Code or the laws to the State of Nebraska. (Ref. 35-101 through 35-103 and 35-108 RS Neb)

3-804 FIRE DEPARTMENT RECORDS. The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, a record of all fires and shall make a full report of such records to the Municipal Clerk during the last week in April and October of 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 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.

3-805 FIRE DEPARTMENT; DISTANT FIRES. Upon the permission of the Village Chairman or Fire Chief, such fire equipment of the Municipality as may be designated by the Governing Body as rural equipment, may be used beyond the corporate limits to extinguish a reported fire.

3-806 FIRE DEPARTMENT; IMPERSONATING A FIREMAN. It shall be unlawful for any persons to falsely impersonate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing herein shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (Ref 28-1219 RS Neb)

3-807 FIRE DEPARTMENT; POWER OF ARREST. The Municipal Fire Chief or the Assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after is extinguished, to arrest any suspected arsonist or other persons hindering or resisting the fire fighting effort. The said officials shall be severally vested with the usual powers and authority of Municipal Law Enforcement Officer to command all persons to assist them in the performance of their duties.

3-808 FIRE DEPARTMENT; 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 Municipality in which property has been destroyed or damaged in excess of fifty dollars (\$50). 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 (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall within one (1) week of the occurrence of the fire, furnish him or her with a written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for. (Ref 81-506 RS Neb)