

## **CHAPTER 7: FIRE REGULATIONS**

### Article

- 1. FIRES**
- 2. FIRE PREVENTION**
- 3. POISONOUS AND FLAMMABLE GASES  
AND EXPLOSIVES**
- 4. FIREWORKS**
- 5. PENAL PROVISION**

## **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. 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. 28-908 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. 39-682 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. 39-681 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.*)

## **2: FIRE PREVENTION**

### **§ 7-201 FIRE PREVENTION; LIFE SAFETY CODE.**

Incorporated by reference into this Code are the standards recommended by the National Fire Protection Association, known as the Life Safety Code. This Code shall have the same force and effect as if set out verbatim herein. One (1) copy of the Life Safety Code is on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. The provisions of this Code shall apply within the corporate limits and one (1) mile therefrom as the corporate limits now exist or may hereafter be amended. (*Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.*)

### **§ 7-202 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. One (1) copy of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. The provisions of this Code shall apply within the corporate limits and one (1) mile therefrom as the corporate limits now exist or may hereafter be amended. (*Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.*)

### **§ 7-203 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.

### **§ 7-204 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.*)

### **§ 7-205 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.

**§ 7-206 FIRE PREVENTION; SCHOOL DRILLS.**

It shall be the duty of the officials and teachers of all the schools in the Municipality to cooperate with the Municipal Fire Department in conducting fire drills in such number and at such times as the Fire Chief shall prescribe; provided, that at least one (1) fire drill shall be held each month. All doors and exits leading to the outside of the school shall be kept unlocked during school hours.

**§ 7-207 FIRE PREVENTION; FIRE LIMITS DEFINED.**

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

The northeast fourth ( $\frac{1}{4}$ ) of Block One (1), the east half ( $\frac{1}{2}$ ) of Block Four (4), and the southeast fourth ( $\frac{1}{4}$ ) of Block Five (5), Headstrom's Addition, City of Stromsburg, Nebraska; Block One (1), the north half ( $\frac{1}{2}$ ) of Block Two (2), all of Block Five (5), Lots One (1) to Eight (8) inclusive and Lots Seventeen (17) to Twenty-four (24) inclusive, Block Seven (7) and the south half ( $\frac{1}{2}$ ) and the northwest fourth ( $\frac{1}{4}$ ) of Block Six (6), Original Town, City of Stromsburg, Nebraska: All according to the Recorded Plats thereof.

*(Ref. 17-550 RS Neb.)*

**§ 7-208 FIRE PREVENTION; FIRE LIMITS BUILDING PERMIT.**

Prior to the moving or construction of any building in the fire limits, application must be made to the Building Inspector. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the Municipal Clerk and shall require such information as the Governing Body deems necessary to determine whether or not to grant a building permit. *(Ref. 17-550 RS Neb.)*

**§ 7-209 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 such noncombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof. *(Ref. 17-550 RS Neb.)*

**§ 7-210 FIRE PREVENTION; 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 fifty (50%) percent unless the said person shall first submit an application to

make such repairs, alterations, or to add 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, alteration, or addition is to involve more than fifty (50%) percent 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. 17-550 RS Neb.)*

**§ 7-211 RESERVED FOR FUTURE USE**

**§ 7-212 FIRE PREVENTION; 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 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 sixty (60) days from the date of such fire or other casualty. *(Ref. 17-550 RS Neb.)*

**§ 7-213 FIRE PREVENTION; REMOVAL OR REPAIR REQUIRED.**

In the event that a building within the fire limits 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. 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.)*

**§ 7-214 FIRE PREVENTION; LUMBER YARDS.**

It shall be unlawful for any person to locate, establish, or maintain any lumber yard or place for the piling, storing, keeping, or selling any lumber, or to keep any lime, lath, shingles, hay, straw, or other combustible materials on any lot or parcel of ground within said fire limits, unless the same is securely kept in a building constructed of brick, stone, concrete, or other non-combustible material; provided, the foregoing shall not apply to lumber yards now built and in use. *(Ref. 17-549 RS Neb.)*

**§ 7-215 FIRE PREVENTION; PETROLEUM GAS.**

Any person desiring to store or keep in their possession liquefied petroleum gas shall place the containers outside of buildings on nonflammable docks or platforms and no such container shall at any time be stored within a building of any kind. *(Ref. 17-549 RS Neb.)*

**§ 7-216 FIRE PREVENTION; POISONOUS GAS.**

Any person, firm, or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous gas must first get permission from the Police Chief. The Police Chief 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 Police Chief to prescribe such rules, regulations, and precautionary actions as he may deem necessary. *(Ref. 17-549 RS Neb.)*

**§ 7-217 FIRE PREVENTION; 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 afore- said buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith.

**§ 7-218 FIRE PREVENTION; PROHIBITED STOVES.**

It shall be unlawful for any person to permit or allow to be burned crank case drainings, or to burn oil or other flammable substance in a homemade stove. *(Ref. 17-549 RS Neb.)*

**§ 7-219 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.)*

**§ 7-220 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. 387, 8/10/82*)

**§ 7-220.01 FIRE PREVENTION; BUSINESS CENTRAL COMMERCIAL DISTRICT.**

Notwithstanding any other provision of the Stromsburg Municipal Code it shall be unlawful to burn trash, paper, cardboard, debris, or any other material whatsoever within the Business Central Commercial district (BCC) in the City of Stromsburg, Nebraska. (*Ord. No. 718, 9/24/96*)

**§ 7-221 FIRE PREVENTION; 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 noncombustible material. This section shall apply both to existing structures and those which may hereafter be erected. (*Ref. 17-549 RS Neb.*)

**§ 7-222 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 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 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.



(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 (2) of this section in the course of that state's or political subdivision's official duties. *(Ref. 81-520.01 RS Neb.) (Ord. No. 349, 8/26/82)*  
*(Amended by Ord. Nos. 388, 8/10/82; 672, 3/14/95)*

## **ARTICLE 3: POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES**

### **§ 7-301 EXPLOSIVES; STORAGE REGISTRATION; REQUIREMENTS.**

(1) In addition to notifying the Municipal Fire Department pursuant to section 28-1233(3) RS Neb., any person desiring to store or keep for any period of time explosive materials as defined in section 28-1213 RS Neb., shall register such information with the Municipal Clerk twenty-four (24) hours prior to such storage. The transfer of explosive materials to another person within the Municipality shall require the person receiving the explosive materials to register the transfer and the new location of the explosive materials with the Municipal Clerk. The transfer of explosive materials to a new location by the owner shall require registration of the new location with the Municipal Clerk.

(2) All explosive materials shall be stored in a proper receptacle made of cement, metal, or stone and be closed at all times, except when in actual use. Such receptacles shall not be located in any room where there are flames or flammable materials. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees not less than twenty-five feet (25') in all directions. Any other combustible materials shall be kept a distance of not less than fifty feet (50)' from outdoor storage facilities. *(Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.) (Amended by Ord. No. 650, 9/27/94)*

### **§ 7-302 EXPLOSIVES; BULLETS.**

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

### **§ 7-303 EXPLOSIVES; BLASTING PERMITS.**

In addition to notifying the Municipal Fire Department pursuant to section 28-1233(3) RS Neb., any person desiring to discharge explosive materials, as defined in section 28-1213 RS Neb., within the Municipality, shall apply for and secure a permit from the Governing Body twenty-four (24) hours prior to such discharge, and shall discharge such explosive materials in conformance with the 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. *(Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.) (Amended by Ord. Nos. 530, 11/14/89; 651, 9/27/94)*

### **§ 7-304 EXPLOSIVES; TRANSPORTATION.**

Any person wishing to transport high explosives in the Municipality shall first acquire a permit from the Municipal Police and shall take such precautions and use such route as he may prescribe. Nothing herein shall be construed to apply to the Municipal Police, or any of the Armed Services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five (5) minutes within the Municipality and in the event of mechanical failure, immediate notice of such breakdown shall be given the Police Chief who shall then prescribe such precautions as may be necessary to protect the residents of the Municipality and a reasonable time for removal of the vehicle from the Municipality. (*Ref. 17-549, 28-1235 RS Neb.*)

**§ 7-305 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION.**

In addition to notifying the Municipal Fire Department pursuant to section 28-1233(3) RS Neb., any person desiring to store or keep for any period of time explosive materials as defined in section 28-1213 RS Neb., or any form of poisonous or flammable gases or liquefied petroleum gases within the Municipality shall register such information with the Municipal Clerk twenty-four (24) hours prior to such storage. The transfer of such explosives or gases to another person within the Municipality shall require the person receiving such explosives or gases to register the transfer and the new location of the explosives and gases with the Municipal Clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the Municipal Clerk. This section shall not apply to the storage of five (5) gallons or less of gasoline. (*Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.*) (*Ord. No. 652, 9/27/94*)

**§ 7-306 POISONOUS AND FLAMMABLE GASES; PROHIBITED IN RESIDENTIAL DISTRICT.**

It shall be unlawful for any person to keep, store or possess gasoline or diesel fuel in excess of five (5) gallons in any residential district. (*Ord. No. 977, 11/13/06*)

## ARTICLE 4: FIREWORKS

### § 7-401 FIREWORKS; DEFINITIONS.

**DISTRIBUTOR.** Any person engaged in the business of making sales of fireworks or fireworks at wholesale in this State to any person engaged in the business of making sales of fireworks either as a jobber or as a retailer or both.

**FIREWORKS.** Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.

(1) **COMMON FIREWORKS.** Any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition and labeling regulations of the United States Consumer Product Safety Commission set forth in 16 C.F.R., small devices designed to produce audible effects such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition and aerial devices and firecrackers containing one hundred thirty (130) milligrams or less of explosive composition. Class C explosives as classified by the United States Department of Transportation shall be considered common fireworks.

(2) **DISPLAY FIREWORKS.** Those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration or detonation. Includes but is not limited to firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of explosive composition and other display pieces which exceed the limits for classification as common fireworks. Class B explosives as classified by the United States Department of Transportation shall be considered display fireworks. Display fireworks shall be considered an explosive as defined in section 28-1213 RS Neb. and shall be subject to sections 28-1213 to 28-1239 RS Neb., except that display fireworks may be purchased, received and discharged by the holder of an approved display permit issued pursuant to section 28-1239.01 RS Neb.

(3) **PERMITTED FIREWORKS.** Only sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charge for the purpose of making a noise, lady fingers, not to exceed seven-eighths of an inch in length or one-eighth-inch in diameter, total explosive composition not to exceed fifty (50) milligrams in weight, color wheels and any other fireworks approved under section 28-1247 RS Neb.

**JOBBER.** Any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail.

**RETAILER.** Any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers.

**SALE.** Includes barter, exchange or gift or offer therefor and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee. (*Ref. 28-1241 RS Neb.*) (*Ord. No. 504, 11/8/88*)

**§ 7-402 FIREWORKS; PERMITTED FIREWORKS.**

(A) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, vesuvian fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths inch in length or one-eighth inch in diameter, and which do not contain more than fifty (50) milligrams each in weight of explosive material.

(B) The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Governing Body or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal. (*Ref. 17-556, 28-1241, 28-1244, 28-1245 RS Neb.*) (*Ord. No. 505, 11/8/88*)

## ARTICLE 5: PENAL PROVISION

### § 7-501 VIOLATION; 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. 817, 6/13/00)*