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## **CHAPTER 7 – FIRE REGULATIONS**

### **Article 1 – Fires**

## **SECTION 7-101: AGREEMENT WITH RURAL FIRE DISTRICT**

In order to provide the residents of the Village of Firth with fire and rescue protection, the Village Board is authorized to enter into contractual arrangements with the appropriate Rural Fire District. Such an agreement shall provide for mutual aid, protection, and a sharing of necessary expenses between the Village and the Rural Fire Department. The Village Board, for the purpose of defraying the cost of the maintenance and improving the Fire Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund, which shall be at all times in the possession of the village treasurer. (Neb. Rev. Stat. §17-718, 17-953, 35-530)

## **SECTION 7-102: 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 village 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.

## **SECTION 7-103: 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 Village in which property has been destroyed or damaged in excess of \$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 deems it expedient or necessary. The officer making the investigation of fires occurring within the Village shall immediately notify the fire marshal and shall, within one week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire and such further information as he may call for. (Neb. Rev. Stat. §81-506)

## **SECTION 7-104: POWER OF ARREST**

The fire chief or the assistant 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, or other person hindering or resisting the firefighting effort, or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of municipal police officers to command all persons to assist them in the performance of their duties

## **SECTION 7-105: INTERFERENCE**

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duty. (Neb. Rev. Stat. §28-730.01)

## **SECTION 7-106: EQUIPMENT**

It shall be unlawful for any person except the fire chief and the members of the 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 fire apparatus.

#### **SECTION 7-107: 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. (Neb. Rev. Stat. §39-758)

#### **SECTION 7-108: 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 or members of the Fire Department or to emergency vehicles. (Neb. Rev. Stat. §39-753)

#### **SECTION 7-109: 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.

#### **SECTION 7-110: FALSE ALARM**

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

#### **SECTION 7-111: 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. (Neb. Rev. Stat. §28-730,01)

#### **SECTION 7-112: 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 7-113: DISORDERLY SPECTATOR**

It shall be unlawful for any person during the time of a fire and for a period of 36 hours after its extinguishment to hinder, resist, or refuse to obey the 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. (Neb. Rev. Stat. §28-730.01)

### **Article 2 – Fire Prevention**

#### **SECTION 7-201: 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 village ordinances affecting the hazard of fire.

### **SECTION 7-202: 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 other casualty. (Neb. Rev. Stat. §17-550)

### **SECTION 7-203: 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 7-204: FIRES ON STREET**

It shall be unlawful for any person to set out a fire on the street or near any curb now built or hereafter to be built within the Village. (Neb. Rev. Stat. §17-556)

### **SECTION 7-205: FIRE PITS; OPEN FIRES PROHIBITED**

Fire pits or chimineas that keep a small fire contained shall be allowed within the village limits but must be at least 8 feet from a house or outbuilding. No open fires shall be allowed.

## **Article 3 – Explosive Materials**

### **SECTION 7-301: STORAGE; REGISTRATION**

In addition to notifying the Fire Department pursuant to Neb. Rev. Stat. §28-1233(3), any person desiring to store or keep for any period of time explosive materials as defined in Neb. Rev. Stat. §28-1213, or any form of poisonous or flammable gases or liquefied petroleum gases within the Village shall register such information with the village clerk 24 hours prior to such storage. The transfer of such explosives or gases to another person within the Village shall require the person receiving such explosives or gases to register the transfer and the new location of the explosives and gases with the village clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the village clerk. This section shall not apply to the storage of five gallons or less of gasoline. (Neb. Rev. Stat. §17-549, 17-556, 28-1229, 28-1233)

### **SECTION 7-302: TRANSPORTATION; PERMIT**

A. Any person wishing to transport high explosives in the Village shall first acquire a permit from the Village Board and shall take precautions and use the route as the Board may prescribe. Nothing herein shall be construed to apply to the county sheriff or deputies or any members of the armed services of the United States.

B. No vehicle transporting explosives shall make an unscheduled stop for longer than five minutes within the Village. In the event of mechanical failure, immediate notice of such breakdown shall be given to the county sheriff, who shall then prescribe (1) such precautions as may be necessary to protect the residents of the Village and (2) a reasonable time for removal of the vehicle from the Village. (Neb. Rev. Stat. §28-1235)

### **SECTION 7-303: ANHYDROUS AMMONIA**

Any person, firm or corporation desiring to store or keep within the jurisdictional boundaries of the Village for any period of time any form of anhydrous ammonia in any amount or add to, enlarge, or replace any facility used for the storage of such must first get permission from the Village Board. The Board shall require information on the place of storage and the amount of ammonia to be stored. If permission is granted, the Village Board shall prescribe such rules, regulations and precautionary actions as it may deem necessary.

### **SECTION 7-304: 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 7-305: 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 7-306: BULLETS**

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

## **Article 4 – Fireworks**

(Adopted by Ord. No. 2-2001, 2/6/01)

### **SECTION 7-401: DEFINITIONS**

"Fireworks" shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

"Jurisdictional limits" shall mean the territory within the corporate limits of the Village, together with the territory located within one mile of the corporate limits of the Village and outside of any other organized city or village.

"Legal fireworks" shall mean only those fireworks deemed legal by the state fire marshal's office as provided by state law.

"Vendor" shall mean any person engaged in the business of making sales of fireworks at

retail.

"Sale" or "sell" shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

#### **SECTION 7-402: LEGAL FIREWORKS PERMITTED**

Except as otherwise provided in this ordinance, it shall be unlawful for any person to possess, sell, offer for sale, bring into the Village, or discharge, explode or use any fireworks, other than legal fireworks, except that this section shall not be construed to prohibit the transport of fireworks through the Village.

#### **SECTION 7-403: SALE OF FIREWORKS; PERMIT, FEE**

No vendor shall sell legal fireworks in the Village without first obtaining from the office of the village clerk a permit for each location where the vendor proposes to sell legal fireworks. Fees for such permits shall be established from time to time by the Board of Trustees.

#### **SECTION 7-404: DATES AND TIMES OF SALE**

Legal fireworks may be sold at retail or offered for sale at retail within the jurisdictional limits from June 25 through and including July 4 and from December 28 through and including December 31 each year; provided, it shall be unlawful to sell legal fireworks at retail or offer legal fireworks for sale at retail before 6:00 a.m. and after 10:00 p.m. (Am. Ord. No. 2025-04-1, 4/1/25)

#### **SECTION 7-405: DATES AND TIMES OF DISCHARGE**

Legal fireworks may be discharged, exploded, or used within the jurisdictional limits from June 25 through and including July 4 and from December 28 through and including January 1 each year. It shall be lawful to discharge, explode, or use legal fireworks from 10:00 a.m. until 10:30 p.m. on all allowable days, except that on December 31, discharge shall be allowed from 10:00 a.m. through 12:30 a.m. on January 1, or on such other date, at such other times and in such places as the Board shall approve based upon written application to the Village not later than 30 days prior to the date of the proposed usage of such legal fireworks. (Am. Ord. No. 2025-04-1, 4/1/25)

#### **SECTION 7-406: EXCEPTIONS**

The provisions of this ordinance shall not apply to (A) any fireworks for purpose of public exhibitions or displays purchased from a distributor licensed under the state law or the holder of a display license issued by the state fire marshal as provided by state law; (B) any public exhibition or display under the auspices of any governmental subdivision of this state; and (C) toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a gram of explosive material.

#### **SECTION 7-407: SPECIFIC PROHIBITIONS**

It shall be unlawful for any person to discharge, fire, launch, or throw any fireworks or any object which explodes upon contact with any object: (A) from or into any motor vehicle; (B) onto any street, highway, or sidewalk; at or near any person; (C) into or upon any building; or (D) into or upon the premises of another person without the express permission of the owner of said premises.

## **Article 5 – Penal Provision**

### **SECTION 7-501: VIOLATION; PENALTY**

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.