

CHAPTER VII FIRE DEPARTMENT

ARTICLE I - ORGANIZATION

- 7-101 OPERATION AND FUNDING
- 7-102 MEMBERSHIP
- 7-103 OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES
- 7-104 POWERS AND DUTIES OF CHIEF
- 7-105 FAILURE TO OBEY NOTICE OF FIRE CHIEF; PENALTY
- 7-106 RECORDS
- 7-107 DUTY OF FIREFIGHTERS
- 7-108 DISTANT FIRES
- 7-109 FIGHTING DISTANT FIRES
- 7-110 PRESERVATION OF PROPERTY
- 7-111 HOSE TESTING
- 7-112 DISORDERLY SPECTATORS
- 7-113 POWER OF ARREST
- 7-114 FIRE INVESTIGATION
- 7-115 DRIVING OVER HOSE
- 7-116 TRAFFIC
- 7-117 FALSE ALARM
- 7-118 PEDESTRIANS
- 7-119 EQUIPMENT
- 7-120 OBSTRUCTION
- 7-121 IMPERSONATING FIREMEN
- 7-122 MANDATORY ASSISTANCE
- 7-123 PENALTIES

ARTICLE II - FIRE PREVENTION

- 7-201 FIRE PREVENTION CODE
- 7-202 FIRE CODE ENFORCEMENT
- 7-203 LAWFUL ENTRY
- 7-204 VIOLATION NOTICE
- 7-205 POISONOUS OR FLAMMABLE GAS
- 7-206 SMOKING IN PUBLIC PLACES
- 7-207 PROHIBITED FUELS
- 7-208 BURNING PROHIBITED
- 7-209 STOVES, FURNACES AND CHIMNEYS
- 7-210 FIRES REGULATED
- 7-211 OPEN BURNING BAN; WAIVER

ARTICLE III - FIREWORKS

- 7-301 REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

ARTICLE IV - PENAL PROVISION

7-401 VIOLATION; PENALTY

CHAPTER VII 000 000 0 FIRE DEPARTMENT

ARTICLE 1- ORGANIZATION

SECTION 7-101: OPERATION AND FUNDING

The Village owns and operates the village fire department and rescue squad through the village volunteer fire chief and volunteer firemen and volunteer emergency medical personnel. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvement of the fire department and rescue squad, 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 Village that is subject to taxation. Upon collection of such tax, the city or village treasurer shall disburse the same upon the order of the chief of the fire department and/or rescue squad with the approval of the Board of Trustees, or such revenue may be accumulated in a sinking fund or sinking funds maintained by the Village Treasurer to be used for the benefit of the fire department and rescue squad as allowed by state law.

Source: Neb. Rev. Stat. §17-718, 18-1201

SECTION 7-1 02: MEMBERSHIP

The fire chief shall appoint no more than 25 members per each fire department company, subject to the review and approval of the Village Board. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Village 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 \$5,000.00 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 Board of Trustees. The members may organize themselves in any way they may decide, subject to the review of the Board of Trustees. They may hold meetings and engage in social activities with the approval of the Board of Trustees. The secretary of the fire department shall keep a record of all meetings and shall make a report to the Board of Trustees of all meetings and activities of the fire department. The Board of Trustees may, for services rendered, compensate or reward any member of 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 Board of Trustees. 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 the full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the State of Nebraska.

Source: Neb. Rev. Stat. §35-1 01 through 35-103,48-115

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 and approved by the chairman and Board of said village, and shall hold their offices until their successors are elected and approved by the chairman and Board. Such officers may be removed from office by the chairman and Board 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 Board. 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 Village Board 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 chairman 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: 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 within 24 hours to cause such removal or alteration thereof at the owner's or occupant's expense, as shall be required by said chief. 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 not more than \$10.00 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 7-106: 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 Board of Trustees at the regular meeting of the Board of Trustees in August 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/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 7-107: DUTY OF FIREFIGHTERS

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

SECTION 7-108: DISTANT FIRES

Upon the permission of the village chairman or fire chief, the fire equipment of the Village may be used beyond the corporate limits to extinguish a reported fire.

SECTION 7-109: FIGHTING DISTANT FIRES

The firemen of the Village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the Village when directed to do so by chairman of the Board of Trustees, fire chief or some person authorized to act for such chief and in so doing, may take such fire equipment of the Village as may be designated by the Board of Trustees as rural equipment.

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 village firemen to remove any building, erection, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting 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: HOSE TESTING

All fire hose shall be pressure tested under the direct supervision of the fire chief at least one time each year.

SECTION 7-112: DISORDERLY SPECTATORS

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.

Source: Neb. Rev. Stat. §28-730.01

SECTION 7-113: 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, or other person hindering or resisting the fire fighting 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 village policemen to command all persons to assist them in the performance of their duties.

SECTION 7-114: 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 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 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.

Source: Neb. Rev. Stat. §81-506

SECTION 7-115: 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.

Source: Neb. Rev. Stat. §39-682

SECTION 7-116: 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.

Source: Neb. Rev. Stat. §39-681

SECTION 7-117: FALSE ALARM

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

SECTION 7-118: 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 7-119: EQUIPMENT

It shall be unlawful for any person except the fire chief and the members of the village 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 department apparatus belonging to the Village.

SECTION 7-120: OBSTRUCTION

Any vehicle or material within 15 feet of a fire hydrant that is 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 7-121: IMPERSONATING FIREMEN

It shall be unlawful for any person 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.

Source: Neb. Rev. Stat. §28-610

SECTION 7-122: MANDATORY ASSISTANCE

Any official of the village fire department may command the assistance and services of any person present at a fire to help in extinguishing the fire or in the removal and protection of property. In the event that a 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 7-123: PENALTIES

Any person violating any of the provisions of this article, upon conviction, shall be fined and shall pay the costs of prosecution. Any member of the fire department who shall fail to perform his/her duties as fireman may be expelled from the fire department either by action of the fire department itself or by action of the Village Board.

ARTICLE II - FIRE PREVENTION

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 village clerk and shall be available for public inspection at any time that the village office is open for business.

SECTION 7-202: FIRE CODE ENFORCEMENT

It shall be the duty of all village officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the Village Board.

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 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 attire.

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 village 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 Village for any period of time must first get permission from the Board of Trustees. 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 of Trustees 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 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 7-207: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow crank case drainings, 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 on any asphalted or oiled street now built or hereafter to be built with in the Village.

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 which may hereafter be erected.

SECTION 7-210: 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 inch mesh, and located at least 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/her 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 7:00 AM. and completely extinguished by 8:00 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 requests permission and receives an open burning permit in writing, signed by the local fire chief, on a form provided by the state fire marshal; and provided further, 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 20 feet from any building.

Source: Neb. Rev. Stat. §17-549, 17-556, 17-520.01

SECTION 7-211: OPEN BURNING BAN; WAIVER

There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, burn barrels, and fires for the purpose of clearing land. The fire chief of the village fire department 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 chief shall be in writing, signed by the fire chief and on a form provided by the state fire marshal.

The village fire chief or his/her designee may waive the open burning ban in his/her district when conditions are acceptable to the chief. Anyone burning in such district when the open burning ban has been waived must notify the fire department of his/her intention to burn. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under this section.

The fire department may charge a fee, not to exceed \$10.00, for each such permit issued. This fee shall be remitted to the Village Board for inclusion in the general funds allocated to the fire department. Such 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 this section in the course of such state's or political subdivision's official duties.

Source: Neb. Rev. Stat. §81-520.01

ARTICLE III - FIREWORKS

SECTION 7-301: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the Village of Union as defined by Section 28-1241, R.R.S. Neb. 1943 (Reissue 1985) shall be governed and regulated by Sections 28-1241 to 28-1252, R.R.S. Neb. 1943, including any and all amendments thereto, together with any rules and regulations adopted by the State Fire Marshal for the enforcement of Sections 28-1241 to 28-1252, R.R.S. Neb. 1943.

ARTICLE IV - PENAL PROVISION

SECTION 7-401: 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 an amount of not more than \$500.00. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.