

## **CHAPTER 8 – FIRE REGULATIONS**

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## **CHAPTER 8 – FIRE REGULATIONS**

### **Article 1 – Fire Prevention**

#### **SECTION 8-101: FIRE PREVENTION CODE**

All of the provisions of the most recent edition of the Fire Prevention Code, as recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. One copy, together with all revisions of and amendments thereto, shall be available in the office of the village clerk for public inspection during office hours. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §18-132, 19-902, 19-922, 81-502)

#### **SECTION 8-102: LIFE SAFETY CODE**

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code shall be on file with the village clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902, 81-502)

#### **SECTION 8-103: CODE ENFORCEMENT**

It shall be the duty of all village officials to enforce the incorporated fire code provisions as provided in Sections 8-301 and 8-302, and all infractions shall be immediately brought to the attention of the fire chief.

#### **SECTION 8-104: OPEN BURNING BAN; WAIVER**

A. There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The fire chief or his designee may waive an open burning ban under subsection (A) of this section for an area under his jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief or his designee. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning.

C. The fire chief or his designee may waive the open burning ban in his jurisdiction when conditions are acceptable to the chief or his designee. Anyone burning in such jurisdiction when the open burning ban has been waived shall notify the Fire Department of his/her intention to burn.

D. The Fire Department may set and charge a fee for each such permit issued. Such fees 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 subsection (B) of this section in the course of such state's or political subdivision's official duties.

(Neb. Rev. Stat. §81-520.01)

## **SECTION 8-105: OUTDOOR FIRE PITS AND FIREPLACES**

“Outdoor fireplaces” shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.

“Portable fire pits” are defined as being commercially designed and intended to confine and control outdoor wood fires.

“Chimineas” are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.

“Fire pits” are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover. All outdoor fireplaces shall meet the following requirements:

A. *Clearances.* A minimum ten- foot clearance shall be maintained between the outdoor fireplace and combustible structure or materials such as, walls, roofs, fences, decks, wood piles, and other combustible material.

B. *Construction.* Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by a steel screening (spark guard) or an approved non-combustible screening material with openings no greater than one-half inch square. Vent stacks, chimneys, and chimineas shall have a steel screen cover made of heavy wire mesh or other non-combustible material with openings no greater larger than one-half inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.

C. *Size.* The fuel area for a fire pit shall not be larger than three feet in diameter and a height of more than three feet.

D. *Location.* Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level. Outdoor fireplaces shall not

be located on combustible balconies or decks and shall not be located under any combustible balcony or any overhanging portion of a structure.

E. *Type of Materials Being Burnt.* Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

F. *Amount of Materials Being Burnt.* Users must (1) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend above the pit or into the chimney, and (2) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with spark guard in place.

G. *Supervision.* Outdoor fireplaces shall be under constant supervision by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.

H. *Provisions for Protection.* A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

I. *Wind and Weather Conditions.* Outdoor fireplaces shall be completely extinguished and/or not be operated when winds are blowing over 12 mph and wind direction will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

J. *Maintenance.* The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At the minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

K. *Discontinuance.* Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance. The fire chief or an authorized representative has the authority to require outdoor fireplace use to be immediately discontinued if such use is determined to constitute a hazardous condition to occupants of surrounding property.

L. *Building Permit.* For a fire pit, a site plan showing the location of the fire pit on the property and a detailed drawing of the construction of the fire pit shall be submitted to the Permits and Inspections Department of the City for review. A building permit will be issued based on approved plans. A building permit is not required for portable fire pits or chimineas, provided they are commercially designed and have

been approved by an independent testing laboratory.

M. *Hours of Operation.* An outdoor fireplace shall be completely extinguished and embers cooled so as to prohibit the fire from rekindling prior to 11:00 pm.  
(Neb. Rev. Stat. §17-549, 17-556, 81-520.01)

## **Article 2 – Explosives; Poisonous and Flammable Gases**

### **SECTION 8-201: EXPLOSIVES; STORAGE; REGISTRATION**

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the Village for any period of time shall register such information with the village clerk within ten days after such explosives are brought into the Village. The clerk shall provide such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the Village shall require the individual receiving the explosives to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. All high explosives, including dynamite, gunpowder and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such cement, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

(Neb. Rev. Stat. §17-549)

### **SECTION 8-202: EXPLOSIVES; BULLETS**

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

### **SECTION 8-203: EXPLOSIVES; BLASTING PERMITS**

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board and shall discharge such explosives in conformance with their direction and under their supervision, and 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. (Neb. Rev. Stat. §17-556, 28-1229)

### **SECTION 8-204: POISONOUS OR FLAMMABLE GASES**

Any person, firm or corporation desiring to store or keep in the Village any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge or replace any facility used for the storage of such gases must first get a permit from the Village Board, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations and precautionary actions as it may deem necessary. (Neb. Rev. Stat. §17-549)





## **Article 3 – Fireworks**

### **SECTION 8-301: 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 said sections.

### **SECTION 8-302: SALE**

It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the state fire marshal for that calendar year. Licensed vendors shall only sell fireworks which have been approved by the state fire marshal and such permissible fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year. (Neb. Rev. Stat. §28-1246 through 28-1250)



## **Article 4 – Penal Provisions**

### **SECTION 8-401: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.