

## **CHAPTER VII FIRE DEPARTMENT**

### **ARTICLE I - ORGANIZATION**

#### **SECTION 7-101: OPERATION AND FUNDING**

The City operates the City Fire Department through the fire chief and firemen. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvement of the Fire Department, shall 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 City 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 city treasurer. The fire chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders or other apparatus need repair. Upon the written consent and directive of the City Council, the fire chief shall cause the repair, improvement or maintenance of the said equipment and shall personally supervise and approve of the same.

#### **SECTION 7-102: MEMBERSHIP**

The fire chief shall appoint no more than 25 members per each Fire Department company, subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the City 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 City Council. The members may organize themselves in any way they may decide, subject to the review of the City Council. They may hold meetings and engage in social activities with the approval of the City Council.

The secretary shall upon request keep a record of all meetings and shall make a report to the City Council of all meetings and activities of the Fire Department. The City Council may, for services rendered, compensate or reward any member or 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 City Council. 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 of the State of Nebraska; provided, however, volunteer firefighters and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City.

### 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 mayor and City Council of said city, and shall hold their offices until their successors are elected and approved by the mayor and City Council. Such officers may be removed from office by the mayor and City Council 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 City Council. 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 City Council shall fill such vacancy by the appointment of a 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 the 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 mayor 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: ADDITIONAL POWERS AND DUTIES OF CHIEF

It shall be the duty of the chief of the Fire Department, as often as directed by the mayor or City Council, or as often as the chief shall deem it necessary, to enter any house, building or premises within said city for the purpose of examining the flues, hearths, chimneys, stoves, stove pipes, ovens, boilers and other apparatuses likely to cause fire, and also places where any coal, oils, gasoline, tar, hay, straw, shavings or any other combustible material may be lodged or stored. The chief shall give such directions in regard to the several foregoing matters as he/she shall deem expedient to guard against fire or accident, either for the removal, alteration or better care and management thereof.

### SECTION 7-106: 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 to cause such removal or alteration thereof within 24 hours 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 in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance 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 7-107: FIRES

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the City; 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 FIRE

The firemen of the City 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 City when directed to do so by the mayor or fire chief or some other person authorized to act for such chief, and in so doing, may use such fire equipment of the City as may be designated by the City Council

#### SECTION 7-109: 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 hook and ladder men 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 7-110: IMPERSONATING FIREMEN

It shall be unlawful for any person to 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.

#### SECTION 7-111: MANDATORY ASSISTANCE

Any official of the Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the same, or in the removal and protection of property. In the event that the said 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 7-112: 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 firefighting 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 city policemen to command all persons to assist them in the performance of their duties.

#### SECTION 7-113: 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 City 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 City 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.

#### SECTION 7-114: 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 7-115: 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 emergency vehicles.

#### SECTION 7-116: FALSE ALARM

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

#### SECTION 7-117: 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 7-118: EQUIPMENT

It shall be unlawful for any person to molest, destroy or in any other way to interfere with the use and storage of any of the fire trucks or other firefighting apparatus belonging to the City.

#### SECTION 7-119: 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.

#### SECTION 7-120: OBSTRUCTION OF FIRE HYDRANTS

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 fire 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.

## ARTICLE II - FIRE LIMITS

### SECTION 7-201: TERRITORY COMPOSING FIRE LIMITS

The following-described territory in the City shall be and constitute the fire limits: Blocks 29, 30, 31 and 35; Lots 1 and 2 and the east 22 feet of Lot 3, all in Block 36; the north one-half of Blocks 25, 26, 27 and 28, all in the Original Town of Lone Tree, now Central City, Nebraska; also a strip of land 50 feet wide and abutting upon and lying northerly of Block 25, 26, 27, 28, 30 and 31, all in the Original Town of Lone Tree, now Central City; all of Blocks 9, 10, 11, 12, 13, Lots 7 to 10 inclusive in Block 8, the south half of Block 7 and Lots 3, 4 and 5 in Block 6, all in Metcalf's Addition to the City of Central City; all of Craig's and Ratcliff's Additions to the City of Central City; the west half of Block 3 and the west half of Block 4, except the east half of the south 44 feet of Lot 5, Block 4, all in County Addition to the Original Town of Lone Tree, now Central City; all of Lots 5, 6, 7 and 8, Block 28, Original Town of Lone Tree, now Central City, except the south 64 feet thereof; Lot 8 except the southerly 64 feet thereof in Block 27, Original Town of Lone Tree, now Central City; all of Tax Lots 21, 22, 23, 24 and 25 in Section 10, Township 13, Range 6 West of the 6th P.M., Merrick County; the right-of-way of the Union Pacific Railroad Company lying south of the main track and lying northerly of Boyd and Jarrett's Addition to the City of Central City; Blocks 25, 26, 27, 28, 29, 30 and 31, Original Town of Lone Tree, now Central City; Craig's Addition and Block 9 of Metcalf's Addition to Central City; the right-of-way of the Chicago, Burlington & Quincy Railroad in Central City lying south of 13th Street and north of 20th Street.

### SECTION 7-202: FIRE LIMITS BUILDING PERMIT

Prior to the moving, erection, placement or construction of any building in the fire limits, application must be made to the city building inspector. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the city clerk and shall require such information as the city building inspector deems necessary to determine whether or not to grant a building permit.

### SECTION 7-203: FIRE LIMITS BUILDING MATERIALS

Within the aforesaid fire limits, no structure shall be built, altered, moved or enlarged unless such structure will be enclosed with walls constructed wholly of stone, well-burned brick, terra cotta, concrete or other such noncombustible materials; provided that property owners in the fire limits may construct out- buildings on the rear of their lots of frame material, the sides to be covered with sheet iron or metallic siding and the roof with fireproof roofing; also the owners or the lessees of the right-of-way of the Union Pacific Railroad Company's grounds and the owners and lessees of the Burlington Northern Railroad Company's grounds may construct buildings of frame material, the sides to be enclosed with sheet iron, metallic siding or hard board and the roof to be covered with fireproof roofing; but before constructing such a building, a plan of the building proposed to be built is to be submitted to the city building inspector and a permit obtained to construct such building or buildings, as provided in this article.

#### SECTION 7-204: PERMITTED REPAIRS

It shall be unlawful for any person to change the dimensions of any building in the fire limits unless such person first makes application to and receives permission from the city building inspector to do such work. The applicant shall state on the application that the material used will be noncombustible and approved by the fire chief. Repairs in the form of patching and other minor repairs shall not require a permit.

#### SECTION 7-205: IRONCLADS PROHIBITED

All buildings, sheds and structures known as ironclads, which are constructed of wood and covered with sheet iron or tin, attached to the frame shall be considered and deemed to be constructed of combustible materials. Any future construction of an ironclad building shall hereafter be prohibited.

#### SECTION 7-206: REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged by fire, flood, storm or in disrepair from vandalism, dilapidation, or by any other cause, 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 30 days after receiving notice to do so by the city building inspector.

## ARTICLE III - FIRE PREVENTION

### SECTION 7-301: 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 city clerk and shall be available for public inspection at any time that the city office is open for business.

### SECTION 7-302: FIRE CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provision, and all infractions shall be immediately brought to the attention of the fire chief.

### SECTION 7-303: 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 city ordinances affecting the hazard of fire.

### SECTION 7-304: 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 city ordinances, to correct the condition that violates the said ordinance or ordinances within five days from the date of receipt of such notice.

### SECTION 7-305: PETROLEUM GAS

It shall be unlawful for any person to store or keep for any period of time any liquefied petroleum in an amount exceeding five gallons within the corporate limits of the City, except on the railroad right-of-way, without such person first receiving permission from the City Council. In granting such permission, the City Council shall specify the exact location, construction and kind of storage facility, and prescribe any other rules and regulations for such storage to ensure reasonable safety from fire.

### SECTION 7-306: POISONOUS GAS

Any person, firm or corporation desiring to store or keep in the City for any period of time any form of poisonous or flammable gas or liquefied petroleum gas, or add to, enlarge or replace any facility used for the storage of such gases, must first get permission from the City Council. The City Council shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the City Council shall prescribe such rules, regulations and



precautionary actions as may be deemed necessary. Permit requirements for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this ordinance; provided any such present use that is discontinued for a period of 60 days shall not be revived without a permit.

#### SECTION 7-307: 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 entertainment 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 7-308: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow to be burned crank case drainings, or to burn oil or other flammable substances, other than wood, in a homemade stove.

#### SECTION 7-309: STREET FIRES PROHIBITED

It shall be unlawful for any person to set a fire on the pavement or near any curb now built or hereafter to be built within the City.

#### SECTION 7-310: FIRES REGULATED

It shall be lawful to build or set fires to burn or cause to be burned any leaves, straw, hay, brush or wood within the city limits; provided that the fire is set between the hours of 12:00 noon and 6:00 P.M. and that the person building such fires shall have the substance to be burned in a fireproof trash burner or incinerator and provided that the person shall be in attendance at all times until the fire is extinguished.

It shall be unlawful for any person to build or set fires to burn or cause to be burned any material between the hours of 6:01 P.M. and 11:59 A.M., Monday through Saturday and all day Sunday. It shall be unlawful for any person to set a fire on the pavement, sidewalk or near any curb within the city limits. It shall be unlawful for any person to burn or cause to be burned animal waste or human waste.

This shall not apply to fires set solely for outdoor cooking, to the burning of organic material for the purpose of heating space within a home or building in a fireplace or woodburning stove or to fires under the direct supervision of the Central City Fire Department for the purpose of training volunteer firemen.

#### SECTION 7-311: OPEN FIRES; LOCATION

It shall be unlawful to locate a burning barrel, fireproof trash burner or any type of burning receptacle in which fires are set to burn within ten feet of any utility pole, transformer, gas meter, pedestal, transclosure, etc.

#### SECTION 7-312: 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.

## ARTICLE IV - EXPLOSIVE MATERIAL

### SECTION 7-401: STORAGE

Any person desiring to store or keep explosive materials for any period of time shall notify the Fire Department and register such information with the city clerk 24 hours prior to such storage. The transfer of explosive materials to another person within the City shall require the person receiving the explosive materials to register the transfer and the new location of the explosive materials with the city clerk. The transfer of explosive materials to a new location by the owner shall require registration of the new location with the city clerk.

All explosive materials shall be stored in a proper receptacle made of concrete, 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 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

### SECTION 7-402: BULLETS

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

### SECTION 7-403: BLASTING PERMITS

Any person wishing to discharge high explosives within the City must notify the Fire Department and secure a permit from the City Council 24 hours prior to such discharge, and shall discharge such explosives in conformance with the conditions specified in the permit and such directives and precautions as may be prescribed under the direction and supervision of the fire chief. 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.

## ARTICLE V - FIREWORKS

### SECTION 7-501: VENDORS

It shall be unlawful for any person or persons to sell fireworks of any description whatsoever, except those approved by the state fire marshal under Title 157, Chapter 8, Nebraska Administrative Code. Color wheels, toy cap pistols and permissible caps may be sold at retail at all times; provided that all other fireworks named may be sold only beginning on June 25 and ending on July 4. If any of the dates beginning on June 25 and ending on July 4 fall on a Sunday, permitted fireworks may not be sold until after noon on that date. Fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the City Council; and said vendor shall secure a license prior to such sales. Application shall be filed with the City Clerk upon forms supplied by the City and requesting such information and documents as the City Council may deem necessary as to whether or not to grant said license which includes a current state license. Upon the determination to grant the license, the City Council shall direct the City Clerk to collect a fee of \$50.00 and issue said license. Any license so issued may be revoked at any time by the City Council upon proper notice and hearing, if one is requested by the licensee

### SECTION 7-502: HOURS OF DISCHARGE

It shall be unlawful for any person or persons to discharge any form of fireworks, except between the hours of 8:00 A.M. and 10:00 P.M. beginning on June 25 and ending on July 3 of each year, and except between the hours of 8:00 A.M. and midnight of July 4 of each year. If any of the dates beginning June 25 and ending July 4 fall on a Sunday, permitted fireworks may be discharged only after noon on that day.

## ARTICLE VI - AMBULANCE DEPARTMENT

### SECTION 7-601: OPERATION AND FUNDING

The City operates the City Ambulance Department, known as the Central City Ambulance Service, through the director and the ambulance personnel. The City Council, for the purpose of defraying the cost of the management, maintenance and improvement of the ambulance service, shall 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 City that is subject to taxation. The revenue from the said tax shall be known as the ambulance service fund. The fund shall be at all times in the possession of the city treasurer.

### SECTION 7-602: AMBULANCE MEMBERS

The Central City Ambulance Service shall consist of so many members as may be decided by the City Council. The members may organize themselves in any way they may decide, subject to the review of the City Council. They may hold meetings and engage in social activities with the approval of the City Council, and establish such rules and regulations as they determine best for operation and organization of their membership. Such members shall be considered employees of the City for the purpose of providing them with workmen's compensation and other benefits.

### SECTION 7-603: ELECTION OF OFFICERS

The members will elect from among themselves at an annual meeting to be held in July of each year hereafter a director, who shall be the presiding officer, a secretary-treasurer and a training officer to serve one-year terms beginning at the annual meeting in July of each year. The name of the director shall be submitted promptly to the mayor and City Council for their approval at the first meeting held by the City Council after the election of such director. In the event that the City Council shall not approve the director, the members of the ambulance service shall promptly vote on a new director and submit such director's name to the City Council for approval at the Council's next regularly scheduled meeting.

### SECTION 7-604: DUTIES OF DIRECTOR

The director shall be the business and operations manager of the ambulance service of the City of Central City and shall receive an annual salary to be determined by the mayor and City Council. The city administrator shall be the director's immediate supervisor.

### SECTION 7-605: DUTIES OF SECRETARY-TREASURER

The secretary-treasurer shall be the official keeper of both written and financial records of the ambulance department and shall assume the role of the director in the absence of the director.

The secretary-treasurer's immediate supervisor shall be the director, and in the absence of the director, the city administrator. The secretary-treasurer shall receive such annual salary as established by the mayor and City Council.

#### SECTION 7-606: DUTIES OF THE TRAINING OFFICER

The training officer elected by the members shall be responsible for providing training and educational programs for all volunteer EMT members. He/she shall assume the duties of the secretary-treasurer in the absence of the secretary-treasurer and shall be under the immediate supervision of the director, or in the absence of the director, the city administrator. The training officer shall receive an annual salary as determined by the mayor and City Council.

#### SECTION 7-607: ADOPTION OF RULES AND REGULATIONS

The Central City Ambulance Service may adopt such rules and regulations for the operation of the service as determined to be expedient, necessary or advisable. Such rules and regulations are hereby incorporated as if set forth in detail and all members shall be bound by such rules and regulations as adopted. The City Council shall receive and approve such rules and regulations for operations and any amendments thereto.

## ARTICLE VII - PENAL PROVISION

### SECTION 7-701: 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 upon conviction thereof, shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.