

FIRE REGULATIONS

Article 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.*

§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.*

§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.)*

Article 2. Fire Prevention

§7-201 **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. Three (3) copies of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.)

§7-202 **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.

§7-203 **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.)

§7-204 **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.

§7-205 **FIRE PREVENTION; FIRE LIMITS DEFINED.**
The following described territory in the Municipality shall be and constitute the fire limits:

All of Block fifteen (15), all of east one half (E-1/2) of Blocks Three (3), Seven (7) and Ten (10), all of west one half (W-1/2) of Blocks Four (4), Six (6) and Eleven (11) and all of west one half (W-1/2) of Block Fourteen (14) excepting Lots Seven (7), Eight (8),

Nine (9), Ten (10), Eleven (11) and Twelve (12) therein, -- all as shown on the recorded maps or plats of the City.
(Ref. 17-550 RS Neb.)

§7-206 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 walls constructed wholly of stone, well-burned brick, terra cotta, concrete, or other such noncombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof. (Ref. 17-550 RS Neb.)

§7-207 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%) per cent of the building unless the said person shall first submit an application to the Municipal Clerk 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%) per cent 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.)

§7-208 FIRE PREVENTION; IRONCLADS PROHIBITED.
(Repealed by Ord. No. 411, 9/10/97)

§7-209 FIRE PREVENTION; FIRE PROHIBITED. It shall be unlawful for any person to set out a fire within the Municipality. (Ref. 17-556 RS Neb.)

§7-210 FIRE PREVENTION; BURNING PROHIBITED. It shall be unlawful to burn any garbage, rubbish or trash in an open fire or in any container or incinerator within the City limits. The Mayor may by proclamation allow for burning of leaves and other materials at specific times and at specific locations as set forth in such proclamation. Nothing herein shall prevent the use of outdoor cook stoves when used for the purposes of cooking. (Ord. No. 333, 7/5/89)

§7-211 FIRE PREVENTION; PENALTY. Subsequent to passage of this Ordinance, any violation of said ordinance shall be punishable by a fine as set forth in Section 7-401. In addition, any container or incinerator used for unlawful burning shall be confiscated as contraband. In the event of burning in violation of Section 7-210, the City may contact the Wakefield Volunteer Fire Department to extinguish such fire and the costs of extinguishing said fire shall be charged to the violator. (Ord. No. 333, 7/5/89)

§7-212 FIRE PREVENTION; FIREWORKS VENDOR; REGULATION. It shall be unlawful for any person or persons to sell fireworks of any description whatsoever, except permissible fireworks, which shall mean sparklers, vesuvius 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, ladyfingers, not to exceed 7/8th of an inch in length or 1/8th inch in diameter, total pyrotechnic composition not to exceed 1/2 grain each in weight. Permissible fireworks may be sold at retail only between June twenty-fourth (24th) and July fifth (5th).

(a) The City Council may permit fireworks of any description for purposes of public exhibitions or display.

(b) The sale of permissible fireworks shall be unlawful, except from a stand or building solely for the purpose of selling permissible fireworks, which stand or structure shall be located at a distance of at least ten (10) feet from any other existing structure. It shall be unlawful for any person or persons, firm, partnership or corporation to possess for sale at retail, or store or keep any fireworks of any description within the City, provided that the possession and storage shall be permissible between June twenty-fourth (24th) and July fifth (5th). (*Ord. No. 399, 4/3/96*) (*Amended by Ord. No. 12-2003, 12/3/03*)

§7-213 FIRE PREVENTION; FIREWORKS; DEFINED.

Fireworks shall mean 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 Federal Regulations. (*Ord. No. 399, 4/3/96*)

§7-214 FIRE PREVENTION; FIREWORKS; PERMITTED FIREWORKS; PROHIBITED ACTS.

(1) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, vesuvius 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, ladyfingers, not exceeding 7/8ths of an inch in length or 1/8th inch in diameter, and which do not contain more than 50 milligrams each in weight of explosive material.

(2) It shall be unlawful for any person to discharge, fire, launch, or throw any fireworks or any object, which is lit to explode or which explodes upon contact with another object:

- (a) From or onto any motor vehicle;
- (b) Onto any street, highway or sidewalk;

(c) During any pyrotechnics display authorized by special permit under the ordinances of the Municipality and, when the special permit authorizes the display to be held in the Wakefield City Park, no lawfully permitted fireworks shall be exploded in said City Park during the time of said pyrotechnics display except by the personnel authorized by said special permit to do so;

- (d) At or near any persons;
- (e) Into or upon any building;
- (f) Into or at any group of persons, or
- (g) At or upon the premises of another person.

(3) The discharge or exploding of fireworks within the Municipality, other than in the Central Commercial District as hereinafter defined, shall be permitted only on the following dates and during the following times:

June 25th through July 3rd. 8:00 a.m. to 10:30 p.m.

July 4th through July 5th. 8:00 a.m. to Midnight

(4) The discharge and exploding of fireworks shall not be allowed at any time within the Central Commercial District of the City herein defined as Main Street from 1st Avenue to 5th Street and one-half (1/2) block either side thereof, encompassing the west half of blocks 4,6 and 11, and the east half of blocks 3,7, and 10, Original Town of Wakefield, and the west half of block 14 and the east half of block 15, in South Addition to the City of Wakefield.

(5) The discharge and exploding of fireworks within the Municipality on any dates or times other than set out in this section shall be unlawful and shall be punishable pursuant to section 7-401.

(6) The provisions of this section shall not apply to any fireworks to be used for the purpose of public exhibitions or display under authorization of the City Council or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal. (*Ord. No. 399, 4/3/96*) (*Amended by Ord. No. 12-2003, 12/3/03*)

§7-215 FIRE PREVENTION; FIREWORKS; EMERGENCY BAN. The Mayor, in the event of extreme drought conditions, shall

have the authority to make an emergency declaration banning the discharge of fireworks within the City of Wakefield. Said emergency declaration shall have the force of law and violations of the same shall be punishable as set forth in section 7-401. (*Ord. No. 12-2003, 12/3/03*)

Article 3. Poisonous and Flammable Gas
and Explosive Control

§7-301 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION. Any person, firm, or corporation storing or keeping for any period of time dynamite, gunpowder, nitroglycerine, or other high explosives or any form of poisonous or flammable gas or liquefied petroleum gas within the Municipality shall register such information with the Municipal Clerk within ten (10) days after such gases or explosives are brought into the Municipality. The Clerk shall provide such information to the Municipal Fire Chief and to the Governing Body. Transfer of gases or explosives to another individual within the Municipality shall require the individual receiving the gases or explosives to register the transfer and the new location of the gases or explosives with the Municipal Clerk. Also, moving gases or explosives to a new location by the owner shall require registration of that fact to the Municipal Clerk. This Section shall not apply to the storage of five (5) gallons or less of gasoline.

Article 4. Penal Provision

§7-401 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 five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

Wakefield Code