

CHAPTER 7: FIRE REGULATIONS

Article

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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. 28-730.01 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.

§ 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. 28-730.01 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. 39-738 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. (*Ref. 28-730.01 RS Neb.*)

§ 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.

§ 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. 39-753 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.

ARTICLE 2: FIRE PREVENTION

§7-201 FIRE PREVENTION; FIRE PREVENTION ENFORCEMENT.

It shall be the duty of all Municipal officials to enforce the fire prevention provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

§ 7-202 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.)*

§ 7-203 FIRE PREVENTION; FIRE LIMITS DEFINED.

The following described territory in the Municipality shall be and constitute the fire limits:

Commencing at Walnut Avenue on First (1st)
Street west on First (1st) Street to C Street
one half (½) block on each side of First (1st)
Street between Walnut Avenue and C Street.

(Ref. 17-550 RS Neb.)

§ 7-204 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 such incombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof. *(Ref. 17-550 RS Neb.)*

§ 7-205 FIRE PREVENTION; PERMITTED REPAIRS.

It shall be unlawful for any person to repair, alter, or add to any wooden or combustible building

in the fire limits where the value of the repair is more than one hundred (\$100.00) dollars unless the said person shall first receive permission from the Governing Body to make such repairs, alterations, or to add to any building. Repairs in the form of patching and other minor repairs shall not require permission. *(Ref. 17-550 RS Neb.)*

§ 7-206 FIRE PREVENTION; 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. *(Ref. 17-550 RS Neb.)*

§ 7-207 FIRE PREVENTION; REMOVAL OR REPAIR REQUIRED.

In the event that a building within the fire limits becomes damaged 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 sixty (60) days after receiving notice to do so by the Governing Body. *(Ref. 17-550 RS Neb.)*

§ 7-208 FIRE PREVENTION; LUMBER YARDS.

It shall be unlawful for any person to locate, establish, or maintain any lumber yard or place for the piling, storing, keeping, or selling any lumber, or to keep any lime, lath, shingles, hay, straw, or other combustible materials on any lot or parcel of ground within said fire limits, unless the same is securely kept in a building constructed of brick, stone, concrete, or other non-combustible material; Provided, the foregoing shall not apply to lumber yards now built and in use. *(Ref. 17-549 RS Neb.)*

§ 7-209 FIRE PREVENTION; FIRE PROHIBITED.

It shall be unlawful for any person to set out a fire on the pavement, or near any curb, now built or hereafter to be built, within the Municipality. *(Ref. 17-556 RS Neb.)*

§ 7-210 FIRE PREVENTION; OPEN BURNING REGULATED.

(1) It shall be unlawful for any person to cause or allow the burning of garbage or refuse within the corporate limits unless such burning takes place in a multiple chambered incinerator located within a building or accessory thereto situated on the premise and vented into a masonry or metal flue; provided, that the emissions from such multiple chambered incinerator do not cause a nuisance; provided, however,

that open burning shall not be a violation of this section when authorized pursuant to section 7-210.01 of this Code.

(2) Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

(3) Multiple Chamber Incinerator is defined as any incinerator used to dispose of combustible refuse by burning, consisting of three (3) or more refractory line combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the refractories having a Pyrometric Cone Equivalent of thirty-one (31), tested according to the method described in the American Society for Testing and Materials Method C-24-56. Gas or fuel fired incinerators now in use may be used until the same become unusable. Thereafter, multiple chamber incinerators, as defined herein, shall be used as permitted and provided by this section.

(4) Any person within the jurisdiction of the Municipality shall be responsible for compliance with this section. Any person or persons in violation of this section shall be served a summons by the Municipal Police or Sheriff requiring such person or persons to appear before the County Judge no earlier than ten (10) days from the date said summons is served. In addition to any penalty, the Municipality shall have the power and authority to enforce the provisions of this section by injunction and other equitable proceedings in courts of general jurisdiction in the State of Nebraska. *(Amended by Ord. Nos. 468, 5/6/80; 642, 6/6/95)*

§ 7-210.01 FIRE PREVENTION; OPEN BURNING BAN; WAIVER.

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

(2) The Fire Chief of the Municipal Fire Department or his or her designee may waive an open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or his or her designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or his or her designee, and on a form provided by the State Fire Marshal.

(3) The Municipal Fire Chief or his or her designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Chief or his or her designee. Anyone burning in such jurisdiction when the open burning ban has been waived shall notify the Fire Department of his or her intention to burn.

(4) The Municipal Fire Chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The Municipal Fire Department may charge a fee, not to exceed ten dollars (\$10.00), for

each

such permit issued. This fee shall be remitted to the Governing Body 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 (2) of this section in the course of such state's or political subdivision's official duties. (*Ref. 81-520.01 RS Neb.*) (*Ord. No. 641, 6/6/95*)

§ 7-211 FIRE PREVENTION; BURNING DEFINED.

The term "Burning" as used in this Article, shall mean the burning of any materials wherein air contaminants resulting from combustion are emitted into the ambient air, and shall include burning within an enclosed chamber and open burning. (*Ord. No. 468, 5/6/80*)

§ 7-212 FIRE PREVENTION; PERMIT; FIRE MARSHAL RESTRICTIONS.

Any person desiring a burning permit as provided in Section 7-210 shall prior to such intended burning, file a request for such permit with the Chief of Police who may issue a permit subject to special conditions. The application shall include the following:

1. The name, address and telephone number of the person submitting the application.
2. The type of business or activity involved;
3. A description of the proposed equipment and operating practice to be used to prevent an uncontrolled fire;
4. The type, quantity and composition of the material to be burned;
5. The exact location where the burning will occur;
6. The schedule of burning operations;
7. Specific reasons why burning is the only feasible method of disposal and why open burning is not against the public interest.

Such permit shall be issued by the Chief of Police if he determines that such burning is the only feasible method of disposal of such material sought to be burned, and that it is not against the public interest to permit such burning. In the event such permit is denied, the applicant may appeal the denial to the Municipal Council for consideration at the next regular meeting. (*Ord. No. 468, 5/6/80*)

§ 7-213 FIRE PREVENTION; RECREATIONAL FIRES.

(A) *Definition.* The 2009 edition of the International Fire Code defines **RECREATIONAL FIRES** as: "An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914mm) or less and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes."

(B) *Regulations.* Regulations for recreational fires as set forth by the City shall be as follows:

- (1) Fuel area shall be a maximum of three (3) feet in diameter.
- (2) Flames shall be a maximum of two (2) feet above ground level.
- (3) Fire pits shall be a minimum of twenty-five (25) feet from buildings.
- (4) Fires in an approved container shall be a minimum of fifteen (15) feet from structures.
- (5) Above ground fire pits and chimineas are considered as approved containers.
- (6) No flammable liquids are allowed to start or maintain fire.
- (7) Burn only charcoal or clean wood (no stained painted, varnished, or chemically treated wood). Leaves, grass or other items that will produce heavy smoke shall not be burned.
- (8) Recreational fires shall be constantly attended by at least one (1) competent person eighteen (18) years of age or older and shall be completely extinguished before being abandoned.
- (9) On-site fire-extinguishing equipment-such as operable garden hoses, sand and shovels, water buckets or barrels, or a portable fire extinguisher with a minimum of a 4-A rating shall be readily available for use at recreational fires.

(C) *Discontinuance.* The Fire Chief, Chief of Police or any authorized member of the Fire Department, or officer of the Police Department may order the immediate extinguishment or may they themselves immediately extinguish any recreational fire which falls into any one (1) of the following categories:

- (1) Creates a hazardous or unsafe condition.
- (2) Creates a nuisance or reasonably objectionable situation for any nearby resident.

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(3) Violates any provision of this chapter or of any other chapter of this Code.

(4) Violates any provision of the Nebraska State Fire Code.

(D) A citation may be issued which could lead to a fine of up to five hundred dollars (\$500.00) and a mandatory court appearance.

(E) The Fire Department strongly suggests you follow the manufacturer's recommendations when using any above-ground fire pit or chiminea.

(F) *Exception.* The provisions of § 7-210 regulating open burning shall not apply to recreational fires as defined herein. (*Ord. No. 863, 10/2/12*)

ARTICLE 3: POISONOUS AND FLAMMABLE GASES STORAGE

§ 7-301 POISONOUS AND FLAMMABLE GASES.

Any person, firm or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous or flammable gas, liquefied petroleum gas, diesel fuel, or any other liquefied petroleum product, or any other flammable or poisonous gas, or add to, enlarge, or replace any facility used for the storage of such gases or fuel, must first get the permission from the Governing Body. The Governing Body shall require the name of the gas or fuel, the place of storage and the amount of gas stored. It shall be the duty of the Governing Body to prescribe such rules, regulations and precautionary actions as they may deem necessary, by Resolution of said Governing Body; Provided, however, that no storage of such gases or fuels in excess of ten (10) gallons shall be permitted in any residential district unless the same is located within the fuel tank of an operable motor vehicle. *(Amended by Ord. No. 472, 6/17/80)*

ARTICLE 4: EXPLOSIVES AND GASOLINE TRANSPORTATION

§ 7-401 EXPLOSIVES; ROUTES.

The Chief of Police is hereby authorized to designate the routes which trucks carrying dynamite, nitroglycerine, or other explosives must use and in case no such route is prescribed, the travel of such trucks shall be only on U. S. Highway No. 6.

§ 7-402 EXPLOSIVES; STOPPING.

No vehicle transporting explosives shall stop within the corporate limits and in case of breakdown or mechanical failure immediate notice shall be given to the Chief of Police and the vehicle shall be removed as soon as possible.

§ 7-403 GASOLINE; TRANSPORTS.

It shall be unlawful for gasoline transports to operate or park upon the streets except that such transports can operate on U. S. Highway No. 6, and upon the streets leading directly to the bulk gas stations.

§ 7-404 GASOLINE; TANK TRUCKS.

It shall be unlawful for gasoline tank trucks, also known as gasoline tank wagons, to operate upon the streets except upon direct routes between bulk gasoline stations and filling stations; and it shall be unlawful for any such vehicle to park upon the streets except at the site of a filling station or bulk gasoline station.

§ 7-405 GASOLINE; TRANSPORTS AND TANK WAGONS.

It shall be unlawful for gasoline transports, or gasoline tank trucks, also known as gasoline tank wagons, to stop or park on any private property or driveway within the Municipality except at the site of a filling station or bulk gasoline station, or at a place of business for service or repairs to such vehicle.

§ 7-406 GASOLINE; DELIVERY.

The Sections of this Article are not to be construed so as to prevent the delivery of fuel oil for heating purposes.

ARTICLE 5: PENAL PROVISION

§ 7-501 VIOLATION; PENALTY.

(Repealed by Ord. No. 703, 4/4/00)

For penalty provisions, see section 12-101 of Chapter 12.

