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CHAPTER 7 – FIRE REGULATIONS

Article 1 – Fires

§7-101 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 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 DRIVING OVER HOSE.

It shall be unlawful for any person, without the consent of the Fire Chief or Assistant Chief, to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §39-682)

§7-103 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 to emergency vehicles. (Neb. Rev. Stat. §39-681)

§7-104 FALSE ALARM.

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

Article 2 – Fire Prevention

§7-201 FIRE PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal 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 reasonable time. (Neb. Rev. Stat. §18-132, 19-902, 19-922, 81-502)

§7-202 FIRE CODE ENFORCEMENT.

It shall be the duty of all city officials to enforce the incorporated fire code provisions. All infractions shall be immediately brought to the attention of the Fire Chief.

§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 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.

§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 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.

§7-205 FIRE LIMITS DEFINED.

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

Commencing at the NW corner of Block Fourteen of the Original Town of Ord as recorded in the office of the County Clerk of Valley County and extending three blocks west to the NW corner of Block Twelve; thence three blocks south to the SW corner of Block 28; thence three blocks east to the SE corner of Block 30; thence three blocks to the point of beginning, which includes Blocks 12, 13, 14, 19, 20, 21, 28, 29, and 30, and which includes those segments of 14th Street, "N" Street, 17th Street, and "K" Street which border the above-described blocks, the Original Town of said City of Ord, Valley County, Nebraska, according to the recorded plat thereon.

(Neb. Rev. Stat. §17-550)

§7-206 FIRE LIMITS ZONING PERMIT.

Prior to the moving or construction of any building in the fire limits, application must be made to the Zoning Administrator. 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 Zoning Administrator deems necessary to determine whether or not to grant a zoning permit. (Am. by Ord. No. 989, 10/2/23)

§7-207 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, steel, or other such noncombustible materials as will satisfy the Fire Chief that the said structure will be reasonably fireproof. (Neb. Rev. Stat. §17-550) (Ord. No. 815, 10/1/12)

§7-208 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 50% of the building unless the said person shall first submit an application to the City Clerk to make such repairs, alterations, or to add to any building and 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. In the event that the repairs, alteration, or addition is to involve more than 50% 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 noncombustible materials. (Neb. Rev. Stat. §17-550)

§7-209 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. (Neb. Rev. Stat. §17-550)

§7-210 REMOVAL REQUIRED.

In the event that any wooden or combustible building or structure or any noncombustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or other casualty. (Neb. Rev. Stat. §17-550)

§7-211 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 City.

§7-212 FIRES REGULATED.

All open fires, whether in fire receptacles, cans, or other types of enclosures, are hereby prohibited in the City of Ord except as may be authorized by the Fire Chief. (Am. by Ord. No. 375, 2/6/84)

§7-213 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 or her designee may waive an open burning ban 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.

(C) The City 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.

(D) The City 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.

(E) The Fire Department may charge a fee for each such permit issued. This fee shall be remitted to the City Council 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) (Ord. No. 252, 2/6/95)

§7-214 OUTDOOR FIREPLACES.

(A) The term "outdoor fireplaces" shall include portable fire pits, gas fire pits, chimineas, and fire rings. These outdoor fireplaces use wood, natural gas, or liquid propane as fuel and are used to contain recreational fires for personal enjoyment. Outdoor fireplaces do not include barbeque grills or smokers that use propane, charcoal, wood chips, pellets, or other flammable material as fuel and 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. Gas fire pits are defined as being commercially designed and intended to confine and control outdoor patio fires, use natural gas or liquid propane (LP) as fuel, and shall not be used for cooking nor used with wood, charcoal or any other flammable material. All outdoor fireplaces shall meet the following requirements:

(1) *Construction.* Barrels, half-barrels, drums or similar constructed devices are not permitted.

(2) *Location.* An outdoor fireplace shall be placed on a stable, non-combustible surface such as a concrete pad and shall be ten (10) feet from the property line. Outdoor fireplaces shall not be located on combustible balconies or decks or on any balcony above the first floor. Outdoor fireplaces shall not be located under any combustible balcony or any overhanging part of a structure.

(B) *Types of Materials Being Burnt.* Outdoor fireplaces shall only burn commercial logs and untreated wood; natural sawn dry wood will be allowed to be burned. 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.

(C) *Amount of Materials Being Burnt.* The amount of material being burnt shall be limited to ensure the flames are confined inside the fuel area of the outdoor fireplace. The manufacturer's recommendation on the maximum amount of fuel to be used at one time shall be followed.

(D) *Supervision.* Outdoor fireplaces shall be under constant supervision by at least one responsible person of age eighteen (18) or older from the ignition of the fire until the fire is completely extinguished and embers are cool and the fire will not rekindle. Supervision further re-

quires that the person(s) be near enough to continually see and observe the fireplace.

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

(F) *Wind and Weather Conditions.* Outdoor fireplaces shall not be operated when wind directions 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.

(G) *Maintenance.* The owner is responsible to ensure that proper maintenance and care is accomplished in accordance with manufacturer's instructions. The outdoor fireplace shall be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

(H) *Smoke Nuisance.* Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. Outdoor fireplace use will be immediately discontinued if the use of the outdoor fireplace is determined by law enforcement to constitute a hazardous or unpleasant condition to occupants of surrounding property.

(I) Persons violating this section shall be subject to a penalty as outlined in §7-301. (Ord. No. 931, 9/3/19)

Article 3 – Penal Provision

§7-301 VIOLATIONS; PENALTY.

(A) (1) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(2) Any violation of this chapter shall be waivable and carry the penalty listed below, unless otherwise specifically provided herein;

1 st offense	\$ 50.00
2 nd offense	100.00
3 rd offense	150.00
4 th offense	200.00
5 th and subsequent offenses	250.00

(B) (1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. Nos. 645, 7/5/00; 846, 9/3/14)