

**Municipal Code of the City of Battle Creek, Nebraska**

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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 City 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 DISORDERLY SPECTATOR.**

It shall be unlawful for any person during the time of a fire and for a period of 36 hours after its extinguishment to hinder, resist or refuse to obey the City 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 EQUIPMENT.**

It shall be unlawful for any person except the Fire Chief and the members of the City 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 City. (Ref. 28-519 RS Neb.)

#### **§7-104 INTERFERENCE.**

It shall be unlawful for any person or persons to hinder or obstruct the City Fire Chief or the members of the Fire Department in the performance of their duties. (Ref. 28-908 RS Neb.)

#### **§7-105 OBSTRUCTION.**

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 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 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 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 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 ap-

proach 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 emergency vehicles or those carrying doctors or members of the Fire Department. (Ref. 39-681 RS Neb.)

#### **§7-109 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 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 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 during office hours. (Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.)

#### **§7-202 FIRE CODE ENFORCEMENT.**

It shall be the duty of all city officials to enforce the incorporated fire code provisions, and 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. (Ref. 81-512 RS Neb.)

#### **§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:

The South Half of Block 27 and the North Half of Block 28, Kimball and Blair's Addition; the South Half of Blocks 13, 14, and 15 and the North Half of Blocks 16, 17, and 18, Original Town, City of Battle Creek, Nebraska.

(Ref. 17-550 RS Neb.)

#### **§7-206 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 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 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 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 non-combustible materials. (Ref. 17-550 RS Neb.)

#### **§7-208 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.)

#### **§7-209 REMOVAL REQUIRED.**

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent requiring condemnation by the State Fire Marshal, 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. (Ref. 17-550 RS Neb.)

#### **§7-210 FIRE PROHIBITED ON STREET.**

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

#### **§7-211 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 City 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 con-

duct 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 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.

(4) 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.

(5) The Fire Department may charge a fee for each permit issued. The amount of such fee is on file in the office of the City Clerk. Said fee shall be remitted to the City Council for inclusion in the general funds allocated to 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 subdivision's official duties. (Ref. 81-520.01 RS Neb.) (Am. by Ord. No. 289, 3/13/95)

### **Article 3 – Poisonous and Flammable Gases and Explosives**

#### **§7-301 STORAGE; REGISTRATION.**

In addition to notifying the City Fire Department pursuant to Neb. Rev. Stat. §28-1233(3), any person desiring to store or keep for any period of time explosive materials as defined in Neb. Rev. Stat. §28-1213 or any form of poisonous or flammable gases or liquefied petroleum gases within the City shall register such information with the City Clerk 24 hours prior to such storage. The transfer of such explosives or gases to another person within the City shall require the person receiving such explosives or gases to register the transfer and the new location of the explosives and gases with the City Clerk. The transfer of explosive materials and gases to a new location by the owner shall require registration of the new location with the City Clerk. This section shall not apply to the storage of five gallons or less of gasoline. (Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.) (Am. by Ord. No. 268, 7/11/94)

#### **§7-302 EXPLOSIVES; BLASTING PERMITS.**

In addition to notifying the City Fire Department pursuant to Neb. Rev. Stat. §28-1233(3), any person desiring to discharge explosive materials, as defined in Neb. Rev. Stat. §28-1213, within the City, shall apply for and secure a permit from the City Council 24 hours prior to such discharge and shall discharge such explosive materials in conformance with the conditions specified in the permit. 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. (Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.) (Ord. No. 198, 2/12/90) (Am. by Ord. No. 267, 7/11/94)

#### **§7-303 EXPLOSIVES; STORAGE REGISTRATION; REQUIREMENTS.**

(1) In addition to notifying the City Fire Department pursuant to Neb. Rev. Stat.

§28-1233(3), any person desiring to store or keep for any period of time explosive materials as defined in Neb. Rev. Stat. §28-1213 shall 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.

(2) All explosive materials shall be stored in a proper receptacle made of cement, 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. (Ref. 17-549, 17-556, 28-1229, 28-1233 RS Neb.) (Ord. No. 266, 7/11/94)

## **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 \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. No. 2009-007, 6/8/09)