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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: AGREEMENT WITH RURAL FIRE DISTRICT

A. The City of Hickman has entered into an agreement with the Hickman Rural Fire Protection District for fire protection within the City. The rules and regulations of the district shall be incorporated by reference as the rules and regulations of the City for the purposes of fire protection. The district also operates a Rescue Squad.

B. All references to “Fire Department” or ~~“fire-chief”~~ “Fire Chief” in this chapter shall mean the Rural Fire Protection District and its ~~fire-chief~~ Fire Chief.
(Neb. Rev. Stat. §35-501)

Article 2 – Fires

SECTION 8-201: 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 firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 8-202: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus have stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-203: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has sounded until the fire trucks have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-204: OBSTRUCTION OF HYDRANTS

It shall be unlawful for any person to obstruct the use of a fire hydrant or to 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~~ Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §39-672)

SECTION 8-205: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the ~~fire-chief~~ Fire Chief or ~~assistant-fire-chief~~ Assistant Fire Chief, to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §60-6,184)

SECTION 8-206: FALSE ALARM

It shall be unlawful for any person to raise any false alarm of fire intentionally and without good and reasonable cause. (Neb. Rev. Stat. §§28-907, 35-520)

SECTION 8-207: 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 duties. A person

commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-208: FIRE INVESTIGATION

The Fire Chief shall investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the City by which property has been destroyed or damaged. All fires of unknown origin shall be reported, and the chief shall especially make investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall begin immediately after the occurrence of such fire and the state fire marshal shall have the right to supervise and direct such investigation whenever he or she deems it expedient or necessary. The chief shall forthwith notify the fire marshal and shall, within one week of the occurrence of the fire, furnish him or her written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for. (Neb. Rev. Stat. §81-506)

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE; ADOPTED BY REFERENCE

All of the provisions of the most recent edition of the Fire Code, as published by the National Fire Protection Association and recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §§18-132, 19-922, 81-502)

SECTION 8-302: LIFE SAFETY CODE; ADOPTED BY REFERENCE

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. (Neb. Rev. Stat. §§18-132, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provisions as provided in Sections 8-301 and 8-302, and all infractions shall be immediately brought to the attention of the Fire Chief.

SECTION 8-304: 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 in which they are located. 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.

SECTION 8-305: OPEN BURNING BAN; WAIVER; PERMIT

A. Except as otherwise provided herein, there shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The Hickman Rural Fire Protection District Fire Chief may waive an open burning ban under subsection (A) of this section for an area under the Hickman Rural Fire Protection District's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Hickman Rural Fire Protection District Fire Chief to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief, and on a form prescribed by the state fire marshal.

C. The Hickman Rural Fire Protection District Fire Chief may waive the open

burning ban in the Rural Fire Protection District's jurisdiction when conditions are acceptable to the Fire Chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the Fire Chief of his or her intention to burn prior to starting the burn.

D. The Rural Fire Protection District Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (B) of this section.

(Neb. Rev. Stat. §81-520.01) (Am. Ord. No. 2012-10, 5/22/12)

SECTION 8-306: OUTDOOR FIREPLACES AND FIRE PITS

A. Definitions

1. "Outdoor fireplaces" shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.
2. "Portable fire pits" are defined as being commercially designed and intended to confine and control outdoor wood fires.
3. "Chimineas" are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.
4. "Fire pits" are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover.

B. All outdoor fireplaces shall meet the following requirements:

1. Clearances. A minimum 10-foot clearance shall be maintained between the outdoor fireplace and property lines, combustible structures or materials such as, walls, roofs, fences, decks, wood piles and other combustible material.
2. Construction. Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by a steel screening (spark guard) or an approved non-combustible screening material with openings no greater than one-half inch square. Vent stacks, chimneys, and chimineas shall have a steel screen cover made of heavy wire mesh or other noncombustible material with openings no greater larger than one-half inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.
3. Size. The fuel area for a fire pit shall not be larger than 3 feet in diameter

and two feet in height.

4. Location. Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level. Outdoor fireplaces shall not be located on combustible balconies or decks and shall not be located under any combustible balcony or any overhanging portion of a structure.
5. Type of Materials Being Burnt. Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. The following shall not be permitted: petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any other material that may flow out of the containment or cause excessive heat, smoke, or offensive smell.
6. Amount of Materials Being Burnt. Users must (1) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend above the pit or into the chimney, and (2) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with spark guard in place.
7. Supervision. Outdoor fireplaces shall be under constant supervision by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.
8. Provisions for Protection. A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.
9. Wind and Weather Conditions. Outdoor fireplaces shall be completely extinguished and/or not be operated when winds are blowing over 10 mph and wind direction 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.
10. Maintenance. The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At the minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.
11. Discontinuance. Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance. The Fire Chief or an authorized representative has the authority to require outdoor fireplace use to be immediately discontinued

if such use is determined to constitute a hazardous condition to occupants of surrounding property.

12. Hours of Operation. An outdoor fireplace shall be completely extinguished and embers cooled prior to 11:59 p.m. so as to prohibit the fire from rekindling.

(Neb. Rev. Stat. §§17-549, 17-556, 81-520.01) (Ord. No. 2012-10, 5/22/12)

SECTION 8-307: INSPECTIONS; VIOLATION NOTICE

A. The Fire Chief, the Mayor or their agent may, at any reasonable hour, enter into all buildings and upon all premises within his or her jurisdiction for the purposes of examination to ascertain whether any conditions are likely to create a fire hazard. The inspection shall be of the storage, sale, and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose, whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozilin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

B. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed and who receives written or verbal notice of a violation of any of the provisions of the city ordinances to correct such condition within five days from the receipt of such notice.

(Neb. Rev. Stat. §§81-503.01, 81-512)

Article 4 – Hazardous Materials

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the City for any period of time shall register such information with the City Clerk 24 hours prior to being brought into the City. The Clerk shall forward such information to the Fire Chief and to the City Council. Transfer of explosives to another individual within the City shall require the recipient to register the transfer and the new location of the explosives with the Clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the Clerk.

B. Any high explosives including dynamite, gunpowder, and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facility shall be kept clear of rubbish, brush, dry grass, or trees for 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.

(Neb. Rev. Stat. §§17-549, 17-556, 28-1213, 28-1229, 28-1233)

SECTION 8-402: EXPLOSIVES; TRANSPORTATION; PERMIT REQUIRED

Any person wishing to transport high explosives in the City shall first acquire a permit from the City Council and shall take such precautions and use such route as may be prescribed. Nothing herein shall be construed to apply to city law enforcement officers or any of the armed services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five minutes within the City, and in the event of mechanical failure, immediate notice of such breakdown shall be given the county sheriff, who shall then prescribe such precautions as may be necessary to protect the residents of the City and a reasonable time for removal of the vehicle from the City. (Neb. Rev. Stat. §17-549, 28-1235)

SECTION 8-403: EXPLOSIVES; BULLETS

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

SECTION 8-404: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the City must secure a permit from the City Council and shall discharge such explosives in conformance with its direction and under its supervision. 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. (Neb. Rev. Stat. §§17-556, 28-1229) (Am. Ord. No. 90-1, 1/11/90)

SECTION 8-405: POISONOUS OR FLAMMABLE GASES

Any person, firm, or corporation desiring to store or keep in the City any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge, or replace any facility used for the storage of such gases must first get a permit from the City Council, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the council shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. (Neb. Rev. Stat. §17-549)

Article 5 – Fireworks Regulations

(Ord. No. 88-4, 11/10/88)

SECTION 8-501: DEFINITIONS

For the purpose of this chapter, certain words, phrases, and terms shall be construed as specified below unless the context otherwise requires:

A. “Fireworks” shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

B. “Permissible fireworks” shall mean only those allowed by Neb. Rev. Stat. §28-1247 or successive statutes.

C. “Retailer” shall mean any person engaged in the business of making sales of fireworks at retail.

D. “Sale” shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

SECTION 8-502: PERMISSIBLE FIREWORKS; RETAIL SALE; LICENSE; FEE

A. It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail any permissible fireworks in the City unless such person has first obtained a license from the City as a retailer.

B. Any person desiring to sell, or offer for sale any permissible fireworks as a retailer shall make application to the City Clerk for a license authorizing the same. Such application shall include the following information and such additional information as the City shall deem necessary.

1. The name and residence address of the applicant;
2. The location of the premises for which the license is sought;
3. When the license is sought for a permanent building, the application shall provide an accurate drawing or plat showing the location of the sales display within the building, together with aisles, exits, etc.
4. When the license is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and a drawing showing the location

of such temporary structure or facility upon the premises, including the dimensions of the temporary structure or facility, the distance of the temporary structure or facility from the property lines, and the location of each parking space necessary for the size of the temporary structure or facility.

- a. The temporary structure or facility must be located a minimum of ten feet from side and back property lines and a minimum of 30 feet from the front property line.
- b. The applicant shall provide one off-street parking space for each 200 square feet of the temporary structure or facility.
- c. The term "temporary structure or facility" shall include tents.

C. After consideration of the information contained in the application for a license, the Clerk may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the license and upon payment by the applicant of a fee set by ordinance of the City Council, kept on file at the office of the City Clerk and available for public inspection during office hours. Out of such fee, portions will be used to sponsor and promote the community fireworks show and pay the Hickman building inspector for summer and winter inspection costs. Applicants must also pay a deposit to ensure that the sales area is kept in an orderly manner and cleaned up after the sales are complete and to prevent any damage to public property. The amounts of such fees and costs shall be set by ordinance of the City Council, kept on file at the office of the City Clerk and available for public inspection during office hours. Any license issued under the provisions of this section shall be valid only for the period of June 25 through and including July 4 and for the period of December 29 through and including December 31 of the year in which issued.

D. The premises shall be subject to inspection at any time during the period for which the permit is issued. If the premises are not in conformity with the permit as issued, including the drawing submitted with the application, the permit may be suspended until the premises are brought into compliance.

(Am. Ord. Nos. 99-2, 2/25/99; 2007-19, 10/23/07; 2009-13, 8/11/09; 2010-16, 11/23/10; 2017-07, 4/11/17)

SECTION 8-503: FEES RECEIVED; DEPOSIT IN GENERAL FUND

The funds received under the provisions hereof shall be deposited in the General Fund of the City.

SECTION 8-504: SALE AND USE DATES; HOURS OF USE RESTRICTED

A. Permissible fireworks may be sold at retail, offered for sale at retail from:

1. June 25 through June 30 from 9:00 a.m. to 11:00 p.m.

2. July 1 through July 3 from 9:00 a.m. to 11:59 p.m.
3. July 4 from 9:00 a.m. to 11:59 p.m.
4. December 29 through December 31 from 9:00 a.m. to 11:59 p.m.

B. Permissible fireworks may be discharged, exploded or used within the City only from:

1. June 25 through June 30 from 10:00 a.m. to 10:00 p.m.
2. July 1 through July 3 from 10:00 a.m. to 11:00 p.m.
3. July 4 from 10:00 a.m. to 11:59 p.m.
4. December 29 through December 30 from 10:00 a.m. to 11:00 p.m.
5. December 31 from 10:00 a.m. to January 1 at 1:00 a.m.

(Am. Ord. Nos. 91-5, 11/14/91; 99-1, 2/25/99; 2009-13, 8/11/09; 2010-16, 11/23/10; 2014-06, 4/22/14)

SECTION 8-505: THROWING FIREWORKS; WHERE UNLAWFUL

It shall be unlawful for any person to throw any firecracker, fireworks or pyrotechnic device, or any device which explodes upon contact with another object: (A) from or into a motor vehicle, (B) onto any street, highway or sidewalk, (C) at or near any person, (D) at or near any group of persons or (E) into any building or structure.

SECTION 8-506: PROHIBITION; WHEN APPLICABLE

The provisions herein shall not apply to:

A. Any fireworks for purposes of public exhibition or displays purchased from a distributor licensed under state law or the holder of a display license issued by the state fire marshal as provided by state law;

B. Any public exhibition or display under the auspices of any governmental subdivision of this state; and

C. Toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a gram of explosive material.

SECTION 8-507: SALE PROHIBITED; EMERGENCY

The City Council may prohibit the sale of all fireworks at any time during which the state fire marshal has declared a fire emergency by virtue of drought conditions or at any time during which the Lancaster County sheriff's office deems such banning to be necessary to preserve the life, safety, and welfare of the population.

SECTION 8-508: VIOLATIONS; PENALTIES

A conviction for violation of any provisions of this article shall constitute grounds for denial of a license under Section 8-502 hereof.

Article 6 – Penal Provision

SECTION 8-601: 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.