

## Chapter 7 - FIRE REGULATIONS

### §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 Fire Fighters 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 Fire Chief, or to act in a noisy or disorderly manner.

### §7-103 FIRES; EQUIPMENT.

It shall be unlawful for any person except the Fire Chief, the members of the Fire Department and qualified City employees 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.

### §7-104 FIRES; 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 duty.

### §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 Command Officer, at the risk, cost, and expense of the owner or claimant.

### §7-106 FIRES; ASSISTANCE.

It shall be unlawful for any person to refuse, after the command of the Command Officer giving orders, 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 Command Officer, to drive any vehicle over unprotected hose of the Fire Department.

### §7-108 FIRES; TRAFFIC.

Upon hearing an emergency vehicle siren or seeing emergency vehicle lights, all vehicles, traveling in either direction, shall pull to the side of the street or roadway, and stop until certain that all emergency vehicles have passed. No vehicle, except by the specific direction of the Fire Chief or Command Officer, 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.

### §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 hearing emergency vehicle sirens or seeing emergency vehicle lights until the emergency vehicles shall have completely passed.

**§7-111**      **KEY LOCK BOX SYSTEM.**

- (a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief:
- (b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to this section shall have three (3) years from the effective date of this section to have a key lock box installed and operational.
- (c) The fire chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (d) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

**§7-112**      **ANNUAL FIRE REPORT.**

It shall be the duty of the Fire Chief to come before the City Council at a regular meeting in the first quarter of the calendar year to give an annual report to the City Council of the general condition and the proposed or recommended additions or improvements.

**§7-113**      **MUTUAL AID, DISTANT FIRES.**

Pursuant to any Interlocal Agreement with a surrounding Fire District for mutual aid and protection, fire equipment of the City may be used beyond the corporate limits to extinguish reported fires.

**Article 2. Fire Prevention**

**FIRE PREVENTION: FIRE PREVENTION CODES.** (REPEALED ORDINANCE 5329)

**FIRE PREVENTION; LAWFUL ENTRY.** (REPEALED ORDINANCE 5329)

**§7-201**      **FIRE PREVENTION; FIRE LIMITS DEFINED.**

The following territory in the City shall be and constitute the Downtown fire limits: All lands as designated downtown by the official Zoning Map of the City of Fremont and in Blocks 171, 182, 183, 184, 185, 186, 187, 204 and 205, Original Town, City of Fremont, as platted and recorded at the Dodge County Register of Deeds Office.

No structure shall be built, altered, moved, or enlarged unless such structure conforms to the requirements of the International Building Code as adopted by the City Council, provided however, that said International Building Code shall be modified as follows:

A. If a structure is located within five (5') feet of a side or rear lot line, unless said lot line abuts a public right-of-way, all exterior walls shall have a non-combustible covering (i.e. no wood or fire retardant treated wood). Also, there shall be no Type V Buildings constructed within the Downtown Fire Limits.

In the event that any wooden or combustible building or structure, which stands within the fire limits is damaged to the extent of fifty (50%) per cent or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt, but shall be taken down and removed within fifteen (15) days from the date of such fire or other casualty.

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.

Detached frame buildings not larger than ten (10') feet by fifteen (15') feet in size and temporary frame structures may be built within the fire limits of the City after obtaining authority from the Mayor and Council by resolution authorizing such construction.

The Council, by resolution, after due notice to abutting property owners, may prescribe in a specific case a variance in the application of any provision of this Article in harmony with the general purpose and intent of this Article, so that the public health, safety and welfare of the City may be conserved.

It shall be unlawful for any person within the fire limits of the City to use any container for debris, garbage and waste matters unless such container shall conform to the standards prescribed by the National Board of Fire Underwriters or shall be constructed of material rated as one-hour fire resistant.

It is hereby declared to be unlawful for any person to store or cause to be stored any litter within the fire limits, except as may be hereinafter provided. Litter is hereby defined as as, but not limited to, Trash, rubbish, refuse, garbage, paper, rags, and ashes; Wood, plaster, cement, brick, or stone building rubble; Grass, leaves, and worthless vegetation; Offal and dead animals; and Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

#### **§7-202 FIRE PREVENTION; FIRE PROHIBITED.**

It shall be unlawful to keep, store, or maintain, in any building or on any premises, any waste, refuse, debris, rubbish, garbage, or other loose combustible material, except recognized fuels, in such manner as will enhance the danger of fire on said premises, when located within the City limits of Fremont.

#### **§7-203 OPEN FIRES; WHEN ALLOWED.**

(1) For purposes of this section, Open Fire shall mean burning under such conditions that the products of combustion are emitted directly into the ambient air.

(2) No person shall cause or permit any open fire within the limits of the City.

(a) It shall be unlawful to conduct any burning of waste materials, wood, paper, cardboard, rakings, leaves, grass, weeds, litter, sweepings either on public or private property within the City limits.

(3) Exceptions:

- (a) Fires set solely for the outdoor cooking of food for human consumption;
- (b) Outdoor fireplaces as per Section 7-204
- (c) For the purpose of training public or fire fighting personnel
- (d) Fires contained in incinerators that are an integral part of a building and installed to meet all applicable national and local codes and standards

#### **§7-204 FIRE PREVENTION - OUTDOOR FIREPLACES; ENUMERATED.**

(1) Fire prevention--Outdoor fireplaces. The term "outdoor fireplaces" shall include portable fire pits, chimineas, and fire rings. These outdoor fireplaces use wood as a fuel and are used for contained recreational fires 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 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 an outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires. All outdoor fireplaces shall meet the following requirements:

- (a) Construction. The fire fuel area and openings shall be completely enclosed by steel screening or an approved non-combustible screening material with openings in screening to be not larger than one-half-inch square. Vent stacks and chimneys shall have a steel screen cover made of heavy

wire mesh or other non-combustible material with openings not larger than one-half-inch square. Fire fuel areas shall be covered with a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices;

- (b) Size. The fuel area for a fire pit shall not be larger than three (3) feet in diameter and a height of more than two (2) feet;
  - (c) Location. Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad. All outdoor fireplaces will be placed on a firm, noncombustible surface while in use and it is recommended that they be fifteen (15) feet from the property line and ten (10) feet from the nearest structure. 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.
- (2) 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.
  - (3) 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 and the flames do not extend into the chimney or above the pit. The manufacturer's recommendation on the maximum amount of fuel to be used at one time shall be followed.
  - (4) Supervision. Outdoor fireplaces shall be under constant supervision by at least one (1) 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.
  - (5) Provisions for Protection. A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.
  - (6) Wind and Weather Conditions. Outdoor fireplaces shall not be operated when winds are blowing over ten (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.
  - (7) Maintenance. The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. The outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.
  - (8) Smoke Nuisance. 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. Outdoor fireplace use will be immediately discontinued if the use of the outdoor fireplace is determined to constitute a hazardous or unpleasant condition to occupants of surrounding property.

### Article 3. Explosive Materials

POISONOUS AND FLAMMABLE GASES. (REPEALED ORDINANCE 5329)

EXPLOSIVES; BLASTING PERMIT REQUIRED. (REPEALED ORDINANCE 5329)

§7-301 FIREWORKS, SALES AND USE, PERMITTED DATES, FEES, LICENSE REQUIRED, PERMITTED STRUCTURES.

#### A. Definitions.

- (1) Permissible fireworks shall mean only fireworks approved under Section 28-1247 of the State Fire Marshal's Act Book. See also Rules and Regulations concerning fireworks in the State of Nebraska

Administrative Code, Title 157.

- (2) Person as used in this Article shall include any person, firm, partnership, association of persons, club, or corporation.
  - (3) Sale shall include barter, exchange, or gift or offer therefore, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.
- B. General. It shall be unlawful for any person to possess, sell, offer for sale, bring into this City, or discharge any pyrotechnics, commonly known as fireworks other than permissible fireworks; provided, that the provisions of this section shall not apply to:
- (1) Any fireworks for purposes of public exhibitions or displays purchased from a licensed distributor or the holder of a display license to be issued by the State Fire Marshal, which license shall be good only for the calendar year in which issued and which shall not authorize the holder to sell or hold for sale any permissible fireworks or any firecrackers of any description, whether soft shell or hard shell;
  - (2) Any public exhibition or display under the auspices of the City of Fremont;
  - (3) Any fireworks brought into this state for storage by a licensed distributor and held for sale outside of this State;
  - (4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal to any holder of a distributor's license; or
  - (5) Toy cap pistols or toy caps each of which does not contain more than twenty-five hundredths of a grain of explosive material.
- C. License Required. It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without first having made application to the City Clerk (City Hall) or designee and received a license to do so from the City Clerk upon approval from the Fire Department. Such licenses shall be valid for the calendar year in which issued, and shall at all times be displayed at the place of business of the holder thereof. Such license shall not be transferable.

An application for such license shall be obtained from the City Clerk or designee. The City Clerk or designee shall receive the application, accompanied by the fee set forth below and certification of liability insurance naming the City as additional insured of not less than one million (\$1,000,000) and a copy of the Nebraska State Fire Marshal License for sale of fireworks. Upon the acceptance of a complete application, the temporary stand and premises shall be inspected by the Fire Department. If in conformity with the City and State requirements, the City Clerk or designee will issue a receipt in the form of a license which shall be valid only for the calendar year in which issued and shall be displayed at the place of business of the holder thereof, where such fireworks are offered for sale at wholesale or retail.

Before June 15 of the calendar year for which the license is being sought, the fee for such license shall be one thousand five hundred dollars (\$1,500.00). On or after June 15 of the calendar year for which the license is sought, the fee shall be three thousand dollars (\$3,000.00).

A separate license is required for each location approved under the provisions of this section.

- D. Dates of Lawful Sale. Permissible fireworks may be sold or offered for sale in the City of Fremont on June 27 at 12:01 AM through and including July 4 at 11:59 PM of each year. No matches shall be sold or distributed from the temporary fireworks stand.
- E. Temporary Fireworks Stands. Any person having obtained a permit to sell permissible fireworks may sell or offer for sale such fireworks only from a temporary stand or enclosure erected or placed on real estate for that purpose. No fireworks shall be sold from permanent buildings or structures in the City. Fireworks are to be sold from a temporary stand or enclosure, such stand or enclosure shall be of wood or steel frame construction covered with metal or wood and placed on a paved surface. Any temporary enclosure or stand shall be permitted only in those areas of the City zoned Commercial or Industrial, and only after

a permit is obtained from the City Clerk or designee for the erection or placement of such temporary enclosures or stands. Such temporary enclosures or stands shall be permitted to remain on real estate where permissible fireworks are sold for only the period beginning on June 22 at 7:00 AM through and including July 9 at 7:00 PM of each year. Any such temporary stand or enclosure shall comply with the Site Development Regulations and Vision Clearance Zones per the Zoning Ordinance and not be located closer than fifty feet from any building, and at least one hundred feet from any station where gasoline and oil for motor vehicles is sold. Such temporary stand or enclosure shall not exceed five hundred square feet in size.

F. Signage Required. The following signage in letters at least 2 ½ inches in height on a contrasting background shall be conspicuously posted on the stand in three separate locations:

1. No Smoking Sign. Smoking shall not be permitted inside or within 50 feet of the temporary fireworks stand or sales area. The No Smoking Sign shall read:

NO SMOKING WITHIN 50 FEET

2. Discharge Dates and Time Sign shall read:

THE FREMONT MUNICIPAL CODE ALLOWS FIREWORKS TO BE DISCHARGED ONLY ON THE FOLLOWING DATES AND TIMES:

June 27 through July 3 - 8:00 a.m. to 11:00 p.m.

July 4 - 8:00 a.m. to midnight

3. Safety Discharge Zone Sign shall reads as follows:

NO DISCHARGING FIREWORKS WITHIN 300 FT. OF THIS STAND

4. No Parking Sign. Vehicles shall not be parked within 12 feet of the temporary structure. The No Parking Sign shall read:

NO PARKING WITHIN 12 FEET

G. Age Limitation for Selling Fireworks. Retail sales establishments shall, at all times, be supervised by a person of at least eighteen (18) years of age. Failure to comply with this regulation may result in immediate revocation of the retail license.

H. Discharging Fireworks Where Sold Prohibited. It shall be unlawful for any person to discharge fireworks within 300 feet of the premises where fireworks are sold.

I Explosives; Throwing Prohibited

It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object: (1) from, at, or into a motor vehicle; (2) onto any street, highway, or sidewalk; (3) at or near any person; (4) into any building; or (5) into or at any group of persons.

J. Discharge of Fireworks

Permissible fireworks may be discharged, exploded, or used in the City of Fremont on June 27 through and including July 4 of each year; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

June 27 through July 3	8 a.m. to 11 p.m.
July 4	8 a.m. to midnight

The discharge of fireworks within the City of Fremont on any dates or times other than as set out in this section shall require approval from the City Council.

## Article 4. Penal Provision

**§7-401** **VIOLATION; PENALTY.** Any person who violates any of the prohibitions or provisions of any Article or Section of this Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular Article or Section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed one thousand (\$1,000.00) dollars and/or imprisonment for any length of time not to exceed three (3) months, in the discretion of the court.

**§7-402** **ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the City may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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 a part of the judgment in the case