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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: AGREEMENT WITH RURAL FIRE DISTRICT

In order to provide the residents of Waterloo with fire and rescue protection, the Village Board is authorized to enter into contractual arrangements with the appropriate rural fire protection district. Such an agreement shall provide for mutual aid, protection, and a sharing of necessary expenses between the Village and the rural fire district. The Village Board, for the purpose of defraying the cost of the maintenance and improvement of the Fire Department, may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The fund shall be at all times in the possession of the Village Treasurer. **(Neb. Rev. Stat. §17-718, 17-953, 35-530)**

SECTION 8-102: MEMBERSHIP

A. The Fire Chief shall appoint no more than 55 members for each Fire Department company subject to the review and approval of the Village Board. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Village for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$10,000.00 dollars for death from any cause to age 65 and such policy shall, at the option of the individual firefighter, be convertible to a permanent form of life insurance at age 65; provided, the firemen covered are actively and faithfully performing the duties of their position. **(Am. By Ord. No. 761,10/27/15, Ord.773 8/23/16)**

B. The Fire Department shall consist of so many members as may be decided by the Village Board. The members may organize themselves in any way they may decide, subject to the review of the Board. The Village Board may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the Fire Chief or the Village Board. **(Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108)** (Am. Ord. No. 649, 10/27/03; 698, 2/10/09)

SECTION 8-103: DUTIES

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires, to protect property within the Village, and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 8-104: EQUIPMENT

It shall be unlawful for any person except the Fire Chief and the members of the 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 Village. (Neb. Rev. Stat. §28-519)

Article 2 – Fires

SECTION 8-201: 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 village 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 for the purpose of controlling a fire.

SECTION 8-202: INTERFERENCE WITH FIREFIGHTERS

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. (Neb. Rev. Stat. §28-108)

SECTION 8-203: OBSTRUCTION OF HYDRANTS

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. (Neb. Rev. Stat. §60-6,166)

SECTION 8-204: 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 has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-205: DISTANT FIRES

Upon the permission of the Village Chairperson or Fire Chief or pursuant to any agreement with a rural fire district for mutual aid and protection, such fire equipment of the Village as may be designated by the Village Board as rural equipment may be used beyond the corporate limits to extinguish a reported fire.

SECTION 8-206: POWER OF ARREST

The Fire Chief or the Assistant Fire Chief shall have the power during the time of a fire and for a period of 36 hours after its extinguishment to arrest any suspected arsonist, other person hindering or resisting the firefighting effort, or any person who conducts himself in a noisy or disorderly manner. (Neb. Rev. Stat. §28-108)

SECTION 8-207: 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. (Neb. Rev. Stat. §28-108)

SECTION 8-208: FIREFIGHTING CHARGES

A. The Chairman and Village Board of Trustees find and determine that equitable charges should be established for the consumption of water and other materials used by the Waterloo Fire and Rescue Department in fighting fires.

B. For the purpose of paying the expense of water and other materials utilized by the Waterloo Fire and Rescue Department in fighting fires, the Chairman and Village Board are hereby authorized to charge the owner(s) of property for water and other materials used by the department in fighting a fire on the owner's property.

C. The Waterloo Fire and Rescue Department will be directed to provide the Village Clerk the following information regarding the use of village water in fighting each fire:

1. The name and address of the owner of the property at which the fire occurred;
2. The date and approximate time and duration of the fire;
3. The measured volume of water and the amount of other materials used in fighting the fire.

D. Following receipt of the information furnished by the Waterloo Fire and Rescue Department, the Village Clerk shall invoice the owner of the property for the amount of water and other materials used in fighting the fire on the owner's property at the rates provided by village ordinance establishing water rates and for the cost of the other materials used in fighting the fire.

(Am. Ord. No. 645, 7/8/03)

SECTION 8-209: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate, or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Village in which property has been destroyed or damaged in excess of \$50.00. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Village shall immediately notify the State Fire Marshal and shall, within one week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire and such further infor-

mation as he may call for. (Neb. Rev. Stat. §81-506)

SECTION 8-210: FALSE ALARM

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. (Neb. Rev. Stat. §28-107, 35-520)

SECTION 8-211: IMPERSONATING FIREFIGHTERS

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing herein shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

Article 3 – Fire Prevention

SECTION 8-301: LIFE SAFETY CODE

Incorporated by reference into this code are the standards recommended by the National Fire Protection Association, known as the Life Safety Code, current edition, and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code is on file with the Village Clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-232, 19-902, 19-922, 81-502)

SECTION 8-302: FIRE CODE ENFORCEMENT

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

SECTION 8-303: INSPECTIONS; LAWFUL ENTRY

A. 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, the said structure as often as necessary 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 village ordinances affecting the hazard of fire.

B. It shall be the duty of the Fire Chief, when directed to do so by the Village Board, to inspect or cause to be inspected by Fire Department officers, members, or some other official all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable 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, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist. (Neb. Rev. Stat. §81-512)

SECTION 8-304: NOTICE OF VIOLATION

A. Upon a finding that the municipal code has been violated, the Fire Chief may notify, or cause to be notified, the owner, occupant, or manager of the premises where a violation has occurred. Notice may be made personally or by delivering a copy to the premises and affixing it to the door of the main entrance. Whenever it may be necessary to serve such an order upon the owner, such order may be served

personally or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction. Any such order shall be immediately complied with by the owner, occupant, or manager of the premises or building.

B. The owner, occupant, or manager may, within five days after such order by the Chief of the Fire Department or his agent, appeal the order with the Village Board, requesting a review, and it shall be the duty of the Board to hear the same within not less than five days nor more than ten days from the time when the request was filed in writing with the Village Clerk. The Village Board shall then affirm, modify, or rescind the said order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the Fire Chief. A copy of any decision so made shall be sent to both the Fire Chief and the owner, occupant, or manager making the appeal.

SECTION 8-305: 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/her designee may waive an open burning ban under subsection (A) of this section for an area under his/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/her designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or his/her designee.

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

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

E. The Fire Department may charge a fee not to exceed \$10.00 for each such permit issued. This fee shall be remitted to the Village Board 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.

Article 4 – Fireworks

SECTION 8-401: PERMITS REQUIRED

The Chairman and Village Board shall be authorized to grant commercial and non-profit fireworks permits for the retail sale of fireworks within the corporate limits of the Village in accordance with the terms and conditions of this article. (Am. by Ord. No. 634, 3/12/02)

SECTION 8-402: STATE LICENSE REQUIRED; DATES OF SALE

It shall be unlawful for any person to sell, hold for sale, or offer for sale as a distributor, jobber, or retailer any fireworks without first obtaining a license from the State Fire Marshal. Consumer fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year. (Neb. Rev. Stat. §28-1246, 28-1248) (Ord. No. 621, 11/9/99; 667, 7/12/05)

SECTION 8-403: TYPES PERMITTED

A. Only fireworks permitted by state statutes and the rules and regulations of the State Fire Marshal may be sold or discharged within the Village. (Am. by Ord. No. 634, 3/12/02; 667, 7/12/05)

B. Consumer fireworks may be discharged within the village limits only between June 24 and July 5 and between December 28 and January 1 of each year. (Ord. No. 667, 7/12/05)

C. "Consumer fireworks" shall mean only fireworks which have been approved by the State Fire Marshal. (Ord. No. 667, 7/12/05)

D. The foregoing prohibitions shall not apply to (1) toy cap pistols or toy caps containing not more than 25 hundredths of a grain of explosive material or (2) displays of fireworks pursuant to a special display permit issued by the State Fire Marshal and then submitted to the Village Board for approval at a scheduled board meeting prior to the event. (Ord. No. 667, 7/12/05)

SECTION 8-404: PERMITS; FEES

The fee, time and dates of sale for each fireworks permit shall be established by resolution of the Village Board. The permit fee must be paid at the time the application is filed and will be returned if the application is not approved. To the extent permitted by law, the Village Board may expend all, or part of, the permit fee paid by any non-profit applicant for public purposes associated with the non-profit applicant's activities. (Am by Ord. Nos. 672, 1/9/06; 713, 11/23/10)

SECTION 8-405: PERMIT APPLICATIONS

A. All applications and associated paperwork, along with payment of fees, for retail sales between June 24 and July 5 must be submitted at the village office by March 1 of the application year except for the insurance liability statement, which must be presented 30 days prior to the sale of fireworks.

B. All applications and associated paperwork, along with payment of fees, for retail sales between December 28 and January 1 must be submitted at the village office by October 1 of the application year, except for the insurance liability statement, which must be presented 30 days prior to the sale of fireworks.

C. Each applicant for a permit must possess a current retailer fireworks license issued by the State Fire Marshal and shall submit a retail fireworks sales application containing the following:

1. Applicant's name, address, phone number, and state sales tax number;
2. A scale drawing of the proposed fireworks site showing the location and dimensions of all temporary or permanent structures and all vehicles from which sales will take place; off-street parking to be provided; the number of vehicles which can be accommodated; and distances from streets and fire hydrants;
3. A schedule of the times when the applicant will provide traffic and parking control;
4. An indemnification agreement under which the applicant agrees to indemnify and hold the Village harmless from and against all claims arising out of applicant's operation of the fireworks stand;
5. Evidence of applicant's comprehensive general liability insurance coverage in the minimum amounts of \$300,000 each person, \$500,000 each occurrence, and \$100,000 property damage, naming the Village as an additional insured; and
6. Non-profit applicants must provide proof that they are a legal non-profit (501(c) organization) and that their non-profit will use net proceeds from their sales for community betterment purposed within the Village of Waterloo.

D. The application of every non-profit organization shall be signed by the organization's official sponsor and by the operator of the stand. Any agreement between the sponsor and the operator must be included with the application. The operator of each such stand shall provide the Village Board with an accounting of its sales, costs and net profit generated by the stand and a copy of the Form 10, Sales

Tax Report, returned to the state and any other documentation requested by the board within 30 days following the closing of the stand.

(Am. by Ord. 646, 8/19/03; 665, 4/12/05; 672, 1/9/06; Res. No. 11-12-07-1, Ord 727 1/22/13)

SECTION 8-406: APPROVALS

No permit shall be issued to an applicant until the application has been approved by the Village Board, Fire and Rescue Squad, Police Department, and Planning Commission. Said bodies shall meet after March 1 each year to review and approve pending applications. (Am. by Ord. No. 634, 3/12/02; Res. No. 11-12-07-1)

SECTION 8-407: NUMBER AND LOCATION OF STANDS

A. The Board of Trustees shall establish by resolution the number of fireworks stands to be licensed each year. The total shall be limited to ten stands, which shall include a maximum of five non-profit groups and five for-profit groups. If previous applicants choose not to apply for the current year, the Board will have the option of reducing the number of allowable stands or considering new applicants.

B. Stands permitted herein shall not be permitted in areas zoned as residential. The school shall be considered as “quasi-government” for zoning purposes. Zoning variances will not be allowed. Stands shall be separated by a minimum distance of 250 feet in order to insure adequate traffic control and fire protection.

(Am. by Ord. No. 634, 3/12/02; 646, 8/19/03; 665, 4/12/05; 683, 3/19/07; Res. No. 11-12-07-1)

SECTION 8-408: STAND REQUIREMENTS

Each fireworks stand permitted under this article shall comply with the following requirements:

A. A valid state Class C fireworks license and municipal permit must be posted in the stand.

B. During the times that fireworks are being sold, the stand must be manned by at least one adult who has in his/her possession a communication device capable of contacting the Sheriff’s Department, the Waterloo Police Department, and the Waterloo Fire and Rescue Squad.

C. Fireworks stored at the stand may only be those expected to be sold at that location.

1. Storage containers for stands open in July may be brought in only after the issuance of a state license and municipal permit and not before the month of June. All fireworks must be removed from the stand by July 11.
2. Storage containers for stands open in December may begin only after

the issuance of a state license and municipal permit and not before the month of December. All fireworks must be removed from the stand by January 7.

D. The stand must display "NO SMOKING" and "NO DISCHARGING OF FIREWORKS WITHIN 100 FEET" signs posted in conspicuous places.
(Am. by Ord 727 1/22/13)

SECTION 8-409: DISCHARGING OF FIREWORKS OFF-SEASON

Class B and Class C fireworks may be discharged in times other than those listed in Section 8-403 after a permit is issued by the Village Office and permit fee paid, in addition to any state permits required. Discharging of fireworks must be completed by 11:30pm.

Article 5 – Penal Provision

SECTION 8-501: 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 an offense 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.