

CHAPTER 36: FIRE DEPARTMENT

Section

- 36.01 Creation, composition, organization; powers and duties generally
- 36.02 Chief and Assistant Chief
- 36.03 Membership
- 36.04 Workers' compensation and term life insurance
- 36.05 Duties
- 36.06 Right of entry
- 36.07 Inspections; special hazards, ordinary, mulch or rubbish accumulations
- 36.08 Fire investigations and reports
- 36.09 Records of fires
- 36.10 Watching premises after fires
- 36.11 Departmental records and reports; expenditures
- 36.12 Fires; fighting distant fires
- 36.13 Preservation of property
- 36.14 Alarm systems

§ 36.01 CREATION, COMPOSITION, ORGANIZATION; POWERS AND DUTIES GENERALLY.

The existing volunteer Fire Department of the city is declared to constitute the Fire Department of the city; and there are created the offices of Chief and Assistant Chief of the Fire Department. It shall be the duty of the Fire Department of the city to keep its apparatus, hose, engines and other equipment in serviceable condition and to repair with due haste to all fires and to remain at each fire until dismissed by the Chief of the Fire Department of the city. The members shall be under the command and control of the Chief at all fires, and it shall be the duty of each and all members to obey his or her orders and follow his or her directions. Any member who shall willfully and without good cause disobey any order of the Chief when at a fire may be summarily expelled from the Fire Department by the Council. It shall be the duty of each member of the Department to prevent, as far as within his or her power, the unnecessary destruction of the contents of the building on fire. It shall be the duty of the Assistant Chief of the Fire Department to assist the Chief in matters pertaining to the Fire Department and to exercise the powers and duties of the Chief during the absence or disability of the Chief.

(2002 Code, § 38-91)

§ 36.02 CHIEF AND ASSISTANT CHIEF.

The members of the Fire Department of the city shall, at the time of each annual meeting of the Department, recommend a member for the office of Chief of the Fire Department. Such which person, on being confirmed by the Council, shall hold such offices until his/her successor shall be appointed and qualified. This officer shall be subject to removal by the Council at any time. The Department shall at such time elect such other officers as it deems necessary.

(2002 Code, § 38-92)

§ 36.03 MEMBERSHIP.

(A) The Fire Chief shall appoint no more than 25 members for each Fire Department company, subject to the review and approval of the Council.

(B) All vacancies shall be filled in this manner. The Fire Department shall consist of so many members as may be decided by the Council. The members may organize themselves in any way they may decide, subject to the review of the Council. They may hold meetings and engage in social activities with the approval of the Council.

(C) The Secretary shall, upon request, keep a record of all meetings and shall make a report to the Council of all meetings and activities of the Fire Department.

(D) The Council may, for services rendered, compensate any member of the Fire Department in an amount set by resolution.

(E) 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 Council.

(2002 Code, § 38-93)

Statutory reference:

Related provisions, see Neb. RS 35-102

§ 36.04 WORKERS' COMPENSATION AND TERM LIFE INSURANCE.

Members of the Fire Department shall be considered to be employees of the city for the purpose of providing members with workers' compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$10,000 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. Coverage shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department.

(2002 Code, § 38-94)

§ 36.05 DUTIES.

It shall be the duty of the Fire Department to enforce or assist in the enforcement all laws and ordinances covering the following:

(A) The prevention of fires;

(B) The storage and use of explosives and flammables;

(C) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;

(D) The maintenance and regulation of fire escapes;

(E) The means and adequacy of exits, in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and

(F) The investigation of the cause, origin and circumstances of fires.
(2002 Code, § 38-96)

§ 36.06 RIGHT OF ENTRY.

Any inspector or member of the Fire Department, designated by its Chief, may, at all reasonable hours, as allowed by law, enter any building or premises within its jurisdiction for the purpose or making any inspection or investigation which, under the provisions of this code, he or she may deem necessary to be made.

(2002 Code, § 38-97)

§ 36.07 INSPECTIONS; SPECIAL HAZARDS, ORDINARY, MULCH OR RUBBISH ACCUMULATIONS.

(A) *Special hazards.* Any inspector or members of the Fire Department specially designated shall inspect, as often as may be necessary, all particularly hazardous manufacturing processes, storages or installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the Chief of the Fire Department shall designate, and shall make such orders as may be necessary for the enforcement of the governing laws and ordinances and for safeguarding of life and property from fire.

(2002 Code, § 38-98)

(B) *Ordinary; mulch or rubbish accumulations.* It shall be the duty of the Chief of the Fire Department to inspect, or cause to be inspected, by the Fire Department officers and members, as often as may be necessary, all buildings and premises, except the interior of private dwellings, for the purpose

of ascertaining and causing to be corrected any conditions likely to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard. Whenever any inspector shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste, paper, boxes, shavings, manure, straw, leaves or other similar loose material, or litter of any kind, or any highly flammable materials, which are so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, likely to interfere with the operations of the Fire Department or egress of occupants in case of fire, he or she shall order the materials to be removed or condition remedied.
(2002 Code, § 38-99)

(C) *Inspections on complaint.* The Chief of the Fire Department or any inspector, upon the complaint of any person or whenever they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any officer shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated, as to endanger other property or the occupants, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants, he or she shall order such dangerous conditions or materials to be removed or remedied.
(2002 Code, § 38-100)

(D) *Orders following inspection; manner of service; appeal.* The service of notices and orders as mentioned in division (C) above may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of such notices and orders to such occupant personally or by delivering such notices and orders to and leaving them with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such notice or order upon the owner of the premises, it may be served either by delivering to and leaving with the person a copy of the notice or order, or, if such owner is absent from the jurisdiction of the officer making notice or order, by mailing such copy by certified mail to the owner's last known post office address. Any such notice or order shall forthwith be complied with by the owner or occupant of such premises or building. If such notice or order is made by one of the inspectors, such owner or occupant may, within 24 hours, appeal to the Chief of the Fire Department, who shall, within five days, review such notice or order and file his or her decision; and, unless, by his or her authority, the notice or order is revoked or modified, it shall remain in full force and be complied with within the time fixed in the notice or order or decision of the Chief of the Fire Department.
(2002 Code, § 38-101)

§ 36.08 FIRE INVESTIGATIONS AND REPORTS.

The Fire Department shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire by the Chief of the Fire Department. If it appears that such fire is of

suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(2002 Code, § 38-102)

§ 36.09 RECORD OF FIRES.

The Chief of the Fire Department shall keep a record of all fires and of all the facts concerning the fires, including statistics as to the extent of such fires and the damage caused by such fires, and whether such losses were covered by insurance, and if so, in what amount. All such records shall be public.

(2002 Code, § 38-103)

§ 36.10 WATCHING PREMISES AFTER FIRES.

It shall be the duty of the Chief of the Fire Department, or his or her designee, after the engines are withdrawn and the firefighters dismissed from any fire within the city to have and keep charge of the premises until the probable danger of smoldering fire is passed and a reasonable time had for the investigation of the cause of the fire; during this time, he or she shall cause strict watch to be kept and guard the premises of the fire.

(2002 Code, § 38-104)

§ 36.11 DEPARTMENTAL RECORDS AND REPORTS; EXPENDITURES.

(A) The Chief of the Fire Department shall keep a list of all members of the Fire Department, showing the age and occupation of each, the date he or she entered the service and such other data as the Council may require. He or she shall also keep a record of all fires and fire alarms, of their location, of the class of building or structure damaged or destroyed, of the purpose for which it was used, of the cause of the fire, the amount of loss, the amount of insurance and such other information as the Council deems important. He or she shall include in such report a record of any injury that may have been sustained by any persons on account of the fire. Such record shall, at all times, be available for the inspection of the Council.

(2002 Code, § 38-105)

(B) (1) The Chief of the Fire Department shall report to the Council, at its first meeting in May of each year, the operation of the Department for the preceding year and shall include with the report an inventory of the property of the Department. He or she shall file with the City Clerk and the Clerk of the District Court of the county on such dates as required by law a certified copy of the rolls of all members in good standing of the Fire Department in order to obtain the exemptions provided by law.

(2) The service records of all firefighters shall accompany their applications for honorable discharge when they are submitted to the Council for approval and signature.

(2002 Code, § 38-106)

(C) No obligations, except in emergencies and with regard to minor expenditures, shall be incurred on behalf of the Fire Department unless authorized by the Council.

(2002 Code, § 38-107)

(D) The annual report of the Fire Department shall be made on or before May 1 in each year and transmitted to the Council. It shall contain all information and statistics as the Chief of the Fire Department or the Council may wish to include.

(2002 Code, § 38-108)

§ 36.12 FIRES; FIGHTING DISTANT FIRES.

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

(2002 Code, § 38-109)

(B) Upon the permission of the Mayor or the Fire Chief, such fire equipment of the city as may be designated by the Council as rural equipment may be used beyond the corporate limits to extinguish reported fires.

(2002 Code, § 38-110)

(C) The firefighters of the city shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the city when directed to do so by the Mayor or Chief of the Fire Department or some person authorized to act for such Chief and, in so doing, may take such fire equipment of the city as may be designated by the Council.

(2002 Code, § 38-111)

§ 36.13 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 officials may direct the hook and ladder persons to remove any building, erection or fence for the purpose of checking the progress of any fire; and the official in charge of the firefighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the fire.

(2002 Code, § 38-112)

§ 36.14 ALARM SYSTEMS.

(A) (1) Alarm systems must incorporate a device that allows an adequate delay before the time at which activation of the system would directly or indirectly signal public safety personnel. This delay is to permit the subscriber to stop a false alarm from being transmitted.

(2) The alarm system shall incorporate a device that limits any exterior signal to a period of time not to exceed 60 minutes in duration. At the expiration of the maximum time permitted, the alarm system shall automatically cease to emit a signal.

(2002 Code, § 38-113)

(B) (1) If any alarm system produces three false alarms in any 12 consecutive months, written notice of that fact shall be given by certified mail or delivery to the subscriber, or other appropriate party (available 24 hours a day and seven days a week) at the addresses listed in the most recent such notification for that alarm system. Thereafter, the City Administrator or his or her designated representative shall have the power to require the subscriber to comply with any one or combination of the requirements set forth below as would minimize, in his or her judgment, such false alarms in the future.

(a) The subscriber may be charged for the direct and indirect costs to the city of time, labor, equipment and other services rendered in responding to each subsequent alarm or may be charged a fee, to be adopted by resolution of the Council, per false alarm, whichever is higher. Such charges shall continue for each excessive false alarm until six consecutive months have elapsed during which no false alarms have been registered, and must be paid within 15 days after notice thereof is given in the same manner as provided by this section for notice of excessive false alarms.

(b) The subscriber may be required to cause the alarm system to comply immediately with the applicable standards referred to in division (A) above (those standards otherwise being imposed only on alarm systems installed after enactment of this chapter).

(c) The subscriber may be required to disconnect the alarm system immediately in such fashion that signals are not emitted so as to notify public safety personnel directly through automatic telephone recording devices or to register a signal which is so audible, visible or other ways, perceptible outside a protected building, structure or facility as to notify persons in the neighborhood who may in turn notify public safety personnel of the signal.

(2) Notice of the determination of the City Administrator or his or her designated representative shall be given in the same manner as provided by this section for notice of excessive false alarms.

(2002 Code, § 38-114)

(C) Nothing in this chapter, nor the existence of any other fact(s), shall be construed to require a response by public safety personnel to an address or location registering an alarm. The city shall neither assume, nor bear any liability for its failure to respond to such an alarm signal.

(2002 Code, § 38-115)

(Ord. 2005-29, passed 10-11-2005) Penalty, see § 10.99

