

CHAPTER 8 – FIRE REGULATIONS

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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: OPERATION AND FUNDING

The Village Board operates the Fire Department and the Emergency Medical Services Unit through the Fire Chief and firemen and the Emergency Medical Services Chief and the emergency medical technicians. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvement of the Fire Department and the Emergency Medical Services Unit, 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/EMS Fund and shall be at all times in the possession of the village treasurer. The Fire Chief in the Fire Department's annual budget and from time to time shall request payment of the revenue for the benefit of the Fire Department and the EMS Unit. The revenue shall be paid by the village clerk/treasurer as authorized by the Village Board in its discretion. (Neb. Rev. Stat. §17-718, 17-953)

SECTION 8-102: AGREEMENT WITH RURAL FIRE DISTRICT

In order to provide the residents of the Village and the Rural Fire District with fire and emergency medical services, the Village Board is authorized to enter into contractual arrangements with a Rural Fire District. Such an agreement shall provide for mutual aid, protection and a sharing of necessary expenses between the Village and the Rural Fire District. (Neb. Rev. Stat. §35-530)

SECTION 8-103: RESCUE SQUAD

A. The Fire Department shall operate an Emergency Medical Services Unit, also known as EMS Unit for the benefit of those within the Fire Protection District. (Neb. Rev. Stat. §35-514.02)

B. The Emergency Medical Services Chief, also known as the EMS Chief is the officer in charge of the EMS Unit. It shall be the duty of the EMS Unit and the EMS Chief during the time of a rescue call to insure that every victim of injury is aided or aided and transported to a hospital of the patient's choice, if known, or if not known, then all such victims requiring hospitalization shall be transported to the emergency room of the nearest hospital. When available, EMS technicians, also known as EMTs shall respond to all fire calls. After the completion of any call, the EMS Chief shall inform the village clerk of the amount of the donation necessary from the aided party or parties to sufficiently cover the cost of the service provided by the EMS Unit.

SECTION 8-104: DUTIES

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

SECTION 8-105: FIRE AND EMS UNIT CHIEFS

A. The Fire Chief and the EMS Chief shall be appointed by and serve at the behest of the Village Board. The Fire Chief shall manage the Fire Department and it shall be his or her duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs repair or replacement. Upon the written consent and directive of the Village Board, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the Village Board at the regular meeting in January each year or as otherwise directed by the Board to give a report of the general condition and the proposed additions or improvements recommended by him or her. The EMS Chief shall manage the EMS Unit and it shall be his or her duty to inform the Village Board when any of the ambulances, supplies, on-board equipment or other apparatus needs repair or replacement. Upon the written consent and directive of the Village Board, the EMS Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same,. It shall be the duty of the EMS Chief to come before the Village Board at the regular meeting in January each year or as otherwise directed by the Board to give a report of the general condition and the proposed additions or improvements recommended by him or her.

B. The Fire Chief and the EMS Chief shall, before December 1 each year, file with the Village clerk and the clerk of the district court a certified copy of the rolls of all members in good standing in the respective fire companies and the EMS Unit in order to obtain the exemptions provided by law.

C. The Fire Chief shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. The Fire Chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his or her jurisdiction for the purpose of examining the same for fire hazards and related dangers.

D. The Fire Chief shall investigate the cause, origin, and circumstances of fires arising within his or her jurisdiction. The Fire Chief shall have the power during the time of a fire and for a period of 36 hours thereafter to arrest any suspected arsonist or any person for hindering the department's efforts, acting in a noisy and disorderly manner or refusing to obey any lawful order by the Fire Chief or Fire Department

members under the Fire Chief's command. The Fire Chief or Fire Department members under the Fire Chief's command at a fire may order the services of any person present at any fire in extinguishing the same or in the removal and protection of people and property. Failure to obey such an order shall be a misdemeanor punishable by a fine. (Neb. Rev. Stat. §17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-106: 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 Board of Trustees. All vacancies shall be filled in this manner. The Emergency Medical Services Chief shall appoint the members of the Emergency Medical Services Unit, not to exceed in number any limits established by law, subject to the review and approval of the Board of Trustees. All vacancies shall be filled in this manner.

B. All members of the Fire Department and the Emergency Medical Services Units 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 Emergency Medical Unit acting on the authority of the Board of Trustees. The members of the Fire Department and the Emergency Medical Services Unit shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the state of Nebraska.

C. Members of the Fire Department and the Emergency Medical Services Unit may hold meetings and engage in social activities subject to the approval of the Board of Trustees. The respective chiefs shall cause to be kept a record of all meetings and shall make a report to the board of all meetings and activities of the Fire Department and the Emergency Medical Services Unit, the attendance record of all members, and a record of all fires and emergency medical services calls. The respective chiefs shall make a full report of such records to the village clerk during the last week in April each year and as further directed by the Village Board. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, the Fire Chief shall include information as to whether such losses were covered by insurance, and if so, in what amount. The record of any emergency medical services calls shall be made and kept in accordance with the requirements of law and the Emergency Medical Director. All Fire Department and Emergency Medical Services Unit events and records shall be available to the public in accordance with applicable freedom of information and open meetings law.

D. Members of the Fire Department and the Emergency Medical Services Unit shall be considered to be employees of the Village for the limited purpose of providing them with workers' compensation and other benefits. The Board of Trustees may compensate or reimburse any member of the Fire Department or Emergency Medical

Unit for expenses incurred in carrying out his or her duties in an amount set by resolution. The board shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the Village's active volunteer fire and emergency medical services personnel, except that when any such person serves more than one municipality or rural or suburban fire protection district, the policy shall be purchased only by the first entity or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age 65. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department or Emergency Medical Services Unit.

E. For purposes of Neb. Rev. Stat. §33-139.01, volunteer firefighters and emergency medical services unit members testifying as witnesses in that capacity alone shall not be deemed employees of the Village.
(Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108)

SECTION 8-107: USE OF APPARATUS AND EQUIPMENT

A. It shall be unlawful for any person 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)

B. Fire and Emergency Medical Services equipment may not be removed from the Fire Department and emergency medical services unit without prior approval of the respective chief or Village Board. Village employees shall not be involved in the Fire Department or Emergency Medical Services Unit other than as firemen or emergency medical services unit members. Maintenance of the Fire Department and Emergency Medical Services real and personal property is the responsibility of the Village Board. The temperature control of the premises shall be administered to insure that oxygen and other equipment of the emergency services and other fire department companies are maintained at safe operating and administration temperatures.

SECTION 8-108: COMMUNICATIONS EQUIPMENT

No unauthorized person shall operate any radio or the communications equipment of the Fire Department or Emergency Medical Services Unit. All persons authorized to operate said communication equipment shall do so only as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-109: IMPERSONATING FIREFIGHTER

It shall be unlawful for any person to impersonate a Fire Department or Emergency Medical Services Unit personnel by wearing a badge, uniform, gear or other garb or device associated with such persons. (Neb. Rev. Stat. §28-609)

Article 2 – Fires

SECTION 8-201: PRESERVATION OF PROPERTY

The Fire Chief or firefighters acting pursuant to his or her authority shall have the power during a fire to remove of any private or public property whenever necessary for the preservation of such property, to prevent the spreading of fire, or to protect other property. Such firefighters for the purpose of extinguishing or checking a fire may remove or alter by any means any building, structure, fence, vegetation, condition of land or other thing or condition

SECTION 8-202: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire or emergency medical service apparatus traveling in response to a fire alarm or call closer than 500 feet or drive into or park his or her vehicle within the block where fire or emergency medical services apparatus has stopped in answer to a fire alarm or call. (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 or emergency medical services call shall have sounded until the fire trucks or emergency medical services vehicles shall have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-204: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the Fire Chief or one acting under his or her authority to drive any vehicle over unprotected Fire Department hose. (Neb. Rev. Stat. §60-6,184)

SECTION 8-205: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the Fire Chief or the members of the Fire Department, or the Emergency Medical Services Chief or members of the Emergency Medical Services Unit in the performance of their duties. A person commits the offense of interfering with a fireman, or emergency medical services technician if, at any time and place where any fireman or emergency medical services technician is discharging or attempting to discharge any official duties he or she willfully:

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

B. Disobeys the lawful orders given by any fireman or emergency medical services technician while performing his or her duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished or emergency medical services from being rendered; or

D. Forbids, prevents or discourages others from extinguishing a fire or rendering emergency medical services. (Neb. Rev. Stat. §28-908)

SECTION 8-206: POWER OF ARREST

The Fire Chief or one acting pursuant to his or her authority 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 or other person hindering or resisting the firefighting effort or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of village police officers to command all persons to assist them in the performance of their duties.

SECTION 8-207: FIRE WATCH

After all fires have been extinguished and the firefighting equipment has been removed from the scene, a fire watch shall be maintained about the fire area for a period of not less than 24 hours or until, in the opinion of the fire chief, the fire is deemed to be completely extinguished and no possibility of re-kindling is likely

SECTION 8-208: FIRE INVESTIGATION

It shall be the duty of the Fire Chief to investigate the cause, origin, and circumstances of every fire occurring within his or her jurisdiction in which property has been destroyed or damaged. Any fire of unknown origin shall be reported to the Fire Department board and other such appropriate local and state officials and the Fire Chief shall especially determine and report 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. The Fire Chief shall immediately notify the State Fire Marshal and shall, within one week of the extinguishment of the fire, furnish him or her with a written statement of all the facts relating to the cause and origin of the fire and such further information as may be called for or as the Fire Chief may have. (Neb. Rev. Stat. §81-506)

SECTION 8-209: DISTANT FIRES

With the permission of the Fire Department board 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. The firefighters of the Village shall be considered as acting in the performance and within the scope of their duties in fighting fires or saving property or life outside the corporate limits of the Village when directed to do by the Fire Department board chairperson the Fire Chief or some

person authorized by the Fire Chief, and in so doing, may use such fire equipment of the Village as may be designated for such use by the Village Board.

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 or injury.. (Neb. Rev. Stat. §28-907, 35-520)

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE

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, in addition to all amendments, as part of this chapter. One copy shall be available in the office of the village clerk for public inspection during office hours. 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, 19-902, 19-922, 81-502)

SECTION 8-302: LIFE SAFETY CODE

The standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition, are hereby incorporated by reference, in addition to all amendments, as part of this chapter. Said code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code shall be on file with the village clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all village 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: FIRE LIMITS; DEFINED

The following-described territory shall be and constitute the fire limits of the Village: All territory within one-half block on either side of and including Main Street from the Burlington Railroad lines east to Walnut Street. (Neb. Rev. Stat. §17-550)

SECTION 8-305: 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. (Neb. Rev. Stat. §17-550)

SECTION 8-306: FIRE LIMITS; PERMITTED REPAIRS; APPLICATION

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 village clerk to make such repairs or alterations or to add to any

building and shall state on the application that the material used will be noncombustible 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 noncombustible materials. (Neb. Rev. Stat. §17-550)

SECTION 8-307: 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 iron-clad building shall hereafter be prohibited. (Neb. Rev. Stat. §17-550)

SECTION 8-308: REPAIR OR REMOVAL REQUIRED

In the event that a building within the fire limits becomes damaged by fire, wind, flood, vandalism or any other cause to the extent of less than 50% of its value, exclusive of the foundation, it shall be the duty of the owner, lessee, or occupant to remove or repair the said building in accordance with the provisions of this article. It shall be unlawful for any person to allow a building to stand in such damaged or decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the Village Board. In the event that any building or structure which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, 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. (Neb. Rev. Stat. §17-550)

SECTION 8-309: FIRE ON PAVEMENT

It shall be unlawful for any person to set out a fire on the pavement or near any curb within the Village. (Neb. Rev. Stat. §17-556)

SECTION 8-310: FIRES REGULATED

It shall be unlawful to build or set fires in trash burners, incinerators, or enclosures, with the following exceptions: (A) fires set in structures such as grills and fireplaces for cooking or warmth; (B) fires necessary for industrial, commercial (other than salvage operations), and institutional operations may be allowed by the fire chief if every such fire is contained in a metal fireproof enclosure with the chimney or vent therefrom covered with a metal fireproof screen of not more than one inch mesh. Any such structure shall be built and maintained in the manner prescribed by the fire chief. The hours during which such fires may be allowed shall be as determined by the fire chief. (Neb. Rev. Stat. §17-549, 17-556, 81-520.01) (Am. by Ord. No. 353, 7/9/02)

SECTION 8-311: INSPECTIONS; VIOLATION NOTICE

A. 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 a Fire Department officer, member, or some other official as often as may be necessary 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. 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 inspector to inspect the structure for purposes 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. 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)

C. 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 village ordinances to correct such condition within five days from the date of receipt of such notice.

SECTION 8-312: 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 designee may waive an open burning ban under subsection (A) of this section for an area under his jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief or his designee. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning.

C. The fire chief or his designee may waive the open burning ban in his jurisdiction when conditions are acceptable to the chief or his 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.

D. The Fire Department may set and charge a fee for each such permit issued.

Such fees 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.

(Neb. Rev. Stat. §81-520.01)

Article 4 – Explosives; Poisonous and Flammable Gases

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the Village for any period of time shall register such information with the village clerk within ten days after such explosives are brought into the Village. The clerk shall provide such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the Village shall require the individual receiving the explosives 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. All 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 facilities 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)

SECTION 8-402: EXPLOSIVES; BULLETS

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

SECTION 8-403: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board and shall discharge such explosives in conformance with their direction and under their supervision, and 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)

SECTION 8-404: POISONOUS OR FLAMMABLE GASES

Any person, firm or corporation desiring to store or keep in the Village 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 permission from the Village Board, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations and precautionary actions as it may deem necessary.

(Neb. Rev. Stat. §17-549)

Article 5 – Fireworks

SECTION 8-501: DEFINED

“Fireworks” shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, C.F.R. (Neb. Rev. Stat. §28-1241)

SECTION 8-502: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the Village as defined by Neb. Rev. Stat. §28-1241 shall be governed and regulated by Neb. Rev. Stat. §28-1239.01, 28-1241 to 28-1250 and 12-1252, including any and all amendments thereto, together with any rules and regulations adopted by the state fire marshal for the enforcement of said sections.

SECTION 8-503: PERMITTED FIREWORKS

A. Except as provided herein, it shall be unlawful for any person to possess, sell, offer for sale, bring into this state, or discharge any fireworks other than consumer fireworks, defined as follows:

1. Any small firework device designed to produce visible effects by combustion;
2. Any small device designed to produce audible effects such as a whistling device;
3. Any ground device or firecracker containing 50 milligrams or less of explosive composition;
4. Any aerial device containing 130 milligrams or less of explosive composition; or
5. Class C explosives as classified by the U. S. Department of Transportation.

B. “Consumer fireworks” does not include:

1. Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
2. Wire sparklers, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
3. Nighttime parachutes;
4. Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;
5. Firecrackers that contain more than 50 milligrams of explosive composition.

C. The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Village Board or to fireworks furnished for agricultural purposes pursuant to written authorization from the state fire marshal.

D. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever in the village park.
(Neb. Rev. Stat. §17-556, 28-1241, 28-1244, 28-1245) (Am. by Ord. No. 342, 7/28/98)

SECTION 8-504: LICENSE FROM FIRE MARSHAL; RETAIL SALE DATES

It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the state fire marshal for that calendar year. Licensed vendors shall only sell fireworks which have been approved by the state fire marshal and such permissible fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1.
(Neb. Rev. Stat. §28-1246 through 28-1250)

SECTION 8-505: VENDOR REGULATION

All legally permitted fireworks may be sold only between June 24 and July 5 and between December 28 and January 1; provided, fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the Village Board; and further provided, said vendor shall secure a license prior to such sales for each separate set of sales dates. Application shall be filed with the village clerk upon forms supplied by the Village and requesting such information and documents as the Village Board may deem necessary as to whether or not to grant said license. Upon determination that the license should be granted, the board shall direct the village clerk to collect the appropriate fee and issue said license. Any license so issued may be revoked at any time by the board upon proper notice and hearing, if one is requested by the licensee. (Neb. Rev. Stat. §28-1249) (Am. by Ord. No. 431, 10/28/14)

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 an offense and on 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.