

CHAPTER 13

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Article I. In General.

13-101. Adoption of International Fire Code.

Chapter 4 and §603 and §604 of the 2003 International Urban-Wildland Interface Code and the entire International Fire Code, 2003 Edition, including appendices B, C and D, as published by the International Code Council, Inc., are hereby adopted as the Fire Code of this municipality. Each and all of the regulations, provisions, fees, penalties, conditions, and terms of the Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance. The Fire Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such code does not conflict with the Statutes of the State of Nebraska or other specific model codes adopted by the City of Hastings. Three copies of the Fire Code are on file with the office of the Hastings Development Services, and are available for public inspection at any reasonable time. One copy of the Fire Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Fire Code shall be controlling throughout the municipality and throughout its extraterritorial zoning jurisdiction.

The following sections of the 2003 International Urban-Wildland Interface Code are hereby amended as follows:

§402.2.2(1) Is not adopted.

§404.1 General. An approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the urban-wildland interface area of the jurisdiction in accordance with this section.

The following sections of the International Fire Code, 2003 Edition, are hereby revised, amended or added:

§101.1 Insert: City of Hastings, Nebraska.

§109.3 Shall read as follows: Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In all cases of violation of each of the chapters, articles or sections of this Code or of any other ordinance of this city where a fine is imposed upon any persons found guilty of the violation thereof, such person so found guilty shall pay the costs of prosecution and, in default of payment thereof, shall be adjudged to stand committed to the county jail until such fine and costs are paid. Each judgment finding a person guilty under any chapter, article or section of this code or of any ordinance of this city shall specify in terms that the person found guilty stand committed until such fine and costs are paid, secured or satisfied, or unless the prisoner is sooner discharged by the due process of law.

§111.4 Shall read as follows: The fine shall be \$100.00 and shall be a continuing violation.

§202 Jurisdiction of the City of Hastings. Shall include the City of Hastings corporate limits as well as the 2-mile extraterritorial zoning jurisdiction of the City of Hastings.

§307 Strike entire section.

§B106 Any application for waiver must be filed with the Development Services Department, and forwarded to the Fire Department and the Hastings Rural Fire Protection District. The application shall contain the following:

- (1) name and current address of applicant;
- (2) relationship of applicant to owner of property;
- (3) legal description and commonly known address, if applicable, of the property for which the request is made;
- (4) description of the improvement to be constructed;

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(5) description of the fire code water supply requirements;

(6) a request that those requirements be waived or modified, and a statement of the modification or waiver requested;

(7) the applicant's justification for the waiver or modification;

(8) an agreement by the owner of the property to hold the City harmless; and

(9) an agreement by the applicant that the application and the Fire Chief's waiver or modification can be filed of record with the Register of Deeds.

(Code 1973, 14-1; Ord. Nos. 2632, 2874, 3011-4/87, 3155-1/90, 3440-12/94, 3962-8/2004 and 3976-11/2004)

For Board of Appeals, see State Stat. 28-601 et seq.

13-102. Repealed. (Ord. No. 3976-11/2004)

13-103. Burning of insulated wire prohibited.

It shall be unlawful for anyone to burn insulated wire for any purpose, but specifically it shall be unlawful to burn insulated wire for the purpose of salvaging the metal therein.

(Code 1973, 14-3; Ord. No. 2632)

13-104. Open fires; definitions.

For the purposes of this chapter, the following definitions shall prevail:

(1) Open fire. Burning under such conditions that the products of combustion are emitted directly into the ambient air and are not conducted thereto through a stack, chimney, duct, or pipe. This term shall include but not be limited to all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land. This term shall not include the following types of fires:

(a) fires for recreational purposes or the outdoor cooking of food for human consumption on other than commercial premises;

(b) fires for the purpose of training public or industrial firefighting personnel;

(c) operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of the Nebraska Department of Environmental Quality.

(2) Fire chief. The person who, from time to time, serves in the position of Hastings Fire Chief, or his or her designee.

(3) Training fires. The Hastings Fire Department shall have the authority to conduct training within the jurisdiction of the City of Hastings, which may include but not be limited to controlled burning of structures and materials, minor detonations and other training procedures involving open flames. Said training shall be exempt from the regulations of this code, as long as the training is conducted with the approval of the Fire Chief, and has not been otherwise prohibited by the Hastings City Council, Mayor or City Administrator. (Code 1973, 14-4; Ord. Nos. 2632, 2874, 3440-12/94, 3458-4/95 and 3976-11/2004)

13-105. Open fires; when permitted.

The Fire Chief shall have the authority to waive the open burning ban established by Nebraska Revised Statutes Section 81-520.01(1) subject to the following:

(1) The waiver may be granted only between the hours of 8:00 a.m. and 7:00 p.m. on Tuesdays and Thursdays, and 12:00 noon and 7:00 p.m. on Saturdays, unless alternate dates and/or times are specifically authorized by the Fire Chief, and included within the permit.

(2) Conditions for burning must be acceptable to the Fire Chief.

(3) All persons who intend to start and maintain an open fire must obtain an open burning permit, which shall be in writing and signed by the Fire Chief. The permit may be granted for a single burning event or

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a series of burning events over a period of time not exceeding three (3) months. The fee for such permit shall be in the amount established by the City Council's Fee Resolution.

(4) The open fire shall be permitted only for the purpose of burning trees or vegetation upon and indigenous to the property of the owner or person in lawful possession of land used for agricultural purposes, or for the purpose of burning wood, paper, and yard waste, (i.e., vegetation and wood materials), on residential premises.

(5) Other fires may be set with the written permission of the Fire Chief that also may require permits from other state and federal agencies. They include fires set:

(a) For the purpose of the destruction of dangerous materials, diseased vegetation or abatement of a fire hazard.

(b) For the purpose of destruction of trees, brush and other vegetation removed from road and utility right-of-ways.

(c) For the purpose of the destruction of trees, brush, vegetation and untreated lumber generated as a result of land clearing and construction activities.

(d) For the purpose of the destruction of straw used as a winter insulating cover on agricultural products.

(e) For the purpose of destroying untreated wood and trees at community land disposal sites in which case such burning must be distinctly separate from the disposal area for non-burnables.

(f) For the purpose of destruction of materials after cleanup from a natural disaster.
(Code 1973, 14-5; Ord. No. 2632, 3458-4/95, 3976-11/2004 and 4023-6/2005)

13-106. Open fires; requirements.

No permitted open fire may be kindled, maintained, or allowed by any person unless the following requirements are satisfied:

(1) Open fires shall be constantly attended by a competent person of legal age until the fire is extinguished.

(2) The person attending the open fire shall have a water supply or other fire extinguishing equipment readily available.

(3) No open fire other than those for outdoor cooking shall be located within 25 feet of any structure; provided however, an open fire may be located within 15 feet of a structure if contained in a waste burner with a wire mesh screen cover having a cross sectional dimension of 1/4 inch, of a type approved by the Fire Chief.

(4) No open fire may be located within 15 feet of any property line.

(5) No open fire shall be abandoned until it has been completely extinguished.
(Ord. No. 3458-4/95)

13-107. Open fires; extinguishment.

When the fire, smoke, or vapors or an open fire or any other fire constitute a hazard or a nuisance for any reason, including, but not limited to, weather or atmospheric conditions, the Fire Chief or any member of the fire department may require any person responsible for a fire to extinguish it, or the Fire Chief or any member of the fire department may extinguish it themselves, whether or not said fire is otherwise permitted for any reason. Any person who refuses to comply with the order or requirement of the Fire Chief or any member of the fire department to extinguish a fire shall be guilty of a misdemeanor.
(Ord. No. 3458-4/95)

13-108. Repealed. (Ord. No. 3976-11/2004)

Article II. Fire Department.

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13-201. Composition; supervision.

The Fire Chief shall have general charge and direction of the Fire Department of this City. The existing personnel of such department, together with those volunteers subject to call shall constitute the Fire Department of the City.

(Code 1973, 14-15)

13-202. Powers and duties of chief of fire department.

The Chief of the Fire Department of the City shall have, under the direction of the Mayor, control and command of the Fire Department of the City and of the property, implements and apparatus used in the department. He shall also perform such duties as are provided by this Code and other ordinances of the city relating to the fire department and fire regulations. There may be an assistant chief of the fire department or one or more captains who shall at all times assist the chief of the fire department in the performance of his duties, and shall, in the absence of the chief of the fire department, succeed to the office and duties of chief, when so designated by the Chief.

(Code 1973, 14-16)

13-203. Duties of firemen; police powers of firemen.

All members of the fire department shall be subject to such rules and regulations, and shall perform such duties as shall be prescribed or required of them by the fire chief or this Code or other ordinances of the city.

(Code 1973, 14-17)

13-204. Control of personnel; adoption of rules and regulations.

The fire chief shall have sole and absolute control and command over all persons connected with the fire department of the city, and shall possess full power and authority over its organizations, government and discipline, and to that end he may prescribe and establish, from time to time, such rules and regulations as he may deem advisable, by and with the consent of the council.

(Code 1973, 14-18)

13-205. Furnishing copies of rules and regulations to members.

Each member of the fire department shall be furnished with a copy of the rules and regulations established by the chief, for the government of the fire department.

(Code 1973, 14-19)

13-206. Custody of fire apparatus, etc.

The fire chief shall have the custody, subject to the direction of the city council, of the engines, trucks, ladders, telegraph lines and all other property and appurtenances belonging to the fire department.

(Code 1973, 14-20)

13-207. Repair of fire apparatus.

The fire chief shall, when any of the fire engines, trucks, hooks and ladders or other apparatus need to be repaired, cause the same to be repaired under his direction and supervision, by and with the advice and consent of the city council.

(Code 1973, 14-21)

13-208. Badges and uniforms.

The fire chief shall make suitable regulations, under which the officers and men of the fire department shall be required to wear some appropriate uniform and badge or other insignia, by which, in case of fires and at other times, the authority and relation of such, in case of fires and at other times, the authority and relation of such officers and men in the department may be known, as the exigencies of their duties may require.

Every member of the fire department, when on duty, shall wear a suitable badge, furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it; and when any member shall leave the department, he shall immediately deliver his badge, and all other property belonging to the city, to the proper officer.

(Code 1973, 14-22)

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13-209. Suspension of members pending charges.

During the pending of charges against any member of the fire department, the fire chief may suspend from duty any such member until such charge can be examined by him.
(Code 1973, 14-23)

13-210. Records.

The fire chief shall cause to be kept, in a book for that purpose, a full and complete record of all transactions in the fire department, of complaints against members, and the judgment of the chief thereupon, of the time lost by them and of all property placed in his charge, and such other books and records as shall be required by the business of the department. (Code 1973, 14-24)

13-211. Preservation of property.

The fire chief, or officer in command, shall have power to cause the removal of any property, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property. The chief may direct any firefighters to remove any building, structure or fence, for the purpose of checking the progress of any fire; and the chief shall have power to remove any building or structure, during the progress of a fire, for the purpose of extinguishing or checking the same.
(Code 1973, 14-25)

13-212. Protection of department property.

It shall be the duty of all members of the fire department to prevent all persons not belonging to the department from entering any house, or handling any apparatus belonging to the department, without permission.
(Code 1973, 14-27)

13-213. Retention of awards, etc., by firemen.

The city council may, for meritorious services rendered by any member of the fire department in the due discharge of his duty, permit any member of the department to retain for his own benefit any reward or present tendered him therefor; and it shall be cause of removal for any such member to receive any reward or present without notice thereof to the council.
(Code 1973, 14-28)

13-214. Resignation; absence without leave.

No member of the fire department shall withdraw or resign, except by permission of the chief. Unexplained absence, without leave, of any member of the department for three days, shall be cause for removal; but it may, at the option of the chief be deemed and held to be a resignation by such member, and accepted as such.
(Code 1973, 14-29)

13-215. Fire chief and assistants to be on continuous duty.

The chief or his designee shall be on duty at all times, both night and day.
(Code 1973, 14-30)

13-216. Salaries; clothing allowance.

The officers and members of the fire department shall receive such compensation and clothing allowances, as may from time to time be fixed by the mayor and council by resolution.
(Code 1973, 14-31; Ord. No. 1777)

13-217. Physical examination.

All members of the fire department shall pass a physical examination at any time an examination is required by the chief or by the city council.
(Code 1973, 14-32)

13-218. Roster of members.

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The fire chief shall, on or before the second Tuesday in April in each year, furnish the city clerk for the information of the mayor and council, the roster of all members of the fire department in good standing, paid or subject to call, and from month to month thereafter, shall report any proposed additions or changes in the roster for proper action of the council to the end that all members of the department shall at all times be covered by insurance or other lawful protection to firemen as may be provided by the mayor and council under the state workmen's compensation law or otherwise.

(Code 1973, 14-33)

13-219. Obstructing fire chief, etc., in performance of duties.

It shall be unlawful for any person to hinder or obstruct the fire chief, or his assistants, in the performance of their duty.

(Code 1973, 14-34)

13-220. Hindrance or interference at fires; defacing apparatus.

It shall be unlawful for any person to wilfully hinder any officer or fireman in the performance of his duty at a fire, or to wilfully injure, deface, or destroy any engine or fire apparatus belonging to the city.

(Code 1973, 14-36)

13-221. Fire traffic; pedestrians.

The driver of any moving vehicle, upon the sounding of any fire alarm or upon the approach of any fire engine or fire apparatus, shall immediately draw up the vehicle as near as possible to the right-hand curb and shall bring the vehicle to a standstill until after such fire engines or fire apparatus shall have passed. No vehicle, except by specific direction of the chief or his assistant, shall follow, approach or park closer than three hundred feet to any fire or to any fire plug to which hose is connected.

The provisions of this section shall be construed to apply neither to vehicles carrying doctors or members of the fire department, nor to drivers of ambulances or other authorized emergency vehicles when emergency calls require the abrogation of the fire traffic rules mentioned herein.

Pedestrians shall not remain within the limits of any street after a fire alarm shall have been sounded until the fire engines or fire apparatus shall have completely passed.

(Code 1973, 14-37)

Reference: As to driving over fire hose, see 15-303 of this Code. As to following fire apparatus, see 15-307.

13-222. Possession of fire keys.

It shall be unlawful for any person to have in his possession, or make or cause to be made, any keys of any fire engine, vehicle or the fire station, or use or cause the same to be used, without the consent of the fire chief.

(Code 1973, 14-38)

13-223. Tampering with, defacing, etc., fire alarm apparatus.

It shall be unlawful for any person, except those connected with the management of the same, to open any signal box unless it be to give an alarm of fire, or break, cut, injure, deface, derange or in any manner meddle or interfere with any signal box or fire alarm system.

(Code 1973, 14-40)

Reference: As to injuring public utility property generally, see 32-111 of this Code.

13-224. Use of equipment outside city under orders of state civil defense agency.

The fire department of the city shall forthwith move its fire and other emergency equipment and personnel outside the city and place them in immediate operation whenever ordered to do so by the Governor of the State of Nebraska and to such place as he or she shall direct, either in the event of an emergency as defined by the Nebraska Disaster and Civil Defense Act of 1973, or in connection with any program for practice and training.

The personnel of the fire department shall be considered as fully protected by the state workmen's

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compensation law in the course of any such movement and operation of the fire and other emergency equipment of the city; and the mayor is hereby ordered to forthwith arrange with the insurance carrier that the policy of insurance against liability of the city arising under the state workmen's compensation law shall be amended by riders or otherwise so as to cover such movement and operation of the fire and other emergency equipment and personnel of the city, if such insurance policy does not now include that coverage.

The Nebraska Disaster and Civil Defense Act of 1973 shall, insofar as applicable, be a part of this section. (Code 1973, 14-41; Ord. No. 1812)

Article III. Fire Limits.

Reference: As to buildings generally, see Ch. 28 of this Code.

13-301. Repealed. (Ord. No. 3976-11/2004)

13-302. Repealed. (Ord. No. 3976-11/2004)

Article IV. Explosives.

Reference: Neb. Rev. Stat. Section 16-227.

13-401. Compliance with article.

It shall be unlawful to store or keep in any building or other place within the city, or convey through any street, avenue, alley or other public place, any dynamite, nitroglycerin or other explosive material, except as provided in this article.

(Code 1973, 14-47)

13-402. Transportation -- Notice.

Notice of the intended transportation of explosives shall be given to the chief of police or his designee thirty minutes before the contemplated transit.

(Code 1973, 14-48)

13-403. Same -- Escort.

The chief of police or his designee is authorized to provide police escort for vehicles transporting explosives in order to insure safety to the inhabitants of the city.

(Code 1973, 14-49)

13-404. Same -- Routes.

The chief of police or his designee is authorized to designate the routes which shall be taken in transporting explosives in order to transverse the city.

If no such route is prescribed the travel shall be along U.S. Highway No. 6 if traveling east or west or on the By-Pass road to the east of the City if traveling north or south.

(Code 1973, 14-50)

13-405. Same -- Stopping within city.

No vehicle transporting explosives shall stop for longer than five minutes within the city and in the event of breakdown or mechanical failure, immediate notice of such breakdown shall be given the chief of police, who shall allow a reasonable time for removing the vehicle.

(Code 1973, 14-51)

Article V. Fireworks.

13-501. Fireworks; definitions.

For the purpose of this chapter, the following words shall have the following meanings:

(1) Fireworks. Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation and as defined by the International Fire Code as adopted from

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time to time by the City

(2) Permissible fireworks. Only those fireworks annually listed and promulgated by the State Fire Marshal for that year in Title 157, Chapter 8, entitled "Fireworks Acceptable in the State of Nebraska for the current year."

(3) Fireworks stand. A trailer, tent, or temporary structure which stands alone and is not connected to or with any other trailer, tent, or structure, either temporary or permanent, from which any product other than permissible fireworks is sold or distributed.
(Ord. No. 3310-4/93, 3976-11/2004 and 4142-8/2007)

13-502. Fireworks; generally.

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without a permit from the City of Hastings.
(Ord. No. 3310-4/93 and 4142-8/2007)

13-503. Permit; application.

The application to sell or offer for sale permissible fireworks shall contain:

- (1) The name and address of the applicant.
- (2) The street address or legal description of the premises for which the permit is sought.
- (3) An accurate description of the fireworks stand.
- (4) A map showing the location of the fireworks stand and storage facility in relation to the boundaries of the premises.
- (5) A non-refundable processing fee may be assessed at the time of the application as submitted.
(Ord. No. 3310-4/93 and 4142-8/2007)

13-504. Permit; when granted.

The City Clerk shall submit copies of any application to sell permissible fireworks to the Building Official, the Fire Chief, Hastings Utilities and the Police Chief, who shall thereafter review the application and the applicant to determine that all of the provisions of the Hastings City Code and any other applicable federal or state laws or regulations have been met. The results of such review and application shall be delivered to the City Clerk who shall then issue a permit to the applicant. In the event that any of the persons reviewing the application recommend that it not be issued, then the application shall be forwarded to the Hastings City Council which, after review, shall either refuse or grant the issuance of the permit. Issuance by the City Council may be based upon such conditions as will assure compliance with all applicable laws and regulations. Any permit which is granted shall be prominently displayed at the fireworks stand to which it has been issued. No permit shall be transferrable. The applicant shall pay any applicable occupation tax as prescribed in Chapter 5 of the Hastings City Code.
(Ord. No. 3310-4/93, 3371-1/94 and 4142-8/2007)

13-505. Fireworks stands.

Permissible fireworks may be sold or offered for sale within the City only from a fireworks stand. The fireworks stand:

- (1) Must be located upon real estate which is zoned for commercial or industrial use;
- (2) Shall not be located within 25 feet from any building or other structure, or within 100 feet from any building or pump where gasoline, diesel fuel, or oil for motor vehicles is stored or sold;
- (3) Shall have at least one fire extinguisher of a type and at a location as directed by the Fire Chief;
- (4) May not be erected or located within the City before June 23 of any year, and must be removed on or before July 6 of the year in which it is erected; and,
- (5) May consist of a tent, provided that:

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(a) the tent is made of a flame resistant or fire resistant material of a type approved by the Fire Chief;

(b) the tent is placed at a location approved by the Building Official and the Fire Chief;

(c) the tent is utilized for the sale of fireworks only and not for any other purpose, including, but not limited to, other commercial enterprises, camping, shelter or sleeping; and

(d) all fireworks shall be removed from the sales tent by midnight each evening, and not placed back into the sales tent before 8:00 a.m. the following day, unless the vendor has adult security personnel in the tent at all times when the stand is not open for business, provided however, the requirement to remove fireworks by midnight shall be extended to 1:00 a.m. on the morning of July 4 and 5.

(6) Shall post any placard or poster provided by the Hastings Fire Department setting forth the applicable laws regarding the use of fireworks.

(Ord. No. 3310-4/93, 3371-1/94, 3900-5/2003, 4063-2/2006 and 4142-8/2007)

13-506. Age requirements.

(1) It shall be unlawful for any person who is under the age of 16 years to sell, or offer to sell any fireworks within the City.

(2) A person of at least 19 years of age shall supervise all sales of fireworks by a salesperson that is under the age of 19.

(3) It shall be unlawful for any person to sell or offer to sell any fireworks within the City to any person under the age of 16 years.

(Ord. No. 3310-4/93, 3371-1/94, 3900-5/2003 and 4142-8/2007)

13-507. Sale and use of permissible fireworks.

Permissible fireworks may be sold and/or ignited only during the following times:

(a) June 27th to July 2nd: 9:00 a.m. to 11:00 p.m.

(b) July 3rd and 4th: 9:00 a.m. to midnight.

(Ord. No. 3310-4/93, 3900-5/2003, 4063-2/2006 and 4111-11/2006)

13-508. Prohibited acts.

It shall be unlawful for any person to:

(1) Use, discharge, explode or possess any fireworks within the City before June 27 or after July 4 of any year; provided however, any person possessing a current permit as provided in this article may possess permissible fireworks between June 23 and July 6, unless a permit for additional storage time is issued by the Fire Chief; and further provided that fireworks may be used, discharged, exploded, or possessed at any time when a special permit to do so is issued by the Fire Chief.

(2) Use, discharge or explode any fireworks in the vicinity of any person or property in a manner which exposes such person or property to injury or damage, or within any building.

(3) Throw any fireworks from or into a motor vehicle.

(4) Use, discharge or explode any fireworks on any public street, alley, sidewalk, park or other property owned by the City of Hastings, without a special permit issued by the Fire Chief.

(Ord. No. 3310-4/93, 3453-1/95, 3900-5/2003, 3976-11/2004 and 4142-8/2007)

13-509. Repealed. (Ord. No. 3976-11/2004)