

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

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BOARDS AND COMMISSIONS

§ 32.01 BOARD OF HEALTH.

(A) (1) The Board of Trustees shall appoint a Board of Health consisting of 3 members: The Chairperson of the Board of Trustees, who shall be chairperson, and 2 other members. One member shall be a physician or health care provider, if 1 can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board

of Health's medical advisor. If the Board of Trustees has appointed a Village Marshal, the Marshal may be appointed to the Board of Health and serve as secretary and quarantine officer.

(2) A majority of the Board of Health shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of such village and prevent nuisances and unsanitary conditions. The Board of Health shall enforce the same and provide fines and punishments for violations.

(3) The appointees shall hold office for 1 year unless removed by the Chairperson of the Board of Trustees with the advice and consent of the Trustees.
(Neb. RS 17-208)

(B) The Board of Health shall reorganize at its meeting each year after the Board of Trustees' meeting when appointments are regularly made and, if necessary, select a member to serve as secretary. No member of the Board of Health shall hold more than 1 Board of Health position. The secretary shall keep full and correct minutes and records of all meetings and file the same with the Village Clerk where they shall be available for public inspection during office hours.

(C) The Board shall meet at such times as the Board of Trustees may designate. Special meetings may be held upon the call of the Chairperson or any 2 members of the Board of Health.

(D) The members of the Board of Health shall serve without compensation. The Board of Health shall be funded by the Board of Trustees from time to time out of the general fund.

(E) The Board of Health may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the state and ordinances of the village relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Board of Trustees may direct.

(F) All members of the Board of Health shall be responsible for making such reports and performing such other duties as the Board of Trustees may, from time to time, designate.

Cross-reference:

Health and safety regulations, see Chapter 91

§ 32.02 PLANNING COMMISSION.

(A) (1) If the Board of Trustees adopts zoning or other regulations pursuant to Neb. RS 19-901 *et seq.*, the Planning Commission shall consist of 5, 7, or 9 regular members, as specified by the Board of Trustees by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the village and shall be appointed by the Chairperson of the Board of Trustees, by and with the approval of a majority vote of the members elected to the Board. Two of the regular members may be residents of the area over

which the village is authorized to exercise extraterritorial zoning and subdivision regulation. When there are 200 residents in the area over which the village exercises extraterritorial zoning and subdivision regulation, 1 regular member of the Commission shall be a resident from such area. If it is determined by the Board of Trustees that 200 residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation and shall hold no other village office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. The term of each regular member shall be 3 years, except that 1/3 or fewer of the regular members of the first commission to be so appointed shall serve for terms of 1 year, 1/3 or fewer for terms of 2 years, and the remaining members for terms of 3 years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Board of Trustees, be removed by the Chairperson of the Board with the consent of a majority vote of the members elected to the Board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Chairperson of the Board.

(2) The Chairperson of the Board of Trustees may, with the approval of a majority vote of the elected members of the Board, appoint 1 alternate member to the Planning Commission. The alternate member shall serve without compensation and shall hold no other village office. The term of the alternate member shall be 3 years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Chairperson of the Board with the approval of a majority vote of the elected members of the Board. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

(Neb. RS 19-926)

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be 1 year, and he or she shall be eligible for reelection. The Commission shall hold at least 1 regular meeting in each calendar quarter, except the Board of Trustees may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

(Neb. RS 19-927)

(C) No member of the Commission shall serve in the capacity of both the Chairperson

and Secretary of the Commission. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the Village Clerk where they shall be available for public inspection during office hours.

(D) The Board of Trustees may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

(Neb. RS 19-928)

(E) (1) (a) Except as provided in Neb. RS 19-930 to 19-933, the Planning Commission shall:

(i) Make and adopt plans for the physical development of the village, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such village and including a comprehensive development plan as defined by Neb. RS 19-903;

(ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested village departments; and

(iii) Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.

(b) The Board of Trustees shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission, provided that the Planning Commission shall make its recommendation so that it is received by the Board of Trustees within 60 days after the Commission begins consideration of a matter or within such other number of days as the Board of Trustees has set by ordinance.

(c) A recommendation from the Planning Commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the Board of Trustees has designated, by ordinance, an agent pursuant to Neb. RS 19-916.

(2) (a) The Commission may, with the consent of the Board of Trustees, in its

own name:

- (i) Make and enter into contracts with public or private bodies;
- (ii) Receive contributions, bequests, gifts, or grant funds from public or private sources;
- (iii) Expend the funds appropriated to it by the village;
- (iv) Employ agents and employees; and
- (v) Acquire, hold, and dispose of property.

(b) The Commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the Board of Trustees has, through a zoning ordinance or special ordinance, generally authorized the Commission to exercise such powers and has approved the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the Board of Trustees may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The Board may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or Board regarding a conditional use or special exception shall be made to the district court.

(Neb. RS 19-929)

Cross-reference:

Local legislation regarding Planning Commission, see Title XVII

Statutory reference:

Other provisions on planning commissions, see Neb. RS 19-924 through 19-933

§ 32.03 BOARD OF ADJUSTMENT.

(A) If the Board of Trustees adopts zoning or other regulations pursuant to Neb. RS 19-901 et seq., except as provided in division (C), the Board shall provide for the appointment of a Board of Adjustment. Any actions taken by the Board of Adjustment shall not exceed the powers granted by division (G).
(Neb. RS 19-907)

(B) Notwithstanding the provisions of divisions (A) and (D), the Board of Trustees may, except as set forth in division (C), provide by ordinance that it shall constitute a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Neb. RS 19-901 to 19-905 may provide that as such Board of Adjustment it may exercise only the powers granted to boards of adjustment by division (G). As such Board of Adjustment it shall adopt rules and procedures that are in harmony with divisions (A), (D), (F), and (G) and shall have the powers and duties therein provided for the Board of Adjustment, and other parties shall have all the rights and privileges therein provided for. The concurring vote of 2/3 of the members of the Board of Trustees acting as a Board of Adjustment shall decide any question upon which it is required to pass as such Board.
(Neb. RS 19-911)

(C) If the county has adopted a comprehensive development plan, as defined by Neb. RS 23-114.02, and is enforcing zoning regulations based upon such a plan, the zoning board of adjustment of the county shall, upon request of the Board of Trustees, serve as the zoning Board of Adjustment for the village. If the village is located in more than one county, it shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the village is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the village and its area of extraterritorial control, regardless of county lines.
(Neb. RS 19-912.01)

(D) (1) The Board of Adjustment shall consist of 5 regular members, plus 1 additional member designated as an alternate who shall attend and serve only when 1 of the regular members is unable to attend for any reason, each to be appointed for a term of 3 years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the village at such time as more than 200 persons reside within such area. Thereafter, at all times, at least 1 member of the Board of Adjustment shall reside outside of the corporate boundaries of the village but within its extraterritorial zoning jurisdiction.

(2) The Board of Adjustment shall adopt rules in accordance with the provisions

of any ordinance adopted pursuant to Neb. RS 19-901 to 19-914. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
(Neb. RS 19-908)

(E) A number of members equal to a majority of the number of regular members appointed to the Board of Adjustment shall constitute a quorum for the transaction of any business. All members of an appointed Board of Adjustment shall serve without compensation and shall hold no other village office except for the member of the Planning Commission appointed to serve on the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the Village Clerk where they shall be available for public inspection during office hours.

(F) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the village affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
(Neb. RS 19-909)

(G) (1) The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the Board of Trustees, have only the following powers:

(a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made by the Board of Trustees or Planning Commission regarding a

conditional use or special exception under Neb. RS 19-929(3);

(b) To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and

(c) When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under Neb. RS 19-901 and 19-903 to 19-904.01 and divisions (D) and (G) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(2) (a) No such variance shall be authorized by the Board unless it finds that:

(i) The strict application of the zoning regulation would produce undue hardship;

(ii) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(iii) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(iv) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(b) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(3) In exercising the powers granted in this division (G), the Board may, in conformity with Neb. RS 19-901 to 19-915, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(Neb. RS 19-910)

(H) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the village, may present to the district court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality. Such petition must be presented to the court within 15 days after the filing of the decision in the office of the board. Upon the filing of such petition a summons shall be issued and be served upon the Board of Adjustment, together with a copy of the petition. Return of service shall be made within 4 days after the issuance of the summons. Within 10 days after the return day of such summons, the Board of Adjustment shall file an answer to the petition which shall admit or deny the substantial averments of the petition and shall state the contentions of the Board with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing answer, the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the forms of law. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law.

(Neb. RS 19-912)

Cross-reference:

Local legislation regarding Board of Adjustment, see Title XVII

§ 32.04 BOARD OF PARK COMMISSIONERS.

(A) If the Board of Trustees has provided for the creation of a Board of Park Commissioners or Board of Park and Recreation Commissioners pursuant to Neb. RS 17-952, the Board shall be composed of not less than 3 members, who shall be residents of the village, and who shall have charge of all parks and recreational facilities belonging to the village, and shall have the power to establish rules for the management, care, and use of the same.

(Neb. RS 17-952)

(B) No member of the Board of Trustees shall serve as a member of the Park Board while serving a term of office as member of the Board of Trustees. The members of the Park Board shall serve terms of office of the length specified by the Board of Trustees and may be reappointed.

(C) The Park Board shall organize at its meeting after appointments are regularly

considered by the Board of Trustees and select members to serve as chairperson and secretary. No member of the Park Board shall hold more than one Board position. The secretary shall keep full and correct minutes and records of all meetings and file the same with the Village Clerk where they shall be available for public inspection during office hours.

(D) The Park Board shall meet at such times as the Board of Trustees may designate. Special meetings may be held upon the call of the Chairperson of the Park Board or any 2 members of the Board. A majority of the Park Board members shall constitute a quorum for the transaction of business.

(E) The members of the Park Board shall serve without compensation. The Park Board shall be funded by the Board of Trustees from time to time out of the general fund.

(F) All members of the Park Board shall be responsible for making such reports and performing such other duties as the Board of Trustees may, from time to time, designate.

Cross-reference:

Local legislation regarding Park and/or Recreation Commissioners, see Title XVII

FIRE DEPARTMENT

§ 32.35 OPERATION AND FUNDING.

(A) The village may operate a Fire Department through the Fire Chief and firefighters.

(B) If the village has only a voluntary fire department or companies, the Board of Trustees may levy a tax annually of not more than \$0.07 on each \$100 upon the taxable value of all the taxable property within the village for the maintenance and benefit of the fire department or companies. The amount of such tax shall be established at the beginning of the year and shall be included in the adopted budget statement. Upon collection of such tax, the Village Treasurer shall disburse the same upon the order of the Fire Chief with the approval of the Board of Trustees.

(Neb. RS 17-718)

Statutory reference:

Fire station acquisition, construction, and maintenance, see Neb. RS 17-953 et seq.

§ 32.36 FIRE CHIEF.

The Fire Chief shall manage the Fire Department, and it shall be his or her duty to inform the Board of Trustees when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Board of Trustees, the Fire Chief shall cause the repair, improvement, or maintenance of the equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the

Board of Trustees at the regular meeting in January of each year to give an annual report to the Board of Trustees of the general condition and the proposed additions or improvements recommended by him or her.

§ 32.37 MEMBERSHIP.

(A) The Fire Department shall consist of so many members as may be decided by the Board of Trustees. The members may organize themselves in any way they may decide, subject to the review of the Board of Trustees.

(B) The volunteer Fire Department shall not have upon its rolls at one time more than 25 persons, for each engine and hose company in the Fire Department, and no hook and ladder company shall have upon its rolls at any one time more than 25 members. The foreman and secretary of every such company shall, on the first day of April and October in each year, file in the office of the Clerk of the District Court in and for the county a certified copy of the rolls of their respective companies so as to obtain for the members thereof the privilege of the exemption from militia duty in time of peace mentioned in Neb. RS 35-101. No organization shall be deemed to be a bona fide fire or hook and ladder company until it has procured for active service apparatus for the extinguishment or prevention of fires, in case of a hose company, to the value of \$700, and of a hook and ladder company to the value of \$500.

(Neb. RS 35-102)

(C) Members in good standing are those who keep their dues promptly paid up and are present and render active service when called out for the legitimate purposes of the Fire Department.

(Neb. RS 35-103)

(D) Volunteer firefighters of the Fire Department shall be deemed employees of the village while in the performance of their duties as members of the Department. Members of the volunteer Fire Department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the Fire Chief or some person authorized to act for the Chief for membership therein to the Chairperson and Board of Trustees and upon confirmation shall be deemed employees of the village. Members of the Fire Department after confirmation to membership may be removed by a majority vote of the Board of Trustees and thereafter shall not be considered employees of the village. Firefighters of the Fire Department shall be considered as acting in the performance and within the course and scope of their employment when performing activities outside of the corporate limits of the village, but only if directed to do so by the Fire Chief or some person authorized to act for the Chief.

(Neb. RS 48-115)

(E) The Board of Trustees shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the active volunteer fire and rescue personnel, except that when any such person serves more than 1 village or rural or suburban

fire protection district, the policy shall be purchased only by the first village 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.

(Neb. RS 35-108)

(F) For purposes of the prohibition on receipt of any witness fee, attendance fee, or mileage fee by an employee of the village called as a witness in connection with his or her officially assigned duties, volunteer firefighters and rescue squad members testifying in that capacity alone shall not be deemed employees of the village.

(Neb. RS 33-139.01)

(G) The Board of Trustees may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution.

(H) 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 Board of Trustees. The members of the Fire Department 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 village code or the laws of the state.

(I) Members of the Fire Department may hold meetings and engage in social activities with the approval of the Board of Trustees. The secretary shall, upon request, keep a record of all meetings and shall make a report to the Board of Trustees of all meetings and activities of the Fire Department.

§ 32.38 RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, and a record of all fires and shall make a full report of these records to the Village Clerk during the last week in April each year. 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 the information of whether the losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

§ 32.39 FIRES.

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.

§ 32.40 DISTANT FIRES.

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

(B) The firefighters of the village 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 village when directed to do so by the Board of Trustees or the Fire Chief or some person authorized to act for the Chief, and in so doing, may take such fire equipment of the village as may be designated by the Board of Trustees.

§ 32.41 INSPECTIONS.

(A) The Fire Chief where a Fire department is established or the Chairperson of the Board of Trustees where no Fire Department exists, at all reasonable hours, may enter into all buildings and upon all premises within his or her jurisdiction for the purposes of examination, in harmony with Neb. RS 81-501.01 to 81-531, the Nebraska Natural Gas Pipeline Safety Act of 1969, the Petroleum Products and Hazardous Substances Storage and Handling Act, and any other statutory duties imposed upon the State Fire Marshal. (Neb. RS 81-512)

(B) It shall be the duty of the Fire Chief, when directed to do so by the Board of Trustees, to inspect or cause to be inspected by Fire Department officers, members, or some other official as often as may be necessary, but not less than 2 times a year, 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; 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 liquefied petroleum gases, specifying the odorization of such gases and the degree thereof; and chemicals, prozolin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

§ 32.42 NOTICE OF VIOLATION.

(A) Upon the finding that the village code has been violated, the Fire Chief shall 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 premise and affixing it to the door of the main entrance of the premises. Whenever it may be necessary

to serve such an order upon the owner, the order may be served personally, or by mailing a copy to the owner's last known post office address if the owner is absent from the jurisdiction.

(B) Any such order shall be immediately complied with by the owner, occupant, or manager of the premises or building. The owner, occupant, or manager may, within 5 days after such an order by the Fire Chief or his or her agent, appeal the order with the Board of Trustees requesting a review and it shall be the duty of the Board of Trustees to hear the same within not less than 5 days nor more than 10 days from the time when the request was filed in writing with the Village Clerk. The Board of Trustees shall then affirm, modify, or rescind the 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 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.

§ 32.43 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, or other person hindering or resisting the firefighting effort, or any person who conducts himself or herself in a noisy or disorderly manner. The 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. Failure to obey a lawful order of the Fire Chief or Assistant Fire Chief shall be an offense.

Penalty, see § 10.99

§ 32.44 FIRE INVESTIGATION.

The Fire Chief shall investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the village by which property has been destroyed or damaged. All fires of unknown origin shall be reported, and such officer shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. The investigation shall begin immediately after the occurrence of the fire, and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring in the village shall forthwith notify the State Fire Marshal and shall within 1 week of the occurrence of the fire furnish him or her a written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for.

(Neb. RS 81-506)