

ORDINANCE NO. 209

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS REGARDING FIRE PREVENTION, BY THE ADOPTION OF A FIRE PREVENTION CODE BY REFERENCE; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING LIMITS OF FIRE PREVENTION DISTRICTS, PROVIDING FOR A SAVINGS CLAUSE AND VALIDITY OF THIS ORDINANCE; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES IN CONFLICT, AND PROVIDING THE PENALTY FOR THE VIOLATION OF THE SEVERAL SECTIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA:

Section 1. ADOPTION OF FIRE PREVENTION CODE. There is hereby adopted by the City of Gothenburg, Dawson County, Nebraska, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Gothenburg and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Gothenburg.

Section 2. ENFORCEMENT. The code hereby adopted shall be enforced by the Building Inspector, or such other person or persons as the Mayor and Council may from time to time by resolution designate.

Section 3. DEFINITIONS.

(a) Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the City of Gothenburg.

(b) Wherever the word "Chief of the Fire Department" is used in this ordinance or in the code hereby adopted, it shall be held to mean the Building Inspector of the City of Gothenburg, or such other person or persons as the Mayor and Council may from time to time by resolution designate.

Section 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS, STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS, AND BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in section 74a of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows:

All of Blocks numbered three (3), four (4), five (5) and six (6) of the Original Town, now City of Gothenburg, Nebraska, and all the Blocks numbered nine (9), sixteen (16), seventeen (17) and twenty-four (24) in the First Addition to the City of Gothenburg, Nebraska.

Section 5. MODIFICATIONS. The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 6. APPEALS. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Adjustment within 30 days from the date of the decision appealed.

Section 7. PENALTIES. (a) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved

thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Inspector or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$100.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 8. REPEAL OF CONFLICTING ORDINANCES. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or the code hereby adopted are hereby repealed.

Section 9. VALIDITY. Should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of Mayor and City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 10. DATE OF EFFECT. This ordinance shall take effect and be in force from and after its passage, approval, and publication according to law.

PASSED and approved this 13th day of December, 1968.

M. J. Lyons
MAYOR

ATTEST:

Ann Ballmer
City Clerk

(SEAL)