

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Sections 2.02.060, 2.06.010, 2.20.010, 2.20.020,  
 2 2.20.060, 2.20.070, 2.20.080, 2.20.090, 2.20.100, 2.20.110, 2.20.120, 2.20.130, 2.20.140, 2.32.050,  
 3 2.76.220, 2.76.420, 5.14.020, 5.46.020, 5.52.060, 5.54.080, 5.56.010, 7.08.010, 8.06.140, 8.06.145,  
 4 8.46.050, 10.22.010, 17.10.070, 19.03.030, 19.03.050, 19.03.060, 19.03.070, 19.03.080, 19.08.020,  
 5 19.08.150, 19.08.160, 24.01.010, 24.01.180, 24.10.770, and 26.27.030 of the Lincoln Municipal  
 6 Code to change references to "Fire Department" to "Fire and Rescue Department"; and repealing  
 7 Sections 2.02.060, 2.06.010, 2.20.010, 2.20.020, 2.20.060, 2.20.070, 2.20.080, 2.20.090, 2.20.100,  
 8 2.20.110, 2.20.120, 2.20.130, 2.20.140, 2.32.050, 2.76.220, 2.76.420, 5.14.020, 5.46.020, 5.52.060,  
 9 5.54.080, 5.56.010, 7.08.010, 8.06.140, 8.06.145, 8.46.050, 10.22.010, 17.10.070, 19.03.030,  
 10 19.03.050, 19.03.060, 19.03.070, 19.03.080, 19.08.020, 19.08.150, 19.08.160, 24.01.010, 24.01.180,  
 11 24.10.770, and 26.27.030 of the Lincoln Municipal Code as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 2.02.060 of the Lincoln Municipal Code be amended to read  
 14 as follows:

15 **2.02.060 Fire and Rescue Department.**

16 Under the direction and supervision of the Mayor, the Fire Chief shall have charge and  
 17 supervision over the Fire and Rescue Department and such divisions as the Fire Chief shall  
 18 designate. The Fire Chief shall have such duties as provided by the ordinances of the city, this code,  
 19 and as may be provided by the Mayor or by the City Council consistent with the Charter of the City  
 20 of Lincoln.

21 Section 2. That Section 2.06.010 of the Lincoln Municipal Code be amended to read  
 22 as follows:

1       **2.06.010       General Duties of the Mayor.**

2               The Mayor shall be the acting director of any of the departments of the city in the absence  
3 of or disability of the director thereof, and shall have general charge and supervision of the divisions  
4 of city government known as the Fire and Rescue Department and Police Department. Except as  
5 provided in the Charter of the City of Lincoln and ordinances enacted pursuant thereto, the Mayor  
6 shall execute all contracts on behalf of the city. The Mayor shall also have and exercise all the  
7 powers and perform all the duties which by law are, or may be, vested in the office of the Mayor.

8               Pursuant to the provisions of Article IX-B, Section 7 of the Charter of the City of Lincoln,  
9 the Mayor is hereby made a member and chair of the Capital Improvements Advisory Committee.

10              Section 3. That Section 2.20.010 of the Lincoln Municipal Code be amended to read  
11 as follows:

12       **2.20.010       Fire Chief; Appointment; Duties Generally.**

13              The Mayor shall appoint, with approval of the City Council, the Fire Chief, who shall be a  
14 member of the unclassified service of the city. The Director of the Fire and Rescue Department shall  
15 be known as the Fire Chief, who shall have at least five years experience in a responsible post with  
16 a fire-fighting and fire-prevention organization. The Fire Chief shall be directly responsible to the  
17 Mayor and shall:

18              (a)     Have control and management of all matters relating to the Fire and Rescue De-  
19 partment, its officers and members, and shall have the care, custody and control of all fire fighting  
20 equipment and apparatus and other property and apparatus belonging to the Fire and Rescue  
21 Department, together with all books and records belonging to the Fire and Rescue Department;

22              (b)     Devote full time to the prevention and extinguishment of fires in the City of Lincoln  
23 and managing the City's emergency medical services program;

24              (c)     Except as otherwise provided in the personnel code, Chapter 2.76, have authority to  
25 make rules and regulations covering the conduct of members of the Fire and Rescue Department and  
26 the performance of Fire and Rescue Department functions, provided, that such rules and regulations  
27 insofar as they pertain to matters covered by the personnel code, Chapter 2.76, shall be consistent  
28 with and limited by the provisions of that code;

29              (d)     Annually report to the Mayor and City Council all accidents by fire that may have  
30 taken place in the city during the preceding fiscal year, with the causes thereof as well as they may

1 be ascertained, and the number and description of the buildings destroyed and injured together with  
2 the names of the owners or occupants and the amount of loss, insurance, and property involved;

3 (e) Cause to be kept a full and complete record of all transactions in said department of  
4 complaints against members and the judgment of the Chief thereon, a record of the time lost by  
5 members, and a record of all property placed in his charge, and such other books and records as shall  
6 be required by the business of the Fire and Rescue Department;

7 (f) Together with the chief officers of the Fire and Rescue Department, be subject to duty  
8 call at all times, both day and night;

9 (g) Have control and management of the city ambulance program and shall have care,  
10 custody, and control of all records, equipment, and apparatus as may belong to the Fire and Rescue  
11 Department, or as may be assigned to the city ambulance program. The Fire Chief shall allow access  
12 to such records by the public in a manner consistent with the laws of the State of Nebraska;

13 (h) On an annual basis, which coincides with the City's fiscal year, issue a set of financial  
14 statements prepared in accordance with generally accepted accounting principles for the activity of  
15 the EMS Enterprise Fund. These financial statements will be audited by an independent certified  
16 public accounting firm in conformance with generally accepted auditing standards and the standards  
17 applicable to the financial audits contained in Government Auditing Standards issued by the  
18 Comptroller General of the United States. The income statement shall be in sufficient detail to  
19 provide information on the sources of revenue, including but not limited to major sources of  
20 reimbursement from the federal government, private insurance reimbursement and private payments.

21 (i) On an annual basis, which coincides with the City's fiscal year, file with the Finance  
22 Director a financial statement that includes as supplementary information a compilation of  
23 ambulance calls on a monthly basis for the period of the audit. This supplementary schedule will  
24 include but not be limited to: (1) total number of calls; (2) total number of calls resulting in transport;  
25 (3) total number of ALS transports; (4) total number of BLS transports; (5) total number of persons  
26 transported; and (6) collection rate of billable services rendered.

27 (j) Cause to be maintained, for each emergency ambulance dispatch or response, a trip  
28 record, daily log, and dispatch information.

29 Section 4. That Section 2.20.020 of the Lincoln Municipal Code be amended to read  
30 as follows:

1       **2.20.020       Police Powers.**

2               All members of the Fire and Rescue Department shall, during the time of fire or great public  
3 danger, have and exercise the powers and duties of police officers and shall have full power and  
4 authority to arrest all persons guilty of any violation of the city ordinances or laws of the state.

5               Section 5. That Section 2.20.060 of the Lincoln Municipal Code be amended to read  
6 as follows:

7       **2.20.060       Firefighters to Protect Department Property.**

8               It shall be the duty of all members of the Fire and Rescue Department to prevent all persons  
9 not belonging to the department from entering any house, or handling any apparatus belonging to the  
10 department, without permission.

11              Section 6. That Section 2.02.070 of the Lincoln Municipal Code be amended to read  
12 as follows:

13       **2.20.070       Badges; Members Leaving Department.**

14              Every member of the Fire and Rescue Department, when on duty, shall wear a suitable badge,  
15 furnished by the city, and any member who shall lose or destroy the badge shall be required to pay  
16 the cost of replacing it; and when any member shall leave the department, he or she, shall  
17 immediately deliver said badge, and all other property belonging to the city, to the proper officer.

18              Section 7. That Section 2.20.080 of the Lincoln Municipal Code be amended to read  
19 as follows:

20       **2.20.080       Authority of Fire Chief at Fires and Other Emergencies.**

21              The Fire Chief or Fire Officer in command, as may be in charge at the scene of a fire or other  
22 emergency involving the protection of life or property, shall have the power and authority to direct  
23 such operation as may be necessary to extinguish or control any fire, perform any rescue operation,  
24 provide emergency medical services including transport, investigate the existence of suspected or  
25 reported fires, gas leaks, or other hazardous conditions or situations or take any other action  
26 necessary in the reasonable performance of their duty. In the exercise of such power, the Chief may  
27 prohibit any person, vehicle, vessel, or thing from approaching the scene and may remove or cause  
28 to be removed or kept away from the scene any vehicle, vessel or thing which may impede or  
29 interfere with the operation of the Fire and Rescue Department, and, in the judgment of the Chief,

1 any person not actually and usefully employed in the extinguishing of such fire or the preservation  
2 of property in the vicinity thereof.

3 Section 8. That Section 2.20.090 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **2.20.090 Interference with Fire and Rescue Department; Misdemeanor.**

6 Any person who obstructs the operation of the Fire and Rescue Department in connection  
7 with extinguishing any fire, or other emergency, or disobeys any lawful command of the Chief or  
8 officer of the Fire and Rescue Department who may be in charge at such a scene, or any part thereof,  
9 or any police officers assisting the Fire and Rescue Department, shall be guilty of a misdemeanor.

10 Section 9. That Section 2.20.100 of the Lincoln Municipal Code be amended to read  
11 as follows:

12 **2.20.100 Tampering with Fire Equipment; Prohibited.**

13 No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment  
14 or appurtenance belonging to or under the supervision or control of the Fire and Rescue Department  
15 without authority from the Chief or his authorized representative so to do.

16 Section 10. That Section 2.20.110 of the Lincoln Municipal Code be amended to read  
17 as follows:

18 **2.20.110 Removal of Fire Hydrants or Fire Appliances Prohibited.**

19 No person shall remove, tamper with, or otherwise disturb any fire hydrant or fire appliance  
20 except members of the Fire and Rescue Department for the purpose of extinguishing fire, training  
21 purposes, recharging, or making necessary repairs by the Fire and Rescue Department or by  
22 permission of the Fire Chief. Whenever a fire appliance is removed as herein permitted, it shall be  
23 replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

24 Section 11. That Section 2.20.120 of the Lincoln Municipal Code be amended to read  
25 as follows:

26 **2.20.120 Fire Barriers.**

27 The Fire Chief or other officer of the Fire and Rescue Department in charge at the scene of  
28 an emergency shall have the authority to place ropes, guards, barricades or other obstructions across  
29 any street, alley, place or private property in the vicinity of such operation so as to prevent accident

1 or interference with the lawful efforts of the Fire and Rescue Department to manage and control the  
2 situation and to handle fire apparatus.

3 Section 12. That Section 2.20.130 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **2.20.130 Tampering with Barriers; Prohibited.**

6 No person, except a person authorized by the Fire Chief or a public officer acting within the  
7 scope of their public duties, shall remove, unlock, destroy, tamper with or otherwise molest in any  
8 manner any lock, gate, door, barricade chain, enclosure, sign, tag or seal which has been lawfully  
9 installed by the Fire and Rescue Department or by its order or under its control.

10 Section 13. That Section 2.20.140 of the Lincoln Municipal Code be amended to read  
11 as follows:

12 **2.20.140 Obstruction of Fire Protection Equipment.**

13 No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material  
14 or thing near any fire hydrant, Fire and Rescue Department connection, or fire protection system  
15 control valve that would prevent such equipment or hydrant from being immediately discernible or  
16 in any other manner deter or hinder the Fire and Rescue Department from gaining immediate access  
17 to said equipment or hydrant.

18 Section 14 That Section 2.32.050 of the Lincoln Municipal Code be amended to read  
19 as follows:

20 **2.32.050 Duties in Case of Fire.**

21 It shall be the duty of all members of the Police Department to aid the Fire and Rescue  
22 Department by giving alarms in case of fire, and in clearing the streets or grounds in the immediate  
23 vicinity of the fire so that the members of the Fire and Rescue Department shall not be hindered or  
24 obstructed in the performance of their duties.

25 Section 15. That Section 2.76.220 of the Lincoln Municipal Code be amended to read  
26 as follows:

27 **2.76.220 Age Requirements.**

28 (a) Civilian positions. All applicants for positions in the civilian classified service shall  
29 not be less than sixteen years of age or as otherwise required by state or federal regulation for  
30 specific positions.

1 (b) Uniform positions. All applicants for entrance level commissioned positions in the  
2 Police Department shall not be less than twenty-one years of age; and in the Fire and Rescue  
3 Department shall not be less than nineteen years of age.

4 Section 16. That Section 2.76.420 of the Lincoln Municipal Code be amended to read  
5 as follows:

6 **2.76.420 Military Credit.**

7 Any personnel of the Lincoln Police Department and Lincoln Fire and Rescue Department  
8 who would otherwise be eligible for college credits shall receive a credit of five college credit hours  
9 for each full year of active military service served up to a maximum of four years of such military  
10 service, whether the same are earned before or after becoming affiliated with the Police or Fire and  
11 Rescue Departments.

12 Section 17. That Section 5.14.020 of the Lincoln Municipal Code be amended to read  
13 as follows:

14 **5.14.020 Application for Permit; Permit Fee.**

15 Any person proposing to operate a public bowling alley shall file with the City Clerk an  
16 application in writing accompanied by a permit fee of five dollars.

17 (a) The application shall be made on forms supplied by the City Clerk and shall contain  
18 the following information:

- 19 (1) The name of the applicant;
- 20 (2) The business address of the applicant;
- 21 (3) The business name of the use;
- 22 (4) The organization of the applicant, including the ownership;
- 23 (5) The number of alleys;
- 24 (6) A complete description of the premises to be used.

25 (b) The application shall be referred to the following departments for report:

- 26 (1) Health Department for determination of compliance with applicable health  
27 ordinances;
- 28 (2) Fire and Rescue Department for determination of compliance with applicable  
29 fire ordinances;

1 (3) Building and Safety Department for determination of compliance with  
2 applicable building and zoning ordinances;

3 (4) Police Department for determination of fitness of applicant.

4 Section 18. That Section 5.46.020 of the Lincoln Municipal Code be amended to read  
5 as follows:

6 **5.46.020 Application for Permit; Contents.**

7 Application for such permit shall be in writing and filed with the City Clerk.

8 (a) The application should be made upon a form furnished by the city and shall set forth  
9 the following:

10 (1) The name of the applicant;

11 (2) The business address of the applicant;

12 (3) The business name of the use;

13 (4) The organization of the applicant, including ownership;

14 (5) A complete description of the premises to be used.

15 (b) The application shall be referred to the following departments for report:

16 (1) Health Department for determination of compliance with applicable health  
17 ordinances;

18 (2) Fire and Rescue Department for determination of compliance with applicable  
19 fire ordinances; and

20 (3) Department of Building and Safety for determination of compliance with  
21 applicable building and zoning ordinances.

22 Section 19. That Section 5.52.060 of the Lincoln Municipal Code be amended to read  
23 as follows:

24 **5.52.060 Investigation and Action upon the Application.**

25 Upon the filing of any application and the payment of the application fee, the application  
26 shall be referred to the following departments of the city for investigation:

27 (a) Health Department for investigation to determine if the teenage club complies with  
28 all applicable health ordinances of the city;

29 (b) Fire and Rescue Department for investigation to determine if the teenage club  
30 complies with all applicable fire ordinances of the city;

1 (c) Department of Building and Safety for investigation to determine if the teenage club  
2 complies with all applicable zoning and building ordinances of the city; and

3 (d) Police Department for investigation to determine if the teenage club complies with  
4 the remaining requirements of this chapter.

5 All departments of the city shall forward a certificate of compliance to the City Clerk within  
6 ten days after the applicant complies with the respective provisions of the applicable ordinances.  
7 The permit shall set forth the club activities for which the premises have been approved and the  
8 maximum number of persons permitted on the premises at any one time.

9 Section 20. That Section 5.54.080 of the Lincoln Municipal Code be amended to read  
10 as follows:

11 **5.54.080 Construction and Installation Specifications.**

12 It shall be unlawful for any person to operate a trampoline center unless:

13 (a) The minimum distance from any trampoline, measured from the outside dimension  
14 of the frame, to any other trampoline or structure or other obstruction, shall be at least five feet at  
15 the ends and four feet at the sides and around the corners.

16 (b) There shall be maintained above each trampoline a clearance of fifteen feet from any  
17 ceiling, roof, wire, or other overhead obstruction.

18 (c) The trampoline apparatus shall be of quality approved by the National Collegiate  
19 Athletic Association and the Amateur Athletic Union.

20 (d) The rigid framework of each trampoline shall be completely covered at the ends,  
21 sides, and corners with padding approved by the National Collegiate Athletic Association and the  
22 Amateur Athletic Union.

23 (e) The trampoline shall be strung over a pit level with the ground and the trampoline  
24 shall be at least twelve feet long and six feet wide in size.

25 (f) The center of each trampoline bed shall be clearly marked with a cross or bull's-eye.

26 (g) The pit over which the trampoline is strung shall be excavated, constructed, and  
27 maintained to provide a shelf or ledge beneath all springs, elastic bands, or other recoil or rebound  
28 mechanism attached to the bed, which shelf or ledge shall be positioned and dimensioned as follows:  
29 Not less than ten inches nor more than sixteen inches below such recoil or rebound mechanism and  
30 of a width sufficient to extend laterally below all of such springs or recoil mechanism to a point  
31 approximately two inches outside and below the perimeter of the bed. All other portions of the pit  
32 beneath the bed shall be excavated, constructed and maintained with a downward side and end slope  
33 of approximately one-to-one from the inner edge of such shelf or ledge to a depth of thirty-nine  
34 inches throughout at the center; provided, that each pit shall in any event be so constructed as to  
35 preclude the touching of the bottom thereof while anyone is using said trampoline.

36 (h) Each trampoline shall be rigidly installed to prevent shifting of the equipment while  
37 in use.

38 (i) All trampoline equipment, including the bed, springs, frame, and padding shall be  
39 maintained in a good state of repair.

1 (j) The ground or floor area between and around all trampolines up to the distances  
2 described in subparagraph (a) hereof shall be covered with a minimum of one and one-half inches  
3 of pea gravel in the case of bare ground, or three inches in the case of hard surfaces such as concrete  
4 or asphalt. A substitute covering material may be used if it is approved by the building official as  
5 having equivalent or better shock absorbent characteristics.

6 (k) The trampoline center (excluding that portion devoted to off-street parking) shall be  
7 completely surround by a fence of at least five feet in height, or by any structure equivalent thereto.

8 (l) Any ticket office, observation booth, or other structure of similar purpose or use shall  
9 be constructed and maintained in such a manner as to afford any occupant thereof, at all times a clear  
10 and unobstructed view of all trampolines in the facility.

11 (m) There shall be conveniently located upon the premises a telephone available for  
12 emergency use at all times. There shall be conspicuously posted on or near such telephone the phone  
13 number of available emergency medical service and of the Fire and Rescue Department and Police  
14 Department.

15 (n) There shall be kept on the premises at all times a fully stocked first aid kit at least  
16 equivalent to the American Red Cross 16-unit field cabinet, and in addition, two standard size wool  
17 blankets.

18 (o) Permanent and separate toilet and wash basin facilities shall be provided on the  
19 premises for both men and women.

20 (p) Any trampoline center which is open to the public after sunset shall provide sufficient  
21 lighting to uniformly illuminate each trampoline bed with a light intensity of not less than five foot-  
22 candles. No lighting shall be installed in such a manner as to reasonably be disturbing or annoying  
23 to any nearby occupier of property or hazardous to passing motorists.

24 Section 21. That Section 2.02.060 of the Lincoln Municipal Code be amended to read  
25 as follows:

26 **5.56.010 Definitions.**

27 The following definitions shall apply in the interpretation and enforcement of this chapter.

28 **Alarm business** shall mean any business operated by a person which engages in the activity  
29 of altering, installing, leasing, maintaining, repairing, replacing, servicing, testing, monitoring, or  
30 responding to an emergency alarm system, or which causes any of these activities to take place  
31 within the city jurisdiction.

32 **Alarm system** shall mean emergency alarm system as hereinafter defined as an assembly of  
33 equipment, devices and component, or any one self-contained device, arranged to automatically  
34 signal the present occurrence of a robbery or other unlawful intrusion by audible alarm or direct  
35 connections to central station, answering service, or direct dialer to which the Lincoln Police Depart-  
36 ment is expected to respond.

37 **Alarm user** shall mean any person, firm, or corporation on whose premises an alarm system  
38 is maintained within the city and within three miles of the corporate limits of the city, except for

1 alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with  
2 an alarm system at a premises, the person using such system is an alarm user.

3 **Answering service** shall mean and refer to a telephone answering service providing among  
4 its services the service of receiving on a continuous basis, through trained employees, emergency  
5 signals from alarm systems; and thereafter immediately relaying the message by live voice to an  
6 emergency communications center, maintained by local government thereby inducing emergency  
7 response.

8 **Automatic dialing device** shall mean and refer to an alarm system which automatically sends  
9 over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or  
10 coded signal indicating the existence of the emergency situation that the alarm system is designed  
11 to detect.

12 **Burglar alarm system** shall mean and refer to an alarm system signaling an entry or  
13 attempted entry into the area protected by the system.

14 **Central station system** shall mean an office to which remote alarm and supervisory  
15 signaling devices are connected, where operators supervise the circuits, and where runners are  
16 dispatched to investigate signals, and which has been certified as complying with "UL and NFPA"  
17 standards for central station facilities, equipment, and operation.

18 **Chief of Police** shall mean the chief of the Lincoln Police Department or a duly appointed  
19 authorized representative.

20 **Emergency communications center** shall mean the combined emergency communications  
21 center maintained by the City of Lincoln and Lancaster County in the County-City Building or any  
22 other place or location from which elements of the Police Department or Fire and Rescue  
23 Department are dispatched.

24 **False alarm** shall mean the activation of an alarm system, except those caused by acts of  
25 God, including but not limited to extraordinary electrical storms, tornadoes, or floods, or actual  
26 emergency to which the Lincoln Police Department gave an emergency response.

27 **Holdup alarm system** shall mean and refer to an alarm system signaling a robbery or  
28 attempted robbery.

29 **Location** shall mean the street address of the premises in which an alarm system is installed.

30 **NFPA** shall mean and stand for the National Fire Protection Association.

31 **Primary trunkline** shall mean a telephone line leading directly into the communications  
32 center maintained by local government that is for the purpose of handling emergency calls on a  
33 person-to-person basis, and which is identified as such by a specific number included among the  
34 emergency numbers listed in the telephone directory issued by the telephone company and covering  
35 the service area within the Police and Fire and Rescue Department's jurisdiction.

36 **Severely handicapped individual** shall mean a handicapped individual who has a severe  
37 physical or mental disability which seriously limits mobility or communication and who has one or  
38 more physical or mental disabilities resulting from amputation, arthritis, blindness, cerebral palsy,

1 cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, multiple sclerosis, muscular  
2 dystrophy, musculo-skeletal disorders, neurological disorders (including stroke), paraplegia,  
3 quadriplegia, other spinal cord conditions, or any other condition which causes substantial functional  
4 limitation.

5 **UL** shall mean and stand for Underwriters' Laboratories.

6 Section 22. That Section 7.08.010 of the Lincoln Municipal Code be amended to read  
7 as follows:

8 **7.08.010 Emergency Medical Ambulance Service; Fees for Service.**

9 The Fire and Rescue Department shall manage and administer a city ambulance program that  
10 will, from and after January 1, 2001, serve the area of city service by providing emergency  
11 ambulance service. The City Council shall determine and set reasonable fees for ambulance service.  
12 Except as provided for below, no such fee shall be set without first receiving from EMSOA a written  
13 recommendation as to what a reasonable fee schedule is. EMSOA, within thirty days of a request  
14 for such information by the City Council shall respond in writing with their recommendation.  
15 Failure of EMSOA to so respond shall not prevent the City Council from determining and setting  
16 a fee schedule found by the City Council to be reasonable. The fees shall be based on the reasonable  
17 costs of providing ambulance service for the area of city service. Nothing in this section shall be  
18 construed so as to prevent or limit the authority of the city to provide routine ambulance service.

19 Upon written recommendation of the Fire Chief, the Mayor may contract with one or more  
20 private ambulance providers (who must hold a routine ambulance service license) to supplement or  
21 otherwise provide emergency ambulance service, or any portion thereof, within the area of city  
22 service, provided, however, that such contractor may provide such service only in response to a  
23 dispatch by the 911 Center for emergency ambulance service. The term of any such contract shall  
24 not exceed one year and shall in no event extend beyond the date of expiration of such contractor's  
25 current routine ambulance service license.

26 The Fire Chief shall annually present to the City Council, as part of the normal budget  
27 process, a proposed fee schedule based on the city ambulance program budget. The fee schedule  
28 shall encompass all costs and expenditures related to the city ambulance program including but not  
29 limited to personnel, equipment, vehicle, material, oversight, and maintenance costs in such a form  
30 as to insure proper charges for services rendered.

31 Section 23. That Section 8.06.140 of the Lincoln Municipal Code be amended to read  
32 as follows:

33 **8.06.140 Open Burning.**

34 (a) It shall be unlawful for any person to cause, suffer, allow, or permit open burning of  
35 refuse or salvage material within the city limits of the City of Lincoln with the following exceptions:

1 (1) Fires set in structures (grills and fireplaces) for cooking and warmth as  
2 provided by the Lincoln Parks and Recreation Department.

3 (2) Fires of less than eight cubic feet in size that are used for cooking or  
4 ceremonial purposes provided such fires comply with Lincoln Fire Codes. Fires of a size greater  
5 than eight cubic feet to be used for cooking or ceremonial purposes are allowed if a permit has been  
6 issued under Section 8.06.145 of this chapter.

7 (3) Controlled fires set for the purpose of burning vegetation waste accumulated  
8 as a result of land clearance projects or as required by agricultural/botanical research programs, for  
9 which a burn permit has been issued under Section 8.06.145 of this chapter.

10 (4) Fires approved by the Director or other lawful authority that are set to relieve  
11 an emergency condition in order to protect public health and safety.

12 (5) Fires permitted pursuant to Section 8.06.145 of this chapter.

13 (b) Within the area surrounding the City of Lincoln over which the city exercises zoning  
14 jurisdiction, the open burning of refuse and salvage materials shall be regulated as follows:

15 (1) Residential, rural residential, agricultural, and common-carrier right-of-way  
16 open burning:

17 (i) No person shall cause, suffer, allow or permit open burning of refuse  
18 on residential, rural residential, agricultural (farm) property or common-carrier right-of-way, when  
19 the nearest boundary of the burning site is within 100 yards of an occupied dwelling, an occupied  
20 business structure, school or other institution, park or recreational area, other than what is located  
21 on the property where proposed open burning is to take place, without first obtaining a permit as  
22 hereinafter provided in Section 8.06.145.

23 (ii) Any refuse burned shall be indigenous to the property of the owner or  
24 person in lawful possession of the land.

25 (2) Industrial, commercial (other than salvage operations), institutional (to include  
26 schools, hospitals, churches, and related facilities), governmental and community solid waste  
27 disposal open burning:

28 (i) No open burning of refuse shall be conducted by governmental,  
29 industrial or commercial enterprises, or by institutions, or on community solid waste disposal sites,  
30 without having a permit therefor issued by the Director as hereinafter provided in Section 8.06.145.

31 (3) No person shall intentionally burn any house, barn, shed or any other structure  
32 without having a permit therefor issued by the Director as hereinafter provided in Section 8.06.145.

33 (c) It shall be unlawful for any person, or industrial, commercial, governmental or  
34 institutional facility, or solid waste disposal site within the City or within three miles thereof to  
35 cause, permit, or allow any of the following:

36 (1) Burning any garbage or salvage material.

37 (2) Open burning which permits smoke from the fire to travel onto any street, road  
38 or highway in such a way as to obscure the vision of any person operating a vehicle on that street,  
39 road or highway.

40 (3) Except as permitted by the Director for fire training purposes, burning or using  
41 any of the following as incineration or acceleration materials:

42 (i) Gasoline, diesel oil, heavy oil, solvents, or other flammable petro-  
43 leum products.

44 (ii) Treated wood of any kind including railroad ties, treated posts, utility  
45 poles, wood paneling and particle board.

- 1 (iii) Plastic and items containing plastic of any kind.  
2 (iv) Rubber and asphalt products including rubber tires, roofing shingles,  
3 tar paper, asphalt siding and sheeting and items containing rubber or asphalt compounds.  
4 (v) Any material being burned for the purpose of salvaging all or part of  
5 said material.  
6 (vi) Any other chemical material which produces highly toxic smoke or  
7 fumes which may endanger the public or firefighters called to extinguish the fire.  
8 (4) Burning which permits smoke from the fire to travel onto a neighboring  
9 property, park or recreational area where it becomes a public nuisance to people who occupy the  
10 neighboring dwelling, business structure, or are using the park or recreational area.

11 (d) The Director or the Chief of the Fire and Rescue Department may prohibit any or all  
12 open burning when atmospheric conditions or local circumstances make such fires hazardous to  
13 health, welfare, or safety of persons or property, and all permits for burning shall be subject to such  
14 prohibition or cancellation.

15 (e) Any person who conducts open burning within the area surrounding the City of  
16 Lincoln over which the city exercises zoning jurisdiction must be present at the immediate site of  
17 the open burning at all times while the burning occurs. No person shall leave said site unattended  
18 until there are no smoldering embers or the fire has been completely extinguished.

19 (f) Within the City of Lincoln and the area over which it exercises jurisdiction, it shall  
20 be prima facie evidence that the person who owns, controls, or occupies property on which open  
21 burning occurs has caused or permitted said open burning.

22 Section 24. That Section 8.06.145 of the Lincoln Municipal Code be amended to read  
23 as follows:

24 **8.06.145 Open Burning Permits.**

25 (a) Any person may apply for a permit for open burning by filing a written application  
26 on forms provided for that purpose with the Director giving reasons why no other practicable method  
27 except open burning can be employed to dispose of the refuse involved, the amount and kind of  
28 refuse to be burned, the exact location where the burning will take place, including the distances to  
29 adjacent structures; and the dates or days and times when the open burning is proposed to take place.  
30 Applications from industrial or commercial businesses must be accompanied by payment of a permit  
31 fee of fifty dollars per day on which burning is to take place. Said fee shall be credited to the Health  
32 Fund.

33 (b) Upon receipt of the application, the Director shall immediately forward the  
34 application to the Fire and Rescue Department having jurisdiction over the area in which the burning  
35 is to take place. Such Fire and Rescue Department shall endorse its approval or disapproval on the  
36 application within five days.

37 (c) Issuance of Permits. The Director shall not issue a permit unless:

1 (1) There is no other practical method except open burning which can be  
2 employed to dispose of the refuse involved, and

3 (2) The appropriate fire department has approved the application as meeting their  
4 fire safety requirements; or

5 (3) The fire is being set for purposes of training firefighters who are employed  
6 by or members of a rural fire district.

7 (d) Applicants may be issued an extended permit covering a period of time not to exceed  
8 one year. Such permits may limit the number of times the applicant can burn in a specific time  
9 period. As a condition of issuance, specific pollution control procedures or methods may be required  
10 by the Director in order to protect the public health.

11 (e) Unlawful Acts and Revocation. It shall be unlawful for the permittee to fail to carry  
12 out any control procedures or other conditions established as criteria for issuance of the permit. Said  
13 permit may be revoked by the Director at any time a violation of this ordinance is observed or  
14 conditions of the permit are not met.

15 Section 25. That Section 8.46.050 of the Lincoln Municipal Code be amended to read  
16 as follows:

17 **8.46.050 Weeds and Rubbish; Fire Hazard.**

18 If there be a lumber yard, oil tank or tanks, or wooden building or any other inflammable  
19 material upon any lot or parcel of land within the limits of the city, and near which there exists weeds  
20 and other worthless vegetation, between the dates of November 15 and May 1 of the following year,  
21 the Chief of the Fire and Rescue Department or the Fire Inspector shall notify, by publication or per-  
22 sonal service, the owner or occupant or agent, representative or employee of such owner or occupant  
23 having control of such real estate to within twenty-four hours after notice not only cut and remove  
24 the weeds and worthless vegetation from such real estate, but also to scrape the surface of the ground  
25 within fifteen feet of such structure and to denude the ground within such area of any inflammable  
26 material. Upon the failure of such owner or occupant or agent, representative or employee of such  
27 owner or occupant to comply with said notice, then it shall be the duty of the Chief of the Fire and  
28 Rescue Department or the Fire Inspector to refer said failure to so comply to the Director of Public  
29 Works and Utilities who shall proceed as provided in Section 8.46.020 hereof to enforce the  
30 provisions of this section, except that the twenty-four hour notice herein provided shall be in lieu of  
31 the five days notice required in said Section 8.46.020, and the cost thereof shall be assessed as  
32 provided in Sections 8.46.030 and 8.46.040 hereof.

33 Section 26. That Section 10.22.010 of the Lincoln Municipal Code be amended to  
34 read as follows:

1       **10.22.010     Mufflers on Motor Vehicle.**

2               It shall be unlawful for any person to operate any motor vehicle without a muffler or with a  
3 muffler open or in any other manner as to make any noise unnecessary in the normal operation of  
4 such vehicle; provided, the provisions of this section shall not apply to vehicles of the Fire and  
5 Rescue Department.

6               Section 27. That Section 17.10.070 of the Lincoln Municipal Code be amended to  
7 read as follows:

8       **17.10.070     Permit Required to Take Water; Tamper With Water Works.**

9               (a)     It shall be unlawful for any person to use or take water from a part of the Lincoln  
10 Water System without a permit, or without written authorization from the Lincoln Water System to  
11 open, use, tamper with, or remove any fire hydrant of the Lincoln Water System, or to connect to,  
12 tamper with, or remove any supply connection, supply pipe, or service pipe directly or indirectly  
13 connected with a main of the Lincoln Water System.

14              (b)     Water may be taken from fire hydrants by the various departments of the city and by  
15 private persons under a special permit therefor issued by the Director, who shall issue one or more  
16 water meters to each such permittee, which meter or meters, together with such backflow prevention  
17 devices as the Director may determine necessary, must be connected to each fire hydrant and must  
18 meter all water flowing therefrom pursuant to such special permit. Nothing in this title shall be  
19 deemed in any manner to prohibit, hinder, or require a permit of the Fire and Rescue Department of  
20 the city in carrying out its fire-fighting duties.

21              Section 28. That Section 19.03.030 of the Lincoln Municipal Code be amended to  
22 read as follows:

23       **19.03.030     Section 103.1 Amended; Organization of the Bureau of Fire Prevention.**

24              Section 103.1 of the International Fire Code is amended to read as follows:

25              **103.1   Organization of the bureau of fire prevention.** The bureau of fire prevention is  
26 established within the department of building and safety under the direction of the code official. The  
27 bureau shall consist of such personnel as may be assigned thereto by the director of building and  
28 safety who is hereby designated as the code official as defined in Section 202 of this code. The  
29 function of this bureau shall be to assist the code official in the administration and enforcement of

1 the fire prevention provisions of this code. The bureau of fire prevention with the assistance of the  
2 fire and rescue department shall provide education and training to schools, hospitals, public and  
3 private organizations and institutions on fire precaution practices and evacuation procedures. The  
4 bureau of fire prevention shall coordinate all these activities.

5 Section 29. That Section 19.03.050 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **19.03.050 Section 104.10 Amended; Fire Investigations.**

8 Section 104.10 of the International Fire Code is amended to read as follows:

9 **104.10 Fire investigations.** The bureau of fire prevention shall have the authority to  
10 investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition.  
11 Information that could be related to trade secrets of processes shall not be made part of the public  
12 record except as directed by a court of law.

13 **104.10.1 Assistance from other agencies.** Whenever requested to do so by the code official  
14 or an authorized representative, the police department shall assign such available police officers as  
15 in the police department's discretion may be necessary to assist the code official in enforcing the  
16 provisions of this code. In addition, the code official may request that the fire and rescue department  
17 detail to the bureau of fire prevention such members of the fire and rescue department as may from  
18 time to time be necessary.

19 Section 30. That Section 19.03.060 of the Lincoln Municipal Code be amended to  
20 read as follows:

21 **19.03.060 Section 104.11 Amended; Authority at Fires and Other Emergencies.**

22 Section 104.11 of the International Fire Code is amended to read as follows:

23 **104.11 Authority at fires and other emergencies.** The code official and the fire and rescue  
24 department shall have the power and authority at the scene of a fire or other emergency involving  
25 the protection of life or property to direct such operation as may be necessary to extinguish or control  
26 any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas  
27 leaks, or other hazardous conditions or situations or of taking any other action necessary in the  
28 reasonable performance of their duty. The fire and rescue department shall maintain control at the  
29 fire scene until the fire has been extinguished and the bureau of fire prevention has arrived at the  
30 scene. In the exercise of such power, the code official or fire and rescue department may prohibit

1 any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be  
2 removed or kept away from the scene any vehicle, vessel, or thing which may impede or interfere  
3 with the operations of the fire and rescue department or bureau of fire prevention in the extinguish-  
4 ment or investigation of such fire or emergency and, in the judgment of the code official or fire and  
5 rescue department, any person not actually and usefully employed in the extinguishment or  
6 investigation of such fire or emergency or in the preservation of property in the vicinity thereof.

7 Section 31. That Section 19.03.070 of the Lincoln Municipal Code be amended to  
8 read as follows:

9 **19.03.070 Section 104.11.1 Amended; Authority at Fires and Other Emergencies;**  
10 **Authority to Barricade.**

11 Section 104.11.1 of the International Fire Code is amended to read as follows:

12 **104.11.1 Authority to barricade.** The code official or the fire and rescue department or  
13 their authorized representative, who may be in charge at the scene of an emergency shall have the  
14 authority to place ropes, guards, barricades, or other obstructions across any street, alley, place, or  
15 private property in the vicinity of such operation so as to prevent accident or interference with the  
16 lawful efforts of the bureau of fire prevention or fire and rescue department to manage and control  
17 the situation

18 Section 32. That Section 19.03.080 of the Lincoln Municipal Code be amended to  
19 read as follows:

20 **19.03.080 Section 104.11.2 Amended; Authority at Fires and Other Emergencies;**  
21 **Interference.**

22 Section 104.11.2 of the International Fire Code is amended to read as follows:

23 **104.11.2 Interference.** Any person who obstructs the operations of the fire and rescue  
24 department or bureau of fire prevention in connection with investigating or extinguishing any fire,  
25 or other emergency, or disobeys any lawful command of the code official or the fire and rescue  
26 department as may be in charge at such a scene, or any part thereof, or any police officer assisting  
27 the fire and rescue department or bureau, shall be guilty of a misdemeanor.

28 Section 33. That Section 19.08.020 of the Lincoln Municipal Code be amended to  
29 read as follows:

30 **19.08.020 Fire or Emergency; False Report.**

1 (a) It shall be unlawful for any person to make false alarm or report of a fire.

2 (b) It shall be unlawful for any person to impart or convey, or cause to be imparted or  
3 conveyed, any false information knowing the same to be false concerning the need for assistance of  
4 the Fire and Rescue Department or any personnel or equipment of such department.

5 Section 34. That Section 19.08.150 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **19.08.150 Chief of Fire and Rescue Department to Investigate Sources of Danger From**  
8 **Fire.**

9 It shall be the duty of the Chief of Fire and Rescue Department, as often as directed by the  
10 City Council, or as often as Chief of Fire and Rescue Department shall deem it necessary, to enter  
11 any house or building, lot, yard, or premises in said city and examine the fire-flues, hearths,  
12 chimneys, stoves and pipes thereto, ovens, boilers, and other apparatus likely to cause fire; also, the  
13 places where any gunpowder, hemp, coal, oils, flax, tar, hay, straw, shavings, or other combustible  
14 matter may be lodged or stored. And the said Chief of Fire and Rescue Department shall give  
15 direction in regard to the several foregoing matters as he shall deem expedient to guard against fire  
16 or accident, either as to the removal or alteration, or better care and management thereof.

17 Section 35. That Section 19.08.160 of the Lincoln Municipal Code be amended to  
18 read as follows:

19 **19.08.160 Order to Correct Hazardous Condition.**

20 Whenever the Chief of Fire and Rescue Department shall give the notice or directions  
21 mentioned in the foregoing section to the owner or occupant of any premises, either verbally or by  
22 printed or written notice, in which any of the matters mentioned in said section shall be contained,  
23 it shall be the duty of said owner or occupant, within twenty-four hours, to cause such removal or  
24 alteration therein, at the owner's or occupant's expense, as shall be required by said Chief of Fire and  
25 Rescue Department.

26 Section 36. That Section 24.01.010 of the Lincoln Municipal Code be amended to  
27 read as follows:

28 **24.01.010 Definitions.**

29 The following definitions shall apply in the interpretation and enforcement of this chapter:

1           **Administrative Authority** shall mean the Director of Building and Safety or his authorized  
2 representative.

3           **Director** shall mean the Director of Public Works and Utilities or his authorized repres-  
4 entative.

5           **Fire and Rescue Department** shall mean the Chief of the Fire and Rescue Department or  
6 his authorized representative.

7           **Fire Inspector** shall mean the Chief of the Bureau of Fire Prevention or his authorized  
8 representative.

9           **Bureau of Fire Prevention** shall mean a division within the City of Lincoln Department of  
10 Building and Safety.

11           **Fire suppression system contractor or contractor** shall mean any person who holds himself  
12 out as skilled in designing, planning, and superintending the installation, alteration, modification,  
13 and repair of automatic sprinkler systems, special hazard fixed piping fire control systems, automatic  
14 and manual water spray and deluge systems, standpipe systems, special extinguishing systems using  
15 carbon dioxide, foam, dry chemical, or inert gas, and any other such systems used for the control or  
16 extinguishment of fire, which person is engaged in contracting for such work with full responsibility  
17 of supervision, whether doing such work by himself or employing fire suppression system  
18 journeymen, apprentices, or helpers to assist him.

19           **Fire suppression system journeyman or journeyman** shall mean any person employed by  
20 a fire suppression system contractor, other than an apprentice or helper who, as his principal  
21 occupation, is engaged in the installation, alteration, and repair of fire suppression systems, and the  
22 supervision thereof.

23           **Fire suppression system contractor's apprentice or helper or apprentice or helper** shall  
24 mean a person other than a journeyman or a contractor who, as his principal occupation, is engaged  
25 in learning and assisting in the installation, repair, and alteration of fire suppression systems as an  
26 employee under the direct supervision and in the immediate presence of a contractor or a journey-  
27 man.

28           **Person** shall mean any natural person, firm, partnership, association, corporation, company,  
29 or organization of any kind.

30           **Fire suppression systems.**

31           (1)     Sprinkler systems shall mean automatic sprinkler systems, automatic manual  
32 spray or deluge systems, special fixed piping fire control systems using water, and standpipe systems.  
33 For the purpose of this chapter, standpipe systems shall mean a wet or dry system of piping, valves,  
34 outlets and related equipment designed to provide water at specified pressures and installed exclu-  
35 sively for the fighting of fires.

36           (2)     Wet/dry chemical systems shall mean special fire extinguishing systems using  
37 foam or dry chemicals or both for the control or extinguishing of fire.

38           (3)     Gas extinguishing systems shall mean special fire extinguishing systems using  
39 inert gases for the control or extinguishing of fire.

40           **Water system** shall mean the public water system of the City of Lincoln.

1                   Section 37. That Section 24.01.180 of the Lincoln Municipal Code be amended to  
2 read as follows:

3                   **24.01.180     Application for Permit.**

4                   Every person, firm, or corporation desiring to install, alter, or remove any portion of a fire  
5 suppression system in any building or upon any premises shall on a form provided by the  
6 Administrative Authority make written application therefor to the Administrative Authority and  
7 attach detailed sets of plans and specifications of the entire fire suppression system in triplicate.  
8 Sprinkler system permits shall only be issued to registered sprinkler system contractors, wet/dry  
9 chemical system permits shall only be issued to registered chemical system contractors, and gas  
10 extinguishing system permits shall only be issued to registered gas extinguishing system contractors.  
11 The Administrative Authority shall refer any applications for a sprinkler system permit to the water  
12 system and the Fire and Rescue Department, and if approved by them as meeting all applicable  
13 requirements, shall issue a permit to install, alter, or remove such system and connect the same to  
14 the water system in accordance with and subject to the provisions of Title 17. Other fire suppression  
15 systems shall be approved by the Fire Inspector.

16                   Section 38. That Section 24.10.070 of the Lincoln Municipal Code be amended to  
17 read as follows:

18                   **24.10.770     Section 18.6 Added; Private Water Supply.**

19                   Section 18.6 is added to the National Standard Plumbing Code to read as follows:

20                   18.6 Private Water Supply. A private water supply system may be permitted if no public  
21 water supply is available to the mobile home court or trailer court, provided the private water supply  
22 is approved as adequate by the Lincoln City-Lancaster County Health Department, Lincoln Public  
23 Works and Utilities Department, and the Lincoln Fire and Rescue Department.

24                   Section 39. That Section 26.27.030 of the Lincoln Municipal Code be amended to  
25 read as follows:

26                   **26.27.030     Water Supply.**

27                   (a) All subdivisions within the corporate limits of the city or within the future urban area  
28 as designated in the comprehensive plan shall have a water distribution system constructed in  
29 conformance with the water main design standards of the city. Inside the corporate limits, where the  
30 city water supply is reasonably accessible to the subdivision, the city water distribution system shall

1 be extended to enable each lot to make a supply connection in accordance with Titles 17 and 24 of  
2 the Lincoln Municipal Code. Outside of the corporate limits, the community water distribution  
3 system shall be extended to enable each lot within the subdivision to make a supply connection to  
4 a community water system. If the subdivision is annexed and the city water supply becomes available  
5 to individual lots within a subdivision, those lots shall be connected to the city water supply. Fire  
6 hydrants shall be installed in compliance with the water main design standards, in sufficient quantity  
7 and size to provide adequate protection for each lot within the subdivision as determined by the Fire  
8 and Rescue Department regardless of the type of water supply furnished to the subdivision.

9 (b) In all subdivisions beyond the future urban area as designated in the comprehensive  
10 plan, individual water well systems or a community water system shall be installed in such a manner  
11 that an adequate supply of potable water is available to every lot within the subdivision.

12 (c) In any subdivision where a community water system other than a rural water district  
13 is used, the subdivider, his successors and assigns, shall enter into an agreement with the city  
14 whereby the operation and maintenance of the community water system shall be in compliance with  
15 the rules and regulations for public water supply systems of the state of Nebraska, a permit to operate  
16 the system has been received from the State of Nebraska, and the operator of the system possesses  
17 a certificate of competency issued by the State of Nebraska.

18 Section 40. That Sections 2.02.060, 2.06.010, 2.20.010, 2.20.020, 2.20.060, 2.20.070,  
19 2.20.080, 2.20.090, 2.20.100, 2.20.110, 2.20.120, 2.20.130, 2.20.140, 2.32.050, 2.76.220, 2.76.420,  
20 5.14.020, 5.46.020, 5.52.060, 5.54.080, 5.56.010, 7.08.010, 8.06.140, 8.06.145, 8.46.050, 10.22.010,  
21 17.10.070, 19.03.030, 19.03.050, 19.03.060, 19.03.070, 19.03.080, 19.08.020, 19.08.150, 19.08.160,  
22 24.01.010, 24.01.180, 24.10.770, and 26.27.030 of the Lincoln Municipal Code as hitherto existing  
23 be and the same are hereby repealed.

24 Section 41. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall  
25 be posted on the official bulletin board of the City in lieu of and in place of newspaper publication  
26 with notice of passage and such posting to be given by publication one time in the official newspaper  
27 by the City Clerk. This ordinance shall take effect and be in force from and after its passage and  
28 publication as herein and in the City Charter provided. That this ordinance shall take effect and be  
29 in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2003:

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Mayor