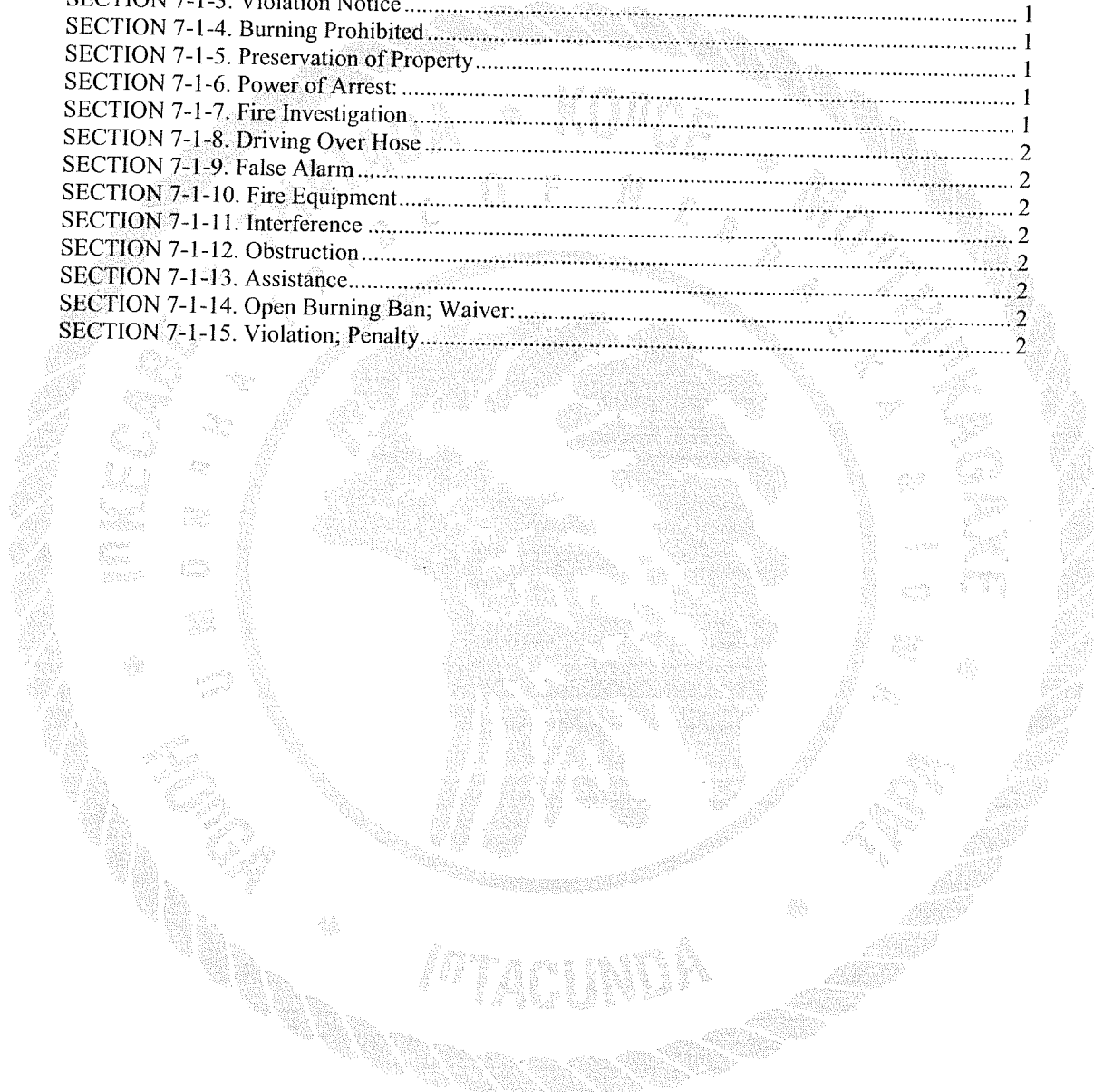


OMAHA TRIBAL CODE (2013)

TITLE 7. FIRE PROTECTION

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TITLE 7. FIRE PROTECTION

Source: Omaha Tribal Council Resolution No. 03-83 (4/17/03).

CHAPTER 1. FIRE REGULATIONS

SECTION 7-1-1. Fire Prevention Ordinance

One copy each of the rules and regulations promulgated by the Omaha Tribal Council relating to Fire Protection, set out at Chapter 1 of this Title, shall be on file with the clerk of the Omaha Tribal Court and the Secretary of the Omaha Tribal Council. The copies shall be available for public inspection at any time the Tribal Court and or the Tribal Council administrative offices are open for business.

SECTION 7-1-2. Lawful Entry

It shall be the duty of the owner, lessee, or occupant of any building or structure, except the interior of private dwellings, to allow the fire inspector, as designated by the Omaha Tribal Council, to inspect the structure for purposes of ascertaining and enumerating all conditions therein that are likely to cause fire.

SECTION 7-1-3. Violation Notice

It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed, and who receives written or verbal notice of a violation of any of the provisions of this Chapter, to correct such condition within five days of the date of receipt of such notice.

SECTION 7-1-4. Burning Prohibited

Except as provided in Section 7-1-15 of this Chapter, it shall be unlawful for any person to set a fire of any kind, either contained fires, such as garbage or other refuse in barrels, or open burning of any kind.

SECTION 7-1-5. Preservation of Property

Any Police Officer or Fire District official so designated as an official by the Omaha Tribal Council shall have the power and authority during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the removal of any building, erection, fence or any part thereof for the purpose of checking the progress of any fire. The official in charge of the firefighting effort shall have the power to destroy, or cause to be destroyed, any building or erection during the progress of a fire for the purpose of extinguishing or halting the same.

SECTION 7-1-6. Power of Arrest:

The Tribal Police or any Police Officer or Fire District Official and/ or the Nebraska State Fire Marshall authorized by the Omaha Tribal Council shall have the power during the time of a fire and after its extinguishment to arrest or detain any suspected arsonist or any person suspected of hindering or resisting the firefighting effort; and, may issue citations through the Omaha Tribal Police Department for any violation of this Chapter. Provided, however, that the Omaha Tribal Council shall provide by resolution a list of those non-tribal officials or officers that are authorized with the Power of Arrest and shall provide no less than sixty (60) days notice to the affected individual(s) in the event that an individual is to be removed from the list.

SECTION 7-1-7. Fire Investigation

It shall be the duty of the Omaha Tribal Police Department or any Police Officer or Fire District Official authorized by the Omaha Tribal Council, including the Nebraska State Fire Marshal to investigate, or cause to be investigated, the cause, origin, and circumstances of every fire occurring within the Walthill

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Fire District in which property has been destroyed or damaged when the damage exceeds \$500.00. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident or design. The officer making the investigation within the Walthill Fire District shall immediately notify the Captain of the Omaha Tribal Police.

SECTION 7-1-8. Driving Over Hose

It shall be unlawful for any person to drive a vehicle over any unprotected hose of any fire department unless authorized to do so by the fire department.

SECTION 7-1-9. False Alarm

It shall be unlawful for any person intentionally, and without good and reasonable cause, to raise any alarm of fire.

SECTION 7-1-10. Fire Equipment

It shall be unlawful for any person other than authorized fire officials to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Omaha Tribe's or any other Fire Department.

SECTION 7-1-11. Interference

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or other members of the fire department in the performance of their duty.

SECTION 7-1-12. Obstruction

It shall be unlawful for any person or persons to obstruct the use of any fire hydrant, or have or place any material within fifteen feet of said hydrant. Any vehicle or material found to be an obstruction may be immediately removed by any member of the fire department at the risk, cost and expense of the owner or claimant.

SECTION 7-1-13. Assistance

It shall be unlawful for any person to refuse to aid in extinguishing a fire or to assist in the removal and protection of property after the command of the fire chief or assistant fire chief.

SECTION 7-1-14. Open Burning Ban; Waiver:

There shall be an open burning ban within the Walthill Fire District on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land. Provided, however, that the Chief of the Walthill Fire District or his or her designee may waive the open burning ban for members of the Omaha Tribe residing within the Walthill Fire District by issuing an open burning permit to a person requesting permission to conduct open burning. Provided further, that any individual member of the Omaha Tribe of Nebraska or any Federally Recognized Indian Tribe shall be granted an exemption to conduct burning for Tribal ceremonial purposes. Anyone burning in such area when the open burning ban has been waived must notify the Chief of the Walthill Fire District or his or her designee of his or her intention to burn.

SECTION 7-1-15. Violation; Penalty

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a Class A offense and fined a sum of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.

