

ORDINANCE NO. 24-11

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING CHAPTER 91 OF THE WAVERLY MUNICIPAL CODE RELATING TO FIRE PREVENTION; OUTDOOR FIREPLACES; REQUIREMENTS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAVERLY, LANCASTER COUNTY, NEBRASKA:

Section 1. That Section 91.04 through 91.06, contained within Chapter 91 of the Waverly Municipal Code be amended to read as follows:

FIRE PREVENTION

§ 91.01 FIRE PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska relating to fire prevention are incorporated by reference into this Code and made a part of this Article as though spread at large herein together with all subsequent amendments thereto. (*Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.*) (*Amended by Ord. 02-04, 2/4/02*)

§ 91.02 FIRE PROHIBITED.

It shall be unlawful for any person to set out a fire at any location within the Municipality, except as expressly permitted by §91.06.

§ 91.03 SKY LANTERNS PROHIBITED.

(1) Flying lantern-type devices are prohibited from sale, possession, and use in the City's jurisdiction.

(2) For purposes of this section, flying lantern-type devices means devices that require a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lantern-type devices shall not include hot-air balloons used for transporting persons. (*Neb. Rev. Stat. § 28-1255*)

§ 91.04 DEFINITIONS.

For the purpose of this Article, certain words, phrases, and terms shall be construed as specified below, unless the context otherwise requires:

- A. Fire Pits shall mean constructed of steel, concrete or stone, and constructed above ground with heavy steel screen covering.
- B. Portable Fire Pit shall mean a structure that is manufactured and intended to confine and control outdoor wood fires. Designed as a portable or moveable fire pit.

- C. Chimineas shall mean an outdoor patio fireplace, usually made from clay, intended to confine and control outdoor fires with controlled burning. (*Est. by Ord. 10-08, 7/19/10*)
- D. Outdoor Fireplace shall mean any fire pit, portable fire pit, or chimineas. Outdoor fireplace does not include barbeque grills that are primarily for outdoor cooking.

§ 91.05 BUILDING PERMIT REQUIRED.

- A. A building permit is required for a fire pit, but not for a chiminea or portable fire pit. Barrels, half barrels, drums, or similarly constructed devices are not fire pits, and are not allowed.
- B. The requirements for the issuance of a building permit by the City to have a fire pit are:
 - 1. A minimum of a ten foot clearance between the fire pit and combustible materials;
 - 2. Fire pit shall be constructed of concrete or an approved non-combustible material;
 - 3. Fuel fire area and openings shall be completely enclosed by a spark guard (wire mesh no greater than 1/2" square openings);
 - 4. Size of the fuel area shall not be larger than 3' in diameter and a height of no more than 3';

§ 91.06 USE OF OUTDOOR FIREPLACE.

- A. The requirements for use of an outdoor fireplace are as follows:
 - 1. Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level;
 - 2. Permitted materials to be burned include untreated non-milled lumber or approved fireplace starter logs; Prohibited materials include leaves, grass, yard waste, construction materials, trash, plastic, or other materials that create hazardous waste or toxic unwanted fumes;
 - 3. Limit the amount of material being burned to ensure the flames are confined inside the fuel area of the fireplace;
 - 4. Keep a water supply, garden hose or fire extinguisher readily available in case of emergency;
 - 5. Use of an outdoor fireplace is prohibited when a red flag warning has been issued for Lancaster County by the National Weather Service, or when a burn ban has been declared by the Waverly Fire Chief;
 - 6. All outdoor fireplaces must be under supervision by a person over the age of 18;
 - 7. Smoke shall not create a nuisance for neighbors; (*Est. by Ord. 10-08, 7/19/10*)

§ 91.07 VIOLATION; PENALTY.

Any person who shall violate any of the provisions of Sections 91.01 through 91.06 shall be guilty of a Class II Misdemeanor as defined by § 131.22 of this Code. (*Est. by Ord. 10-08, 7/19/10*)

Section 2. That any ordinance in conflict with this ordinance is hereby repealed.

Section 3. This ordinance shall be in full force and take effect from and after its passage, approval and publication according to the law.

PASSED AND APPROVED THIS 28th DAY OF January, 2025.



Abbey L. Pascoe
Mayor

ATTEST:



Megan K. Frye
City Clerk/Human Resources Assistant



(Seal)