

LEGISLATIVE BILL 540

Approved by the Governor May 29, 2015

Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014; to adopt updated international building code standards; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-6403, Revised Statutes Cumulative Supplement, 2014, is amended to read:

71-6403 (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The International Building Code (IBC), chapter 13 of the 2009 edition, and all but such chapter of the 2012 edition, published by the International Code Council;

(b) The International Residential Code (IRC), chapter 11 of the 2009 edition, and all but such chapter of the 2012 edition except section R313, published by the International Code Council; and

(c) The International Existing Building Code, 2012 ~~2009~~ edition, published by the International Code Council.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act or as otherwise authorized by state law.

Sec. 2. Section 71-6406, Revised Statutes Cumulative Supplement, 2014, is amended to read:

71-6406 (1) Any political subdivision may enact, administer, or enforce a local building or construction code if or as long as such political subdivision adopts the state building code. The political subdivision shall regularly update its code. For purposes of this section, a code shall be deemed to be regularly updated if the most recently enacted state building code is adopted by the political subdivision within two years. No political subdivision may adopt or enforce a local building or construction code other than as provided by this section.

(2) A political subdivision may amend its local building or construction code if the amendment:

(a) Conforms generally with the state building code;

(b) Adopts a special or differing building standard by modifying or deleting any portion of the state building code in order to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction;

(c) Adopts any supplement, new edition, appendix, or component or combination of components of the state building code; or

(d) Adopts section R313 of the 2012 ~~2009~~ edition of the International Residential Code.

(3) A political subdivision may adopt and promulgate amendments for the proper administration and enforcement of its local building or construction code including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the local building or construction code. Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved, but such fees shall not exceed the actual expenses incurred by the political subdivision doing the monitoring.

(4) Notwithstanding the provisions of the Building Construction Act, a public building of a political subdivision shall be built in accordance with the applicable local building or construction code.

Sec. 3. Original sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014, are repealed.