

## LEGISLATIVE BILL 1221

Approved by the Governor April 12, 1990

Introduced by Hannibal, 4

AN ACT relating to plumbing; to amend sections 18-1906 and 18-1909, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1989; to change the membership of plumbing boards for cities of the metropolitan class; to change provisions relating to rules and regulations; to provide for the suspension of plumbing licenses; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-1901, Revised Statutes Supplement, 1989, be amended to read as follows:

18-1901. (1) In cities of the metropolitan class there shall be a board for the examination of plumbers of five eight members. The board shall consist of an architect licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class, a mechanical engineer licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class, two journeymen plumbers, two master plumbers, one member of the general public who is not associated with the plumbing business, and a chief health officer who shall serve as a nonvoting member of the board. Such members shall be appointed by the mayor by and with the consent of the city council. A member shall continue to serve until his or her successor has been appointed and qualified. The board shall consist of the chief health officer or his or her designated representative, two journeymen plumbers, and two master plumbers. The journeymen and master plumbers shall be appointed by the mayor by and with the consent of the city council.

(2) In cities of the primary class there may be a board for the examination of plumbers consisting of five members. The board shall consist of one member to be known as the chief health officer of the city, one member to be known as the plumbing inspector of the city, two journeymen plumbers, and one master plumber. The journeymen and master plumbers shall be appointed by the mayor by and with the consent of the city council

or, in cities having a city manager, by the city manager.

(3) In all cities of the first and second classes and villages there may be a board for the examination of plumbers of not less than four members, consisting of at least one member to be known as the chief health officer of the city or village, one member to be known as the plumbing inspector of the city or village, one journeyman plumber, and one master plumber. The journeyman and master plumbers shall be appointed by the mayor by and with the consent of the city council, by the chairperson by and with the consent of the board of trustees, or, in cities having a city manager, by the city manager.

(4) For purposes of this section, in cities where a city-county health department has been established and is maintained as provided in section 71-1628, chief health officer shall mean the health director of such department.

(5) Except for cities of the metropolitan class and as provided in subsection (4) of this section, the chief health officer and plumbing inspector shall be appointed by and hold office during the term of office of the mayor, city manager, or chairperson of the board of trustees, as the case may be. The term terms of office of the journeymen and master plumbers shall be for three years. Upon expiration of the term of each appointed member, appointments shall be made for succeeding terms by the same process as the previous appointment appointments.

(6) All members of the plumbing board shall be residents or live within the zoning jurisdiction of such city or village. The plumbing inspector and journeymen and master plumbers shall be licensed plumbers. The members of plumbers appointed to the board in cities of the metropolitan class shall be licensed within such cities. The 7 and the chief plumbing inspector, who shall also be licensed within such city, or village and shall act in a direct advisory capacity to the plumbing board.

(7) Three in cities of the metropolitan class, four voting members of the board shall constitute a quorum, and in all other cities and villages, three members of the plumbing board shall constitute a quorum. The board shall organize by selecting a chairperson, and in cities of the metropolitan class a recording secretary shall be furnished to such board. The city or village shall make available to the board a location for the board to meet and conduct business at a time

convenient for the members of the board. All vacancies in the board may be filled by the mayor and council, city manager, or chairperson and board of trustees, as provided in this section. Any member of the board may be removed from office for cause by the district court of the county in which such city or village is situated. Each member of the board shall give bond in the sum of one thousand dollars, conditioned according to law, the cost of which may be paid by such city or village.

(8) The plumbing board in a city of the metropolitan class shall maintain a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

(9) If two or more municipalities organize a joint plumbing board pursuant to the Interlocal Cooperation Act, appointments shall be made according to the agreements providing for such joint board and the members of such board shall be residents of such cities or villages or live within the zoning jurisdiction of such cities or villages.

Sec. 2. That section 18-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1906. The plumbing board shall have power, and it shall be its duty, to adopt rules and regulations, not inconsistent with the laws of the state or the ordinances of the city or village, for the sanitary construction, alteration, and inspection of plumbing and sewerage connections and drains placed in, or in connection with, any and every building in such city or village, in which it will prescribe the kind and size of materials to be used in such plumbing and the manner in which such work shall be done, which rules and regulations, except such as are adopted for its own convenience only, shall be approved by ordinance by the mayor and council of such city or by the ~~chairman~~ chairperson and board of trustees of such village. The board shall have the power to amend or repeal its rules and regulations, subject, except such as relate to its own convenience only, to the approval of the mayor and council of such city or ~~chairman~~ chairperson and board of trustees of such village. In cities of the metropolitan class the plumbing board shall have the power, without the approval of the mayor and city council, to grant a variance from the ~~its~~ ordinances, rules, and regulations in the kind and size of materials to be used, or in the manner in which the work is to be performed. The variance shall apply only to a single

building and shall not be considered as a part of the ordinances, ~~or~~ rules, and regulations of the plumbing board. If there are practical difficulties or unnecessary hardships in the manner of strictly carrying out such ordinance, the plumbing board shall have the power, in passing upon a variance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, so that the intent of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board shall have power to compel the owner or contractor to first submit the plans and specifications for plumbing that is to be placed in any building or adjoining premises to the board for approval before it shall be installed in such building or premises. When an owner or contractor submits a request for a variance, the plumbing board shall charge a reasonable fee, payable to the general fund, not to exceed twenty-five dollars. The Building Board of Review shall have the authority to hear appeals from the plumbing board in matters regarding variances and interpretation of ordinances, plumbing code changes, rules, and regulations. The Building Board of Review shall adopt rules governing such appeals.

Sec. 3. That section 18-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1909. All original and renewal licenses shall be good for one year from ~~their dates; PROVIDED,~~ the date of issuance, except that any license may be revoked or suspended by the plumbing board at any time upon a hearing upon sufficient written, sworn charges filed with the board showing the holder of the license to be ~~then~~ incompetent or guilty of a willful breach of the rules, regulations, or requirements of the board, or of the laws or ordinances relating thereto, or of other causes sufficient for the revocation or suspension of his or her license, of which charges and hearing the holder of such license shall have written notice.

Sec. 4. That original sections 18-1906 and 18-1909, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1989, are repealed.