

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 704

Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

Read first time January 06, 2016

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to building codes and regulations; to amend
- 2 sections 14-419 and 18-132, Reissue Revised Statutes of Nebraska,
- 3 sections 15-905, 19-922, 23-172, and 71-6404, Revised Statutes
- 4 Cumulative Supplement, 2014, and section 71-6406, Revised Statutes
- 5 Supplement, 2015; to define terms; to change provisions relating to
- 6 adoption and applicability of building codes by political
- 7 subdivisions; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-419, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-419 The city council, in cities of the metropolitan class, shall
4 have the power by ordinance to regulate, within the corporate limits of
5 the city or in areas within three miles of the corporate limits, except
6 as to construction on farms for farm purposes, (1) the minimum standards
7 of construction of buildings, dwellings, and other structures, in order
8 to provide safe and sound condition thereof for the preservation of
9 health, safety, security, and general welfare, and as to electric wiring,
10 heating, plumbing, pipefitting, sewer connections, ventilation, size of
11 habitable rooms, and the method of constructing buildings, and to provide
12 for inspection thereof and building permits, (2) the removal and tearing
13 down of buildings, dwellings, and other structures in such areas which
14 constitute nuisances because of the dilapidated, unsafe, or rundown
15 condition or conditions, and (3) except as to the United States of
16 America, the State of Nebraska, any county of the state, or any city or
17 village in the state, the nature, kind, and manner of constructing
18 streets, alleys, sidewalks, curbing or abridging curbs, driveway
19 approaches constructed on public right-of-way, and sewers. Any building
20 or construction code implemented under this section shall be adopted and
21 enforced as provided in section 71-6406.

22 Sec. 2. Section 15-905, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 15-905 Every city of the primary class may regulate in the area
25 which is within the corporate limits of the city or within three miles of
26 the corporate limits of the city and outside of any organized city or
27 village, except as to construction on farms for farm purposes, (1) the
28 minimum standards of construction of buildings, dwellings, and other
29 structures in order to provide safe and sound condition thereof for the
30 preservation of health, safety, security, and general welfare, which
31 standards may include regulations as to electric wiring, heating,

1 plumbing, pipefitting, sewer connections, ventilation, size of habitable
2 rooms, and the method of constructing buildings, dwellings, and other
3 structures, and to provide for inspection thereof, and building permits
4 and fees for such permits therefor, (2) the removal and tearing down of
5 buildings, dwellings, and other structures in such areas which constitute
6 nuisances because of the dilapidated, unsafe, or rundown condition or
7 conditions, and (3) except as to the United States of America, the State
8 of Nebraska, a county, or a village, in the area outside of the corporate
9 limits of the city of the primary class, the nature, kind, and manner of
10 constructing streets, alleys, sidewalks, curbing or abridging curbs,
11 driveway approaches constructed on or to public right-of-way, and sewage
12 disposal facilities. Any building or construction code implemented under
13 this section shall be adopted and enforced as provided in section
14 71-6406.

15 Sec. 3. Section 18-132, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 18-132 (1) The city council of any city or village board of any
18 village legislative bodies of all cities and villages may adopt by
19 ordinance the conditions, provisions, limitations, and terms of a
20 plumbing code, an electrical code, a fire prevention code, a building or
21 construction code, and any other standard code which contains rules and
22 regulations printed as a code in book or pamphlet form, by reference to
23 such code, or portions thereof, alone, without setting forth in the
24 ordinance the conditions, provisions, limitations, and terms of such
25 code. When any such code, or portion thereof, has been incorporated by
26 reference into such any ordinance, as provided in this section, it shall
27 have the same force and effect as though it had been written in its
28 entirety spread at large in such ordinance without further or additional
29 posting or publication thereof.

30 (2) Not less than one copy of such standard code, or portion
31 thereof, shall be kept filed for use and examination by the public in the

1 office of the city or village clerk of such city or village prior to the
2 adoption thereof and as long as such standard code is in effect in such
3 city or village. The adoption of any such standard code by reference
4 shall be construed to incorporate such amendments thereto as may be made
5 in such standard code from time to time, if the copy of such standard
6 code so filed is at all times kept current in the office of the clerk of
7 such city or village.

8 (3) Any building or construction code implemented under this section
9 shall be adopted and enforced as provided in section 71-6406.

10 (4) If there is no ordinance adopting a plumbing code in effect in a
11 city or village, the 2009 Uniform Plumbing Code accredited by the
12 American National Standards Institute shall serve as the plumbing code
13 for all the area within the jurisdiction of the city or village. Nothing
14 in this section shall be interpreted as creating an obligation for the
15 city or village to inspect plumbing work done within its jurisdiction to
16 determine compliance with the plumbing code.

17 Sec. 4. Section 19-922, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 19-922 ~~The legislative body of any city of the first or second~~
20 ~~class or any village may adopt by ordinance, which shall have the force~~
21 ~~and effect of law, the conditions, provisions, limitations, and terms of~~
22 ~~a building code, a plumbing code, an electrical code, a fire prevention~~
23 ~~code, or any other code relating to building or relating to the erection,~~
24 ~~construction, reconstruction, alteration, repair, conversion,~~
25 ~~maintenance, placing, or using of any building, structure, automobile~~
26 ~~trailer, house trailer, or cabin trailer. The local legislative body~~
27 ~~shall, before such ordinance takes effect, cause such ordinance setting~~
28 ~~forth the code to be published one time in book or pamphlet form or in a~~
29 ~~legal newspaper published in and of general circulation in the~~
30 ~~municipality or, if none is published in the municipality, in a legal~~
31 ~~newspaper of general circulation in the municipality. The legislative~~

1 ~~body may by ordinance, which shall have the force and effect of law,~~
2 ~~amend such code so adopted.~~

3 ~~For this purpose, the local legislative body may adopt any standard~~
4 ~~code which contains rules or regulations printed as a code in book or~~
5 ~~pamphlet form, by reference to such code, or portions thereof, alone~~
6 ~~without setting forth in such ordinance the conditions, provisions,~~
7 ~~limitations, or terms of such code. When such code or any such standard~~
8 ~~code, or portion thereof, shall be incorporated by reference into any~~
9 ~~ordinance pursuant to this section, it shall have the same force and~~
10 ~~effect as though it has been spread at large in such ordinance without~~
11 ~~further or additional publication. At least one copy of such code or such~~
12 ~~standard code, or portion thereof, shall be filed for use and examination~~
13 ~~by the public in the office of the clerk of such municipality prior to~~
14 ~~its adoption.~~

15 Any code adopted and approved by a city or village ~~the local~~
16 ~~legislative body~~ as provided in this section 18-132 and the building
17 permit requirements or occupancy permit requirements imposed by any such
18 code or by section 19-913 shall apply to all of the city or village and
19 within the unincorporated area where a city or village has been granted
20 zoning jurisdiction and is exercising such jurisdiction.

21 Sec. 5. Section 23-172, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 23-172 (1) The county board may adopt by resolution, which shall
24 have the force and effect of law, the conditions, provisions,
25 limitations, and terms of a building or construction code, a plumbing
26 code, an electrical code, a fire prevention code, or any other code
27 relating to building or relating to the erection, construction,
28 reconstruction, alteration, repair, conversion, maintenance, placing, or
29 using of any building, structure, automobile trailer, house trailer, or
30 cabin trailer. For this purpose, the county board may adopt any standard
31 code which contains rules or regulations printed as a code in book or

1 pamphlet form by reference to such code or portions thereof without
2 setting forth in the resolution the conditions, provisions, limitations,
3 or terms of such code. When such code or any such standard code or
4 portion thereof is incorporated by reference into such any resolution, it
5 shall have the same force and effect as though it had has been written in
6 its entirety spread at large in such resolution without further or
7 additional publication.

8 (2) Not less than one ~~one~~ copy of such code or such standard code or
9 portion thereof shall be kept filed ~~filed~~ for use and examination by the public
10 in the office of the clerk of such county prior to the adoption thereof
11 and as long as such standard code is in effect in such county its
12 adoption.

13 (3) Any building or construction code implemented under this section
14 shall be adopted and enforced as provided in section 71-6406.

15 (4) If there is no county resolution adopting a plumbing code in
16 effect for such county, the 2009 Uniform Plumbing Code accredited by the
17 American National Standards Institute shall apply to all buildings.

18 (5) Any code adopted and approved by the county board, as provided
19 in this section, or if there is no county resolution adopting a plumbing
20 code in effect for such county, the 2009 Uniform Plumbing Code accredited
21 by the American National Standards Institute, and the building permit
22 requirements or occupancy permit requirements imposed by such code or by
23 sections 23-114.04 and 23-114.05, shall apply to all of the county except
24 within the limits of any incorporated city or village and except within
25 an unincorporated area where a city or village has been granted zoning
26 jurisdiction and is exercising such jurisdiction.

27 (6) Nothing in this section shall be interpreted as creating an
28 obligation for the county to inspect plumbing work done within its
29 jurisdiction to determine compliance with the plumbing code.

30 Sec. 6. Section 71-6404, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 71-6404 (1) For purposes of the Building Construction Act, component
2 means a portion of the state building code adopted by reference pursuant
3 to section 71-6403.

4 (2) The state building code shall be the building and construction
5 standard within the state and shall be applicable:

6 (a 1) To all buildings and structures owned by the state or any
7 state agency; and

8 (b 2) In each county, city, or village ~~political subdivision~~ which
9 elects to adopt the state building code or any component or combination
10 of components of the state building code.

11 Sec. 7. Section 71-6406, Revised Statutes Supplement, 2015, is
12 amended to read:

13 71-6406 (1) Any county, city, or village ~~political subdivision~~ may
14 enact, administer, or enforce a local building or construction code if or
15 as long as such county, city, or village: ~~political subdivision~~

16 (a) ~~Adopts~~ ~~adopts~~ the state building code; ~~or~~ ~~. The political~~
17 ~~subdivision shall regularly update its code. For purposes of this~~
18 ~~section, a code shall be deemed to be regularly updated if the most~~
19 ~~recently enacted state building code is adopted by the political~~
20 ~~subdivision within two years. No political subdivision may adopt or~~
21 ~~enforce a local building or construction code other than as provided by~~
22 ~~this section.~~

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

25 (b) Adopts a building or construction code that conforms (a)
26 ~~Conforms~~ generally with the state building code. ;

27 (2) A building or construction code shall be deemed to conform
28 generally with the state building code if it:

29 (a b) Adopts a special or differing building standard by amending,
30 modifying, or deleting any portion of the state building code in order to
31 reduce unnecessary costs of construction, increase safety, durability, or

1 efficiency, establish best building or construction practices within the
2 county, city, or village, or address special local conditions within the
3 county, city, or village its jurisdiction;

4 (b) ~~e~~) Adopts any supplement, new edition, appendix, or component or
5 combination of components of the state building code; ~~or~~

6 (c) ~~d~~) Adopts chapter 13 of the 2012 edition of the International
7 Building Code, chapter 11 of the 2012 edition of the International
8 Residential Code, or section R313 of the 2012 edition of the
9 International Residential Code; ~~-~~

10 (d) Adopts a plumbing code, an electrical code, a fire prevention
11 code, or any other standard code as authorized under section 14-419,
12 15-905, 18-132, or 23-172; or

13 (e) Adopts a lighting and thermal efficiency ordinance, resolution,
14 code, or standard as authorized under section 81-1618.

15 (3) A local building or construction code which includes a prior
16 edition of any component or combination of components of the state
17 building code shall not be deemed to conform generally with the state
18 building code.

19 (4) A county, city, or village shall not adopt or enforce a local
20 building or construction code other than as provided by this section.

21 (5) A county, city, or village which adopts or enforces a local
22 building or construction code under this section shall regularly update
23 its code. For purposes of this section, a code shall be deemed to be
24 regularly updated if the most recently enacted state building code or a
25 code that conforms generally with the state building code is adopted by
26 the county, city, or village within two years after an update to the
27 state building code.

28 (6) ~~3~~) A county, city, or village political subdivision may adopt and
29 ~~promulgate~~ amendments for the proper administration and enforcement of
30 its local building or construction code including organization of
31 enforcement, qualifications of staff members, examination of plans,

1 inspections, appeals, permits, and fees. Any amendment adopted pursuant
2 to this section shall be published separately from the local building or
3 construction code. ~~Fees, if any, for services which monitor a builder's~~
4 ~~application of codes shall be negotiable between the political~~
5 ~~subdivisions involved, but such fees shall not exceed the actual expenses~~
6 ~~incurred by the political subdivision doing the monitoring.~~

7 (7) A county, city, or village which adopts one or more standard
8 codes as part of its local building or construction code under this
9 section shall keep at least one copy of each adopted code, or portion
10 thereof, for use and examination by the public in the office of the clerk
11 of the county, city, or village prior to the adoption of the code and as
12 long as such code is in effect.

13 (8 4) Notwithstanding the provisions of the Building Construction
14 Act, a public building of any a political subdivision shall be built in
15 accordance with the applicable local building or construction code. Fees,
16 if any, for services which monitor a builder's application of codes shall
17 be negotiable between the political subdivisions involved, but such fees
18 shall not exceed the actual expenses incurred by the county, city, or
19 village doing the monitoring.

20 Sec. 8. Original sections 14-419 and 18-132, Reissue Revised
21 Statutes of Nebraska, sections 15-905, 19-922, 23-172, and 71-6404,
22 Revised Statutes Cumulative Supplement, 2014, and section 71-6406,
23 Revised Statutes Supplement, 2015, are repealed.