

LEGISLATIVE BILL 1304

Approved by the Governor April 9, 1996

Introduced by Lynch, 13

AN ACT relating to building codes; to amend sections 18-132 and 18-1915, Reissue Revised Statutes of Nebraska, and sections 23-172, 71-6403, and 71-6405, Revised Statutes Supplement, 1994; to change provisions relating to city, village, and county plumbing codes and the state building code; and to repeal the original sections.

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

Section 1. Section 18-132, Reissue Revised Statutes of Nebraska, is amended to read:

18-132. The legislative bodies of all cities and villages are hereby empowered and authorized to may adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building code, and any other standard code which contains rules and regulations printed as a code in book or pamphlet form, by reference to such code, or portions thereof, alone, without setting forth in the ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, shall have has been incorporated by reference into any ordinance, as ~~aforesaid provided in this section~~, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. Not less than one copy of such standard code, or portion thereof, shall be filed for use and examination by the public in the office of the clerk of such city or village prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein in such standard code from time to time, if the copy of such standard code so filed ~~shall be~~ is at all times kept current in the office of the clerk of such city or village. If there is no ordinance adopting a plumbing code in effect in a city or village, the American National Standards Institute Uniform Plumbing Code, ANSI A40-1993, shall serve as the plumbing code for all the area within the jurisdiction of the city or village. Nothing in this section shall be interpreted as creating an obligation for the city or village to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code.

Sec. 2. Section 18-1915, Reissue Revised Statutes of Nebraska, is amended to read:

18-1915. The State of Nebraska shall permit cities and villages to collect permit fees and inspect all sanitary plumbing installed or repaired, except for a single-family dwelling or a farm or ranch structure, within the State of Nebraska outside of the zoning jurisdiction of cities and villages. The city or village nearest the construction site shall have jurisdiction to collect such permit fees and conduct the inspection of the sanitary plumbing. If the city or village has a plumbing ordinance in force and effect, such ordinance will govern the installation of the sanitary plumbing. If there is no city ordinance in effect for such city or village, the National American Standards Institute Uniform Plumbing Code, ANSI A40-1993, of 1955 shall apply to all buildings except single-family dwellings and farm and ranch structures.

Any code or ordinance enacted by a city or village which is at least equal to the National American National Standards Institute Uniform Plumbing Code, ANSI A40-1993, of 1955 shall take preference over the provisions of the immediately preceding sentence.

Sec. 3. Section 23-172, Revised Statutes Supplement, 1994, is amended to read:

23-172. The county board may adopt by resolution, which shall have the force and effect of law, the conditions, provisions, limitations, and terms of a building code, a plumbing code, an electrical code, a fire prevention code, or any other code relating to building or relating to the erection, construction, reconstruction, alteration, repair, conversion, maintenance, placing, or using of any building, structure, automobile trailer, house trailer, or cabin trailer. For this purpose, the county board may adopt any standard code which contains rules or regulations printed as a code in book or pamphlet form by reference to such code or portions thereof without setting forth in the resolution the conditions, provisions, limitations, or terms of such code. When such code or any such standard code or portion thereof is incorporated by reference into any resolution, it shall have the

same force and effect as though it has been spread at large in such resolution without further or additional publication. One copy of such code or such standard code or portion thereof shall be filed for use and examination by the public in the office of the clerk of such county prior to its adoption. The adoption of any standard code by reference shall be construed to incorporate such amendments thereof as may be made if the copy of such standard code is kept current in the office of the clerk of the county. If there is no county resolution adopting a plumbing code in effect for such county, the American National Standards Institute Uniform Plumbing Code, ANSI A40-1993, shall apply to all buildings. Any code adopted and approved by the county board, as provided in this section, or if there is no county resolution adopting a plumbing code in effect for such county, the American National Standards Institute Uniform Plumbing Code, ANSI A40-1993, and the building permit requirements or occupancy permit requirements imposed by such code or by sections 23-114.04 and 23-114.05, shall apply to all of the county except within the limits of any incorporated city or village and except within an unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction. Nothing in this section shall be interpreted as creating an obligation for the county to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code.

Sec. 4. Section 71-6403, Revised Statutes Supplement, 1994, is amended to read:

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

(a) The Uniform Building Code, 1991 edition, Chapters 1, 4 through 30, 32 through 56, and 60, and the Uniform Building Code Standards, 1991 edition, published by the International Conference of Building Officials; and

(b) The CABO One and Two Family Dwelling Code, 1992 edition; and

(c) The Uniform Code for Building Conservation.

(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.

(3) Whenever a new edition of either of the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrators International, Inc., if such code was adopted by the political subdivision prior to September 9, 1993.

Sec. 5. Section 71-6405, Revised Statutes Supplement, 1994, is amended to read:

71-6405. All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code, or the CABO One and Two Family Dwelling Code, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Sec. 6. Original sections 18-132 and 18-1915, Reissue Revised Statutes of Nebraska, and sections 23-172, 71-6403, and 71-6405, Revised Statutes Supplement, 1994, are repealed.