 Introduced by Hunt, 8.

Read first time January 08, 2020

Committee: Urban Affairs

A BILL FOR AN ACT relating to building codes; to amend sections 71-6403
and 71-6406, Revised Statutes Supplement, 2019; to remove redundant
language; to correct a reference to the Department of Environment
and Energy; to provide an operative date; and to repeal the original
sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 71-6403, Revised Statutes Supplement, 2019, 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 2018 edition, and all but such chapter of the 2018 edition, published by the International Code Council, except that (i) section 305.2.3 applies to a facility having twelve or fewer children and (ii) section 310.4.1 applies to a care facility for twelve or fewer persons;

(b) The International Residential Code (IRC), chapter 11 of the 2018 edition, and all but such chapter of the 2018 edition, except section R313, published by the International Code Council; and


(2) The codes adopted by reference in subsection (1) of this section and the minimum standards for radon resistant new construction adopted under section 76-3504 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 Supplement, 2019, is amended to read:

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

(i) Adopts the state building code; or

(ii) Adopts a building or construction code that conforms generally with the state building code.

(b) If a county, city, or village does not adopt a code as authorized under subdivision (a) of this subsection within two years after an update to the state building code, the state building code shall apply in the county, city, or village, except that such code shall not
apply to construction on a farm or for farm purposes.

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

(a) Adopts a special or differing building standard by amending, modifying, or deleting any portion of the state building code in order to reduce unnecessary costs of construction, increase safety, durability, or efficiency, establish best building or construction practices within the county, city, or village, or address special local conditions within the county, city, or village;

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

(c) Adopts section 305 or 310 of the 2018 edition of the International Building Code without the exceptions described in subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition of the International Residential Code;

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

(e) Adopts a local energy code as authorized under section 81-1618;

or

(f) Adopts minimum standards for radon resistant new construction which meet the minimum standards adopted under section 76-3504.

(3) A local building or construction code shall not be deemed to conform generally with the state building code if it:

(a) Includes a prior edition of any component or combination of components of the state building code; or

(b) Does not include minimum standards for radon resistant new construction that meet the minimum standards adopted under section 76-3504.

(4) A county, city, or village shall notify the Department of Environment and Energy State Energy Office if it amends or modifies its
local building or construction code in such a way as to delete any
portion of (a) chapter 13 of the 2018 edition of the International
Building Code or (b) chapter 11 of the 2018 edition of the International
Residential Code. The notification shall be made within thirty days after
the adoption of such amendment or modification.

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

(6) A county, city, or village which adopts or enforces a local
building or construction code under this section 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 or a
code that conforms generally with the state building code is adopted by
the county, city, or village within two years after an update to the
state building code.

(7) A county, city, or village may adopt 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.

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

(9) Notwithstanding the provisions of the Building Construction Act,
a public building of any political subdivision shall be built in
accordance with the applicable 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 county, city, or
village doing the monitoring.

Sec. 3. This act becomes operative on July 1, 2020.

Sec. 4. Original sections 71-6403 and 71-6406, Revised Statutes
Supplement, 2019, are repealed.