

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 42**

Introduced by Hadley, 37.

Read first time January 06, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to building codes; to amend sections 18-132,  
2 18-1915, and 23-172, Reissue Revised Statutes of  
3 Nebraska; to update references to the 2009 Uniform  
4 Plumbing Code for counties, cities, and villages; and to  
5 repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

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

3           18-132 The legislative bodies of all cities and villages  
4 may adopt by ordinance the conditions, provisions, limitations, and  
5 terms of a plumbing code, an electrical code, a fire prevention code,  
6 a building code, and any other standard code which contains rules and  
7 regulations printed as a code in book or pamphlet form, by reference  
8 to such code, or portions thereof, alone, without setting forth in  
9 the ordinance the conditions, provisions, limitations, and terms of  
10 such code. When any such code, or portion thereof, has been  
11 incorporated by reference into any ordinance, as provided in this  
12 section, it shall have the same force and effect as though it had  
13 been spread at large in such ordinance without further or additional  
14 posting or publication thereof. Not less than one copy of such  
15 standard code, or portion thereof, shall be filed for use and  
16 examination by the public in the office of the clerk of such city or  
17 village prior to the adoption thereof. The adoption of any such  
18 standard code by reference shall be construed to incorporate such  
19 amendments thereto as may be made in such standard code from time to  
20 time, if the copy of such standard code so filed is at all times kept  
21 current in the office of the clerk of such city or village. If there  
22 is no ordinance adopting a plumbing code in effect in a city or  
23 village, the 2009 Uniform Plumbing Code accredited by the American  
24 National Standards Institute ~~Uniform Plumbing Code, ANSI A40-1993,~~  
25 shall serve as the plumbing code for all the area within the

1 jurisdiction of the city or village. Nothing in this section shall be  
2 interpreted as creating an obligation for the city or village to  
3 inspect plumbing work done within its jurisdiction to determine  
4 compliance with the plumbing code.

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

7           18-1915 The State of Nebraska shall permit cities and  
8 villages to collect permit fees and inspect all sanitary plumbing  
9 installed or repaired, except for a single-family dwelling or a farm  
10 or ranch structure, within the State of Nebraska outside of the  
11 zoning jurisdiction of cities and villages. The city or village  
12 nearest the construction site shall have jurisdiction to collect such  
13 permit fees and conduct the inspection of the sanitary plumbing. If  
14 the city or village has a plumbing ordinance in force and effect,  
15 such ordinance will govern the installation of the sanitary plumbing.  
16 If there is no city ordinance in effect for such city or village, the  
17 2009 Uniform Plumbing Code accredited by the American National  
18 Standards Institute ~~Uniform Plumbing Code, ANSI A40-1993,~~ shall apply  
19 to all buildings except single-family dwellings and farm and ranch  
20 structures.

21           Any code or ordinance enacted by a city or village which  
22 is at least equal to the 2009 Uniform Plumbing Code accredited by the  
23 American National Standards Institute ~~Uniform Plumbing Code, ANSI~~  
24 ~~A40-1993,~~ shall take preference over the provisions of the  
25 immediately preceding sentence.

1           Sec. 3. Section 23-172, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-172 The county board may adopt by resolution, which  
4 shall have the force and effect of law, the conditions, provisions,  
5 limitations, and terms of a building code, a plumbing code, an  
6 electrical code, a fire prevention code, or any other code relating  
7 to building or relating to the erection, construction,  
8 reconstruction, alteration, repair, conversion, maintenance, placing,  
9 or using of any building, structure, automobile trailer, house  
10 trailer, or cabin trailer. For this purpose, the county board may  
11 adopt any standard code which contains rules or regulations printed  
12 as a code in book or pamphlet form by reference to such code or  
13 portions thereof without setting forth in the resolution the  
14 conditions, provisions, limitations, or terms of such code. When such  
15 code or any such standard code or portion thereof is incorporated by  
16 reference into any resolution, it shall have the same force and  
17 effect as though it has been spread at large in such resolution  
18 without further or additional publication. One copy of such code or  
19 such standard code or portion thereof shall be filed for use and  
20 examination by the public in the office of the clerk of such county  
21 prior to its adoption. The adoption of any standard code by reference  
22 shall be construed to incorporate such amendments thereof as may be  
23 made if the copy of such standard code is kept current in the office  
24 of the clerk of the county. If there is no county resolution adopting  
25 a plumbing code in effect for such county, the 2009 Uniform Plumbing

1 Code accredited by the American National Standards Institute Uniform  
2 Plumbing Code, ANSI A40-1993, shall apply to all buildings. Any code  
3 adopted and approved by the county board, as provided in this  
4 section, or if there is no county resolution adopting a plumbing code  
5 in effect for such county, the 2009 Uniform Plumbing Code accredited  
6 by the American National Standards Institute Uniform Plumbing Code,  
7 ANSI A40-1993, and the building permit requirements or occupancy  
8 permit requirements imposed by such code or by sections 23-114.04 and  
9 23-114.05, shall apply to all of the county except within the limits  
10 of any incorporated city or village and except within an  
11 unincorporated area where a city or village has been granted zoning  
12 jurisdiction and is exercising such jurisdiction. Nothing in this  
13 section shall be interpreted as creating an obligation for the county  
14 to inspect plumbing work done within its jurisdiction to determine  
15 compliance with the plumbing code.

16           Sec. 4. Original sections 18-132, 18-1915, and 23-172,  
17 Reissue Revised Statutes of Nebraska, are repealed.