

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 802

Introduced by Urban Affairs Committee: McGill, 26, Chairperson;
Ashford, 20; Coash, 27; Karpisek, 32; Krist, 10.

Read first time January 10, 2014

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to building regulations; to amend sections 19-922
- 2 and 23-172, Reissue Revised Statutes of Nebraska; to
- 3 eliminate provisions relating to adopting future
- 4 amendments; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-922, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-922 The legislative body of any ~~first or second class~~
4 city of the first or second class or any village may adopt by
5 ordinance, which shall have the force and effect of law, the
6 conditions, provisions, limitations, and terms of a building code, a
7 plumbing code, an electrical code, a fire prevention code, or any
8 other code relating to building or relating to the erection,
9 construction, reconstruction, alteration, repair, conversion,
10 maintenance, placing, or using of any building, structure, automobile
11 trailer, house trailer, or cabin trailer. The local legislative body
12 shall, before such ordinance takes effect, cause such ordinance
13 setting forth the code to be published one time in book or pamphlet
14 form or in a legal newspaper published in and of general circulation
15 in the municipality or, if none is published in the municipality, in
16 a legal newspaper of general circulation in the municipality. The
17 legislative body may by ordinance, which shall have the force and
18 effect of law, amend such code so adopted.

19 For this purpose, the local legislative body may adopt
20 any standard code which contains rules or regulations printed as a
21 code in book or pamphlet form, by reference to such code, or portions
22 thereof, alone without setting forth in such ordinance the
23 conditions, provisions, limitations, or terms of such code. When such
24 code or any such standard code, or portion thereof, shall be
25 incorporated by reference into any ordinance pursuant to this

1 section, it shall have the same force and effect as though it has
2 been spread at large in such ordinance without further or additional
3 publication. At least one copy of such code or such standard code, or
4 portion thereof, shall be filed for use and examination by the public
5 in the office of the clerk of such municipality prior to its
6 adoption. ~~The adoption of any such standard code by reference shall~~
7 ~~be construed to incorporate such amendments as may be made from time~~
8 ~~to time if one copy of such standard code so filed shall be at all~~
9 ~~times kept current in the office of the clerk of the municipality.~~

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

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

18 23-172 The county board may adopt by resolution, which
19 shall have the force and effect of law, the conditions, provisions,
20 limitations, and terms of a building code, a plumbing code, an
21 electrical code, a fire prevention code, or any other code relating
22 to building or relating to the erection, construction,
23 reconstruction, alteration, repair, conversion, maintenance, placing,
24 or using of any building, structure, automobile trailer, house
25 trailer, or cabin trailer. For this purpose, the county board may

1 adopt any standard code which contains rules or regulations printed
2 as a code in book or pamphlet form by reference to such code or
3 portions thereof without setting forth in the resolution the
4 conditions, provisions, limitations, or terms of such code. When such
5 code or any such standard code or portion thereof is incorporated by
6 reference into any resolution, it shall have the same force and
7 effect as though it has been spread at large in such resolution
8 without further or additional publication. One copy of such code or
9 such standard code or portion thereof shall be filed for use and
10 examination by the public in the office of the clerk of such county
11 prior to its adoption. ~~The adoption of any standard code by reference~~
12 ~~shall be construed to incorporate such amendments thereof as may be~~
13 ~~made if the copy of such standard code is kept current in the office~~
14 ~~of the clerk of the county.~~

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

19 Any code adopted and approved by the county board, as
20 provided in this section, or if there is no county resolution
21 adopting a plumbing code in effect for such county, the 2009 Uniform
22 Plumbing Code accredited by the American National Standards
23 Institute, and the building permit requirements or occupancy permit
24 requirements imposed by such code or by sections 23-114.04 and
25 23-114.05, shall apply to all of the county except within the limits

1 of any incorporated city or village and except within an
2 unincorporated area where a city or village has been granted zoning
3 jurisdiction and is exercising such jurisdiction.

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

7 Sec. 3. Original sections 19-922 and 23-172, Reissue
8 Revised Statutes of Nebraska, are repealed.