

AMENDMENTS TO LB800

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 18-132, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 18-132 (1) The city council of any city or village board of any
6 village may adopt by ordinance the conditions, provisions, limitations,
7 and terms of a plumbing code, an electrical code, a fire prevention code,
8 a building or construction code, and any other standard code which
9 contains rules and regulations printed as a code in book or pamphlet
10 form, by reference to such code, or portions thereof, alone, without
11 setting forth in the ordinance the conditions, provisions, limitations,
12 and terms of such code. When any such code, or portion thereof, has been
13 incorporated by reference into such ordinance, as provided in this
14 section, it shall have the same force and effect as though it had been
15 written in its entirety in such ordinance without further or additional
16 publication thereof.

17 (2) Not less than one copy of such standard code, or portion
18 thereof, shall be kept for use and examination by the public in the
19 office of the city or village clerk prior to the adoption thereof and as
20 long as such standard code is in effect in such city or village.

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

23 (4) If there is no ordinance adopting a plumbing code in effect in a
24 city or village, the 2018 ~~2009~~ Uniform Plumbing Code designated
25 ~~accredited~~ by the American National Standards Institute as an American
26 National Standard shall serve as the plumbing code for all the area
27 within the jurisdiction of the city or village. Nothing in this section

1 shall be interpreted as creating an obligation for the city or village to
2 inspect plumbing work done within its jurisdiction to determine
3 compliance with the plumbing code.

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

6 18-1915 The State of Nebraska shall permit cities and villages to
7 collect permit fees and inspect all sanitary plumbing installed or
8 repaired, except for a single-family dwelling or a farm or ranch
9 structure, within the State of Nebraska outside of the zoning
10 jurisdiction of cities and villages. The city or village nearest the
11 construction site shall have jurisdiction to collect such permit fees and
12 conduct the inspection of the sanitary plumbing. If the city or village
13 has a plumbing ordinance in force and effect, such ordinance will govern
14 the installation of the sanitary plumbing. If there is no city ordinance
15 in effect for such city or village, the 2018 ~~2009~~ Uniform Plumbing Code
16 designated ~~accredited~~ by the American National Standards Institute as an
17 American National Standard shall apply to all buildings except single-
18 family dwellings and farm and ranch structures. Any code or ordinance
19 enacted by a city or village which is at least equal to the 2018 ~~2009~~
20 Uniform Plumbing Code designated ~~accredited~~ by the American National
21 Standards Institute as an American National Standard shall take
22 preference over the provisions of the immediately preceding sentence.

23 Sec. 3. Section 23-172, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

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

1 cabin trailer. For this purpose, the county board may adopt any standard
2 code which contains rules or regulations printed as a code in book or
3 pamphlet form by reference to such code or portions thereof without
4 setting forth in the resolution the conditions, provisions, limitations,
5 or terms of such code. When such code or any such standard code or
6 portion thereof is incorporated by reference into such resolution, it
7 shall have the same force and effect as though it had been written in its
8 entirety in such resolution without further or additional publication.

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

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 2018 ~~2009~~ Uniform Plumbing Code designated
17 ~~accredited~~ by the American National Standards Institute as an American
18 National Standard shall apply to all buildings.

19 (5) Any code adopted and approved by the county board, as provided
20 in this section, or if there is no county resolution adopting a plumbing
21 code in effect for such county, the 2018 ~~2009~~ Uniform Plumbing Code
22 designated ~~accredited~~ by the American National Standards Institute as an
23 American National Standard, and the building permit requirements or
24 occupancy permit requirements imposed by such code or by sections
25 23-114.04 and 23-114.05, shall apply to all of the county except within
26 the limits of any incorporated city or village and except within an
27 unincorporated area where a city or village has been granted zoning
28 jurisdiction and is exercising such jurisdiction.

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

1 Sec. 4. Section 71-6403, Revised Statutes Supplement, 2019, is
2 amended to read:

3 71-6403 (1) There is hereby created the state building code. The
4 Legislature hereby adopts by reference:

5 (a) The International Building Code (IBC), ~~chapter 13 of the 2018~~
6 ~~edition, and all but such chapter of the 2018 edition,~~ published by the
7 International Code Council, except that (i) section 305.2.3 applies to a
8 facility having twelve or fewer children and (ii) section 310.4.1 applies
9 to a care facility for twelve or fewer persons;

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

13 (c) The International Existing Building Code, 2018 edition,
14 published by the International Code Council.

15 (2) The codes adopted by reference in subsection (1) of this section
16 and the minimum standards for radon resistant new construction adopted
17 under section 76-3504 shall constitute the state building code except as
18 amended pursuant to the Building Construction Act or as otherwise
19 authorized by state law.

20 Sec. 5. Section 71-6405, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 71-6405 (1) All state agencies, including all state constitutional
23 offices, state administrative departments, and state boards and
24 commissions, the University of Nebraska, and the Nebraska state colleges,
25 shall comply with the state building code. The state building code shall
26 be the legally applicable code in all buildings and structures owned by
27 the state or any state agency regardless of whether the state, state
28 agency, or applicable county, city, or village has provided for the
29 administration or enforcement of the state building code.

30 (2) No state agency may adopt, promulgate, or enforce any rule or
31 regulation in conflict with the state building code unless otherwise

1 specifically authorized by statute to (a) adopt, promulgate, or enforce
2 any rule or regulation in conflict with the state building code or (b)
3 adopt or enforce a building or construction code other than the state
4 building code.

5 (3) Nothing in the Building Construction Act shall authorize any
6 state agency to apply such act to manufactured homes or recreational
7 vehicles regulated by the Uniform Standard Code for Manufactured Homes
8 and Recreational Vehicles or to modular housing units regulated by the
9 Nebraska Uniform Standards for Modular Housing Units Act.

10 Sec. 6. Section 71-6406, Revised Statutes Supplement, 2019, is
11 amended to read:

12 71-6406 (1)(a) Any county, city, or village may enact, administer,
13 or enforce a local building or construction code if or as long as such
14 county, city, or village:

15 (i) Adopts the state building code; or

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

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

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

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

31 (b) Adopts any supplement, new edition, appendix, or component or

1 combination of components of the state building code;

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

6 (d) Adopts a plumbing code, an electrical code, a fire prevention
7 code, or any other standard code as authorized under section 14-419,
8 15-905, 18-132, or 23-172;

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

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

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

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

17 (b) Does not include minimum standards for radon resistant new
18 construction that meet the minimum standards adopted under section
19 76-3504.

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

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

29 (6) A county, city, or village which adopts or enforces a local
30 building or construction code under this section shall regularly update
31 its code. For purposes of this section, a code shall be deemed to be

1 regularly updated if the most recently enacted state building code or a
2 code that conforms generally with the state building code is adopted by
3 the county, city, or village within two years after an update to the
4 state building code.

5 (7) A county, city, or village may adopt amendments for the proper
6 administration and enforcement of its local building or construction code
7 including organization of enforcement, qualifications of staff members,
8 examination of plans, inspections, appeals, permits, and fees. Any
9 amendment adopted pursuant to this section shall be published separately
10 from the local building or construction code. Any local building or
11 construction code adopted under subdivision (1)(a) of this section or the
12 state building code if applicable under subdivision (1)(b) of this
13 section shall be the legally applicable code regardless of whether the
14 county, city, or village has provided for the administration or
15 enforcement of its local building or construction code under this
16 subsection.

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

23 (9) Notwithstanding the provisions of the Building Construction Act,
24 a public building of any political subdivision shall be built in
25 accordance with the applicable local building or construction code. Fees,
26 if any, for services which monitor a builder's application of codes shall
27 be negotiable between the political subdivisions involved, but such fees
28 shall not exceed the actual expenses incurred by the county, city, or
29 village doing the monitoring.

30 Sec. 7. This act becomes operative on July 1, 2020.

31 Sec. 8. Original sections 18-1915 and 71-6405, Reissue Revised

1 Statutes of Nebraska, sections 18-132 and 23-172, Revised Statutes
2 Cumulative Supplement, 2018, and sections 71-6403 and 71-6406, Revised
3 Statutes Supplement, 2019, are repealed.

4 Sec. 9. Since an emergency exists, this act takes effect when
5 passed and approved according to law.