

LEGISLATIVE BILL 227

Approved by the Governor February 20, 1987

Introduced by Wesely, 26

AN ACT relating to construction; to adopt the Building Construction Act; and to provide severability.
Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Building Construction Act.

Sec. 2. It is the purpose of the Building Construction Act to:

(1) Adopt a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures within Nebraska;

(2) Provide state standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, and maintenance of buildings and structures within this state; and

(3) Provide for the use of modern and innovative methods, devices, materials, and techniques in the design and construction of buildings and other structures.

Sec. 3. (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The Uniform Building Code, 1985 edition, Chapters 1, 4 through 54, and 60, and the Uniform Building Code Standards, 1985 edition, published by the International Conference of Building Officials; and

(b) The CABO One and Two Family Dwelling Code, 1986 edition, Parts I through V and VIII, published jointly by the International Conference of Building Officials, the Building Officials and Code Administrators International, Inc., and the Southern Building Code Congress International, Inc.

(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) Any state agency or political subdivision may request the Legislature to amend subsection (1) of this section whenever a new edition of either of the codes enumerated in this section is published.

Sec. 4. The state building code shall be the

preferred building and construction standard within the state and shall be applicable:

(1) To all buildings and structures owned by the state or any state agency; and

(2) In each political subdivision which elects to adopt the state building code.

Sec. 5. 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 referred to in section 3 of this act. 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. (1) Any political subdivision may enact, administer, or enforce (a) a local building or construction code if or as long as such political subdivision adopts the state building code or (b) an edition of a nationally recognized model building code published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, the Southern Building Code Congress International, Inc., or the Council of American Building Officials as long as the political subdivision regularly updates such code. For the purposes of this section, a code shall be deemed to be regularly updated if the most recent edition of the nationally recognized model code is adopted by the political subdivision within two years after the publication date of the edition. No political subdivision may adopt or enforce a local building or construction code other than as provided by this

section.

(2) A political subdivision may amend its local building or construction code if the amendment:

(a) Conforms generally with the nationally recognized model building code;

(b) Adopts a special or differing building standard to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction; or

(c) Adopts any supplement, new edition, or appendix of the nationally recognized model building code adopted by the political subdivision.

(3) A political subdivision may adopt and promulgate 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.

Sec. 7. Nothing in the Building Construction Act shall be construed to authorize any state agency or political subdivision to regulate the construction of farm buildings or other buildings or structures when such regulation is otherwise prohibited by law.

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.