

LEGISLATIVE BILL 153

Approved by the Governor March 26, 1975

Introduced by Nichol, 48

AN ACT to amend section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1974, relating to plumbing inspection; to change membership on the board of plumbers as prescribed; to change members' qualifications; to provide regulation variances; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-1901, Revised Statutes Supplement, 1974, be amended to read as follows:

18-1901. In all metropolitan cities there shall be, and in all cities of the primary, ~~first, and second~~ class and ~~villages~~ there may be a board, for the examination of plumbers, of five members, ~~7, consisting of one member to be known as the chief health officer of the city or village, one member to be known as the plumbing inspector of the city or village, two journeymen plumbers, and one master plumber except that in~~ In cities of the metropolitan class the board shall consist of the chief health officer, or his designated representative, two journeymen plumbers, and two master plumbers, all of whom shall be appointed by the mayor, by and with the consent of the city council. Beginning in the year 1976, upon the expiration of the terms of the journeyman and master plumber members of the board, the mayor in cities of the metropolitan class shall appoint, by and with the consent of the city council, one journeyman and one master plumber who shall serve for two years and one journeyman and one master plumber who shall serve for three years, and upon the expiration of the term of each appointed member, the mayor, by and with the consent of the city council, shall appoint a member who shall serve for a term of three years. In cities of the primary class the board shall consist of one member to be known as the chief health officer of this city, one member to be known as the plumbing inspector of the city, two journeymen plumbers, and one master plumber, all of whom shall be appointed by the mayor by and with the consent of the city council. In all first and second class cities and villages there may be a board for the examination of plumbers of not less than four members, consisting of at least one member to be known as the chief health officer of the city or village, one member

to be known as the plumbing inspector of the city or village, one journeyman plumber, and one master plumber, all of whom shall be appointed by the mayor, by and with the consent of the city council or by the chairman, by and with the consent of the board of trustees. ; Provided, that in In cities having a city manager, he shall appoint the board, and in villages the chairman shall appoint the board with the consent of the board of trustees. ; ~~and provided further, in~~ In cities where a city-county health department has been established and is maintained as provided in section 71-1628, chief health officer shall mean the health director of such department. The health officer or health director and plumbing inspector shall hold office during the term of office of the mayor, city manager, or chairman of the board of trustees, as the case may be. All members ~~shall be residents of the city or village, as the case may be, except that in cities of the metropolitan class~~ members of the plumbing board shall be residents or live within the zoning jurisdiction of such city or village; and the inspector, journeymen and master plumbers shall be licensed plumbers. The members of the board in metropolitan class cities shall be licensed within such cities and the chief plumbing inspector, who shall also be licensed within such city, shall act in a direct advisory capacity to the plumbing board. Three members of the plumbing board shall constitute a quorum. The board shall organize by selecting a chairman and in cities of the metropolitan class a recording secretary shall be furnished to such board. All vacancies in the board may be filled by the mayor and council, city manager, or chairman and board of trustees, as above provided in this section. Any member of the board may be removed from office for cause by the district court of the county in which such city or village is situated. Each member of the board shall give bond in the sum of one thousand dollars, conditioned according to law. The term of office of the journeymen and master plumbers shall be for three years.

Sec. 2. That section 18-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1906. The plumbing board shall have power, and it shall be its duty, to adopt rules and regulations, not inconsistent with the laws of the state or the ordinances of the city or village, for the sanitary construction, alteration, and inspection of plumbing and sewerage connections and drains placed in, or in connection with, any and every building in such city or village, in which it will prescribe the kind and size of materials to be used in such plumbing and the manner in

which such work shall be done, which rules and regulations, except such as are adopted for its own convenience only, shall be approved by ordinance by the mayor and council of such city or by the chairman and board of trustees of such village. The board shall have the power to amend or repeal its rules and regulations, subject, except such as relate to its own convenience only, to the approval of the mayor and council of such city or chairman and board of trustees of such village. In cities of the metropolitan class the plumbing board shall have the power, without the approval of the mayor and city council, to grant a variance from its ordinances, rules and regulations in the kind and size of materials to be used, or in the manner in which the work is to be performed. The variance shall apply only to a single building and shall not be considered as a part of the ordinances or rules and regulations of the plumbing board. If there are practical difficulties or unnecessary hardships in the manner of strictly carrying out such ordinance, the plumbing board shall have the power, in passing upon a variance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, so that the intent of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board shall have power to compel the owner or contractor to first submit the plans and specifications for plumbing that is to be placed in any building or adjoining premises to the board for approval before it shall be installed in such building or premises. When an owner or contractor submits a request for a variance, the plumbing board shall charge a reasonable fee, payable to the general fund, not to exceed twenty-five dollars.

Sec. 3. That original section 18-1906, Reissue Revised Statutes of Nebraska, 1943, and section 18-1901, Revised Statutes Supplement, 1974, are repealed.