

LEGISLATIVE BILL 266

Approved by the Governor May 18, 1981

Introduced by Wesely, 26; Vickers, 38

AN ACT relating to the State Fire Marshal; to provide duties; and to provide for adoption of a code as prescribed; to amend section 81-502, Reissue Revised Statutes of Nebraska, 1943; to permit rather than mandate delegation of duties as prescribed; and to repeal the original section.

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

Section 1. The State Fire Marshal shall not later than April 1, 1982, adopt and promulgate rules and regulations establishing a high-rise building fire code. Such code shall apply to all new and existing office buildings and all new and existing residential buildings with floors located more than five stories or seventy-five feet above the lowest level of access by a fire department vehicle. New buildings shall mean buildings on which construction commences after the effective date of the code and existing buildings shall mean buildings on which construction has commenced on or before the effective date of the code. Existing buildings shall comply with the code on or before April 1, 1984. The code shall make distinctions between the standards set for new buildings and those set for existing buildings. Such rules and regulations may include, but not be limited to, provisions for the following:

(1) A complete automatic sprinkler system or an approved alternate system;

(2) A smoke detection system;

(3) An alarm, communication, and central control system;

(4) Areas of refuge;

(5) Appropriate fire safety features for elevator systems;

(6) Appropriate emergency, and standby power and light systems; and

(7) Fire control devices for mechanical systems, including but not limited to, automatic shutdowns and

fire dampers.

Such code shall conform generally with sections 1807 and 1907 and other related provisions, including sections 103, 104, 105, 106, and 502 of the Uniform Building Code published by the International Conference of Building Officials, 1979 edition, as it exists on the effective date of this act. The code adopted pursuant to this section shall constitute a minimum standard in Nebraska and local codes may be more restrictive.

Sec. 2. That section 81-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502. It shall be the duty of the State Fire Marshal, under authority of the Governor, (1) to enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin, and circumstances of fires; (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data bearing thereon, to promulgate, alter, and enforce rules and regulations covering: (a) The prevention of fires; (b) the storage, sale, and use of flammable liquids, combustibles, and explosives; (c) electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association, Pamphlet Number 101 and associated pamphlets, and all other buildings, structures, and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; (d) design, construction, location, installation, and operation of equipment for storing, handling, and utilization of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and (e) chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist; and (4) to make an investigation for fire safety of all licensed child-care facilities or applicants for licenses for child-care facilities within a reasonable time after request by the Department of Public Welfare. The State Fire Marshal ~~shall~~ may delegate the authority set forth in this section to qualified local fire prevention personnel. ~~7--which--local--authority--shall--prevail; subject-to-established-appeal-procedures-~~ The State Fire Marshal may overrule a decision, act, or policy of the local fire prevention personnel. When the State Fire

Marshal overrules the local personnel, such local personnel may follow the appeals procedure established by sections 81-502.01 to 81-502.0j. Such delegation of local authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after hearing. The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531, and as may be conferred and imposed by law. The rules and regulations adopted pursuant to this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to safety of persons or property. Such rules and regulations shall apply to sites or structures in public ownership listed on the National Register of Historic Places but without destroying the historic quality thereof. Plans for compliance with such rules and regulations shall be reviewed by the State Fire Marshal Advisory Committee to grant variances from such rules and regulations when in the opinion of a majority of its members the site or structure is not hazardous to life and the proposed variance does not conflict with the public interest.

Sec. 3. That original section 81-502, Reissue Revised Statutes of Nebraska, 1943, is repealed.