

APPROVED

JAN 06 2012

Dave Heineman
DAVE HEINEMAN
GOVERNOR

NEBRASKA ADMINISTRATIVE CODE

JAN - 6 2012

APPROVED
JON BRUNING
ATTORNEY GENERAL

LAST ISSUE DATE: April 5, 2005

Title 107 STATE ENERGY OFFICE

Chapter 5 - CODE ENFORCEMENT

DEC 12 2011

Beis Boesiger

BY *Jody Little*
ASSISTANT ATTORNEY GENERAL

001 The Office and any local code authority may conduct inspections and investigations as are necessary to ensure that new buildings, additions, and/or renovations are actually being constructed in accordance with the Nebraska Energy Code or local code that is equivalent to the Nebraska Energy Code as defined in Neb. Rev. Stat. § 81-1618. Such inspections shall:

001.01 be made at reasonable hours, and

001.02 be conducted only after permission has been granted by the owner or occupant or after a warrant has been issued pursuant to Neb. Rev. Stat § 29-830 to § 29-835.

002 If the Director of the Office or the local code authority finds, within two years from the date a building is first occupied, that the building, at the time of construction, did not comply with the Nebraska Energy Code or equivalent code adopted by a county, city or village in effect at such time, the Director or local code authority may order the owner or prime contractor to take those actions necessary to bring the building into compliance with the Nebraska Energy Code or local code that is equivalent to the Nebraska Energy Code as defined in Neb. Rev. Stat. § 81-1618.

003 The Office shall investigate complaints in which it is alleged that the county, city or village is not effectively enforcing its local code, or that the code is not equivalent to the Nebraska Energy Code, and shall order the county, city or village to take corrective action if such complaints are substantiated by the investigation.

003.01 A building owner may submit a written request that the office undertake a determination pursuant to section 003 of this chapter. Such request shall include a list of reasons why the building owner believes such a determination is necessary.

003.02 A building owner aggrieved by the office's determination, or refusal to make such determination, may appeal such determination or refusal as provided in the Administrative Procedure Act.

003.03 The Office may charge an amount sufficient to recover the cost of providing such determination.

004 The Office shall not inspect construction nor intervene in any other way in the process of building design and/or construction within the jurisdiction of any county, city or village which has adopted and is enforcing a local code, except as set forth in section 003 of this chapter.

005 In all parts of the State except those areas within the jurisdiction of a county, city or village which has adopted and is enforcing a local code, that is equivalent to the Nebraska Energy Code as defined in Neb. Rev Stat. § 81-1618, the following requirements shall apply:

005.01 If an architect or engineer is not retained in designing the building, then the prime contractor(s) shall be responsible for causing the building to be constructed in accordance with the Nebraska Energy Code.

005.02 If an architect or engineer is retained in designing the building, then the architect or engineer shall be responsible for designing the building in accordance with the Nebraska Energy Code, and shall indicate that the building design meets the Nebraska Energy Code by placing his or her state registration seal on the construction drawings. The prime contractor(s) shall then be responsible for causing the building to be constructed in accordance with the plans prepared by the architect or engineer.

005.03 The Prime Contractor(s) shall be responsible for conducting the Duct Tightness test as outlined in 403.2.2, and the Air Barrier and Insulation Inspection Component Criteria, Table 402.4.2, of the 2009 IECC. The Prime Contractor(s) shall maintain verification (substantiation, confirmation, proof) of the tests and inspections for two years from the date a building is first occupied. This verification shall be made available to the Office if requested.

006 The Office shall investigate complaints by building owners regarding substandard construction in areas outside the jurisdiction of a local code, and shall order corrective action where warranted, as set forth in Neb. Rev. Stat. § 81-1616.

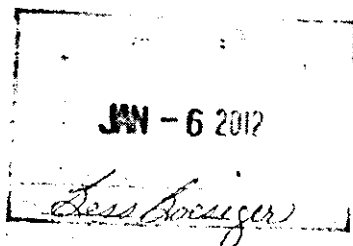
007 Failure to comply with § 81-1608 to 81-1626 or ordering, instructing, or directing another not to comply with sections 81-1608 to 81-1626 shall be a Class IV misdemeanor.

5-2

APPROVED

JAN 06 2012

Dave Heitman
DAVE HEITMAN
GOVERNOR



APPROVED
JON BRUNING
ATTORNEY GENERAL

DEC 12 2011

BY *Jon Bruning*
ASSISTANT ATTORNEY GENERAL