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REVISOR OF REGULATIONS  
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Title 153 - STATE FIRE MARSHAL

Chapter 21 - REVIEW AND APPROVAL OF PLANS, SPECIFICATIONS, AND OTHER DATA, AND THE FEES ASSESSED THEREFOR

001. Statement of Purpose. The purpose of this Chapter is to implement the provisions of Section 81-505.01, R.R.S. (1983 Supp.) dealing with review and approval of plans, specifications, and other data and the fees assessed therefor.

002. Definitions. Unless otherwise specified, definitions of words or terms contained in this Chapter shall be the same as those set forth in Chapter 3 of this Title.

002.01. State Fire Marshal shall also mean appropriate State Fire Marshal delegated authority.

002.02. Plans, specifications and other data shall also include construction documents, shop drawings, product data or any other data.

003. Review and Approval of Plans, Specifications and Other Data.

003.01. Scope and Application. No person, partnership or corporation shall erect, construct, enlarge, alter, repair, improve, or convert, any building or structure regulated by the State Fire Marshal as defined in Chapter 3 of this Title, except as specified in Section 003.02 of this Chapter, or cause the same to be done without first submitting plans for review and approval by the State Fire Marshal or appropriate State Fire Marshal delegated authority.

The State Fire Marshal may review, upon request in writing to the owner or his authorized representative for a specific project, plans, specifications, and other data for conformance with any other rules and regulations adopted by the State Fire Marshal. When such reviews take place as a result of a request by the State Fire Marshal or as a voluntary service, appropriate fees shall be assessed according to the schedule set forth in Section 004 of this Chapter.

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APPROVED:  
Date 8-31-83

*Allen J. Beerman*  
SECRETARY OF STATE  
By *P. Crum*

*Bob Tenney*  
Governor

APPROVED  
Paul L. Douglas  
ATTORNEY GENERAL  
By *[Signature]*  
ASSISTANT ATTORNEY GENERAL  
Date 8-29-83

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003.03A4. Be accompanied by plans, specifications and other data as required by Section 003.03B of this Chapter.

003.03A5. State the valuation in terms of construction costs which may be actual, estimated, or a constructional contract, of any new building or structure, or any addition, remodeling or alteration to an existing building, including permanent equipment.

003.03A6. Be signed by the owner, or his authorized representative, vendor or supplier, who may be required to submit evidence of his authority.

003.03A7. Give such other data and/or information as may be required by the State Fire Marshal.

003.03A8. Submit appropriate fee as determined by Section 004.

003.03B. Form for Plans, Specifications, and Other Data.

003.03B1. Plans, specifications and other data shall be prepared according to standard architectural and engineering practices and shall consist of the original or duplicated work, and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the proposed work will conform to the rules and regulations of the State Fire Marshal.

003.03B2. The State Fire Marshal shall require plans, specifications and other data to be prepared by an engineer or architect legally qualified to practice in the State for all buildings, structures or portions thereof, unless such are exempted by Section 81-853, R.R.S. 1943.

003.03B3. Plans, specifications, and other data shall be submitted in one or more sets with each application for plans review.

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003.04. Plans Approval Issuance.

003.04A. Issuance. If the State Fire Marshal finds that the work described in an application for plans review and the plans, specifications and other data filed therewith conform to the rules and regulations of the State Fire Marshal and that the fees specified in Section 004 of this Chapter have been paid, he shall issue a plans approval to the applicant.

Approval may be granted conditional to items with final approval subject to satisfactory completion of such items and final approval inspection by the State Fire Marshal.

When the State Fire Marshal issues the plans approval, he shall endorse by written notification and/or stamp the plans and specifications "APPROVED". Such approved plans, specifications and other data shall not be changed, modified or altered without authorization from the State Fire Marshal, and all work shall be done in accordance with the approved plans and separate approved changes, if any.

003.04A1. Preliminary Plans. The State Fire Marshal may issue approval for preliminary plans, allowing construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted regarding the remaining portion of the building to be completed, which comply with the rules and regulations of the State Fire Marshal. The holder of such preliminary plans approval shall proceed at his/her own risk without assurance that the plans approval for the entire building or structure will be granted.

003.04A2. Retention of Plans. One set of approved plans, specifications and other data shall be retained by the State Fire Marshal for a period of not less than 90 days from the date of completion of the work covered therein.

003.04A3. Validity of Plans Approval. The issuance of plans approval shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of these rules and regulations. Any plans approval presuming to give authority to violate or cancel any provisions of these rules and regulations shall be invalid.

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The issuance of plans approval based upon plans, specifications and other data shall not prevent the State Fire Marshal from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations carried on thereunder, when in violation of any rule or regulation of the State Fire Marshal.

003.04A4. Expiration of Plans Approval. Every plans approval issued by the State Fire Marshal shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such plans approval, or if the building or work authorized by such plans approval is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new plans approval must be obtained, and the fee therefor shall be one-half the amount required for a new plans approval for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and, provided further, that such suspension or abandonment has not exceeded one year. If changes have been made or time has exceeded one year, a new plan review shall be performed and a full plan review fee assessed in accordance with Section 004 of this Chapter.

Where the State Fire Marshal has not approved plans, specifications, shop drawings or other data, the State Fire Marshal shall notify in writing to the applicant reasons for such disapproval.

The State Fire Marshal may extend the time to begin construction activity by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No plans approval shall be extended more than once.

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003.04A5. Expiration of Plan Review. Applications for which no plans approval is issued within 180 days following the date of application, shall expire by limitation and plans, specifications and other data submitted for review may thereafter be returned to the applicant or destroyed by the State Fire Marshal. The State Fire Marshal may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

003.04A6. Suspension or Revocation. The State Fire Marshal may, in writing to the owner or his authorized representative, suspend or revoke a plans approval issued in error or on the basis of incorrect information supplied, or in violation of any regulation or any of the provisions of the State Fire Marshal.

004. Fees For Review and Approval of Plans, Specifications and Other Data.

004.01. Table.

<u>TOTAL VALUE OF PROPOSED STRUCTURE OR IMPROVEMENT</u>	<u>FEE</u>
\$ 1.00 - \$ 5,000.00	\$5.00
\$ 5,001.00 - \$ 25,000.00	\$5.00 for the first \$5,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.
\$ 25,001.00 - \$ 50,000.00	\$15.00 for the first \$25,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.

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<u>TOTAL VALUE OF PROPOSED STRUCTURE OR IMPROVEMENT</u>	<u>FEE</u>
\$ 50,001.00 - \$100,000.00	\$25.00 for the first \$50,000.00 plus \$1.00 for each additional \$5,000.00 or fraction thereof.
\$100,001.00 - \$200,000.00	\$35.00 for the first \$100,000.00 plus \$1.00 for each additional \$10,000.00 or fraction thereof.
\$200,001.00 - more	\$50.00 for the first \$200,000.00 plus \$1.00 for each additional \$10,000.00 or fraction thereof, except that the total fee shall not exceed \$100.00.

004.02. "Total Value of Proposed Structure or Improvement" shall be defined as the actual costs, contract price, or bid construction costs. For the purposes of a timely plan review, cost estimates may be used to assess the fee prior to actual bidding and construction. Only significant changes in actual costs deviating from the cost estimate will result in a modified fee from the original assessment. When considering bid estimates, all bid alternates increasing the cost of the contract price must be included for determining the fee whether the alternates are accepted or not.

004.03. The assessment fee for reviewing preliminary plans will be credited towards the final plan fee assessment. Any increase in the construction cost estimates shall result in an appropriate increase in fees in accordance with Section 004 of this Chapter.

004.04. A new plans review fee will be assessed at the full rate according to the schedule set forth in Section 004 of this Chapter for all plans resubmitted, whether as a result of disapproval by the State Fire Marshal for noncompliance with the rules and regulations of the State Fire Marshal or incompleteness or because of major revision by the owner or his designated representative.

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004.05. All fees are to be paid by check, money order, or approved voucher. Other state agencies or governmental subdivisions may be allowed to be billed upon a monthly basis.

004.06. Fees shall be collected by the State Fire Marshal's delegated authorities and monies collected shall be deposited in the treasuries benefiting such delegated authorities.

004.07. Upon the State Fire Marshal's office receiving and verifying the assessed fee, a written receipt will be issued to the owner or his authorized representative upon request.

004.08. Fee Refunds. The State Fire Marshal may authorize the refunding of that portion of any fee paid hereunder which was erroneously paid or collected. The State Fire Marshal shall not authorize the refunding of any fee paid except upon written application filed by the original applicant not later than 90 days after the date of fee payment.

005. Certificate of Occupancy. The State Fire Marshal or appropriate delegated authority shall issue a Certificate of Occupancy in accordance with Section 002 of Chapter 22 of this Title, when after a final inspection of the completed structure it is found to be in compliance with the rules and regulations of the State Fire Marshal and other laws which are enforced by the State Fire Marshal.

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SECRETARY OF STATE

APPROVED:  
Date 8-31-83

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