

ASSEMBLY BILL NO. 326—ASSEMBLYMAN MORTENSON

MARCH 15, 2007

Referred to Committee on Government Affairs

SUMMARY—Establishes certain requirements relating to buildings constructed of unreinforced masonry. (BDR 28-716)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 4, 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to construction; requiring the State Public Works Board to compile a list and develop and implement a plan regarding buildings owned by the State that are constructed of unreinforced masonry; requiring certain local governments to compile a list of certain buildings constructed of unreinforced masonry that are owned by the local government or located within its jurisdiction; requiring the public and private owners of such buildings to develop and implement a plan regarding each such building; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Public Works must adopt by regulation and local governments must include in their building codes the seismic provisions of the International Building Code. (NRS 278.580, 341.143) This bill requires the State, local governments and private owners of unreinforced masonry buildings to take certain actions if those buildings do not comply with those seismic provisions. Buildings with five or fewer dwelling units, certain warehouses and certain historic structures are exempted from these requirements.

Section 1 of this bill requires the Board to compile a list of all unreinforced masonry buildings owned by the State that are not in compliance with the adopted seismic provisions. **Section 1** also requires the Board to develop and implement a plan to retrofit, change the use of or demolish each such building.

Sections 3 and 4 of this bill require the governing body of each city and county to compile a list of all nonstate public and private unreinforced masonry buildings within the jurisdiction of the governing body that are not in compliance with the



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seismic provisions. **Sections 3 and 4** require each governing body to develop and implement a plan to retrofit, change the use of or demolish each such unreinforced masonry building owned by the governing body. Each governing body is also required by **sections 3 and 4** to notify each private owner of an unreinforced masonry building within its jurisdiction that the owner is required to develop and implement a plan to retrofit, change the use of or demolish such a building. **Sections 3 and 4** authorize each governing body to adopt an ordinance imposing a civil penalty for a violation of these requirements and provide for judicial review of certain decisions of the governing bodies concerning these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 341.143 is hereby amended to read as follows:
341.143 **1.** For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

~~1-1~~ **(a)** The seismic provisions of the International Building Code published by the International Code Council; and

~~1-2~~ **(b)** Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

2. On or before July 1, 2009, the Board shall compile a list of:

(a) All unreinforced masonry buildings owned by the State; and

(b) All other unreinforced masonry buildings located in this State, as reported to the Board pursuant to the provisions of sections 3 and 4 of this act.

3. On or before July 1, 2013, the Board shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 2, a plan to:

(a) Retrofit the building to bring it into compliance with the seismic provisions adopted pursuant to subsection 1;

(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or

(c) Demolish the building.

4. The Board shall complete the action required by each plan developed pursuant to subsection 3 for each unreinforced masonry building owned by the State on or before July 1, 2017.

5. As used in this section, "unreinforced masonry building" has the meaning ascribed to it in section 3 of this act.

Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. 1. As used in sections 4 and 5 of this act, unless the context otherwise requires, "unreinforced masonry building"



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1 means any building constructed of unreinforced brick, stone,
2 adobe, block and mortar or other masonry wall construction that
3 does not comply, as applicable, with the seismic provisions adopted
4 pursuant to NRS 341.143 or included in the building codes of a
5 city or county pursuant to subsection 6 of NRS 278.580.

6 2. The term does not include any building that:

7 (a) Contains five or fewer dwelling units;

8 (b) Is a warehouse or other building not used for human
9 occupation and not used to store equipment or supplies for
10 emergency services; or

11 (c) Is a historic structure, as defined in NRS 349.485.

12 **Sec. 4.** 1. On or before July 1, 2009, the governing body of
13 each county:

14 (a) Shall compile and submit to the State Public Works Board
15 a list of all unreinforced masonry buildings located in the
16 unincorporated areas within the county; and

17 (b) For each unreinforced masonry building identified
18 pursuant to paragraph (a) that is not owned by the county, notify
19 the owner of the building of the requirements of subsection 2.

20 2. Within 4 years after receiving notification pursuant to
21 subsection 1, the owner of an unreinforced masonry building
22 notified pursuant to subsection 1 shall submit to the governing
23 body a plan to:

24 (a) Retrofit the building to bring it into compliance with the
25 seismic provisions included in the building codes of the county
26 pursuant to subsection 6 of NRS 278.580;

27 (b) Change the use of the building so that the building does
28 not qualify as an unreinforced masonry building; or

29 (c) Demolish the building.

30 3. Within 8 years after receiving notification pursuant to
31 subsection 1, the owner of an unreinforced masonry building
32 notified pursuant to subsection 1 shall complete the action
33 required by the plan developed for the building pursuant to
34 subsection 2. If the owner had developed a plan to retrofit the
35 building pursuant to subsection 2, the owner shall, at the time of
36 completion of the plan, provide evidence satisfactory to the
37 governing body that the building meets the seismic provisions
38 included in the building codes of the county pursuant to
39 subsection 6 of NRS 278.580.

40 4. On or before July 1, 2013, the governing body of each
41 county shall develop, for each unreinforced masonry building
42 identified pursuant to paragraph (a) of subsection 1 that is owned
43 by the county, a plan to:



(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580;

(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or

(c) Demolish the building.

5. The governing body of each county shall complete the action required by each plan developed pursuant to subsection 4 for each unreinforced masonry building owned by the county on or before July 1, 2017.

6. The governing body of each county may adopt an ordinance imposing a civil penalty for the failure of an owner of an unreinforced masonry building to comply with subsection 2 or 3.

7. A decision of a governing body of a county that:

(a) A building is an unreinforced masonry building; or

(b) A person is liable for a civil penalty imposed in accordance with an ordinance adopted pursuant to subsection 6,
is a final decision for the purposes of judicial review.

8. Any person aggrieved by a final decision pursuant to subsection 7 may appeal that decision to the district court of the county in which the building is located within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

Sec. 5. 1. On or before July 1, 2009, the governing body of each city:

(a) Shall compile and submit to the State Public Works Board a list of all unreinforced masonry buildings located in the city; and

(b) For each unreinforced masonry building identified pursuant to paragraph (a) that is not owned by the city, notify the owner of the building of the requirements of subsection 2.

2. Within 4 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall submit to the governing body a plan to:

(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the city pursuant to subsection 6 of NRS 278.580;

(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or

(c) Demolish the building.

3. Within 8 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall complete the action



1 required by the plan developed for the building pursuant to
2 subsection 2. If the owner had developed a plan to retrofit the
3 building pursuant to subsection 2, the owner shall, at the time of
4 completion of the plan, provide evidence satisfactory to the
5 governing body that the building meets the seismic provisions
6 included in the building codes of the city pursuant to subsection 6
7 of NRS 278.580.

8 4. On or before July 1, 2013, the governing body of each city
9 shall develop, for each unreinforced masonry building identified
10 pursuant to paragraph (a) of subsection 1 that is owned by the
11 city, a plan to:

12 (a) Retrofit the building to bring it into compliance with the
13 seismic provisions included in its building codes pursuant to
14 subsection 6 of NRS 278.580;

15 (b) Change the use of the building so that the building does
16 not qualify as an unreinforced masonry building; or

17 (c) Demolish the building.

18 5. The governing body of each city shall complete the action
19 required by each plan developed pursuant to subsection 4 for each
20 unreinforced masonry building owned by the city on or before
21 July 1, 2017.

22 6. The governing body of each city may adopt an ordinance
23 imposing a civil penalty for the failure of an owner of an
24 unreinforced masonry building to comply with subsection 2 or 3.

25 7. A decision of a governing body of a city that:

26 (a) A building is an unreinforced masonry building; or

27 (b) A person is liable for a civil penalty imposed in accordance
28 with an ordinance adopted pursuant to subsection 6,
29 is a final decision for the purposes of judicial review.

30 8. Any person aggrieved by a final decision pursuant to
31 subsection 7 may appeal that decision to the district court of the
32 county in which the building is located within 25 days after the
33 date of filing of notice of the decision with the clerk or secretary of
34 the governing body, as set forth in NRS 278.0235.

35 Sec. 6. The provisions of NRS 354.599 do not apply to any
36 additional expenses of a local government that are related to the
37 provisions of this act.

38 Sec. 7. This act becomes effective on July 1, 2007.

