

ASSEMBLY BILL NO. 529—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. (BDR 42-375)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the State Fire Marshal is required to enforce all laws and
2 adopt regulations relating, in pertinent part, to the safety, access, means and
3 adequacy of exit in case of fire from certain buildings used by the public. (NRS
4 477.030) In accordance with this duty, the State Fire Marshal has adopted by
5 reference in regulation the *International Fire Code*, 2003 Edition, Volume 1, and
6 the *International Building Code*, 2003 edition, Volumes 1 and 2, with certain
7 changes. (NAC 477.281, 477.283) Although the regulations adopted by the State
8 Fire Marshal apply throughout the State, the State Fire Marshal is only authorized
9 under existing law to enforce those regulations: (1) with respect to buildings owned
10 or occupied by the State; and (2) in counties whose population is less than 100,000
11 other than consolidated municipalities (currently counties other than Clark and
12 Washoe Counties and Carson City). In counties whose population is 100,000 or
13 more (currently Clark and Washoe Counties and Carson City), the local
14 jurisdictions in those counties are required to enforce the regulations of the State
15 Fire Marshal except if a local jurisdiction in such a county requests the State Fire
16 Marshal to perform such enforcement. (NRS 477.030) Existing law also authorizes
17 the governing body of a city or county to adopt building codes and authorizes
18 boards of county commissioners to regulate all matters relating to the construction,
19 maintenance and safety of buildings, structures and property within the county.
20 (NRS 244.3675, 268.413, 278.580)



This bill makes the regulations adopted by the State Fire Marshal concerning building codes inapplicable in a county whose population is 400,000 or more (currently Clark County) if that county has adopted a code at least as stringent as the *International Fire Code* and the *International Building Code*, except with respect to buildings owned or occupied by the State and public schools and except in a local jurisdiction in such a county in which the State Fire Marshal is requested to enforce those regulations by the chief executive officer of the jurisdiction. To maintain the exemption from the applicability of those regulations of the State Fire Marshal, the code of the county must be at least as stringent as the most recently published editions of the *International Fire Code* and the *International Building Code* within 1 year after publication of such an edition.

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

Section 1. NRS 477.030 is hereby amended to read as follows:
477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➔ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➔ ~~[The]~~ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but ~~[H]~~ except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this



chapter does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.



(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) ~~Assist~~ *Except as otherwise provided in subsection 12, assist* in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as he deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to



1 *the construction, maintenance or safety of buildings, structures*
2 *and property in this State:*

3 (a) *Do not apply in a county whose population is 400,000 or*
4 *more which has adopted a code at least as stringent as the*
5 *International Fire Code and the International Building Code,*
6 *published by the International Code Council. To maintain the*
7 *exemption from the applicability of the regulations of the State*
8 *Fire Marshal pursuant to this subsection, the code of the county*
9 *must be at least as stringent as the most recently published edition*
10 *of the International Fire Code and the International Building*
11 *Code within 1 year after publication of such an edition.*

12 (b) *Apply in a county described in paragraph (a) with respect*
13 *to state-owned or state-occupied buildings or public schools in the*
14 *county and in those local jurisdictions in the county in which*
15 *the State Fire Marshal is requested to exercise that authority by*
16 *the chief executive officer of that jurisdiction. As used in this*
17 *paragraph, "public school" has the meaning ascribed to it in*
18 *NRS 385.007.*

19 **Sec. 2.** NRS 244.3675 is hereby amended to read as follows:

20 244.3675 Subject to the limitations set forth in NRS 244.368,
21 278.580, 278.582 , ~~and~~ 444.340 to 444.430, inclusive, *and*
22 *477.030*, the boards of county commissioners within their respective
23 counties may:

24 1. Regulate all matters relating to the construction,
25 maintenance and safety of buildings, structures and property within
26 the county.

27 2. Adopt any building, electrical, housing, plumbing or safety
28 code necessary to carry out the provisions of this section and
29 establish such fees as may be necessary. Except as otherwise
30 provided in NRS 278.580, these fees do not apply to the State of
31 Nevada, the Nevada System of Higher Education or any school
32 district.

33 **Sec. 3.** NRS 268.413 is hereby amended to read as follows:

34 268.413 Subject to the limitations contained in NRS 244.368,
35 278.580, 278.582 , ~~and~~ 444.340 to 444.430, inclusive, *and*
36 *477.030*, the city council or other governing body of an incorporated
37 city may:

38 1. Regulate all matters relating to the construction,
39 maintenance and safety of buildings, structures and property within
40 the city.

41 2. Adopt any building, electrical, plumbing or safety code
42 necessary to carry out the provisions of this section and establish
43 such fees as may be necessary. Except as otherwise provided in
44 NRS 278.580, these fees do not apply to the State of Nevada, the
45 Nevada System of Higher Education or any school district.



1 **Sec. 4.** This act becomes effective on July 1, 2007.

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