

SENATE BILL NO. 75—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS BOARD)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Requires the State Public Works Board to adopt a plumbing code. (BDR 28-321)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 Public Works Board; requiring that each public building sponsored or financed by a public body meet the standards set forth in the plumbing code adopted by the State Public Works Board; requiring the Board to adopt the plumbing code by regulation on or before January 1, 2010; requiring that the construction, alteration or change in the use of a building or structure in this State comply with the standards set forth in the plumbing code adopted by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With limited exceptions, existing law requires any construction, alteration or change in the use of a building or other structure in the State to be in compliance with the *Uniform Plumbing Code* of the International Association of Plumbing and Mechanical Officials. (NRS 444.350) **Section 12** of this bill requires the State Public Works Board, on or before January 1, 2010, to adopt by regulation a plumbing code. (NRS 444.350) The code adopted by the Board will apply instead of the *Uniform Plumbing Code* to the construction, alteration or change in the use of a building or other structure in this State with limited exceptions.

Existing law provides standards that promote water conservation for plumbing fixtures in public buildings sponsored or financed by public bodies. (NRS 338.193) **Section 1** of this bill removes the water conservation requirements for plumbing fixtures in such public buildings and provides instead that the public buildings must meet the standards set forth in the plumbing code adopted by the State Public Works Board pursuant to NRS 444.350, as amended by **section 12** of this bill.



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

Section 1. NRS 338.193 is hereby amended to read as follows:

~~338.193 **[4.]** Each public building sponsored or financed by a public body must meet the standards ~~[made applicable for the building pursuant to this section.~~~~

~~—2. Except as otherwise provided in subsections 3 and 4, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and each existing public building which is expanded or renovated on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:~~

~~—(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.~~

~~—(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.~~

~~—(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.~~

~~—(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.~~

~~—3. Except as otherwise provided in subsection 4, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:~~

~~—(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.~~

~~—(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.~~

~~—(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.~~

~~—(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.~~

~~—(e) A urinal which continually flows or flushes water must not be installed.~~

~~—(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.~~



~~(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.~~

~~4. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing public building which is not being expanded or renovated.] set forth in the plumbing code adopted by the State Public Works Board pursuant to NRS 444.350.~~

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

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582, 444.340 ~~[to 444.430, inclusive,]~~ , **444.350, 444.430** and 477.030, the boards of county commissioners within their respective counties may:

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

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

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

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582, 444.340 ~~[to 444.430, inclusive,]~~ , **444.350, 444.430** and 477.030, the city council or other governing body of an incorporated city may:

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

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

Sec. 4. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 444.003 and 444.005 have the meanings ascribed to them in those sections.*

Sec. 6. *As used in NRS 444.340, 444.350 and 444.430, unless the context otherwise requires, "Board" means the State Public Works Board.*



1 **Sec. 7.** NRS 444.003 is hereby amended to read as follows:
2 444.003 ~~[As used in this chapter, “health]~~ ***“Health*** authority”
3 means the officers and agents of the Health Division or the officers
4 and agents of the local boards of health.

5 **Sec. 8.** NRS 444.005 is hereby amended to read as follows:
6 444.005 ~~[As used in this chapter,]~~ “Health Division” means the
7 Health Division of the Department of Health and Human Services.

8 **Sec. 9.** NRS 444.160 is hereby amended to read as follows:
9 444.160 Every construction or labor camp must have
10 convenient and suitable toilet facilities or portable facilities for
11 temporarily holding sewage that is treated with chemicals which
12 must be kept in a clean and sanitary state. The toilet facilities and
13 portable facilities must conform to ~~[the provisions of the Uniform
14 Plumbing Code of the International Association of Plumbing and
15 Mechanical Officials, as adopted by the Health Division, and all]~~ :

16 1. ***The plumbing code adopted by the State Public Works
17 Board pursuant to NRS 444.350; and***

18 2. ***All*** applicable administrative regulations which pertain to
19 the disposal of sewage.

20 **Sec. 10.** NRS 444.270 is hereby amended to read as follows:
21 444.270 1. Every children’s camp must have suitable toilets
22 and disposal systems or portable facilities for temporarily holding
23 sewage that is treated with chemicals which conform to ~~[the
24 provisions of the Uniform Plumbing Code of the International
25 Association of Plumbing and Mechanical Officials, as adopted by
26 the Health Division, and all]~~ :

27 (a) ***The plumbing code adopted by the State Public Works
28 Board pursuant to NRS 444.350; and***

29 (b) ***All*** applicable administrative regulations which pertain to the
30 disposal of sewage.

31 2. A children’s camp must provide one toilet or portable
32 facility for every 15 persons or fraction thereof in the camp
33 population.

34 **Sec. 11.** NRS 444.340 is hereby amended to read as follows:
35 444.340 The policy of the State of Nevada with respect to the
36 uniformity of plumbing codes throughout the State is:

37 1. That uniformity is a matter of statewide interest and concern,
38 affecting health and environmental conditions, housing costs and
39 efficiency in private housing construction.

40 2. That, by allowing local governments to waive and modify
41 provisions of the ~~[Uniform Plumbing Code, adopted by the
42 International Association of Plumbing and Mechanical Officials,]
43 plumbing code adopted by the Board pursuant to NRS 444.350,~~
44 based on differences in geographic and climatic conditions only
45 upon submission of such proposed waivers and modifications to the



~~[State Public Works]~~ Board, excessive waivers and modifications would be deterred.

Sec. 12. NRS 444.350 is hereby amended to read as follows:

444.350 1. ~~[Any]~~ *The Board shall by regulation adopt a plumbing code.*

2. *Except as otherwise provided in subsection 3, any construction, alteration or change in the use of a building or other structure in this State must be in compliance with the ~~[Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that Association, unless the State Public Works Board posts a notice of disapproval of any amendment to the Code]~~ plumbing code adopted by the Board pursuant to subsection [5.*

~~2. Any] 1.~~

3. *Except as otherwise provided in subsection 4, a city or county may ~~[adopt]~~ make such modifications to the plumbing code adopted by the Board pursuant to subsection 1 as are deemed reasonably necessary because of ~~[its]~~ the geographic, topographic or climatic conditions ~~[] in existence in the city or county, as applicable.~~ Any city or county desiring to make ~~[changes]~~ modifications to the ~~[Uniform Plumbing Code]~~ plumbing code adopted by the Board pursuant to subsection 1 must, before ~~[its adoption, submit the Code with]~~ making such modifications, submit to the Board the proposed ~~[amendments to the State Public Works Board.~~*

~~—3.] modifications.~~

4. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, “public water system” has the meaning ascribed to it in NRS 445A.840.

~~[4.] 5.~~ A facility used by members of the public whose construction or renovation begins on or after January 1, ~~[1994,]~~ 2010, must provide on its premises a sufficient number of water closets and urinals to comply with the minimum standards set forth in the ~~[Uniform Plumbing Code.]~~ plumbing code adopted by the Board pursuant to subsection 1. As used in this subsection, “facility used by members of the public” means any motion picture house, theater, concert hall, community hall, sports arena, stadium, ski resort or other permanent place of exhibition or entertaining to which members of the public are invited or which is intended for public use. The term does not include:

(a) A hotel as defined in NRS 447.010.



- (b) A food establishment as defined in NRS 446.020.
- (c) A children's camp as defined in NRS 444.220.
- (d) A historic structure as defined in NRS 244A.6825.
- (e) A public or private school.
- (f) A convention hall.

~~[5. The Chairman of the State Public Works Board or his designee shall review each amendment to the Uniform Plumbing Code and approve or disapprove of the amendment for use in Nevada. If the Chairman does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this State.]~~

6. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings ~~[]~~ and which is primarily for use by trade shows, public shows, conventions or related activities.

Sec. 13. NRS 444.430 is hereby amended to read as follows:

444.430 1. The governing body of any city or county shall, 60 days ~~[prior to]~~ *before* the adoption of any regulation for the enforcement of the ~~[Uniform Plumbing Code]~~ *plumbing code adopted by the Board pursuant to NRS 444.350* or any other regulations pursuant thereto, deliver by certified or registered mail ~~[]~~ a copy of the proposed regulation to the ~~[State Public Works]~~ Board for the Board's recommendation on the proposed regulation.

2. The governing body of the city or county may, 60 days after the ~~[State Public Works]~~ Board receives the copy of the proposed regulation, adopt the regulation with or without the approval of the ~~[State Public Works]~~ Board.

Sec. 14. NRS 447.185 is hereby amended to read as follows:

447.185 The reconstruction of existing hotels, including all types of transient lodging establishments, and the construction of new hotels, including all types of transient lodging establishments, ~~[shall]~~ *must* be in accord with ~~[pertinent]~~ :

1. *Pertinent* state laws ~~[]~~ ;

2. *Pertinent* rules and regulations of the State Board of Health or local board of health ~~[, and the latest editions]~~ ;

3. *The latest edition* of the Uniform Building Code ~~[and the Uniform Plumbing Code and such]~~ ;

4. *The plumbing code adopted by the State Public Works Board pursuant to NRS 444.350; and*

5. *Such* other codes as the State Board of Health may designate.

Sec. 15. NRS 489.416 is hereby amended to read as follows:

489.416 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:



1 1. Workmanship which:

2 (a) Is not commensurate with standards of the trade in general;

3 (b) Is below standards adopted by the Division or the standards
4 determined by the edition of the Uniform Building Code ~~[, Uniform~~
5 ~~Plumbing Code]~~ or the National Electrical Code, respectively, in
6 effect on July 1, 1983; ~~[or]~~

7 (c) *Does not comply with the minimum standards set forth in*
8 *the plumbing code adopted by the State Public Works Board*
9 *pursuant to NRS 444.350; or*

10 (d) Endangers the life and safety of an occupant of a
11 manufactured home, mobile home or commercial coach.

12 2. Failure to honor any warranty or other guarantee given by a
13 licensee for workmanship or material as a condition of securing a
14 contract, or of selling, leasing, reconstructing, improving, repairing
15 or installing any manufactured home, mobile home, commercial
16 coach or accessory structure.

17 3. Gross negligence or incompetence in performing an act for
18 which a license is required pursuant to this chapter.

19 **Sec. 16.** NRS 624.3017 is hereby amended to read as follows:

20 624.3017 The following acts, among others, constitute cause
21 for disciplinary action under NRS 624.300:

22 1. Workmanship which is not commensurate with standards of
23 the trade in general or which is below the standards in the building
24 or construction codes adopted by the city or county in which the
25 work is performed. If no applicable building or construction code
26 has been adopted locally, then workmanship must meet the
27 standards, *as applicable*, prescribed in ~~[the]~~ :

28 (a) *The* Uniform Building Code ~~[, Uniform Plumbing Code]~~ or
29 National Electrical Code in the form of the code most recently
30 approved by the Board ~~[;]~~ ; *or*

31 (b) *The plumbing code adopted by the State Public Works*
32 *Board pursuant to NRS 444.350.*

33 ➔ The Board shall review each edition of the Uniform Building
34 Code ~~[, Uniform Plumbing Code]~~ or National Electrical Code that is
35 published after the 1996 edition to ensure its suitability. Each new
36 edition of the code shall be deemed approved by the Board unless
37 the edition is disapproved by the Board within 60 days ~~[of]~~ *after* the
38 publication of the code.

39 2. Advertising projects of construction without including in the
40 advertisements the name and license number of the licensed
41 contractor who is responsible for the construction.

42 3. Advertising projects of construction beyond the scope of the
43 license.



1 **Sec. 17.** Section 2.200 of the Charter of the City of Las Vegas,
2 being chapter 517, Statutes of Nevada 1983, at page 1400, is hereby
3 amended to read as follows:

4 Sec. 2.200 Powers of City Council: Buildings;
5 construction and maintenance regulations; building and safety
6 codes. Subject to the limitations which are contained in
7 NRS 278.580, 278.583 ~~[and 444.340 to 444.430, inclusive,]~~,
8 444.340, 444.350 and 444.430, the City Council may:

9 1. Regulate all matters which relate to the construction,
10 maintenance and safety of buildings, structures and property
11 within the City.

12 2. Adopt any building, electrical, plumbing, mechanical
13 or safety code which is necessary to carry out the provisions
14 of this section and establish such fees as may be necessary.

15 **Sec. 18.** NRS 444.420 is hereby repealed.

16 **Sec. 19.** The State Public Works Board shall adopt the
17 regulations required by the amendatory provisions of section 12 of
18 this act on or before January 1, 2010.

19 **Sec. 20.** This act becomes effective upon passage and approval
20 for the purpose of adopting regulations and on January 1, 2010, for
21 all other purposes.

TEXT OF REPEALED SECTION

444.420 Duties of State Public Works Board. The State Public Works Board shall:

1. Review all proposed adoptions of the Uniform Plumbing Code by any city or county and any proposed changes to the Uniform Plumbing Code, and advise such city or county on whether or not such change is deemed warranted by geographic, topographic or climatic conditions.

2. Submit a copy of the Uniform Plumbing Code adopted by any city or county to the Health Division.

