

SENATE BILL NO. 477—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the installation of automatic fire sprinkler systems in certain single-family residences. (BDR 22-1110)

FISCAL NOTE: Effect on Local Government: No.
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 buildings; authorizing the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain larger single-family residences; providing limitations on the authority of the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain other single-family residences; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city in this State is authorized to adopt a building code that specifies the design, soundness and materials of structures. (NRS 278.580) **Section 1** of this bill specifically authorizes such a governing body to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a single-family residence that has an area of livable space of 5,000 square feet or more. **Section 1** provides that, on or after October 1, 2015, a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a single-family residence that has an area of livable space of less than 5,000 square feet only if the governing body: (1) conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system; and (2) makes certain findings at a public hearing. **Section 1** provides that a governing body may require the installation of an automatic fire sprinkler system in such a residence without conducting the cost-benefit analysis and making the findings otherwise required by **section 1** if, with regard to any particular single-family residence, the governing body determines that the unique



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characteristics or location of the residence would cause a delay in firefighter response time. **Section 6** of this bill provides for the continued enforcement of any building code, ordinance, regulation or rule relating to the installation of an automatic fire sprinkler system that was adopted by a governing body before the effective date of this bill.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new or existing residential dwelling unit that has an area of livable space of 5,000 square feet or more.

2. Except as otherwise provided in subsection 3, a governing body may, on or after October 1, 2015, adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new or existing residential dwelling unit that has an area of livable space of less than 5,000 square feet only if, before adopting the building code or taking the action, the governing body:

(a) Conducts an independent cost-benefit analysis of the adoption of a building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new or existing residential dwelling unit that has an area of livable space of less than 5,000 square feet; and

(b) Makes a finding at a public hearing that, based on the independent cost-benefit analysis conducted pursuant to paragraph (a), adoption of the building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new or existing residential dwelling unit that has an area of livable space of less than 5,000 square feet is to the benefit of the occupants of the residential dwelling units to which the requirement would be applicable.

3. A governing body may require the installation of an automatic fire sprinkler system in a new or existing residential dwelling unit that has an area of livable space of less than 5,000 square feet without conducting the analysis or making the findings required by subsection 2 if the governing body makes a determination that the unique characteristics or the location of the residential dwelling unit, when compared to residential dwelling units of comparable size within the jurisdiction of the governing body, would cause a delay in firefighter response time. In making



1 *such a determination, the governing body may consider, without*
2 *limitation:*

3 *(a) The water pressure available for use by firefighters at the*
4 *location of the residential dwelling unit;*

5 *(b) The width of the streets which firefighters would have to*
6 *use to access the residential dwelling unit;*

7 *(c) The steepness of the grade of any streets and property*
8 *around or on which the residential dwelling unit is located; and*

9 *(d) The distance between the residential dwelling unit and any*
10 *firefighting stations of the local jurisdiction.*

11 **4. The provisions of this section do not prohibit a person from**
12 **installing an automatic fire sprinkler system in any residential**
13 **dwelling unit.**

14 **5. As used in this section, “automatic fire sprinkler system”**
15 **has the meaning ascribed to it in NRS 202.580.**

16 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

17 278.010 As used in NRS 278.010 to 278.630, inclusive, **and**
18 **section 1 of this act**, unless the context otherwise requires, the
19 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
20 have the meanings ascribed to them in those sections.

21 **Sec. 3.** NRS 278.580 is hereby amended to read as follows:

22 278.580 1. Subject to the limitation set forth in NRS 244.368,
23 **and section 1 of this act**, the governing body of any city or county
24 may adopt a building code, specifying the design, soundness and
25 materials of structures, and may adopt rules, ordinances and
26 regulations for the enforcement of the building code.

27 2. The governing body may also fix a reasonable schedule of
28 fees for the issuance of building permits. A schedule of fees so fixed
29 does not apply to the State of Nevada or the Nevada System of
30 Higher Education, except that such entities may enter into a contract
31 with the governing body to pay such fees for the issuance of
32 building permits, the review of plans and the inspection of
33 construction. Except as it may agree to in such a contract, a
34 governing body is not required to provide for the review of plans or
35 the inspection of construction with respect to a structure of the State
36 of Nevada or the Nevada System of Higher Education.

37 3. Notwithstanding any other provision of law, the State and its
38 political subdivisions shall comply with all zoning regulations
39 adopted pursuant to this chapter, except for the expansion of any
40 activity existing on April 23, 1971.

41 4. A governing body shall amend its building codes and, if
42 necessary, its zoning ordinances and regulations to permit the use
43 of:



(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

↳ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

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

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

Sec. 4. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, 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. 5. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, the city council or other governing body of an incorporated city may:



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

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

9 **Sec. 6.** Any building code, ordinance, regulation or rule
10 adopted by the governing body of a county or incorporated city in
11 this State before October 1, 2015, which requires the installation of
12 an automatic fire sprinkler system specified in section 1 of this act
13 remains in effect and may be enforced by the governing body until
14 the governing body repeals or amends the building code, ordinance,
15 regulation or rule.

