

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 new single-family residence that has an area of livable space of 5,000 square feet or more. **Section 1** provides that, on or after July 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 new 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 at a



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public hearing that the unique characteristics or location of the residence would cause an unreasonable delay in firefighter response time.

Section 6 of this bill provides that: (1) with certain exceptions, the amendatory provisions of **section 1** do not prohibit the enforcement of any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015; (2) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015, but which makes such a requirement effective upon the occurrence of an event that has not occurred before January 1, 2015, is void and unenforceable; and (3) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body on or after January 1, 2015, but before the effective date of this bill, is void and unenforceable.

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 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 July 1, 2015, adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new 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 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 residential dwelling unit that has an area of livable space of less than 5,000 square feet is to the benefit of the owners of the residential dwelling units to which the requirement would be applicable and that such benefit exceeds the costs related to the installation of automatic fire sprinkler systems in such residential dwelling units.



3. A governing body may require the installation of an automatic fire sprinkler system in a new 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 at a public hearing that the unique characteristics or the location of the residential dwelling unit, when compared to residential dwelling units of comparable size or location within the jurisdiction of the governing body, would cause an unreasonable delay in firefighter response time. In making such a determination, the governing body may consider:

(a) The availability of water for use by firefighters in the area in which the residential dwelling unit is located;

(b) The availability to firefighters of access to the residential dwelling unit;

(c) The topography of the area in which the residential dwelling unit is located; and

(d) The availability of firefighting resources in the area in which the residential dwelling unit is located.

4. The provisions of this section do not prohibit:

(a) A local government from enforcing an agreement for the development of land which requires the installation of an automatic fire sprinkler system in any residential dwelling unit; or

(b) A person from installing an automatic fire sprinkler system in any residential dwelling unit.

5. As used in this section:

(a) "Automatic fire sprinkler system" has the meaning ascribed to it in NRS 202.580.

(b) "Residential dwelling unit" does not include a condominium unit, an apartment unit or a townhouse unit that shares a common wall with more than one other such unit.

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

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

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

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

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada or the Nevada System of



Higher Education, except that such entities may enter into a contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada or the Nevada System of Higher Education.

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

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use 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 1. Regulate all matters relating to the construction,
2 maintenance and safety of buildings, structures and property within
3 the county.

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

9 **Sec. 5.** NRS 268.413 is hereby amended to read as follows:

10 268.413 Subject to the limitations contained in NRS 244.368,
11 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and
12 477.030, **and section 1 of this act**, the city council or other
13 governing body of an incorporated city may:

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

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

22 **Sec. 6.** 1. Except as otherwise provided in subsection 2, the
23 amendatory provisions of section 1 of this act do not prohibit the
24 enforcement by the governing body of a county or incorporated city
25 in this State of any building code, ordinance, regulation or rule
26 adopted by the governing body before January 1, 2015, which
27 requires the installation of an automatic fire sprinkler system
28 specified in section 1 of this act.

29 2. Any building code, ordinance, regulation or rule adopted by
30 the governing body of a county or incorporated city in this State
31 before January 1, 2015, which requires the installation of an
32 automatic fire sprinkler system specified in section 1 of this act and
33 is effective upon the occurrence of any event, including, without
34 limitation, the issuance of a certain number of building permits by
35 the governing body, is hereby declared void and may not be
36 enforced by the governing body if the event upon which the
37 requirement for the installation of an automatic fire sprinkler system
38 is effective did not occur before January 1, 2015.

39 3. Any building code, ordinance, regulation or rule adopted by
40 the governing body of a county or incorporated city in this State on
41 or after January 1, 2015, but before the effective date of this act,
42 which requires the installation of an automatic fire sprinkler system
43 specified in section 1 of this act is hereby declared void and may not
44 be enforced by the governing body.



1 **Sec. 7.** This act becomes effective upon passage and approval.

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