

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 structures. (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 structures; 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; prohibiting the governing body of a county or incorporated city in this State from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in certain structures or portions thereof used primarily for agricultural, livestock or equestrian activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the governing body of any county or incorporated city in
2 this State is authorized to adopt a building code that specifies the design, soundness
3 and materials of structures. (NRS 278.580) **Section 1** of this bill specifically
4 authorizes such a governing body to adopt a building code or take any other action
5 that requires the installation of an automatic fire sprinkler system in a new single-
6 family residence that has an area of livable space of 5,000 square feet or more.
7 **Section 1** provides that, on or after July 1, 2015, a governing body may adopt a
8 building code or take any other action that requires the installation of an automatic
9 fire sprinkler system in a new single-family residence that has an area of livable



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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 public hearing that the unique characteristics or location of the residence would cause an unreasonable delay in firefighter response time. Additionally, **section 1** prohibits a governing body from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in a structure other than a residential dwelling unit, regardless of whether the structure is located on public or private property, if the structure: (1) is covered but not completely enclosed; (2) is used primarily for agricultural, livestock or equestrian activities; (3) has spectator seating situated around the perimeter of the structure; and (4) is otherwise in compliance with all relevant building codes concerning exits and fire alarm systems.

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 on or before June 30, 2015, 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



1 *fire sprinkler system in a new residential dwelling unit that has an*
2 *area of livable space of less than 5,000 square feet; and*

3 *(b) Makes a finding at a public hearing that, based on the*
4 *independent cost-benefit analysis conducted pursuant to*
5 *paragraph (a), adoption of the building code or the taking of any*
6 *other action by the governing body that requires the installation of*
7 *an automatic fire sprinkler system in a new residential dwelling*
8 *unit that has an area of livable space of less than 5,000 square feet*
9 *is to the benefit of the owners of the residential dwelling units to*
10 *which the requirement would be applicable and that such benefit*
11 *exceeds the costs related to the installation of automatic fire*
12 *sprinkler systems in such residential dwelling units.*

13 3. *A governing body may require the installation of an*
14 *automatic fire sprinkler system in a new residential dwelling unit*
15 *that has an area of livable space of less than 5,000 square feet*
16 *without conducting the analysis or making the findings required*
17 *by subsection 2 if the governing body makes a determination at a*
18 *public hearing that the unique characteristics or the location of*
19 *the residential dwelling unit, when compared to residential*
20 *dwelling units of comparable size or location within the*
21 *jurisdiction of the governing body, would cause an unreasonable*
22 *delay in firefighter response time. In making such a*
23 *determination, the governing body may consider:*

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

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

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

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

32 4. *A governing body shall not adopt a building code or take*
33 *any other action that requires the installation of an automatic fire*
34 *sprinkler system in a structure other than a residential dwelling*
35 *unit or any portion of such a structure, whether located on public*
36 *or private property:*

37 *(a) That is covered but not completely enclosed;*

38 *(b) That is used primarily for agricultural, livestock or*
39 *equestrian activities;*

40 *(c) That has spectator seating situated around the perimeter of*
41 *the structure or portion thereof; and*

42 *(d) Which is otherwise in compliance with all relevant building*
43 *codes concerning exits and fire alarm systems.*

44 5. *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 a structure described in subsection 4 or any residential dwelling unit.*

6. *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



1 in compliance with applicable building codes and zoning
2 ordinances, including those relating to the design, location and
3 soundness of such systems and structures,

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

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

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

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

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

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

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

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

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

23 244.3675 Subject to the limitations set forth in NRS 244.368,
24 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and
25 477.030, *and section 1 of this act*, the boards of county
26 commissioners within their respective counties may:

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

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

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

36 268.413 Subject to the limitations contained in NRS 244.368,
37 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and
38 477.030, *and section 1 of this act*, the city council or other
39 governing body of an incorporated city may:

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

43 2. Adopt any building, electrical, plumbing or safety code
44 necessary to carry out the provisions of this section and establish
45 such fees as may be necessary. Except as otherwise provided in



1 NRS 278.580, those fees do not apply to the State of Nevada or the
2 Nevada System of Higher Education.

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

10 2. Any building code, ordinance, regulation or rule adopted by
11 the governing body of a county or incorporated city in this State
12 before January 1, 2015, which requires the installation of an
13 automatic fire sprinkler system specified in section 1 of this act and
14 is effective upon the occurrence of any event, including, without
15 limitation, the issuance of a certain number of building permits by
16 the governing body, is hereby declared void and may not be
17 enforced by the governing body if the event upon which the
18 requirement for the installation of an automatic fire sprinkler system
19 is effective did not occur before January 1, 2015.

20 3. Any building code, ordinance, regulation or rule adopted by
21 the governing body of a county or incorporated city in this State on
22 or after January 1, 2015, but on or before June 30, 2015, which
23 requires the installation of an automatic fire sprinkler system
24 specified in section 1 of this act is hereby declared void and may not
25 be enforced by the governing body.

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

