

Item # 6

**City of Carson City  
Agenda Report**

**Date Submitted:** 12-11-07

**Agenda Date Requested:** 12-20-07

**Time Requested:** 5 minutes

**To:** Mayor and Supervisors

**From:** Fire Department

**Subject Title:** ACTION TO ADOPT ON SECOND READING BILL NO. 142, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 14 FIRE, CHAPTER 14.01 GENERAL PROVISIONS BY AMENDING SECTION 14.01.025 FALSE ALARMS TO INCREASE THE SERVICE CHARGE FOR FALSE ALARMS FROM \$150 PER OCCURRENCE AFTER THE FIRST OCCURRENCE TO \$300 PER OCCURRENCE AFTER THE THIRD OCCURRENCE, DELETING SECTION 14.01.030 HAZARD ABATEMENT AND ADDING IT INTO THE NEW CHAPTER 14.05, AMENDING CHAPTER 14.02 INTERNATIONAL FIRE CODE BY ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND MAKING VARIOUS AMENDMENTS TO THE CODE, AMENDING CHAPTER 14.04 WILDLAND INTERFACE, BY CHANGING THE DEFINITION OF WILDLAND URBAN INTERFACE AND AMENDING THE PROVISIONS REGARDING WATER SUPPLY AND FIRE SPRINKLER SYSTEMS, ADDING CHAPTER 14.05 HAZARD ABATEMENT BY PLACING RESPONSIBILITY FOR HAZARD ABATEMENT ON THE PROPERTY OWNER AND OUTLINING THE PROCEDURE TO BE FOLLOWED FOR HAZARD ABATEMENT AND OTHER MATTERS PROPERLY RELATED THERETO.

**Staff Summary:** The International Code Council updates the model code series on a three year basis. The latest version of the code is the 2006 International Fire Code. This ordinance formally adopts the 2006 code and makes various amendments to Title 14 that have been suggested by the community.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance  
 Formal Action/Motion  Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I MOVE TO ADOPT ON SECOND READING BILL NO. 142, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 14 FIRE, CHAPTER 14.01 GENERAL PROVISIONS BY AMENDING SECTION 14.01.025 FALSE ALARMS TO INCREASE THE SERVICE CHARGE FOR FALSE ALARMS FROM \$150 PER OCCURRENCE AFTER THE FIRST OCCURRENCE TO \$300 PER OCCURRENCE AFTER THE THIRD OCCURRENCE, DELETING SECTION 14.01.030 HAZARD ABATEMENT AND ADDING IT INTO THE NEW CHAPTER 14.05, AMENDING CHAPTER 14.02 INTERNATIONAL FIRE CODE BY ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND MAKING VARIOUS AMENDMENTS TO THE CODE, AMENDING CHAPTER 14.04 WILDLAND INTERFACE, BY CHANGING THE DEFINITION OF WILDLAND URBAN INTERFACE AND AMENDING THE PROVISIONS

REGARDING WATER SUPPLY AND FIRE SPRINKLER SYSTEMS, ADDING CHAPTER 14.05 HAZARD ABATEMENT BY PLACING RESPONSIBILITY FOR HAZARD ABATEMENT ON THE PROPERTY OWNER AND OUTLINING THE PROCEDURE TO BE FOLLOWED FOR HAZARD ABATEMENT AND OTHER MATTERS PROPERLY RELATED THERETO.

**Explanation for Recommended Board Action:** By passing this ordinance, Carson City will be in alignment with the other jurisdictions in our region and with the Nevada Administrative Code being adopted by the State of Nevada

**Applicable Statute, Code, Policy, Rule or Regulation:** Carson City Municipal Code Title 14 and Section 2.160 of the Carson City Charter.

**Fiscal Impact:** None

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** No alternatives exist to adopting the code as the adoption of the code will be necessary under Nevada Revised Statutes.

**Supporting Material:**

**Prepared By:** R. Stacey Giomi, Fire Chief

**Reviewed By:** R. Stacey Giomi  
(Fire Chief)

Date: 12-11-07

[Signature]  
(City Manager)

Date: \_\_\_\_\_

Melanie Burkett  
(District Attorney)

Date: 12-11-07

[Signature]  
(Finance Director)

Date: 12-11-07

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

BILL NO. 142

ORDINANCE NO. 2007-\_\_\_\_\_

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 14 FIRE, CHAPTER 14.01 GENERAL PROVISIONS BY AMENDING SECTION 14.01.025 FALSE ALARMS TO INCREASE THE SERVICE CHARGE FOR FALSE ALARMS FROM \$150 PER OCCURRENCE AFTER THE FIRST OCCURRENCE TO \$300 PER OCCURRENCE AFTER THE THIRD OCCURRENCE, DELETING SECTION 14.01.030 HAZARD ABATEMENT AND ADDING IT INTO THE NEW CHAPTER 14.05, AMENDING CHAPTER 14.02 INTERNATIONAL FIRE CODE BY ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND MAKING VARIOUS AMENDMENTS TO THE CODE, AMENDING CHAPTER 14.04 WILDLAND INTERFACE, BY CHANGING THE DEFINITION OF WILDLAND URBAN INTERFACE AND AMENDING THE PROVISIONS REGARDING WATER SUPPLY AND FIRE SPRINKLER SYSTEMS, ADDING CHAPTER 14.05 HAZARD ABATEMENT BY PLACING RESPONSIBILITY FOR HAZARD ABATEMENT ON THE PROPERTY OWNER AND OUTLINING THE PROCEDURE TO BE FOLLOWED FOR HAZARD ABATEMENT AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Chapter 14.01 of the Carson City Municipal Code is hereby amended as follows:

**Chapter 14.01 GENERAL PROVISIONS**

- 14.01.005 Establishment and duties of the division of fire prevention.
- 14.01.010 Jurisdiction.
- 14.01.015 Police.
- 14.01.020 Violations.
- 14.01.025 False alarms.
- ~~[14.01.030 Hazard abatement.]~~
- 14.01.035 Traffic laws apply to non-emergency vehicles.
- 14.01.040 Alternative materials and methods.

SECTION II:

That Section 14.01.025 of the Carson City Municipal Code is hereby amended as follows:

**14.01.025 False alarms.**

Emergency fire department response to fire or medical alarms which are falsely sent, either accidentally or due to equipment failure, may subject the property owner to a service charge of [~~one hundred fifty dollars (\$150.00)~~] three hundred dollars (\$300.00) per occurrence after the [~~first~~] third such occurrence in a calendar year.

### SECTION III:

That Section 14.01.030 of the Carson City Municipal Code is hereby deleted as follows:

#### **[14.01.030 Hazard abatement.**

~~Any owner or occupant failing to abate a fire hazard or other hazardous condition, as determined by the chief, within the time limits established will have the expense incurred in the abatement of said hazard charged against the person owning the property.]~~

### SECTION IV:

That Chapter 14.02 of the Carson City Municipal Code is hereby amended as follows:

#### **Chapter 14.02 INTERNATIONAL FIRE CODE**

- 14.02.005 International Fire Code adopted.
- 14.02.010 Section 101.1-Title.
- 14.02.015 Section 102.3-Change of use or occupancy.
- 14.02.020 Section 102.6-Referenced codes and standards.
- 14.02.025 Section 103.2-Appointment.
- 14.02.030 Section 105.1.1-Permits required.
- 14.02.035 Section 105.6.16-Fire hydrants and valves.
- 14.02.040 Section 105.6.26-Lumber yards and woodworking plants.
- 14.02.045 Section 105.7-Required construction permits.
- 14.02.048 Section 107.5 – Owner/occupant responsibilities
- 14.02.050 Section 108.3-Qualifications.
- 14.02.055 Section 109.3—Violation penalties.
- 14.02.060 Section 111.4-Failure to comply.
- 14.02.065 Section 202-General definitions. Occupancy classification.
- 14.02.070 Section 304.1.2-Vegetation.
- 14.02.075 Section 311.2.2-Fire protection.
- 14.02.080 Section 401.1-Scope.
- 14.02.085 Section 503.1.2-Additional access.
- 14.02.090 Section 505.1-Address numbers.
- 14.02.095 Section 506-Key boxes.
- 14.02.100 Section 508.5.5-Obstruction.
- 14.02.105 Section 603.4-Portable unvented heaters.
- 14.02.110 Section 604.2.14.3-Emergency systems.
- 14.02.115 Section 903-Automatic sprinkler systems.

- 14.02.120 Section 903.3.1.3-NFPA 13D sprinkler systems.
- 14.02.122 Section 903.4.2 - Alarms
- 14.02.125 Section 905.3.2-Group A.
- 14.02.130 Section 907.2.12-High-rise buildings.
- 14.02.135 Section 907.9.2-High-rise buildings.
- 14.02.140 Section 912.4-Signs.
- ~~[14.02.145 Section 1006.1— Illumination required.]~~
- 14.02.150 Section 1412.1—When required.
- 14.02.155 Section 1901.1—Scope.
- 14.02.160 Section 1903.5-Control of ignition sources.
- 14.02.165 Section 1909.1-General.
- 14.02.170 Section 1909.2-Size of piles.
- 14.02.175 Section 1909-Exterior storage of finished lumber products.
- 14.02.180 Section 3204.3.1.1-Location.
- 14.02.183 Section 3301.1.3 - Fireworks
- 14.02.185 Section 3304.1-General.
- 14.02.190 Section 3404.2.9.5.1-Locations where above-ground tanks are prohibited.
- 14.02.195 Section 3406.2.4.4-Locations where above-ground tanks are prohibited.
- 14.02.200 Section 3804.2—Maximum capacity within established limits.
- 14.02.205 Appendix D-Fire apparatus access roads.

SECTION V:

That Section 14.02.005 of the Carson City Municipal Code is hereby amended as follows:

**14.02.005 International Fire Code adopted.**

That a certain document, one (1) copy of which is on file in the office of the Carson City clerk/recorder, being marked and designated as the International Fire Code, 200[3]6 edition, including Appendix Chapters B, C, D, E, F and G as published by the International Code Council, except portions which are modified under or amended by provisions of this title, be and is hereby adopted as the Fire Code of Carson City, in the State of Nevada regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the clerk/recorder are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with additions, insertions, deletions and changes prescribed in this ordinance.

SECTION VI:

That Section 14.02.020 of the Carson City Municipal Code is hereby amended as follows:

**14.02.020 Section 102.6-Referenced codes and standards.**

Section 102.6 of the International Fire Code is amended to read as follows:

The codes and standards referenced in this code shall be those that are listed in Chapter 45, except that the most current version of each of those codes and standards shall apply. Where this code refers to the International Mechanical Code, the Uniform Mechanical Code will be substituted. Where this code refers to the International Plumbing Code, the Uniform Plumbing Code will be substituted. Where this code refers to the International Electrical Code, the National Electrical Code will be substituted.

Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

SECTION VII:

That Section 14.02.048 of the Carson City Municipal Code is hereby added as follows:

**14.02.048 Section 107.5 – Owner/occupant responsibility**

Section 107.5 of the International Fire Code is amended to read as follows:

Correction and abatement of violations of this code and Title 14 shall be the responsibility of the owner. If an owner or occupant creates, or allows to be created, hazardous conditions in violation of this code or Title 14, the owner shall be held responsible for the abatement of such hazardous conditions in accordance Chapter 14.05 of this code.

SECTION VIII:

That Section 14.02.085 of the Carson City Municipal Code is hereby amended as follows:

**14.02.085 Section 503.1.2-Additional access.**

Section 503.1.2 of the International Fire Code is amended to read as follows:

The fire code official is authorized to require more than one fire apparatus access road when the access road is more than six hundred fifty feet (650') and does not join another public street, or when it is determined that the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Additional access shall be considered a fire access road for the purposes of this code, except that the minimum required width may be decreased to no less than twelve (12) feet with the approval of the Fire Chief.

SECTION IX:

That Section 14.02.090 of the Carson City Municipal Code is hereby amended as follows:

**14.02.090 Section 505.1-Address numbers.**

Section 505.1 of the International Fire Code is amended by deleting the current language in its entirety and adding thereto the following:

Section 505.1-Address numbers. The owners of new and existing buildings are responsible to [be] have the proper street address numbers, including individual unit numbers if required, displayed in the manner prescribed within this section prior to occupancy.

Section 505.1.1-Assignment of numbers. It is the duty of the Carson City [~~development services department~~] Geographical Information Systems division to assign respective address numbers for structures or parcels of land. All number assignments, design standards, sizes, styles, etc., are subject to the approval of the fire code official.

Section 505.1.2-Number size and style. The address numbers must be Arabic numerals or alphabet letters. The color of the numerals shall be in contrast with the background color. Numerals shall be a minimum of five inches (5") in height and unobstructed by signs or landscaping.

Exception: Address numbers for single family homes, two-family homes, individual apartment units or individual units within a mobile home park are required to be a minimum of three inches (3").

Section 505.1.3-Numbering requirements. 1. Numbers are to be conspicuously located at or upon the main entrance of the structure and any individual units within. Numbers must be easily visible from the public street or entrance roadway. If numbers are not visible from the public street or roadway, an address monument sign will be required to be erected at the entrance so as to be visible from the public street.

2. In the case of structures using rural type mailboxes, address numbers are to be posted upon the structure and upon both sides of the mailbox in such a way that they will not be obstructed by the flag.

3. Each separate building will be required to have its own individual address number. Subunits within the same building will be assigned suite, apartment or office numbers. Unit number configuration will be approved by the fire code official.

Exception: Address numbers need not be assigned to out-buildings, barns or other buildings not designed for human occupancy.

4. Trailer parks, apartment houses, town houses, condominiums, multi-family dwelling complexes, etc., may also be required to install a facility map in an approved manner at the main entrance to the complex.

SECTION X:

That Section 14.02.100 of the Carson City Municipal Code is hereby amended as follows:

**14.02.100 Section 508.5.5-Obstruction.**

Section 508.5.5 of the International Fire Code is amended [~~by adding a subsection~~] to read as follows:

~~[Section 508.5.5.1-Obstruction removal. If any person owning property within three feet (3') of any fire hydrant, fire department inlet connection or fire protection system control valve fails or refuses to remove any obstruction prohibited by this section within a period of five (5) business days after receipt of a notice by the fire department, the city shall have the obstruction removed at the direction of the chief. The expense incurred in the removal shall be a charge against the person owning the property.]~~

Section 508.5.5 – Clear space around hydrants. A clear space, as described in drawing number C-10-4a of the Public Works Department Standard Detail for Public Works Construction, shall be maintained around all fire hydrants. Additionally, a 3 foot clear space shall be maintained around the circumference of fire department inlet connections or fire protection system control valves.

SECTION XI:

That Section 14.02.115 of the Carson City Municipal Code is hereby amended as follows:

**14.02.115 Section 903-Automatic sprinkler systems.**

Section 903 of the International Fire Code is amended to read as follows:

Section 903.2-Where required. Approved automatic sprinkler systems in new buildings, structures and new additions to existing buildings shall be provided in all cases when the building square footage is greater than five thousand (5,000) square feet. Automatic sprinkler systems shall be installed and maintained in accordance with this code and referenced standards.

Exceptions: 1. Group S-2 occupancies less than thirteen thousand four hundred (13,400) square feet which are constructed in areas served by fire hydrants capable of delivering the required fire flow as determined by Appendix B of this code.

2. Group S-1 occupancies equal to or less than ten thousand (10,000) square feet which are constructed in areas served by fire hydrants capable of delivering the required fire flow as determined by Appendix B of this code.

3. Group S-1 occupancies greater than ten thousand (10,000) square feet that have fire barriers separating internal areas to compartments less than or equal to ten thousand (10,000) square feet, provided the buildings are constructed in areas served by fire hydrants capable of delivering the required fire flow as determined by Appendix B of this code.

4. Group U occupancies built of type I or II construction.



Additions and Remodels. Existing buildings will require the retrofitting of an approved automatic sprinkler system complying with Section 903.2 of this code [~~under the following conditions:~~

~~1. W]when an addition to the original structure exceeds fifty percent (50%) of the building's original square footage and the total square footage exceeds 5,000 square feet. [2. When the remodeling of an existing structure exceeds seventy five percent (75%) of the assessed value of the original structure.]~~

Commercial Child Care Facilities. New and existing commercial child care facilities that occupy mobile or manufactured homes are required to have an approved automatic sprinkler system in accordance with this code and referenced standards.

Total floor area shall be defined as the total floor area, in square feet, for all floor levels within the exterior walls or under the horizontal projection of a roof of a building. Unless otherwise allowed by this section of the code, fire barriers cannot be used to divide square footage for the purpose of calculating total area.

## SECTION XII:

That Section 14.02.122 of the Carson City Municipal Code is hereby added as follows:

### **14.02.122 Section 903.4.2 – Alarms**

Section 903.4.2 of the International Fire code is amended to read as follows:

Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building and within each tenant space on the interior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

## SECTION XIII:

That Section 14.02.140 of the Carson City Municipal Code is hereby amended as follows:

### **14.02.140 Section 912.4-Signs.**

Section 912.4 of the International Fire Code is amended by adding thereto a new section which reads as follows:

Section 912.4.1-Service area. A [~~metal~~] sign indicating the buildings address or areas serviced by a sprinkler or standpipe system shall be permanently mounted and maintained on all fire department connections when required by the fire code official.

## SECTION XIV:

That Section 14.02.145 of the Carson City Municipal Code is hereby deleted as follows:

~~[14.02.145 Section 1006.1— Illumination required.~~

~~Section 1006.1 of the International Fire Code is amended by adding thereto two new sections which read as follows:~~

~~Section 1006.1.1— Egress illumination. All egress illumination shall be of the emergency battery pack type. In high-rise buildings, emergency battery pack egress illumination shall be provided in addition to emergency generator power.~~

~~Section 1006.1.2— Exit sign illumination. All exit signs shall be internally illuminated and shall be of the emergency battery pack type. In high-rise buildings, emergency battery pack exit signs shall be provided in addition to emergency generator power.]~~

SECTION XV:

That Section 14.02.183 of the Carson City Municipal Code is hereby added as follows:

**14.02.183 Section 3301.1.3 – Fireworks**

Section 3301.1.3 of the International Fire Code is amended as follows:

Delete exception (4)

SECTION XVI:

That Section 14.02.205 of the Carson City Municipal Code is hereby amended as follows:

**14.02.205 Appendix D-Fire apparatus access roads.**

Appendix D of the International Fire Code is amended by adding the following exception to section D 102.1:

Lower load limits may be approved by the Fire Chief.

Appendix D is further amended by deleting Section D104.3, deleting the exception to Section D106.1, and deleting exceptions (1) of Section D107.1.

SECTION XVII:

That Section 14.04.005 of the Carson City Municipal Code is hereby amended as follows:

**14.04.005 Definitions.**

Unless the context otherwise requires, the following definitions apply to this chapter:

1. “[~~Urban-w~~]Wildland urban interface” means those areas lying outside the urban area boundary [~~as shown on the land use map incorporated with the Carson City master plan 1996 update~~] where structures, dwellings and development intermingles with wildland or vegetative fuels and which areas are shown on a [~~Survey~~] map maintained by the Carson City fire department and available for public viewing during regular business hours.
2. “Defensible space” means an area, either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.
3. “Fire hazard” means a fuel complex defined by kind, arrangement, volume, condition and location that determines the degree of both ease and suppression difficulty.
4. “Fuel” means combustible plants, trees, flora, vegetation and other combustible materials that will enable fire.
5. “Fuel modification” means a method of modifying fuel load by reducing the amount of fuel or altering the type of vegetation to reduce the fuel load.
6. “Fuel mosaic” means a fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

#### SECTION XVIII:

That Section 14.04.010 of the Carson City Municipal Code is hereby amended as follows:

##### **14.04.010 Access.**

All structures within the wildland urban [~~wildland~~] interface area, except any buildings containing only a Group U occupancy with a floor area of not more than five hundred seventy-six (576) square feet, must comply with the following requirements:

1. The access requirements of the International Fire Code (IFC) and Title 14 apply unless specifically amended.
2. A driveway must be provided to a structure when access, as defined by the IFC, is more than one hundred fifty feet (150') from any exterior portion of the building. For the purposes of this section, a single driveway may serve no more than two (2) Group R-3 or Group U occupancies.
3. All driveways must be made of an all-weather surface and must be at least twelve feet (12') wide and have a minimum vertical clearance of thirteen feet six inches (13'6"). Driveways in excess of one hundred fifty feet (150') in length must have approved turnarounds. Driveways in excess of two hundred feet (200') must be provided with turnouts at least ten feet (10') wide and thirty feet (30') long. Driveway turnouts must be located as required by the fire chief.

#### SECTION XIX:

That Section 14.04.015 of the Carson City Municipal Code is hereby amended as follows:

#### **14.04.015 Water supply and fire sprinkler systems.**

This section shall apply to all R-3 and associated Group U occupancies built or moved into within the wildland urban interface area [after September 1, 1996,] and located more than one thousand feet (1,000') from an approved water supply as measured along an approved fire access road [~~unobstructed line of vehicular traffic~~].

Exceptions: 1. Group U occupancies with a floor area of not more than one thousand two hundred (1,200) square feet, and the interior of which is covered by five-eighths inch (5/8") Type X drywall and fire-taped.

2. Group U occupancies built of type I or II construction.

1. Structures must be protected by a fire sprinkler system approved by the Fire Prevention Division and installed in accordance with the appropriate NFPA standard and the following design criteria:

- a. Every automatic sprinkler system must have at least one automatic water supply.
- b. When stored water is used as the sole source of supply, the minimum quantity must equal the sprinkler water demand rate times fifteen (15) minutes.
- c. Where such tank is inside such dwelling or structure, the tank control wiring is to be protected in EMT conduit.
- d. Electrical service to the water pumping supply must have separate electrical disconnection from any structural electrical service disconnection.
- e. Residential sprinkler systems shall be maintained in an operational status at all times, except as approved by the chief for construction, remodeling or similar conditions.
- f. Alternative materials and methods may be used to satisfy the requirement for a water based automatic sprinkler system. The alternative materials and methods must be approved by the chief upon demonstration that the system is at least equivalent to the protection afforded by an automatic sprinkler system.

2. Structures which do not exceed five thousand (5,000) square feet may, as an alternative to Section 1, provide an approved water source with a storage capacity of at least thirty thousand (30,000) gallons. The water source must contain an approved fire department connection.

3. Additions to an existing structure will be required to comply with the provisions of this chapter and the following:

~~[a. Any addition to an existing un-sprinklered structure less than two hundred fifty (250) square feet is exempt from the installation of a fire sprinkler system.]~~

[b]a. Any addition to an existing structure which contains a fire sprinkler system will require that the sprinkler system be extended to cover the new addition.

b. Any addition to an existing un-sprinklered structure less than seven hundred fifty (750) square feet is exempt from the installation of a fire sprinkler system.

c. Any addition to an existing un-sprinklered structure that is between [~~two~~] seven hundred fifty ([~~2~~]750) square feet and seventy-four percent (74%) of the original structure's square footage will require the installation of a fire sprinkler system in the new addition.

d. Any addition to an existing un-sprinklered structure that is seventy-five percent (75%) or greater of the original square footage will require the installation of a fire sprinkler system through the entire structure.

SECTION XX:

That Section 14.04.020 of the Carson City Municipal Code is hereby amended as follows:

**14.04.020 Ignition-resistant building construction.**

Structures built within or moved into a[n] wildland urban [~~wildland~~] interface [~~after September 1, 1996~~] must comply with the following requirements:

1. Roof coverings must be Class A rated as defined in the International Building Code or must be that which is required by state law.
2. Eaves must be enclosed on the underside with solid sheathing material, minimum one-half inch (1/2") nominal thickness.
3. Appendages and projections such as decks must be of tight-fitting wood of two inch (2") nominal thickness lumber or an approved equivalent or constructed of noncombustible material. The exposed surface must be tight fitting. The area beneath a first floor projection must be enclosed to within six inches (6") of the natural grade surface.

SECTION XXI:

That Section 14.04.025 of the Carson City Municipal Code is hereby amended as follows:

**14.04.025 Fuel modification and defensible space.**

1. For all structures within a[n] wildland urban [~~wildland~~] interface, fuel modification must be performed to maintain defensible space in the amount required by this section. The required defensible space is determined by applying the required defensible space distances in Table 14.04A to the classification of the fire severity of the property as established by Table 14.04B. Distances specified in Table 14.04A are measured along the grade from the perimeter or projection of the building or structure.
2. The creation of required defensible space is accomplished by all of the following:
  - a. Keeping non-fire-resistive vegetation or growth clear of buildings or structures;
  - b. Keeping the roof of a structure free of leaves, needles or other dead vegetative material;
  - c. Keeping trees extending to within fifteen feet (15') of any structure pruned to maintain a minimum clearance of fifteen feet (15') and removing lower limbs and minimizing ladder fuels;
  - d. Removing portions of trees which extend within fifteen feet (15') of the outlet of a chimney;
  - e. Keeping trees adjacent to or overhanging a building free of dead wood.
3. A fuel mosaic may be employed to create defensible space.
4. Ornamental vegetative fuels or cultivated groundcover such as green grass, ivy, succulents or similar plants used as groundcover, are allowed to be within the designated defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure as determined by the fire chief. Trees are allowed within the defensible space provided that the distances between crowns from adjacent trees,

structures or unmodified fuel is not less than fifteen feet (15') or as approved by the fire chief. Trees must be maintained free of dead wood and natural tree litter.

5. Property owners of vacant land shall be required to install and maintain fuel breaks and fuel mosaics when the vacant land is directly adjacent to a parcel which contains any structure.

**Table 14.04A  
Required Defensible Space**

<b>Urban-Wildland Interface Area</b>	<b>Fuel Modification Distance-Feet</b>
Moderate hazard	30
High hazard	100
Extreme hazard	200

**Table 14.04B**

**Fire Severity Classification by Fuel Type and Slope\***

**SLOPE % (Angle in degrees)**

<b>FBO</b>	<b>0%</b>	<b>9%</b>	<b>18%</b>	<b>27%</b>	<b>36%</b>	<b>47%</b>	<b>58%</b>	<b>70%</b>	<b>84%</b>	<b>100%</b>
<b>Fuel Model</b>	<b>0°</b>	<b>5°</b>	<b>10°</b>	<b>15°</b>	<b>20°</b>	<b>25°</b>	<b>30°</b>	<b>35°</b>	<b>40°</b>	<b>45°</b>
8 timber	L	L	L	L	L	L	M	M	M	M
9 timber	L	L	L	L	L	M	M	M	M	M
11 slash	L	L	L	L	L	M	M	M	M	M
1 grass	L	L	L	M	M	M	M	M	H	H
7 shrub	L	L	M	M	M	M	M	H	H	H
6 shrub	L	L	M	M	M	M	M	H	H	H
10 timber	M	M	M	M	M	M	M	H	H	H
5 shrub	M	M	M	M	M	M	H	H	H	H
2 grass	M	M	M	M	M	M	H	H	H	H
12	M	M	M	M	M	H	H	H	H	H

slash										
13 slash	M	M	M	H	H	H	H	H	H	E
3 grass	M	M	M	H	H	H	H	H	E	E
4 shrub	H	H	H	H	H	E	E	E	E	E

\* FBO determined by the Fire Behavior Modeling System of the National Wildfire Coordinating Group

E = extreme

H = high

L = low

M = moderate

SECTION XXII:

That Section 14.04.030 of the Carson City Municipal Code is hereby amended as follows:

**14.04.030 Spark arresters.**

Within the wildland urban [~~wildland~~] interface each chimney serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used must have a spark arrester constructed of woven or welded wire screening of 12 USA standard gauge wire (0.1046 inch) having openings not larger than one-half inch (1/2").

SECTION XXIII:

That Section 14.04.035 of the Carson City Municipal Code is hereby amended as follows:

**14.04.035 Storage of liquefied petroleum gas and fuel materials.**

Within a[n] wildland urban [~~wildland~~] interface, the following requirements apply:

1. The storage of liquefied petroleum gas ("LP-gas") and the installation and maintenance of required accessory equipment must be in accordance with the regulations of the Nevada Board for the Regulation of Liquefied Petroleum Gas and subject to the approval of the code official.
2. LP-gas containers must be located within the defensible space in accordance with the fire code, and have ten feet (10') minimum clearance from fuels.
3. Firewood and combustible material for consumption on the premises must:
  - a. Not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs; and
  - b. Be located a minimum of twenty feet (20') from structures and separated from the crown of trees by a minimum of fifteen feet (15').

SECTION XXIV:

That Chapter 14.05 of the Carson City Municipal Code is hereby added as follows:

**Chapter 14.05 HAZARD ABATEMENT**

- 14.05.010 Declaration of purpose
- 14.05.020 Conflict of ordinances
- 14.05.030 Abatement authority
- 14.05.040 Definitions
- 14.05.050 Notice to abate - - General procedures
- 14.05.060 Service of notice to abate
- 14.05.070 Abatement by the city
- 14.05.080 Summary abatement
- 14.05.090 Summary abatement – Procedures
- 14.05.100 Procedures for recording lien
- 14.05.110 Service of lien
- 14.05.120 Cancellation of lien
- 14.05.130 Administrative hearing procedures
- 14.05.140 Appointment of hearing officer
- 14.05.150 Disqualification of hearing officer
- 14.05.160 Powers of hearing officer
- 14.05.170 Failure to obey subpoena
- 14.05.180 Procedures for requesting an administrative hearing
- 14.05.190 Procedures for notification of administrative hearing
- 14.05.200 Procedures at administrative hearing – Admission of evidence
- 14.05.210 Standard of proof
- 14.05.220 Representation
- 14.05.230 Failure to attend administrative hearing
- 14.05.240 Administrative order – Compliance with administrative order
- 14.05.250 Failure to comply with administrative order
- 14.05.260 Appeal of administrative order to justice/municipal court – Procedure
- 14.05.270 Service of appeal decision – Time limits for repair, correction, or  
abatement

SECTION XXV:



That Section 14.05.010 of the Carson City Municipal Code is hereby added as follows:

**14.05.010 Declaration of purpose**

The Carson City board of supervisors finds that it is necessary to establish appropriate procedures for the administrative and summary abatement of violations of Title 14 of the Carson City Municipal Code. The procedures established in this Chapter shall be in addition to any civil or criminal remedies established by law which may be pursued to address violations of Title 14 of this Code.

**SECTION XXVI:**

That Section 14.05.020 of the Carson City Municipal Code is hereby added as follows:

**14.05.020 Conflict of ordinances**

1. The operation of this chapter shall in no way change or diminish the effect of other ordinances in the Code dealing with like or similar matters.
2. In any case where a provision of this chapter is found to be in conflict with any other Carson City Municipal Code, the provision which establishes the higher standard for the promotion and protection of health and safety of the people shall prevail.
3. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this chapter.
4. In cases where 2 or more provisions of this chapter conflict, the most stringent or restrictive shall prevail.

**SECTION XXVII:**

That Section 14.05.030 of the Carson City Municipal Code is hereby added as follows:

**14.05.030 Abatement authority**

Any condition caused, maintained or permitted to exist in violation of any provision of Title 14 of the Code may be abated by Carson City pursuant to the procedures set forth herein.

**SECTION XXVIII:**

That Section 14.05.040 of the Carson City Municipal Code is hereby added as follows:

**14.05.040 Definitions**

The following words when used in this chapter shall have the meanings respectively ascribed to them:

1. "Business day" means each day the city is open to conduct business excluding Saturdays, Sundays and holidays designated as legal holidays for the State of Nevada pursuant to NRS 236.015.
2. "Enforcement official" shall mean anyone appointed by the Carson City Fire Chief who has the authority to enforce the provisions of Title 14.
3. "Owner" means a legal entity listed as current or rightful owner(s) as recorded in the official records of the Carson City recorder's office.

SECTION XXIX:

That Section 14.05.050 of the Carson City Municipal Code is hereby added as follows:

**14.05.050 Notice to abate—General procedures**

Whenever the enforcement official determines that public or private property or any portion of public or private property is in violation of any section of Title 14 of the Code, a notice to abate may be issued to the owner to abate the violation. The notice to abate shall include the following information:

1. A description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to specific sections of Title 14 of the Code violated;
2. A description of the action required to abate the violation which may include, but is not limited to: corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants or other appropriate action and shall establish time frames by which each action must occur;
3. A description of consequences should the owner fail to comply with the terms of the notice; and
4. A statement that the responsible person may request an administrative hearing on the notice to abate in accordance with Sections 14.05.130 to 14.05.230 of this chapter of the Code.

SECTION XXX:

That Section 14.05.060 of the Carson City Municipal Code is hereby added as follows:

**14.05.060 Service of notice to abate**

A notice to abate shall be served on the responsible person by certified mail, postage prepaid, return receipt requested or hand delivered. The failure of the owner to accept the certified mailing does not affect the validity of any proceedings taken under this Code.

SECTION XXXI:

That Section 14.05.070 of the Carson City Municipal Code is hereby added as follows:

**14.05.070 Abatement by the city**

Once the enforcement official follows the procedures set forth in Section 14.05.050 of this chapter of the Code and the time for compliance has lapsed without abatement being fully completed by the owner, the conditions may be abated by city personnel or by a private contractor hired by the city for that purpose.

1. City personnel or a private contractor can enter upon private property in a reasonable manner to abate the conditions as specified in the notice to abate.
2. When the abatement is completed, a report describing the work performed and an itemized accounting of the total abatement costs shall be prepared by the enforcement official. The report shall contain the names and addresses of the owner, the assessor's parcel number and a legal description of the property.
3. The enforcement official shall schedule a confirmation of costs hearing before a hearing officer pursuant to the procedures set forth in Sections 14.05.130 to 14.05.230 of this chapter of the Code, unless waived in writing by the owner.
4. All administrative fees and actual costs incurred by the city in abating the violations may be assessed and recovered against the owner pursuant to the provisions set forth in this chapter of the Code.

SECTION XXXII:

That Section 14.05.080 of the Carson City Municipal Code is hereby added as follows:

**14.05.080 Summary abatement**

1. Whenever an enforcement official determines in a signed, written statement that there is a violation of Title 14 and there is a need to abate a dangerous structure or condition that exists which is an imminent danger to the health or safety of persons, the owner of the property must be given reasonable written notice that is:

a. If practicable, hand delivered or sent prepaid by United States mail to the owner of the property; or

b. Posted on the property, before the structure or condition is abated. The notice must state clearly that the owner of the property may challenge the action to abate the

structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

2. The costs of abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

3. As used in the section, "imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of:

a. The occupants, if any, of the real property on which the structure or condition is located; or

b. The general public.

#### SECTION XXXIV:

That Section 14.05.090 of the Carson City Municipal Code is hereby added as follows:

##### **14.05.090 Summary abatement—Procedures**

1. The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the imminent danger.

2. The enforcement official may also pursue any other criminal, administrative or judicial remedy to abate any remaining violations.

#### SECTION XXXV:

That Section 14.05.100 of the Carson City Municipal Code is hereby added as follows:

##### **14.05.100 Procedures for recording lien**

1. An enforcement official may record a code enforcement lien in the official records of Carson City to collect all abatement costs provided for in this chapter .

2. Before recording a code enforcement lien, an enforcement official shall provide to the owner a notice of intent to record stating that a code enforcement lien will be recorded unless payment of all monies due is paid in full on or before the date listed therein.

3. The recorded code enforcement lien shall include the name of the property owner, the assessors parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due to the city.

4. Any costs associated with recording the code enforcement lien or removal thereof may be assessed against the property.

SECTION XXXVI:

That Section 14.05.110 of the Carson City Municipal Code is hereby added as follows:

**14.05.110 Service of lien**

A copy of the recorded code enforcement lien shall be mailed to the owner by certified mail, postage prepaid, return receipt requested or hand delivered.

SECTION XXXVII:

That Section 14.05.120 of the Carson City Municipal Code is hereby added as follows:

**14.05.120 Cancellation of lien**

Once payment in full is received for the outstanding administrative costs and fees, or the amount is deemed satisfied pursuant to written notification by the City, the enforcement official shall, within 10 business days from the date payment is made or decision is final, record a notice of satisfaction with the Carson City recorder's office. The notice of satisfaction shall include the same information as provided for in the original code enforcement lien. The notice of satisfaction shall cancel the code enforcement lien.

SECTION XXXVIII:

That Section 14.05.130 of the Carson City Municipal Code is hereby added as follows:

**14.05.130 Administrative hearing procedures.**

This chapter establishes the procedures for the use of hearing officers and the procedures governing administrative hearings.

SECTION XXXIX:

That Section 14.05.140 of the Carson City Municipal Code is hereby added as follows:

**14.05.140 Appointment of hearing officer.**

Any hearing officer presiding at administrative hearings shall be appointed and compensated by the city. The hearing officer shall not be an employee of the city.

SECTION XL:

That Section 14.05.150 of the Carson City Municipal Code is hereby added as follows:

**14.05.150 Disqualification of hearing officer.**

Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law.

SECTION XLI:

That Section 14.05.160 of the Carson City Municipal Code is hereby added as follows:

**14.05.160 Powers of hearing officer.**

1. The hearing officer shall preside over administrative hearings.
2. The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded.
3. The hearing officer, upon receipt of a written request which is submitted no later than 5 business days before the hearing, may issue a subpoena for witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena.
4. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

SECTION XLII

That Section 14.05.170 of the Carson City Municipal Code is hereby added as follows:

**14.05.170 Failure to obey subpoena.**

It is unlawful for any person to refuse to obey a subpoena issued by a hearing officer. Failure to obey a subpoena constitutes contempt and may be prosecuted as a misdemeanor.

SECTION XLIII:

That Section 14.05.180 of the Carson City Municipal Code is hereby added as follows:

**14.05.180 Procedures for requesting an administrative hearing.**

1. An owner served with a notice to abate may file a request for administrative hearing within 10 business days from the service of the notice.
2. The request for administrative hearing shall be made in writing on a form provided by the Carson City Fire Department and shall state the grounds for requesting the hearing and be filed with the Carson City Fire Department on or before 10 business days after service of the notice.

**SECTION XLIV:**

That Section 14.05.190 of the Carson City Municipal Code is hereby added as follows:

**14.05.190 Procedures for notification of administrative hearing.**

1. Where the owner has timely requested an administrative hearing, the hearing officer shall schedule a day, time and place for the hearing.
2. Written notice of the time and place of the hearing shall be served upon the owner at least 10 business days prior to the date of the hearing.
3. The notice of hearing shall be served by certified mail, postage prepaid, return receipt requested or hand delivered.

**SECTION XLV:**

That Section 14.05.200 of the Carson City Municipal Code is hereby added as follows:

**14.05.200 Procedures at administrative hearing—Admission of evidence.**

1. Administrative hearings are intended to be informal in nature. The hearing officer is not bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The rules of evidence of courts of the State of Nevada will generally be followed but may be relaxed at the discretion of the hearing officer when deviation from the technical rules of evidence will aid in ascertaining the facts. The rules pertaining to discovery do not apply.
2. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief is sought must be stated briefly. The hearing officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must

be material and relevant to the issues of the hearing.

3. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

SECTION XLVI:

That Section 14.05.210 of the Carson City Municipal Code is hereby added as follows:

**14.05.210 Standard of proof.**

The city bears the burden of proof at an administrative hearing to establish the existence of a violation of Title 14 of the Code. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is by a preponderance of the evidence.

SECTION XLVII:

That Section 14.05.220 of the Carson City Municipal Code is hereby added as follows:

**14.05.220 Representation.**

Representation in a contested case is limited to representation in proper persona or by an attorney who is licensed to practice law in the State of Nevada.

SECTION XLVIII:

That Section 14.05.230 of the Carson City Municipal Code is hereby added as follows:

**14.05.230 Failure to attend administrative hearing.**

Any owner who requests a hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice to abate, provided that the hearing was properly noticed.

SECTION XLIX:

That Section 14.05.240 of the Carson City Municipal Code is hereby added as follows:

**14.05.240 Administrative order—Compliance with administrative order.**

1. The decision of the hearing officer shall be entitled “administrative order.”

2. Once all evidence and testimony are completed, the hearing officer shall issue an administrative order which affirms, modifies or rejects the enforcement official’s action.



3. The hearing officer may issue an administrative order that requires the owner to cease violating Title 14 of the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with Title 14 of the Code. The hearing officer shall include a specific time frame to complete the requested act.

4. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.

5. The administrative order shall become final on the date of service of the order.

6. The administrative order shall be served on all parties by certified mail, postage prepaid, return receipt requested or hand delivered.

SECTION L:

That Section 14.05.250 of the Carson City Municipal Code is hereby added as follows:

**14.05.250 Failure to comply with the administrative order.**

Failure to comply with an administrative order constitutes a misdemeanor.

SECTION LI:

That Section 14.05.260 of the Carson City Municipal Code is hereby added as follows:

**14.05.260 Appeal of administrative order to justice/municipal court—Procedure.**

Within 10 calendar days from service of an administrative order or other decision by the hearing officer, any party may appeal the determination of the hearing officer to justice/municipal court, unless appeal to another tribunal is required by law. Any party failing to timely file an appeal to court shall be deemed to have waived any and all objections to the administrative hearing officer's decision. Trial in court shall be de novo.

SECTION LII:

That Section 14.05.270 of the Carson City Municipal Code is hereby added as follows:

**14.05.270 Service of appeal decision—Time limits for repair, correction, or abatement.**

Unless otherwise provided in the court's order, the owner shall complete all actions necessary to bring the property into compliance with Title 14 of the Code within 10 calendar days of service of the court's decision.

SECTION LIII:

This ordinance shall be in force and effect from and after the 1<sup>st</sup> day of January, 2008.

SECTION LIV:

That no other provisions of Title 14 of the Carson City Municipal Code are amended by this ordinance.

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year)

Proposed by Supervisor: \_\_\_\_\_

Passed \_\_\_\_\_ (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year)

Vote:

AYES:	Supervisors	_____
		_____
		_____
		_____
		_____

NAYS:	Supervisors	_____
		_____

ABSENT:	Supervisors	_____
		_____

Attest:

\_\_\_\_\_  
ALAN GLOVER  
Clerk/Recorder

\_\_\_\_\_  
MARV TEIXEIRA  
Mayor

This ordinance shall be in force and effect from and after the 1<sup>st</sup> day of the month of January of the year 2008.