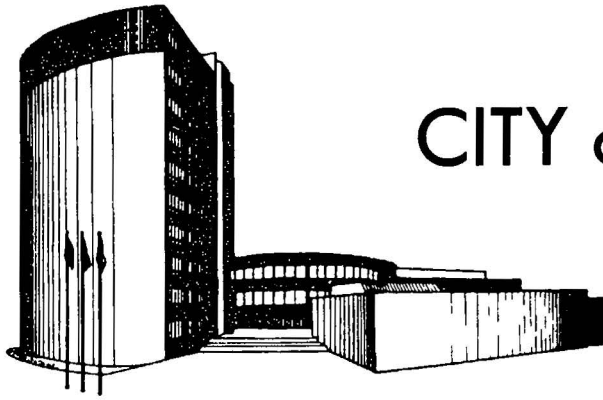


MAYOR
JAN LAVERTY JONES

COUNCILMEN
BOB NOLEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR

CITY MANAGER
WILLIAM J NOONAN



CITY of LAS VEGAS

Mr James R Rosenberger
Law Offices of Pico & Mitchell
2000 S Eastern Avenue
Las Vegas, NV 89104

July 16, 1992

RE THORNTON adv FERRANTE, FILE #92-91
902 S Valley View Blvd

Dear Mr Rosenberger,

Per your request of July 6, 1992, I have reviewed the photographs regarding the subject case and have drawn the following preliminary conclusions

A Regarding the handrails between pillars

The areas between the pillars are not required by Code to have an intermediate handrail, in my opinion The reasoning behind this is as follows

- 1 The bottom "step" appears principally to have been installed as a "bumper" to prevent cars from striking the pillars, rather than a step The photo indicates no separate bumpers, and oil stains on the pavement occur virtually all the way to this piece of concrete
- 2 The flat area of concrete above the bumper edge is wider than a normal step and could be considered to be a landing Even if the lower vertical riser was considered a step, the Code does not require a handrail when two single steps are separated by a landing
- 3 The Code is not terribly specific regarding how far it extends outside of the building As I interpret the Code, stairs providing principal egress to "a public way" are required to be equipped with two handrails, one at each end At the area between the columns, there is doubt in my mind that these steps provide principal egress, since the photos show a much more substantial area (including a ramp) in the corner of the building See numbers 1 and 2 above for a discussion as to whether or not these steps between the columns even constitute a "stairway"



- 4 The Code does not require an intermediate handrail unless the stairway is required to be over 88" wide as determined by the occupant load of the building. Since the width of the exit is required to be one foot wide for each 50 persons, my guess is that the corner stair/ramp is more than adequate for the facility

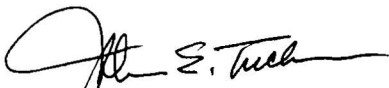
B The Corner ramp/stairway

- 1 It appears from the photos that the corner stairway is not equipped with handrails. Since there appears to be at least 4 risers, a handrail on each side of the stairway is required
- 2 The Code requires handrails on both sides of the ramp if the slope exceeds 1" vertically to 15" horizontally. The ramp appears to be rather steep and may exceed the maximum slope permitted by the code (1" in 12")

I am presuming from your letter, that the accident did not occur at the corner stair/ramp. If that is the case, the items under "B" should be repaired anyway to prevent accidents and to avoid potential litigation in the future. When performing the repairs, the owner's architect should comply with the Americans with Disabilities Act to avoid a potential Civil Rights suit.

I have probably told you more than you wanted to know, but I felt that a complete commentary was in order. I hope that this letter is of some help. Please call me at 229-6257 if I can be of further service.

Sincerely,



John E. Tucker, Director
Department of Building & Safety

JET/ab

LAW OFFICES
PICO & MITCHELL

JAMES F PICO
BERT O MITCHELL
CHRISTY BRAD ESCOBAR

JAMES R ROSENBERGER
GARY L MYERS
E BREEN ARNTZ
CHRISTOPHER J CURTIS
CORY J HILTON
LAWRENCE J DAVIDSON

2000 SOUTH EASTERN AVENUE
LAS VEGAS NEVADA 89104

TELEPHONE (702) 457 9099
FACSIMILE (702) 457 8451

12-91

FILE NO _____

July 6, 1992

Mr John Tucker, Director
Building and Safety Department
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

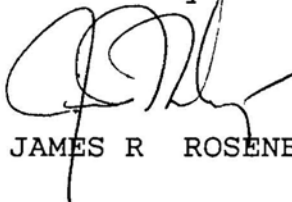
RE THORNTON adv FERRANTE

Dear Mr Tucker

Enclosed please find four (4) exterior photographs of a shopping center owned by my clients. Each photograph depicts a two-tiered sidewalk adjacent to the parking area. Plaintiffs have alleged that the sidewalk area is in violation of Section 3306(j) of the Uniform Building Code because there are no hand-rails interspersed between the pillars. Please advise me of your Department's view concerning compliance or non-compliance with the Building Code for my clients' premises.

I look forward to hearing from you or a member of your staff concerning this matter at your earliest convenience. Thank you very much for your anticipated cooperation.

Yours very truly,



JAMES R ROSENBERGER

JRR/lm

Enclosures

(LM-A \JR77\Tucker Ltr)

