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July 21, 2009

City of Las Vegas Planning and Zoning Department
731 South 4th Street
Las Vegas NV, 89101

**RE: Use Permit to allow a Custodial Living Facility for Released Offenders
parcel 162-09-102-002**

Dear Sir/Madam, *Jon Harp Boyles*

On behalf of the applicant, Dr. Kit Weathers, we respectfully request your support for a Custodial Institute in an existing building located at 2701 Westwood Road. This building has sat vacant since 2007. The property is currently zoned M with a *Commercial* Land Use Designation.

Dr. Arthur Weathers is working with the Nevada State Department of Corrections to establish a public/private partnership that both provide re-entry skills to parolees, and abate the costs of keeping offenders in the state prison facilities. This program was adopted by the Nevada State Senate in 2003. It is now monitored by the Nevada Department of Public Safety – Division of Parole and Probation. The Nevada State Division of Health – Bureau of Licensure and Certification also sets parameters for such facilities through NAC 449 Statutes. The Nevada State Department of Health and Human Services also contributes to this program by publishing a workbook that facilitates finding employment. The workbook lists companies throughout the valley that hire ex-felons including ten major strip hotels. The Nevada Department of Public Safety – Division of the Fire Marshal will conduct building inspections. Two similar facilities exist in the Las Vegas Valley. Released offenders that are not housed in Custodial Facilities commonly reside in housing within residential districts.

All residents will be recommended by Lieutenant John Del Villan of the Nevada State Department of Corrections. The recommendations are based on a parole review and the length of the remaining sentence, with a minimum 2/3 of the sentence having been served in a state prison facility. Individuals that have been convicted of crimes of a sexual or violent nature are not eligible for this program.

The facility provides both living space and re-entry programs to residents. Residents will have access to 12 step recovery programs, in-house counseling and job placement assistance (as structured by the Division of Welfare and Supportive Services – Nevada). Each resident is expected to find employment within 30 days in order to pay a minimal rental rate of \$400 each month. Bus passes are provided to each resident to commute to work. Participants can request terms that exceed the state determined release date if the additional time is needed for a more successful financial and emotional transition into the community. Residents will be subject to rules in addition to those set forth by the conditions of parole (see attached). Residents who fail to meet the requirements for the program will be returned to the prison at the discretion of the

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Facilitator or parole staff. The facility will have continuous on-site employees, secured/alarmed doors and closed circuit monitoring cameras and any needed individual location devices to ensure security within and around the site.

The proposed use will benefit the surrounding community and residents the state. First, the property will be well maintained by residents assigned to daily custodial duties. Therefore, the now vacant building will be more attractive to adjacent properties. The nature of this use limits automobile traffic, the curfew restricts hours of operation, and the renovation does not add to the existing demand on infrastructure or services. Therefore, this proposed use will not be more dense nor intense than the surrounding area which allows for commercial, adult uses and industrial warehousing. The facility is beneficial to the residents of Nevada because removing prisoners from state supported facilities and into private facilities, ensures savings to the tax supported *State General Fund*.

The site location is ideal for custodial living. Because most residents will not have access to a personal automobile, it is important to have pedestrian access to employment centers. Also, the commercial nature of the area provides more nearby employment opportunities when compared to a site in an outlying area. The Las Vegas Valley's most frequent public transit routes are within an easy walking distance from the site thereby providing accessible transportation to many work places. As stated in the April 10 2003, State Assembly Seventy Second Session meeting, individuals in transition usually find employment in the areas of culinary, construction, manufacturing, mechanics and are often hired by the casinos. The area has nearby businesses and trade schools in these fields. The adult nature of the area is attractive as it does not interact with family oriented uses thereby minimizing concerns of the residential population. In summary, the minimal tenant improvements needed, paired with the location's suitability for the proposed use offer a suitable transition to an otherwise vacant building.

A two story building exists on the site. The building was previously used as an office and warehouse. The applicant wishes to lease approximately 23,390 square feet on the first floor to house upwards of 120 residents. The second story will remain vacant at this time. A separate business will occupy a 600 square foot portion of the building in addition to an outdoor area on the site. The building layout does not facilitate interaction between the two uses.

Improvements to the building will include additional walls to provide more bedrooms and additional showers and toilets as required by NAC 449. Residents will be served continental breakfasts; kitchen facilities will not be constructed. Because the applicant is leasing the property existing ancillary structures will remain on-site.

Please direct questions and concerns to me at (702) 598-1408.

Sincerely,



Lora Dreja
Land Entitlements
Brown, Brown and Premsrut.

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Attachments:

Halfway House Program Criteria – Nevada Department of Public Safety Parole and Probation
NAC 449 – Nevada State Division of Health – Bureau of Licensure and Certification

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Half Way House Program Criteria

issued by

Nevada Department of Public Safety
Division of Parole & Probation

The purpose of placing parole or probation offenders into a half way house or residential living facility is to provide a positive, structured, sober/clean living environment, with available counseling, treatment, educational and/or employment services, which will enable the subjects to successfully complete those programs, reintegrate into society, and become active, responsible and law abiding members in our communities who are free from drug/alcohol abuse issues. With this in mind, the Division requires that Half Way House and Transitional Living Programs follow the rules listed below in order for parolees and probationers to be allowed to reside in those facilities.

1. The facility/residence location must have & maintain a current business license issued by the local jurisdiction (County or City).
2. If operating as a residential half way house for the treatment of alcohol or drug abusers, the facility must have & maintain a current license issued by the Nevada Department of Human Resources, Health Division, Bureau of Licensure & Certification. After October 2005 all facilities providing residential living services must be licensed. This license must specify the maximum number of residents allowed in the facility.
3. The facility must have had an initial inspection, and be regularly inspected by the State Fire Marshal, or the locally authorized fire/safety agency. All safety measures, fire/smoke detection devices, fire extinguishers and exit markings must be up to date, fully functioning and accessible. Emergency exits must be clear, and exit plans must be posted for residents and guests.
4. The facility must have full insurance coverages to operate in the business of providing half way house or residential living services.
5. The facility must not allow persons who are not residents in the home to enter the facility unescorted. Visitors must check in and out on a log. Visitors must comply with other facility rules.
6. The facility must not allow co-ed housing; separate male and female facilities are required.
7. The facility must be maintained in a clean, healthy & sanitary condition at all times. Adequate heating and cooling are required at appropriate times of the year. Waste materials, garbage, filthy conditions, excessive weeds, trash, debris, squalor, insects or vermin, etc. are not acceptable.
8. The facility must be operated in a positive and enabling manner, conducive to the well-being of those in residence; A Sober living environment, free from drugs, alcohol, contraband, illegal substances, distractions, internal conflicts or conflicting activities.
9. The facility must report any problems with compliance, illegal activities, suspected or confirmed drug or alcohol abuse, or attitude issues with parolees or probationers in the residence to the probation or parole officer, or their supervisor, as soon as possible. All incidents must be documented.

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10. The facility will only house an appropriate number of residents, as either determined by their state license, or by the practical conditions in the residence. Facilities will not approve residential living space (beds) at any one time for more than the number of approved beds which are in that residence. The Division can limit the number of residents to a number which is lower than that which may appear on a license, based on practical considerations.

11. Rates for housing charged by the facilities must be reasonable and not excessive.

12. Honesty in all dealings with the state, licensing or facilitating agencies and residents in the program is required.

13. Ideally, the facility will be located near transportation services and/or bus routes, or provide transportation for their residents to/from employment, counseling or treatment programs.

14. Facilities must be aware of the rules and special conditions for parolees and probationers, and facilities must remain in compliance in order for subjects under P&P supervision to be residents in those programs.

RULE ACCEPTANCE AND UNDERSTANDING

Our program has read and understands the residential program criteria and rules of the Division of Parole & Probation for the placement of parolees and/or probationers in halfway house or transitional living facilities. Our program agrees to abide by these criteria and rules in order to be utilized for residential placement by the Division.

Signature

Date

Contact information: Facility Name: _____

Facility Director/Manager: _____

Facility Location: _____

Phone: _____

2nd Phone: _____

Fax: _____

E-mail: _____

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In addition to any City or County business licenses or requirements, to operate a half way house you must also be licensed by the State of Nevada.

The agency which will regulate the licensing of all transitional living and half way house facilities is:

**State of Nevada
Department of Human Resources
Health Division
Bureau of Licensure and Certification
4220 S. Maryland Parkway, Suite 810
Las Vegas NV 89119
(702) 486-6515**

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FACILITIES FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

General Provisions

NAC 449.154951 Definitions. (NRS 449.037) As used in NAC 449.154951 to 449.154999, inclusive, unless the context otherwise requires, the words and terms defined in NAC 449.154953 to 449.154959, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154953 "Administrator" defined. (NRS 449.037) "Administrator" means a person:

1. Whose name appears on a license issued by the Bureau as administrator of record for a facility; and
2. Who is legally responsible for the management of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154955 "Facility" defined. (NRS 449.037) "Facility" means a facility for transitional living for released offenders as defined in NRS 449.0055.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154957 "Resident" defined. (NRS 449.037) "Resident" means a person who:

1. Is a person who has been released from prison as that term is defined in subsection 2 of NRS 449.0055; and
2. Is admitted to a facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154959 "Supportive services" defined. (NRS 449.037)

1. "Supportive services" mean services provided by a facility, directly or indirectly through arrangements with other providers, which are intended to assist a resident with reintegration into the community.

2. Those services may include, without limitation:

- (a) Referrals and the provision of information concerning:

- (1) Health care, including mental health care;
- (2) Access to housing, benefits or employment;
- (3) Resume writing; and
- (4) Required counseling for sex offenders.

- (b) Training concerning:

- (1) Life skills;
- (2) Resume writing; and
- (3) Any other topic pursuant to the policies of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

Administration

NAC 449.154961 Administrator: Qualifications. (NRS 449.037) An administrator must:

1. Be at least 21 years of age;
2. Have the physical examination or certification required by paragraph (a) of subsection 3 of NAC 441A.375 for a person employed in a facility for the dependent; and
3. Maintain evidence that he satisfies the requirements of this section in a file that is maintained on the premises of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154963 Administrator: General duties. (NRS 449.037) An administrator shall:

1. Post the license issued by the Bureau in a conspicuous place within the facility.
2. Organize and manage the facility.
3. Establish policies, procedures and rules for the operation of the facility, including, without limitation, the policies and procedures required to be established by NAC 449.154967.
4. Ensure that the records of the facility are maintained in accordance with the requirements of the policies, procedures and rules for the operation of the facility established pursuant to subsection 3.
5. Ensure that the facility complies with any applicable state statutes and regulations and local ordinances.
6. Ensure that the residents of the facility are afforded the opportunity to exercise their individual rights in a manner consistent with the rules of the facility.
7. Ensure that the facility is maintained in a safe and clean condition.
8. Review and approve changes in the policies and procedures established pursuant to subsection 3 at least annually. This review must be signed and dated.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154965 Operation of facility. (NRS 449.037) An administrator shall ensure that:

1. Alcohol or drugs are not allowed on the premises of the facility;
2. The policies, procedures and rules established pursuant to NAC 449.154963 are carried out;
3. Each resident complies with those policies, procedures and rules;
4. The facility provides an environment that will facilitate the reintegration of the residents of the facility into the community; and
5. The operation of the facility is not compromised by a resident who violates the policies, procedures or rules of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154967 Policies and procedures. (NRS 449.037)

1. An administrator shall establish written policies and procedures concerning:
 - (a) The manner in which records of residents will be maintained and protected against unauthorized use;
 - (b) The disclosure of confidential information about residents;
 - (c) The criteria the facility will use to determine whether to:
 - (1) Admit a resident to the facility; and
 - (2) Discharge a resident from the facility;
 - (d) The discharge of a resident for a violation of the rules of the facility;
 - (e) The discharge of a resident for the use of alcohol or drugs;
 - (f) The rights and responsibilities of a resident; and
 - (g) The evacuation of residents in case of fire or other emergency as required by NAC 449.154999.

2. The administrator shall maintain a manual of policies, procedures and rules of the facility that includes, without limitation, the policies and procedures established pursuant to subsection 1. The manual must be available on the premises of the facility at all times.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154969 Preparations for disasters and other emergencies. (NRS 449.037)

1. An administrator shall develop a written plan for disasters that outlines procedures for members of the staff of the facility and residents of the facility to follow in case of a disaster or other emergency. The plan must include, without limitation, provisions outlining procedures to be followed with regard to:

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(a) Workplace threats and violence, bomb threats, and the possession of firearms or explosives by a resident;

(b) Medical emergencies;

(c) Natural disasters typical of the particular geographic area in which the facility is located; and

(d) Other disasters, including, without limitation, a power failure, an interruption in the normal supply of water to the facility and threats by terrorists.

2. The plan must include, without limitation, provisions concerning the provision of temporary shelter and other services for residents of the facility who are required to evacuate the facility because of a disaster.

3. The provisions of the plan must be communicated to each member of the staff of the facility and each resident of the facility.

4. Each facility shall conduct a drill for evacuation of the facility at least once each quarter and shall ensure that each shift of the staff of the facility participates in such a drill at least annually.

5. Each facility shall retain a written record of each drill conducted pursuant to subsection 4 on file at the facility for not less than 12 months after the drill is conducted. The administrator shall make such records available for inspection by the Health Division upon request.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

Operation

NAC 449.154971 Limitation on number of admissions. (NRS 449.037) An administrator shall ensure that the facility does not admit more residents to the facility than the number of beds for which it is licensed.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154973 Prerequisites to provision of particular services. (NRS 449.037)

1. In addition to satisfying the requirements of NAC 449.011, an applicant for a license to operate a facility must include with his application a statement indicating whether he will be operating a facility:

(a) That only provides a housing and living environment;

(b) That provides or arranges for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; or

(c) That provides or arranges for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

2. If the applicant wishes to operate a facility described in paragraph (c) of subsection 1, the applicant must:

(a) Obtain certification of its program pursuant to subsection 4 of NRS 458.025 and include evidence of that certification with his application; and

(b) Satisfy the requirements set forth in NAC 449.019 to 449.153, inclusive, for a facility for the treatment of abuse of alcohol or drugs.

3. If the applicant wishes to operate a facility described in paragraph (b) or (c) of subsection 1 which has residents who are under the supervision of a parole officer, the applicant must:

(a) Obtain the approval of the Division of Parole and Probation of the Department of Public Safety; and

(b) Include evidence of that approval with his application.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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NAC 449.154975 Sanitation, safety and comfort. (NRS 449.037)

1. An administrator shall ensure that the facility:
 - (a) Has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and
 - (b) Complies with all local ordinances and state and federal laws and regulations relating to zoning, sanitation, safety and accessibility to persons with disabilities.
2. A container used to store garbage outside of a facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the container. At least once each week, the container must be emptied and the contents of the container must be removed from the premises of the facility.
3. To the extent practicable, the premises of the facility must be kept free from:
 - (a) Offensive odors;
 - (b) Hazards, including obstacles that impede the free movement of residents within and outside the facility;
 - (c) Insects and rodents; and
 - (d) Accumulations of dirt, garbage and other refuse.
4. The administrator shall ensure that the premises of the facility are clean and that the interior, exterior and landscaping of the facility are well maintained.
5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.
6. The administrator shall ensure that electrical lighting is maintained in the facility as necessary to ensure the comfort and safety of the residents of the facility.
7. The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.
8. The administrator shall ensure that any pest control work performed at the facility is performed by a person licensed to engage in pest control pursuant to chapter 555 of NRS.
(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154977 Laundry facilities. (NRS 449.037)

1. An administrator shall ensure that laundry facilities are provided in the facility commensurate with the number of residents in the facility. At least one washer and at least one dryer must be provided in the facility.
2. The laundry area in a facility must be maintained in a sanitary manner. All the equipment in the laundry area must be maintained in good working condition. All dryers must be ventilated to the outside of the building.
(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154979 Kitchens; preparation and storage of food. (NRS 449.037)

1. The kitchen in a facility and the equipment in the kitchen must be clean and must allow for the sanitary preparation of food. The equipment must be in good working condition.
2. Perishable food must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen food must be kept at a temperature of 0 degrees Fahrenheit or less.
3. Food must not be stored in any area in which cleaning or pest control products are stored.
4. A facility with more than 10 residents must:
 - (a) Comply with applicable provisions of chapter 446 of NRS and the regulations adopted pursuant thereto; and
 - (b) Obtain the necessary permits from the Bureau of Health Protection Services of the Health Division.
5. The equipment used for cooking and storing food in a facility with more than 10 residents must be inspected and approved by the Bureau of Health Protection Services of the Health Division and the state and local fire safety authorities.
(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154981 Bedrooms and bedding. (NRS 449.037)

1. A bedroom in a facility that is used by more than one resident must have at least 50 square feet of floor space for each resident who resides in the bedroom. A bedroom that is occupied by only one resident must have at least 80 square feet of floor space.

2. The arrangement of the beds and other furniture in the bedroom must accommodate the residents occupying the bedroom in comfort and safety.

3. A bed with a comfortable and clean mattress must be provided for each resident. The bed must be made with a mattress cover, two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.

4. Each mattress used in a facility must comply with the provisions of NRS 444.010 to 444.040, inclusive, and the regulations adopted pursuant thereto.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154983 Use of certain areas as bedroom prohibited. (NRS 449.037) A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a facility must not be used as a bedroom. Any other room must not be used as a bedroom if it is used for any other purpose.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154985 Bathrooms and toilet facilities; toiletries. (NRS 449.037)

1. All bathrooms and toilet facilities in the facility must be sufficiently lighted.

2. Each facility must have:

(a) A flush toilet and lavatory for each four residents; and

(b) A tub or shower for each six residents.

3. Each resident must have his own towels and washcloths. Paper towels may be used for hand towels. The towels and washcloths must be changed as often as is necessary to maintain cleanliness, but in no event less often than once each week. A soap dispenser that provides liquid or granular soap may be used instead of individual bars of soap.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154987 First aid. (NRS 449.037)

1. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:

(a) A germicide safe for use by humans;

(b) Sterile gauze pads;

(c) Adhesive bandages, rolls of gauze and adhesive tape;

(d) Disposable gloves;

(e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and

(f) A thermometer or other device that may be used to determine the bodily temperature of a person.

2. Except for first aid in an emergency, no treatment or medication may be administered to a resident.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154989 Medication. (NRS 449.037)

1. Medication for self-administration may be kept at the facility. That medication must:

(a) Except as otherwise provided in subsection 3, be disposed of immediately when it expires or when a physician orders the medication to be discontinued;

(b) Be stored and controlled in a manner that protects the medication from unauthorized use; and

(c) Not be used by more than one of the residents.

2. Medication kept at the facility must be controlled and distributed in a manner that is consistent with applicable state and federal law.

3. The provisions of paragraph (a) of subsection 1 do not apply to over-the-counter medication.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154991 Telephones. (NRS 449.037) An administrator shall ensure that:

1. The facility has at least one telephone that is in good working condition in the facility; and
2. The telephone number of the facility is listed in the telephone directory.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154993 Notification of occurrence of certain incidents. (NRS 449.037)

1. An administrator shall notify the Bureau within 24 hours after the occurrence of an incident that:

(a) Involved significant harm to a resident of the facility if the resident of the facility required medical treatment as a result of the incident;

(b) May cause imminent danger to the health or safety of a resident of the facility; or

(c) May jeopardize the integrity of the operation of the facility.

2. The administrator shall report to the Health Division any fire or other disaster that takes place in the facility within 24 hours after the fire or other disaster occurs.

3. The administrator shall notify the Division of Parole and Probation of the Department of Public Safety of the occurrence of any of the incidents described in this section.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154995 Rights of residents. (NRS 449.037) An administrator shall ensure that:

1. A resident of the facility is not abused, neglected or exploited by another resident of the facility or any person who is visiting the facility;

2. A resident is not prohibited from speaking to any person who advocates for the rights of the residents of the facility;

3. Each resident is treated with respect and dignity;

4. The facility provides a safe and comfortable environment;

5. A resident is not prohibited from interacting socially in a manner that is consistent with the rules of the facility;

6. To the extent practicable and in a manner that is consistent with the rules of the facility, each resident is allowed to make his own decisions;

7. The telephone number of the local office of the Bureau and the name and telephone number of the administrator is conspicuously posted on the premises of the facility; and

8. Each resident of the facility is allowed to exercise his right to vote.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154997 Files for residents. (NRS 449.037)

1. An administrator shall ensure that the facility maintains a separate file for each resident of the facility and retains the file for at least 5 years after the resident permanently leaves the facility. The file must be kept locked in a location that is protected against unauthorized use. Each file must contain the information obtained by the facility that is related to the resident, including, without limitation:

(a) The full name, address and date of birth of the resident;

(b) The address and telephone number of any next of kin or guardian of the resident;

(c) Evidence of compliance with the provisions of NAC 441A.380;

(d) A list of the rules of the facility that is signed by the resident; and

(e) The name and telephone number of the parole officer of the resident, if any.

2. Except as otherwise provided in this subsection, the file of the resident must be kept confidential. The file of a resident must be made available upon request at any time to an employee of the Bureau who is acting in his capacity as an employee of the Bureau.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154999 Safety from fire. (NRS 449.037)

1. An administrator shall ensure that the facility complies with the regulations adopted by the State Fire Marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire.

2. A facility with more than 16 beds must be equipped with a sufficient number of sprinklers to cover the entire area of the facility.

3. The administrator shall ensure that the facility has a plan for the evacuation of residents in case of fire or other emergency. The plan must be:

- (a) Understood by all residents;
- (b) Posted in a common area of the facility; and
- (c) Discussed with each resident at the time of his admission.

4. At least one portable fire extinguisher must be available at the facility. Any portable fire extinguishers available at the facility must be inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.

5. The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:

- (a) Developed with the purpose of preventing a fire caused by smoking in the facility; and
- (b) Posted in a common area of the facility.

6. Smoke detectors installed in a facility must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.

7. If an automatic fire sprinkler system is installed in a facility, the system must be inspected:

- (a) Not less than once each calendar quarter by a person who understands the manner in which the system operates and the manner in which the system must be maintained; and
- (b) Not less than once each calendar year by a person who is licensed to inspect such a system pursuant to the provisions of chapter 477 of NAC.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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