

1 **BILL NO. 2011-33**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE AMENDING THE SUPPLEMENTAL DOCUMENT TO THE CITY'S
4 ADMINISTRATIVE CODE TO REPEAL AND REPLACE THE PROVISIONS PERTAINING TO
THE BOARD OF APPEALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5
6 Proposed by: Christopher Knight, Director of
Building and Safety

Summary: Amends the Supplemental Document
to the City's Administrative Code to repeal and
replace the provisions pertaining to the Board of
Appeals.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: The document entitled "A Supplemental Document Amending the
11 Uniform Administrative Code, 1997 Edition," which was most recently adopted by Ordinance No.
12 6140, is hereby amended as set forth in Section 2 of this Ordinance.

13 SECTION 2: Section 8 of the Supplemental Document referred to in Section 1 is
14 hereby repealed and a new Section 8 is adopted in lieu thereof, reading as follows:

15 **Section 8: Section 204 is hereby amended by deleting Section 204.1 and 204.2 and**
16 **substituting therefor a new Section 204.1 and Subsections 204.1.1 through**
17 **204.1.7, reading as follows:**

18 **204.1 Board of Appeals. The Board of Appeals is created to hear and**
19 **decide appeals of determinations made by the Building Official or Fire Marshal**
20 **relative to the application and interpretation of the technical codes. The Board**
21 **of Appeals is authorized to hear appeals relating to this Chapter and the technical**
22 **codes, and to review proposed alternate materials and methods of construction.**
23 **Members of the Board of Appeals shall be appointed by the Las Vegas City**
24 **Council and, except as provided in the following sentence, shall serve a term of**
25 **four years, or until their successors are appointed. With regard to the initial**
26 **board membership, four members shall be appointed to three-year terms and the**
27 **remainder to four-year terms. Members may be removed from office at any time**
28 **by a majority vote of the City Council. Members shall serve without**

1 compensation. No member shall sit in judgment regarding any matter
2 concerning which the member has a direct financial interest.

3 204.1.1 Members. The members of the Board of Appeals shall be
4 qualified by training and experience to decide matters pertaining to building
5 construction and building service equipment, including matters pertaining to fire
6 protection systems and hazards of fire, explosion and other hazardous conditions.
7 The members shall not be employees of the City of Las Vegas, although the
8 Building Official and Fire Marshal shall serve in an advisory capacity as ex-
9 officio, non-voting members. The voting members of the Board of Appeals shall
10 consist of the following:

- 11 1. One general contractor.
- 12 2. One electrical contractor or electrical engineer.
- 13 3. One mechanical or plumbing contractor.
- 14 4. One fire protection engineer.
- 15 5. One lay member.
- 16 6. One architect registered by the State of Nevada.
- 17 7. One structural engineer registered by the State of Nevada.
- 18 8. One fire protection system contractor.

19 204.1.2 Procedures. The Board of Appeals may adopt rules and
20 procedures for conducting its hearings and investigations. A person (the
21 appellant) who wishes to appeal a determination of the Building Official or Fire
22 Marshal to the Board of Appeals shall submit a written request for appeal to the
23 Building Official or Fire Marshal, as applicable. The Building Official or Fire
24 Marshal, as applicable, shall provide the appellant a copy of the guidelines for
25 preparing an appeal and a copy of any Board-adopted rules and procedures. The
26 appellant is responsible to prepare the written appeal in compliance with the
27 guidelines. In order to provide for timely hearing and resolution of appeals, the
28 Building Official or Fire Marshal shall schedule a hearing before the Board upon

1 a determination of the Building Official or Fire Marshal that a written appeal is
2 in substantial compliance with the Board guidelines for preparing an appeal. In
3 addition to information and evidence submitted by the appellant, information
4 and evidence may be submitted in support of the determination by the Building
5 Official or Fire Marshal. The Board shall issue a written decision based on the
6 evidence presented at the hearing. The decision shall be signed by the chairman
7 of the Board and shall be filed with the Building Official or Fire Marshal, as
8 applicable. A copy of the Board decision shall be delivered to the appellant in
9 person or by U.S. Certified Mail.

10 204.1.3 Limitation and Scope of Authority. The Board of Appeals shall
11 not have authority relative to the interpretation of the administrative provisions
12 of this Chapter or the adopted administrative provisions of the technical codes,
13 nor shall the Board be empowered to waive any requirements of this Chapter or
14 the technical codes.

15 204.1.4 Tests. The appellant shall, at the appellant's expense, cause to be
16 performed and produced any tests or research necessary to support appellant's
17 claims before the Board of Appeals and any tests or research as may be required
18 by the Board in its consideration of the claims of the appellant.

19 204.1.5 Liability. No member of the Board of Appeals shall be personally
20 liable for any damage that may accrue to persons or property as a result of any
21 good faith act or any good faith act omission in the discharge of the duties
22 specified herein. Any suit brought against the Board or any member thereof
23 resulting from such act or omission performed, or not performed, by a member
24 of the Board acting in an official capacity in the performance of Board duties as
25 specified in this Chapter shall be considered an act of the City of Las Vegas and
26 shall be subject to all applicable immunities and rights conferred by law upon the
27 City of Las Vegas, as well as subject to applicable City of Las Vegas liability
28 self-insurance or insurance coverage.

1 **204.1.6 Fees.** In connection with any appeal under this Section 204, the
2 appellant shall pay the applicable fees as set forth in the Fee Tables adopted
3 under Section 304 of this Code, as adopted by the City.

4 **204.1.7 Appeals under the Fire Code.** The Board of Appeals may function
5 as the Board of Appeals under Section 108 of the International Fire Code (IFC),
6 as adopted by the City. When functioning as such, the Board of Appeals shall
7 follow and be subject to the rules and procedures that govern under, or have been
8 adopted pursuant to, the IFC. Appeals taken under the IFC shall be subject to
9 all applicable rules, limitations, procedures and fees that have been adopted
10 under the IFC.

11 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
13 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Ral Steel 7-19-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2011, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk