

BILL NO. 2012-30

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SUPPLEMENTAL DOCUMENT TO THE CITY'S ADMINISTRATIVE CODE TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF APPEALS FROM EIGHT TO NINE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn G. Goodman

Summary: Amends the Supplemental Document to the City's Administrative Code to increase the number of members of the Board of Appeals from eight to nine.

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

SECTION 1: The document entitled "A Supplemental Document Amending the Uniform Administrative Code, 1997 Edition," which was most recently adopted by Ordinance No. 6140, and thereafter amended by Ordinance Nos. 6160 and 6191, is hereby amended as set forth in Section 2 of this Ordinance.

SECTION 2: Section 8 of the Supplemental Document referred to in Section 1 is hereby amended to read as follows, with bracketing to indicate deleted material and underlining to indicate new material:

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

204.1 Board of Appeals. The Board of Appeals is created to hear and decide appeals of determinations made by the Building Official or Fire Marshal relative to the application and interpretation of the technical codes. The Board of Appeals is authorized to hear appeals relating to this Chapter and the technical codes, and to review proposed alternate materials and methods of construction. Members of the Board of Appeals shall be appointed by the Las Vegas City Council and, except as provided in the following sentence, shall serve a term of four years, or until their successors are appointed. With regard to the initial board membership, four members shall be appointed to three-year terms and the

1 remainder to four-year terms. No member may serve more than two consecutive
2 full terms. If a person was appointed to fill an unexpired term of more than two
3 years, the person shall be deemed to have served a full term in filling that
4 unexpired term. Members may be removed from office at any time by a majority
5 vote of the City Council. Members shall serve without compensation. No
6 member shall sit in judgment regarding any matter concerning which the
7 member has a direct financial interest.

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

- 16 1. ~~[One general contractor.]~~ Two general contractors.
- 17 2. One electrical contractor or electrical engineer.
- 18 3. One mechanical or plumbing contractor.
- 19 4. One fire protection engineer.
- 20 5. One lay member.
- 21 6. One architect registered by the State of Nevada.
- 22 7. One structural engineer registered by the State of Nevada.
- 23 8. One fire protection system contractor.

24 **204.1.2 Procedures.** The Board of Appeals may adopt rules and
25 procedures for conducting its hearings and investigations. A person (the
26 appellant) who wishes to appeal a determination of the Building Official or Fire
27 Marshal to the Board of Appeals shall submit a written request for appeal to the
28 Building Official or Fire Marshal, as applicable. The Building Official or Fire

1 **Marshal, as applicable, shall provide the appellant a copy of the guidelines for**
2 **preparing an appeal and a copy of any Board-adopted rules and procedures. The**
3 **appellant is responsible to prepare the written appeal in compliance with the**
4 **guidelines. In order to provide for timely hearing and resolution of appeals, the**
5 **Building Official or Fire Marshal shall schedule a hearing before the Board upon**
6 **a determination of the Building Official or Fire Marshal that a written appeal is**
7 **in substantial compliance with the Board guidelines for preparing an appeal. In**
8 **addition to information and evidence submitted by the appellant, information**
9 **and evidence may be submitted in support of the determination by the Building**
10 **Official or Fire Marshal. The Board shall issue a written decision based on the**
11 **evidence presented at the hearing. The decision shall be signed by the chairman**
12 **of the Board and shall be filed with the Building Official or Fire Marshal, as**
13 **applicable. A copy of the Board decision shall be delivered to the appellant in**
14 **person or by U.S. Certified Mail.**

15 **204.1.3 Limitation and Scope of Authority. The Board of Appeals shall**
16 **not have authority relative to the interpretation of the administrative provisions**
17 **of this Chapter or the adopted administrative provisions of the technical codes,**
18 **nor shall the Board be empowered to waive any requirements of this Chapter or**
19 **the technical codes.**

20 **204.1.4 Tests. The appellant shall, at the appellant's expense, cause to be**
21 **performed and produced any tests or research necessary to support appellant's**
22 **claims before the Board of Appeals and any tests or research as may be required**
23 **by the Board in its consideration of the claims of the appellant.**

24 **204.1.5 Liability. No member of the Board of Appeals shall be personally**
25 **liable for any damage that may accrue to persons or property as a result of any**
26 **good faith act or any good faith act omission in the discharge of the duties**
27 **specified herein. Any suit brought against the Board or any member thereof**
28 **resulting from such act or omission performed, or not performed, by a member**

1 of the Board acting in an official capacity in the performance of Board duties as
2 specified in this Chapter shall be considered an act of the City of Las Vegas and
3 shall be subject to all applicable immunities and rights conferred by law upon the
4 City of Las Vegas, as well as subject to applicable City of Las Vegas liability
5 self-insurance or insurance coverage.

6 204.1.6 Fees. In connection with any appeal under this Section 204, the
7 appellant shall pay the applicable fees as set forth in the Fee Tables adopted
8 under Section 304 of this Code, as adopted by the City.

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

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

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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 _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-5-12
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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