

1 **BILL NO. 2011-33**

2 **ORDINANCE NO. 6160**

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.

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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.

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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14 hereby repealed and a new Section 8 is adopted in lieu thereof, reading as follows: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.

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

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

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, 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 7TH day of September, 2011.

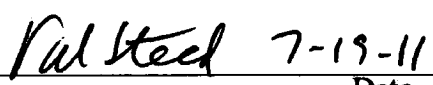
APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:


Date

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

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson,
Tarkanian, Ross, Barlow and Coffin

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: None

12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 BEVERLY K. BRIDGES, MMC City Clerk

**BUSINESS IMPACT STATEMENT
BILL NO. 2011-33**

(Amends the Supplemental Document to the City's Administrative Code to repeal and replace the provisions pertaining to the Board of Appeals)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-33, that would amend the Supplemental Document to the City's Administrative Code to repeal and replace the provisions pertaining to the Board of Appeals.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: July 19, 2011

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

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was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/10/2011 to 09/10/2011, on the following days:

09/10/2011

BILL NO. 2011-33
ORDINANCE NO. 6160

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

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.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of August 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 7th day of September 2011, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson, Tarkanian, Ross, Barlow and Coffin
VOTING "NAY": NONE
EXCUSED: NONE
NOT VOTING: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: September 10, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

12th day of September, 2011.

Mary Lee
Notary Public

