

LCB File No. R205-09

**PROPOSED REGULATION OF THE
STATE PUBLIC WORKS BOARD**

**DEPUTY MANAGER FOR COMPLAINE AND CODE ENFORCEMENT
PROPOSED AMENDMENT TO NAC 341.100**

The purpose of the proposed amendment is to clarify the role of the Deputy Manager for Compliance and Code Enforcement with respect to the exceptions noted in NRS 341.141

Current Regulation LCB File No. R188.07 (This language has been approved by the Legislature but has not been codified by the Legislative Counsel Bureau as of the submission of these proposed revisions)

341. Employees; authority of Deputy Manager for Compliance and Code Enforcement. (NRS 341.100, 341.105)

1. The Deputy Manager for Compliance and Code Enforcement appointed pursuant to NRS 341.100 shall:

(a) Check the plans for buildings and structures on property of the State or held in trust for any division of the State Government for compliance with codes adopted pursuant to NAC 341.045;

(b) Inspect the construction of structures on property of the State or held in trust for any division of the State Government for compliance with the codes adopted pursuant to NAC 341.045; and

(c) Issue temporary and final certificates of occupancy for buildings and structures on property of the State or held in trust for any division of the State Government.

2. The Deputy Manager for Compliance and Code Enforcement shall not delegate his authority as the building official for buildings and structures on property of the State or held in trust for any division of the State Government pursuant to subsection 9 of NRS 341.100.

3. The Deputy Manager for Compliance and Code Enforcement shall interpret the codes adopted pursuant to NAC 341.105 consistent with the following exemptions as determined by the Deputy Manager for Compliance and Code Enforcement:

a. Nevada Department of Transportation's roads, highways and bridges and other construction within the highway right of way;

b. Buildings used in the maintenance of highways defined as having no electrical/gas service, water service, or sanitary sewer and are normally unoccupied;

- c. Non-structural improvements to normally unoccupied buildings and structures that do not have electrical/gas service, water service, or sanitary sewers.*
- d. Site improvements which do not affect accessible routes or egress paths from occupied buildings, structures or sites.*
- e. Site improvements which do not tie into electrical/gas services, domestic water services or sanitary sewers.*
- f. Defined/identified outdoor trails that are not subject to ADA requirements.*

4. Any improvements to structures that house, shelter or convey people are not exempt from the Deputy Manager for Compliance and Code Enforcement.

5. For purposes of determining whether a structure is subject to the jurisdiction of the Deputy Manager for Compliance and Code Enforcement the following criteria apply. If a structure contains any one of the following components it is considered a structure for purposes of this regulation and therefore subject to the jurisdiction of the Deputy Manager for Compliance and Code Enforcement. A structure is defined as (1) something that is built that houses, shelters, or conveys people (walkways); or (2) requires foundations and structural elements; or (3) is assigned an occupancy classification as defined in the code book; or (4) has utilities (water, gas, sewer, power); or (5) requires a permit from another agency for portions of the construction (fire sprinklers/alarms, elevator/boilers, health dept.)