

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

LCB File No. R206-09

Effective October 15, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 341.110, 341.143 and 341.144; §2, NRS 341.110.

A REGULATION relating to public works; making various changes concerning the standards for the design of certain state buildings; revising certain duties of the Deputy Manager for Compliance and Code Enforcement; and providing other matters properly relating thereto.

Section 1. NAC 341.045 is hereby amended to read as follows:

1. The Board hereby adopts by reference the following publications and establishes the standards contained therein as minimum standards for the design of state buildings, other than those excepted in NRS 341.141:

(a) The *2006 International Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*;

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*;

(4) *Section 105.1.1 is revised to read as follows:*

“1. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any state agency, person, firm or corporation regularly employing one or more qualified tradepersons in the building or structure or on the premises owned or operated by the applicant for the permit.

2. In lieu of any individual permits that would otherwise be required, the building official is authorized to issue an annual permit upon application therefor to any state agency, person, firm or corporation regularly employing one or more qualified tradepersons and one or more qualified design professionals in the building or structure or on the premises owned or operated by the applicant for the permit. The permit may authorize its holder to:

(a) Perform light construction, including, without limitation, a remodel or alteration, to an already approved building or structure; or

(b) Construct a building or structure with a gross area of 1,000 square feet or less for which the building official has already checked the plans and which is to be constructed at a site other than the site shown in the plans or at a location on the site other than the location shown in the plans.

3. An annual permit issued pursuant to this section to perform light construction to an already approved building or structure does not authorize the holder of the permit to perform any construction that:

(a) Changes the occupancy classification of the building or structure;

(b) Increases the occupant load of the building or structure;

(c) Modifies a structural element of the building or structure;

(d) Changes an egress path in or from the building or structure;

(e) Modifies a fire-rated assembly within the building or structure unless the modification is limited to the installation of a listed through penetration for piping or conduit; or

(f) Modifies a fire alarm system or fire sprinkler system within the building or structure.

4. As used in this section:

(a) “Journeyman” means a person who:

(1) Has successfully completed a program of apprenticeship in a building or construction trade that has been approved by the State Apprenticeship Council or an equivalent program accepted by the State Contractors’ Board; or

(2) Holds a journeyman’s card in a building or construction trade issued by a labor organization.

(b) “Qualified design professional” means a person who holds:

(1) A professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS that is appropriate for the work to be performed; or

(2) A person who holds a license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed.

(c) “Qualified tradesperson” means:

(1) A journeyman in the relevant field of work;

(2) A person who holds a certificate issued by the International Code Council as an inspector in the relevant field of work and who has at least 2 years of work experience in that field;

(3) A person who holds a license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed; or

(4) An employee of the State or an agency thereof acting within the scope of his or her employment.”

(5) In section 403.1, replace the phrase “more than 75 feet” with “more than 55 feet”;

~~[(5)]~~ *(6) To section 403.6, add: “Loudspeakers or horns for a fire alarm must achieve at least 80 decibels of sound in all areas within the protected property”;*

~~[(6)]~~ *(7) To section 403.8, add the following provisions:*

*“(1) All ~~fire equipment and~~ equipment ~~for the safety of life, including, without limitation, a fire alarm system, smoke management system, status indicator and controls for an air-handling system and an indicator of the status of an emergency generator,~~ contained within the fire command center must be tested ~~as frequently as required by the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281, but in any case, not less than~~ annually . ~~The test must be performed~~ by a person ~~[approved]~~ *who holds a license or certification recognized* by the authority having jurisdiction ~~[.]~~ *as appropriate for the performance of the test.* Systems ~~[terminating] and equipment~~ within the fire command center must be tested ~~[as required by the authority having jurisdiction according to a schedule which is commensurate with the size and complexity of the facility being protected and the systems involved.]~~ *in accordance with the procedures set forth in the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281 and any special procedures prescribed by the designer or manufacturer of the system or equipment.* All ~~fire equipment and~~ equipment for the safety of life , *after having been tested,* must be ~~[reset]~~ *restored to service* and ~~[certified]~~ *tagged* by ~~[a]~~ *the* person ~~[approved by the authority having jurisdiction after having been tested.]~~*

who performed the test. The tag must conform to requirements for recording the maintenance of a fire alarm system set forth in NAC 477.370. If the person performing the test is unable to restore the equipment to service or determines that the equipment is disabled or in an impaired condition, he or she shall promptly notify the appropriate local fire department and the State Fire Marshal. A log of the tests required by this section must be *maintained on the premises and* available for inspection by the ~~[authority having jurisdiction. Graphic display annunciator panels may be required if the complexity of the systems warrant. Testing must follow procedures which are developed by the designer, manufacturer and nationally recognized standards of good practice as approved by the authority having jurisdiction.]~~ *appropriate local fire department.*

(2) The fire command center must be housed in a room separated from the building in which it is located by noncombustible construction rated at a minimum of 2 hours. The room used for that command center must be provided an exterior door ~~“if possible”;~~

~~“(7)”;~~

(8) To section 403.12, at the end of the last sentence, add “or the activation of any fire alarm system or a power failure”;

~~“(8) To section 903.2.2, add section 903.2.2.1;”~~

(9) In section 907.2.1.12, replace the phrase “75 feet” with “55 feet”;

(10) Section 907.9.1 is revised by adding the following exceptions:

“(3) Electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

- (4) Janitor closets.
- (5) Storage rooms that are less than 400 square feet.
- (6) Elevator cabs.
- (7) Individual work areas or offices and private toilets serving individual work areas or offices.
- (8) Individual inmate sleeping accommodations and patient sleeping rooms except as required by section 907.2.10.1.3”;

(11) In section 907.9.2, replace the phrase:

(I) “70 dBA” with “80 dBA”; and

(II) “60 dBA” with “80 dBA”;

(12) In section 1008.1.8.7, exception 3 is revised to read as follows: “In stairways serving buildings other than high-rise buildings, doors are permitted to be locked on the side opposite the egress side, provided that the doors can be opened from the egress side. Except for exit discharge doors, the doors must be automatically unlocked upon the activation of a fire alarm system or fire sprinkler alarm and for a power failure”; and

(13) In section 1020.1.7, replace the phrase “75 feet” with “55 feet”.

↪ This code may be obtained from the International Code Council, 11711 West 85th Street, Lenexa, Kansas 66214, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$75]~~ **\$90.00** for members and ~~[\$100]~~ **\$120.00** for nonmembers.

(b) The *2006 International Existing Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

↪ This code may be obtained from the International Code Council, 11711 West 85th Street, Lenexa, Kansas 66214, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$40.50]~~ **\$43.50** for members and ~~[\$54]~~ **\$58.00** for nonmembers.

(c) The *2006 International Residential Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

↪ This code may be obtained from the International Code Council, 11711 West 85th Street, Lenexa, Kansas 66214, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$57.50]~~ **\$64.00** for members and ~~[\$76.50]~~ **\$85.50** for nonmembers.

(d) The *2005 National Electrical Code* published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon,

Massachusetts 02322, or at the Internet address <http://www.nfpa.org/>, at a price of ~~[\$67.50]~~ **\$76.50** for members and ~~[\$75]~~ **\$85.00** for nonmembers.

(e) The *2006 Uniform Plumbing Code* published by the International Association of Plumbing and Mechanical Officials, except, in section 412.0, “Table 4-1, Minimum Plumbing Facilities,” specifying a minimum number of required fixtures, is replaced by “Table 2902.1, Minimum Number of Required Plumbing Fixtures” of the *2006 International Building Code*. The *2006 Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of ~~[\$74]~~ **\$78.40** for members and ~~[\$93]~~ **\$98.00** for nonmembers.

(f) The *2006 Uniform Mechanical Code* published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of ~~[\$74]~~ **\$82.00** for members and ~~[\$93]~~ **\$103.00** for nonmembers.

(g) ~~The *Heating, Ventilating and Air Conditioning Handbooks* published by the American Society of Heating, Refrigerating and Air Conditioning Engineers. These handbooks may be obtained from the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329, or at the Internet address <http://www.ashrae.org/>. The prices are \$195 each for the *2007 ASHRAE Handbook—HVAC Applications*, *2006 ASHRAE Handbook—Refrigeration*, and the *2005 ASHRAE Handbook—Fundamentals* and \$155 for the *2004 ASHRAE Handbook—HVAC Systems & Equipment*.~~

~~—(h) The *Illuminating Engineering Society of North America, Design Guide/Guideline Package*. This package may be obtained from the Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, New York 10005, or at the Internet address <http://www.iesna.org/>, at a cost of \$186 for members and \$266 for nonmembers.~~

~~—(i)~~ The *Americans with Disabilities Act* published by the United States Department of Justice. This publication may be obtained from the Office of Americans with Disabilities Act, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, or at the Internet address <http://www.ada.gov>, free of charge.

~~(j)~~ (h) The ~~2006~~ **2009** *International Energy Conservation Code* published by the International Code Council. This code may be obtained from the International Code Council, 11711 West 85th Street, Lenexa, Kansas 66214, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$25]~~ **\$26.00** for members and ~~[\$34]~~ **\$34.50** for nonmembers.

~~(k)~~ (i) The “Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada” and the “Guidelines for Evaluating Liquefaction Hazards in Nevada” published by the Nevada Earthquake Safety Council. These guidelines may be obtained from the Nevada Earthquake Safety Council, c/o Nevada Bureau of Mines and Geology, University of Nevada, Reno, Mail Stop 178, Reno, Nevada 89557-0178, or at the Internet address <http://www.nbmng.unr.edu/nesc/>, free of charge.

(j) *ANSI/ASHRAE Standard 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. This standard may be obtained from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E.,*

Atlanta, Georgia 30329, or at the Internet address <http://www.ashrae.org/>, at a price of \$99.00 for members and \$119.00 for nonmembers.

2. In addition to the standards contained in the 2006 *International Building Code* adopted pursuant to subsection 1, all buildings and structures of the State and any parts thereof must be designed using the structural standards for seismic zones, basic wind speed, wind exposure, frost line and the live loads and snow loads for roofs adopted by the political subdivision in which the building or structure is being constructed. In the absence of such structural standards adopted by the political subdivision, the *Deputy Manager for Compliance and Code Enforcement* may use structural standards that the *Deputy Manager for Compliance and Code Enforcement* determines are appropriate for the geographic location at which the building or structure is being constructed.

Sec. 2. NAC 341.171 is hereby amended to read as follows:

341.171 1. Except as otherwise provided in subsections 3 and 4, any plans and specifications for a project that is not part of the approved program for capital improvement which are submitted to the Board for review and approval must be accompanied by the following fees:

(a) A basic fee for inspection services based on the proposed cost of construction of the project in accordance with the following schedule:

Total Construction Cost	Fee
\$1 to \$500	\$23.50

\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$391.25 for the first \$50,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up.....	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each \$1,000 or fraction thereof.

(b) Except as otherwise provided in this paragraph, an additional fee for inspection services for each mechanical, electrical and plumbing system of the project in an amount equal to 15 percent of the basic fee for inspection services for each such system. If an application involves only one such system, no additional fee for inspection services is due pursuant to this paragraph.

(c) A fee for the review of the plans and specifications for the project in an amount equal to 65 percent of the total amount of the basic fee for inspection services calculated pursuant to paragraph (a) and any additional fees for inspection services calculated pursuant to paragraph (b).

2. In addition to the fees calculated for a project pursuant to subsection 1, the Board:

(a) May charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the Board for:

(1) Inspections outside of normal business hours.

(2) Reinspections.

(3) Inspections for which no fee is specifically indicated.

(4) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

(5) Reviews of requests to use alternate materials, designs, methods of construction or equipment.

(b) Will charge a fee for the use of outside consultants by the Board for inspections of the project in an amount equal to the actual cost to the Board for the outside consultants plus the hourly cost of the Board for obtaining the services of, and overseeing the work of, the outside consultants.

↪ The Board will calculate its hourly costs based on the average amount the Board pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors, project managers and plan checkers. The hourly costs of the Board will be maintained on file at the Board's offices in Carson City and Las Vegas and will be posted on the Board's website at <http://www.spwb.state.nv.us/>.

3. The review of plans, designs and specifications for a school building pursuant to NRS 393.110 must be accompanied only by the fee for the review of plans and specifications as set forth in paragraph (c) of subsection 1.

4. The Deputy Manager for Compliance and Code Enforcement shall determine, based on the actual costs to the Board, the amount of the fee that must accompany ~~the~~:

(a) *The* plans and specifications for a project which will be completed in phases or on an expedited schedule or which has unique or unusual requirements.

(b) *An application for an annual permit pursuant to section 105.1.1 of the 2006 International Building Code, as adopted by reference in NAC 341.045.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R206-09**

The State Public Works Board adopted regulations assigned LCB File No. R206-09 which pertain to chapter 341 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

State Public Works Board solicited public comment through notices posted at State Public Works Board in Carson City and Las Vegas, the Blasdel Building, Nevada State Library, Archives in Carson City and at the Nevada County Public Libraries and mailings to our contact database.

Date of Notice	Workshop/ Hearing	Date of Workshop
1/8/10	Workshop	1/26/10
6/22/10	Hearing	7/29/10

Many oral and nine written comments were received at the workshop and hearings. A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Board at (775) 684-4141 or by writing to the State Public Works Board, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWB at dnenzel@spwb.state.nv.us.

2. The number of persons who:

	1/26/10	7/29/10
(a) Attended each hearing:	8	28
(b) Testified at each hearing:	3	0
(c) Submitted written comments:	0	0

3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from the affected and interested contractor, unions and municipalities, by notices posted at State Public Works Board offices in Carson City and Las Vegas, Nevada State Library, and at the main public libraries in all the counties.

A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Board at (775) 684-4141 or by writing to the State Public Works Board, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWB at dnenzel@spwb.state.nv.us.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

NAC 341 was adopted by the board with no objections.

- 5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**

This regulation should have no adverse effects on contractors. The beneficial effects would reduce overhead.

- (b) Both immediate and long-term effects.**

This regulation would update applicable codes.

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

SPWB does not estimate any cost to enforce the amendments

- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

Federal Law does not require the proposed regulation.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Federal Law does not require the proposed regulation.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Does not apply

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

No. Small business impact questionnaires were distributed to everyone in the qualification data base plus contractor's associations, other State Agencies and the proper postings.