

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

LCB File No. R102-11

Effective June 29, 2012

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

AUTHORITY: §§1-3, NRS 341.070, 341.087, 341.091 and 341.110.

A REGULATION relating to public works; revising the standards for the design of certain state buildings; and providing other matters properly relating thereto.

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

341.045 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]~~ 2012 *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 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) *To section 105.3, add:*

“(8) The permit application must be accompanied by a nonrefundable deposit of 1% of the total project valuation, including materials, labor and equipment.”

(6) In section ~~[403.1.]~~ 202, replace the phrase “more than 75 feet” with “more than 55 feet”;

~~[(6)]~~ (7) To section ~~[403.6.]~~ 403.4.4, add: “Loudspeakers or horns for a fire alarm must achieve at least 80 decibels of sound in all areas within the protected property”;

~~[(7)]~~ (8) To section ~~[403.8.]~~ 403.4.6, 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 who holds a license or certification recognized by the authority having jurisdiction as appropriate for

the performance of the test. Systems and equipment within the fire command center must be tested 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 restored to service and tagged by the person 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 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”;

~~[(8)]~~ (9) To section ~~[403.12,]~~ 403.5.3, at the end of the last sentence, add “or the activation of any fire alarm system or a power failure”;

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

(10) Section ~~[907.9.1]~~ 907.5.2.3 is revised by adding the following exceptions:

“ ~~[(3)]~~ (4) Electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

~~[(4)]~~ (5) Janitor closets.

~~[(5)]~~ (6) 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”;~~ **and**

(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,]~~ **1008.1.9.11**, 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,]~~ **25442 Network Place, Chicago, Illinois 60673-1254**, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$90]~~ **\$91.50** for members and ~~[\$120]~~ **\$122.00** for nonmembers.

(b) The ~~[2006]~~ **2012** *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,]~~ **25442 Network Place, Chicago, Illinois 60673-1254**, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$43.50]~~ **\$49.50** for members and ~~[\$58]~~ **\$66.00** for nonmembers.

(c) The ~~[2006]~~ **2012** *International Residential Code for One- and Two-Family Dwellings* 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*; **and**

(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,]~~ **25442 Network Place, Chicago, Illinois 60673-1254**, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$64]~~ **\$79.50** for members and ~~[\$85.50]~~ **\$106.00** for nonmembers.

(d) The ~~[2005]~~ 2011 *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 ~~[\$76.50]~~ \$80.55 for members and ~~[\$85]~~ \$89.50 for nonmembers.

(e) The ~~[2006]~~ 2012 *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]~~ 2012 *International Building Code*. The ~~[2006]~~ 2012 *Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials, ~~[5001]~~ 4755 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of ~~[\$78.40]~~ \$84 for members and ~~[\$98]~~ \$105 for nonmembers.

(f) The ~~[2006]~~ 2012 *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 ~~[\$82]~~ \$84 for members and ~~[\$103]~~ \$105 for nonmembers.

(g) 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.

(h) The ~~[2009]~~ 2012 *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,]~~ *25442 Network Place, Chicago, Illinois 60673-1254*, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$26]~~ \$30 for members and ~~[\$34.50]~~ \$40 for nonmembers.

(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,]~~ *90.1-2010, 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 for members and]~~ \$119 for nonmembers.

2. In addition to the standards contained in the ~~[2006]~~ 2012 *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 subsection 3, 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 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:

(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~~ [2012](#) *International Building Code*, as adopted by reference in NAC 341.045.

Sec. 3. NAC 341.346 is hereby amended to read as follows:

341.346 1. The Manager shall review the preliminary plans, designs and detailed plans and specifications of a project to ensure that the project will achieve:

(a) Efficiency in the use of energy that meets or exceeds the standards for the efficient use of energy established by:

(1) ANSI/ASHRAE Standard ~~[90.1-2007,]~~ **90.1-2010**, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, as adopted by reference pursuant to NAC 341.045; and

(2) The United States Environmental Protection Agency pursuant to the Energy Star Program; and

(b) Efficiency in the use of water for plumbing fixtures and landscape irrigation that is at least 10 percent more efficient than the standards for the efficient use of water established by the United States Environmental Protection Agency pursuant to the WaterSense program.

2. If the project is the remodeling of a building, the requirements of subsection 1 apply only to the use of energy or water in the remodeled portion of the building.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R102-11**

The State Public Works Board adopted regulations assigned LCB File No. R102-11, 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.¹

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.

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop</u>
11/28/11	Workshop	12/15/11
1/10/12	Hearing	2/10/12

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 Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at **hfatzer@admin.nv.gov**

2. The number of persons who:

	12/15/11	2/10/12
(a) Attended each hearing:	32	15
(b) Testified at each hearing:	0	0
(c) Submitted written comments:	0	0

¹ R102-11 was initially submitted to the Legislative Commission in March of 2012. After submission to LCB, SPWD began to receive objections to the regulation because of a proposed change from the Uniform Mechanical Code to the International Mechanical Code. Objections were received from the Subcontractors Legislative Coalition, SMACNA of Southern Nevada and others. Despite notice to the now objecting parties, as noted above no objections were raised during the Workshop or the Adoption hearing in this regard. However, because of the importance of these regulations and the significance of the objections SPWD "pulled" R102-11 for further consideration by the State Public Works Board. At a duly noticed State Public Works Board meeting held on May 22, 2012 the Board reconsidered R102-11 and heard testimony from many of the objecting parties. Based upon the testimony presented the Board unanimously approved a revision to R102-11 (submitted herein) which deletes all references to the International Mechanical Code and reinstates all references to the Uniform Mechanical Code. Copies of the minutes from this meeting are available upon request.

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 Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at hfatzer@admin.nv.gov.

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.**

As currently proposed this regulation is not controversial; it merely implements updated versions of the building codes.

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**

Adverse - No adverse affects.

Beneficial – Updates current building codes.

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

Updates current building 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.**

None

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?**

Small business impact questionnaires were distributed to everyone in the qualification data base plus contractor's associations, other State Agencies and the proper postings.