SUMMARY: Amendments to Title 3, Chapter 1, Chapter 2, and Chapter 3 to update the ordinances adopting building codes, including fire codes for Elko County.

BILL NO. C
ORDINANCE NO. 03-2020

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELKO DOES ORDAIN:

Section 1: Amendment to Title 3, Chapter 1, Section 1 as follows:

In all construction hereafter to be made within Elko County, the same shall be in accordance with what is now known as the International Codes (I-codes), as published by the International Code Council, the Uniform Codes, as published by the International Association of Plumbing and Mechanical Officials. The following codes are hereby adopted as a revision to this chapter:

(A) The Administrative Code as adopted by Elko County, includes the administration chapter in the following codes: International Building Code (IBC), International Residential Code (IRC), National Electrical Code (NEC), Uniform Mechanical Code (UMC), Uniform Plumbing Code (UPC), Uniform Swimming Pool, Spa, and Hot Tub Code, Uniform Solar, Hydronics and Geothermal Code, and the International Existing Building Code (IEBC); excluding fee schedules as adopted by resolution, and hereinafter referred to as the administrative code.

(B) The 2018 edition of the International Building Code (IBC) and building code standards with changes, modifications and supplements, including the appendix chapters, hereinafter referred to as the building code.
   Appendix chapters:
   C – Group U Agricultural Buildings.
   E – Supplementary Accessibility Requirements.
   G – Flood Resistant Construction (excluding section G601).
   H – Signs.
   I – Patio Covers.
   J – Grading.
   K – Administrative Provisions.

(C) The 2018 edition of the International Residential Code (IRC) [excluding the plumbing and mechanical sections; refer to the 2018 UPC and UMC for general requirements] and building code standards with changes, modifications and supplements, including appendix chapters, hereinafter referred to as the residential code.
   Appendix chapters:
   H – Patio Covers.
J – Existing Building and Structures.
K – Sound Transmission.
Q – Tiny House.

(D) The 2017 National Electrical Code (NEC), standard for electrical wiring and apparatus as recommended by the National Fire Protection Association, hereinafter referred to as the electrical code.

(E) The 2018 Uniform Mechanical Code (UMC), as recommended by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the mechanical code.

(F) The 2018 Uniform Plumbing Code (UPC), as recommended by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the plumbing code.

(G) The 2018 Uniform Swimming Pool, Spa, and Hot Tub Code, as recommended by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the Uniform Swimming Pool, Spa, and Hot Tub Code.

(H) The 2018 edition of the International Existing Building Code (IEBC) and standards with changes, modifications and supplements as recommended by the International Code Council, hereinafter referred to as the existing building code.

(I) The 2018 Uniform Solar, Hydronics and Geothermal Code, as recommended by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the Uniform Solar, Hydronics and Geothermal Code.

(J) The 2018 edition of the International Energy Conservation Code (IECC) in accordance with the state of Nevada energy conservation standards for new building construction, promulgated by the state of Nevada public works board, shall be adopted for reference unless used in the design of a structure by a design professional, contractor, or owner-builder.

(K) The 2018 editions of the International Mechanical (IMC) and Plumbing (IPC) Codes shall be adopted for cross reference only. (Ord. 05-2005, 9-7-2005, eff. 10-7-2005)

Section 2: Amendment to Title 3, Chapter 1, Section 4 as follows:

(A) Adoption of the 2018 Northern Nevada Amendments as modified are applicable to Elko County.

Section 3: Amendment to Title 3, Chapter 1, Section 5 as follows:

(A) Building Permit Fees: All editions of the International Building and Residential Codes, present and future, are hereby amended and modified as follows:

Table 109 – International Building Code and Table 108 – International Residential Code, shall be set by resolution by the Elko County board of commissioners. A copy of the most current resolution is located at the office of the Elko County community development.
(B) Plan Review Fees: Shall be set by resolution by the Elko County board of commissioners. A copy of the most current resolution is located at the office of the Elko County community development.

The following fee shall remain in effect, until changed by resolution: A plan review fee for a review of a residential dwelling required to be submitted by section 106.3.2 of the international residential code, shall be thirty five percent (35%) of the cost of the building permit fee as shown on table no. 3-A.

(C) Travel Zones: Shall be set by resolution by the Elko County board of Commissioners.

The following fees shall remain in effect until change by resolution: Any property requiring a permit located in zones 1, 2, and 3 as described in the approved travel zone map posted in the Elko County community department shall be assessed a travel fee. The base fee for zone 1 shall be twenty dollars ($20), for zone 2 shall be forty dollars ($40) and for zone 3 shall be sixty dollars ($60).

(D) Electrical Permit Fees: All editions of the National Electric Code, present and future, are hereby amended and modified as follows:

Table K112 – Electrical Permit Fees, the following is added:

System fee schedule (note: the following do not include permit issuing fee) shall be set by resolution adopted by the Elko County commission.

(E) Mechanical Permit Fees: All editions of the Uniform Mechanical Code, present and future, are hereby amended and modified as follows:

Table 104.5 – Mechanical Permit Fees, the following is added:

System fee schedule (note: the following do not include permit issuing fee) shall be set by resolution adopted by the Elko County commission.

(F) Plumbing Permit Fees: All editions of the Uniform Plumbing Code, present and future, are hereby amended and modified as follows:

Table 104.5 – Plumbing Permit Fees, the following is added:

System fee schedule (note: the following do not include permit issuing fee) shall be set by resolution adopted by the Elko County commission.

(G) Swimming Pool, Spa and Hot Tub Permit Fees: All editions of the Uniform Plumbing Code, present and future, are hereby amended and modified as follows:

Table 104.5 – Swimming Pool, Spa and Hot Tub Permit Fees, the following is added:

System fee schedule (note: the following do not include permit issuing fee) shall be set by resolution adopted by the Elko County commission.

(H) Solar, Hydronics and Geothermal Code Fees: All editions of the Uniform Plumbing Code, present and future, are hereby amended and modified as follows:

Table 104.5 – Solar, Hydronics and Geothermal Code Fees, the following is added:

System fee schedule (note: the following do not include permit issuing fee) shall be set by resolution adopted by the Elko County commission.

(I) When a governmental entity or utility is providing water and/or sewer services to a project in the County, no building permit for construction shall be issued unless evidence of paid water and sewer connection fees for the particular type of construction being considered, if applicable, is produced at the time of the permit
(J) All persons and political subdivisions that are statutorily required to proceed through the State Public Works Board shall also apply to the Building and Safety Division of the Community Development Department for a permit. The issuance of a building permit pursuant to this subsection shall be without charge or fee, and shall not be subject to the County plan check or building inspection procedure. The County shall not be liable or responsible for any deficiencies, errors, or omissions in the plans or the building inspection procedure, for plans approved by the State Public Works Board. (Ord. 05-2005, 9-7-2005, eff. 10-7-2005)

Section 4: Amendment to Title 3, Chapter 1, adding section 7 as follows:

Penalties

Any person who shall violate any of the provisions of the International, National, and Uniform codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the county fire commission or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that a violation continues shall constitute a separate offense. If such a separate offense or further offenses based upon the same conditions which result in the initial charge shall occur, then, in addition to imprisonment or fine or both, the court shall have the alternative of closing and sealing or impounding the premises or property involved until such violation is proved in court to have been corrected.

Section 5: Amendment to Title 3, Chapter 2, Section 1 as follows:

There is hereby adopted the County Commission for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code and standards known as the International Fire Code and the International Fire Code standards published by the International Code Council, being particularly the 2018 editions and appendix B,C,D,F,H,L, and N thereof and the whole thereof, save and except such portions as are deleted, modified or amended, of which code not less than three (3) copies have been and are now filed in the Elko County Community Development Department and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, including any prior adoption of the said International
Fire Code and the International Fire Code standards, and the National Fire Protection Association (NFPA) as adopted by the Nevada State Fire Marshal's office, the provisions thereof shall be controlling within the limits of the county outside of the incorporated cities of Elko, Wells, Carlin, and West Wendover.

(A.) Adoption of the 2018 Northern Nevada Amendments as modified are applicable to Elko County.

Section 6: Amendment to Title 3, Chapter 2, Section 2 as follows:

(A) The International Fire Code and the International Fire Code standards shall be the minimum standards, and shall be enforced by Fire Prevention Division of the Elko County Fire Protection District within their "jurisdiction" as is defined hereinafter, which is hereby established, and which shall be operated under the supervision of the Elko County Fire Protection District.

Within the township of Jackpot, the International Fire Code, and the International Fire Code Standards, the 2018 International Building Code, and 2018 Uniform Mechanical Code standards shall be enforced by the Jackpot Fire Chief, who shall be appointed by, and the terms and conditions of his employment determined by, the board of Elko County Commissioners.

(B) Elko County Fire Protection District shall hire a Chief of Prevention to provide services within all unincorporated areas of Elko County, with the exception of Jackpot Township which has a separately appointed fire chief, and the incorporated cities of Elko, Wells, Carlin, and West Wendover.

The Chief of Prevention shall recommend to the board of Elko County Commissioners the employment of technical inspectors, who, if such authorization is made, shall be selected based on fitness for the position.

Section 7: Amendment to Title 3, Chapter 2, Section 4 as follows:

Revisions of the International Fire Code are hereby expressly adopted as they may appear in the future. That is, each successive future edition of the International Fire Code, intended by its promulgators, the International Code Council, to replace one of the herein described codes shall automatically replace the edition of the particular code herein described unless the future code intended by its promulgators to replace the version of the International Fire Code then in use is specifically disapproved by action of the County Commission. In the latter case, the edition of the International Fire Code then in force shall continue to govern the subject matter thereof until a replacement edition is specifically adopted by the County Commission.

Within one hundred twenty (120) days after the receipt by the Chief of Prevention of an edition of the International Fire Code intended by its promulgators to replace the edition then in use, unless said replacement edition is specifically disapproved by action of the County Commission pursuant hereto, the Chief of Prevention shall:
(A) Post a notice at the Elko County Fire Protection District office and the Elko County Community Development that the replacement edition of the International Fire Code is the version of the International Fire Code governing all matters to which it pertains with regard to any type of building, installation or condition therein referred to until that replacement edition of the International Fire Code itself is replaced pursuant to this chapter.

(B) The Chief of Prevention and the Elko County Community Development shall have on file not less than three (3) copies of the replacement edition of the International Fire Code and with three (3) copies of the notice referred to in subsection (A) of this section. With regard to any edition of the International Fire Code intended by its promulgators to replace the edition of the International Fire Code used by the Chief of Prevention at the time of its receipt, such replacement edition shall govern pursuant to this chapter with regard to the subject matter thereof after the Chief of Prevention has posted notices and provided copies as required by this section, unless such edition of the International Fire Code or a portion thereof is specifically disapproved by action of the County Commission. Any such future edition to the International Fire Code so adopted shall continue to govern with regard to the subject matter thereof until that edition itself is replaced pursuant to the provisions of this chapter.

(C) All private wells shall be wired with a separate disconnect ahead of all other disconnects and a frost-free hose bib, a minimum three-fourths inch (3/4") discharge, shall be installed on the pump house or the pressure side of the water system. (Ord. 06-2005, 9-7-2005, eff. 10-7-2005)

(D) Elko County Fire Protection District requires a minimum of 30,000 gallons of fire water per commercial and industrial buildings. When a variance is granted by the Nevada State Fire Marshal's Office requiring less than 30,000 gallons of fire water, the Fire Protection District will require the minimum standard of 30,000 gallons of fire water. Dependent on location, outbuildings, wildfire risk, contents, size, occupancy, and sprinkler hydro calculations in a building, may generate the need to require more fire water. The fire water tank shall be UL listed and NFPA 22 approved. Any alternative tank design or method to provide fire water will be designed per NFPA and approved by the Nevada State Fire Marshal's office.

A fire hydrant shall be provided on site as a means of drafting, tank ventilation, and visual water level indicator approved by the Chief of Prevention.

The fire water system will be required to be permitted by the Elko County Community Development and needs to be designed by a licensed design professional.

Section 8: Amendment to Title 3, Chapter 2, Section 5 as follows:

Whenever the Chief of Prevention shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the county fire marshal to the Elko County Board of Fire Commissioners within thirty (30) days from the date of the decision appealed. The procedure for appealing any decision of the Chief of Prevention is as follows:

(A) The appellant shall file his signed statement setting forth grounds for the appeal with
the County Fire Commissioners office at least fifteen (15) days before the next regularly scheduled meeting of the County Commission, and

(B) Shall personally appear before the County Fire Commission at its regularly scheduled meeting.

Section 9: Amendment to Title 3, Chapter 2, Section 6 as follows:

The Chief of Prevention shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the International Fire Code. The Chief of Prevention shall post a list of such requirements in a conspicuous place in his office and distribute copies thereof to interested persons. Further, the Chief of Prevention shall place three (3) copies of such list with the Elko County Community Development Department.

Section 10: Amendment to Title 3, Chapter 2, adding section 9 as follows:

FEE SCHEDULE

Fees for plan reviews, inspections, travel zones, burn permits, and alarm fees shall be set by resolution.

Section 11: Amendment to Title 3, Chapter 3, Section 2 as follows:

The 2018 edition of the International Building Code Appendix "H" addressing "signs", of the International Code Council, referred to herein as "this code", which code is now and hereafter shall remain on file in the office of the Elko County community development department, and available for public inspection and as such code is in this chapter amended, changed, added to and supplemented to make this code applicable to the conditions in the county, is hereby adopted by the county and said code is incorporated in this chapter to the same extent as included in verbatim form, and from the date on which this chapter shall take effect, the provisions thereof shall apply within the limits of the county, excluding the cities of Carlin, Wells, Elko and West Wendover. In the event any of the provisions of said code conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be controlling. All amendments and additions to the provisions of said code when ordered by the county commissioners to be filed with the county clerk, shall thereupon become amendments and additions hereto and shall have the same force and effect as the original code herein identified, provided that if any provisions of such amendments and additions are in conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be controlling. Copies of this code with all changes, additions, amendments and supplements thereto, now and hereafter made, shall be kept on file in the office of the Elko County community development department for use and examination by the public.

Section 12: Amendment to Title 3, Chapter 3, Section 3 as follows:

The following changes, amendments, additions and supplements to this code hereby adopted are hereby made and adopted to make this code applicable to the conditions in Elko County:
(A) Projection of signs of section H112 of this code is amended to read as follows:

<table>
<thead>
<tr>
<th>Clearance</th>
<th>Maximum Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 8'</td>
<td>Not permitted</td>
</tr>
<tr>
<td>8' to 14'</td>
<td>5'</td>
</tr>
<tr>
<td>14' and Over</td>
<td>Project to curb line</td>
</tr>
</tbody>
</table>

(B) Sec. H106.2.1 Electrical Installation, is hereby amended by adding the following sentence at the end thereof:

Every sign shall have a main disconnect or switch located in the sign so as to be readily accessible or on the structure as exterior of the building upon which the sign is constructed or to which it is attached. Electrical conduits shall not be required within the sign.

(C) The following new sections are added to the code:

Sec. H116.1. No permit shall be granted for the erection, construction, enlargement, alteration, repair, use or maintenance of any advertising sign, signboard, boards as other materials containing advertising matter on any ground location which may measurably destroy the natural beauty of the scenery or obscure a view of the road ahead or of curves and grades or intersecting roads or of any railroad crossings.

Should the building official, planning director, county engineer or public works director file a complaint with the county commissioners of Elko County showing any sign as a hazard to traffic, the county commissioners shall order the removal of the sign.

Sec. H116.2. No advertising signs, signboards, boards or other material containing advertising matter shall:

(a) Be placed within the right-of-way for any street or alley within the unincorporated area of Elko County.
(b) Be placed on any bridge.
(c) Be so situated with respect to any public highway, street, alley or railway as to obstruct clear vision of any intersecting highway, street, alley or railway or otherwise so situated as to constitute a safety hazard to the safe use of any state highway, or any street or alleys within the county or to the safe crossing of any railways within the county.

Sec. H116.3. If any such sign or other advertising structures and matter is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the employees of the county of Elko upon the order of the county commissioners. The cost of removal shall be paid for by the owner of the sign.

Sec. H116.4. Any person, firm or corporation placing any such sign in violation of the provisions of this section shall be subject to the penalties provided in chapter 1 of this code and in addition thereto shall also be liable in damages for any injury to a loss of
property sustained by any person by reason of the violation of the provision of this section.

SECTION H117 - MISCELLANEOUS

Sec. H117.1. The building official provided in this code shall be the county building official.

Sec. H117.2. Nothing herein is intended to or shall be so construed as to prevent the posting or maintaining of any notices required by law to be posted or maintained, or the placing as maintaining of highway, street, road and other traffic signs and other signs of the county, or the state for traffic or safety purposes, street names and other signs and markers normally installed, erected or maintained in connection with its affairs, or to prevent the county from issuing a permit for the hanging of flags, banners and advertising media intended to designate holidays, rodeos, fairs, conventions and other civic or public affairs being held within the county.

Proposed this 17th day of June, 2020, by Elko County Commissioner Delmo Andreozzi and seconded by Commissioner Cliff Eklund.

Passed and adopted this 17th day of July, 2020.

Vote: Ayes: 5
Nays: 0
Absent: 0

DEMAR DAHL, Chair of the Board of Commissioner

ATTEST:

KRISTINE JAKEMAN, Elko County Clerk

This Ordinance shall be in full force and effect from and after the 5th day of October, 2020, after required publication.