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SENATE BILL NO. 327—SENATORS SETTELMEYER; AND HARDY

MARCH 21, 2011

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the mandatory installation of automatic fire sprinkler systems. (BDR 22-1027)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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AN ACT relating to buildings; prohibiting a governing body of a county or incorporated city in this State from adopting a building code or taking any other action on and after a certain date that requires the installation of an automatic fire sprinkler system in certain types of residential buildings; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the governing body of any county or incorporated city in  
2 this State is authorized to adopt a building code that specifies the design, soundness  
3 and materials of structures. (NRS 278.580) **Section 1** of this bill prohibits such a  
4 governing body from adopting a building code or taking any other action on and  
5 after July 1, 2011, that requires the installation of an automatic fire sprinkler system  
6 in certain types of residential buildings. **Section 4** of this bill provides for the  
7 continued enforcement of such a building code that is adopted before that date.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:  
3 *1. On and after July 1, 2011, a governing body shall not*  
4 *adopt a building code or take any other action that requires the*  
5 *installation of an automatic fire sprinkler system in a new or*



\* S B 3 2 7 \*

1 *existing residential building that consists of not more than two*  
2 *residential units.*

3 2. *The provisions of this section do not prohibit a person from*  
4 *installing an automatic fire sprinkler system in any residential*  
5 *building.*

6 3. *As used in this section:*

7 (a) *“Automatic fire sprinkler system” has the meaning*  
8 *ascribed to it in NRS 202.580.*

9 (b) *“Residential building that consists of not more than two*  
10 *residential units” includes, without limitation, a residential*  
11 *dwelling unit, duplex, condominium or townhouse.*

12 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

13 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
14 *section 1 of this act*, unless the context otherwise requires, the  
15 words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
16 have the meanings ascribed to them in those sections.

17 **Sec. 3.** NRS 278.580 is hereby amended to read as follows:

18 278.580 1. Subject to the limitation set forth in NRS 244.368,  
19 *and except as otherwise provided in section 1 of this act*, the  
20 governing body of any city or county may adopt a building code,  
21 specifying the design, soundness and materials of structures, and  
22 may adopt rules, ordinances and regulations for the enforcement of  
23 the building code.

24 2. The governing body may also fix a reasonable schedule of  
25 fees for the issuance of building permits. A schedule of fees so fixed  
26 does not apply to the State of Nevada or the Nevada System of  
27 Higher Education, except that such entities may enter into a contract  
28 with the governing body to pay such fees for the issuance of  
29 building permits, the review of plans and the inspection of  
30 construction. Except as it may agree to in such a contract, a  
31 governing body is not required to provide for the review of plans or  
32 the inspection of construction with respect to a structure of the State  
33 of Nevada or the Nevada System of Higher Education.

34 3. Notwithstanding any other provision of law, the State and its  
35 political subdivisions shall comply with all zoning regulations  
36 adopted pursuant to this chapter, except for the expansion of any  
37 activity existing on April 23, 1971.

38 4. A governing body shall amend its building codes and, if  
39 necessary, its zoning ordinances and regulations to permit the use  
40 of:

41 (a) Straw or other materials and technologies which conserve  
42 scarce natural resources or resources that are renewable in the  
43 construction of a structure; and

44 (b) Systems which use solar or wind energy to reduce the costs  
45 of energy for a structure if such systems and structures are otherwise



1 in compliance with applicable building codes and zoning  
2 ordinances, including those relating to the design, location and  
3 soundness of such systems and structures,

4 ➔ to the extent the local climate allows for the use of such  
5 materials, technologies, resources and systems.

6 5. The amendments required by subsection 4 may address,  
7 without limitation:

8 (a) The inclusion of characteristics of land and structures that  
9 are most appropriate for the construction and use of systems using  
10 solar and wind energy.

11 (b) The recognition of any impediments to the development of  
12 systems using solar and wind energy.

13 (c) The preparation of design standards for the construction,  
14 conversion or rehabilitation of new and existing systems using solar  
15 and wind energy.

16 6. A governing body shall amend its building codes to include:

17 (a) The seismic provisions of the International Building Code  
18 published by the International Code Council; and

19 (b) Standards for the investigation of hazards relating to seismic  
20 activity, including, without limitation, potential surface ruptures and  
21 liquefaction.

22 **Sec. 4.** Any building code, ordinance, regulation or rule  
23 adopted by the governing body of a county or incorporated city in  
24 this State before July 1, 2011, which requires the installation of an  
25 automatic fire sprinkler system specified in section 1 of this act  
26 remains in effect and may be enforced by the governing body until  
27 the governing body repeals or amends the building code, ordinance,  
28 regulation or rule.

29 **Sec. 5.** This act becomes effective on July 1, 2011.

