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May 14, 2003

Attention: Mark Manendo - Chair

**Re: Testimony Before Assembly Government Affairs  
Committee on Senate Bill 458**

The amendment 320 to Senate Bill 458 would allow the reduction of the current level of fire and life safety that the residents and visitors of Nevada have been accustomed to. This level of fire safety has been required to meet a minimum state standard for over twenty years, since the MGM fire. SB 458 in its current form would remove the safeguard of a minimum state standard. The State of Nevada currently uses the Uniform Building Code 1997 Edition with amendments. Jurisdictions are currently allowed to adopt any building code, as long as they meet that minimum level that is set. The following is from the State Fire Marshal Regulations:

**NAC 477.280 Adoption and effect of local requirements; enforcement of model codes.**

1. Where there is a conflict between this chapter and any code, ordinance or regulation adopted by a local authority, the more stringent requirement providing the greatest safety from fire and for life to the public applies.
2. The model codes adopted with modifications by the state fire marshal pursuant to this chapter are enforceable jointly with the other provisions of this chapter.
3. Nothing in this section prohibits a local government from adopting any code or ordinance that is more stringent than the provisions of this chapter.

[St. Fire Marshal, § 1.103, eff. 11-27-78]-(NAC A 1-19-84; 8-24-90)

SB 458 as amended would allow different levels of protection, which may vary from jurisdiction to jurisdiction within the Las Vegas Valley.

The Clark County Building Department has recently adopted the International Building Code (IBC) 2000 Edition. The City of Henderson plans to do the same in the very near future. In its current state, the IBC is significantly less stringent than the Uniform Building Code (UBC), which is currently the state standard. In order for Clark County to adopt the IBC and meet the minimum state requirements, they have had to address deficiencies to the

ASSEMBLY GOVERNMENT AFFAIRS

DATE: 5/14/03 ROOM: 3143 EXHIBIT K. 104

SUBMITTED BY: Dave Washington

suffering from smoke inhalation or death by one hundred and fifty percent.

- **Fire resistive ratings of structural members**

The UBC requires all structural members within twenty-five feet of the floor to be covered with fire-resistive material. The IBC's requirement is twenty feet, meaning structural beams between twenty and twenty-four feet from the floor are required to be protected under the UBC, but not under the IBC. This is an obvious reduction in the level of fire protection of any building.

- **Area separation did not constitute a separate building for fire alarm systems in UBC and that is now taken out of IBC**

Under the UBC, when a building requires a fire alarm system, it must have detection and notification devices throughout the building. Two buildings built side-by-side may be considered separate if the wall between them has a fire rating of four hours or more. This requirement does not exist under the IBC, meaning it is conceivable that different businesses in a strip mall could be interpreted as separate buildings. If that were the case, there would be no requirement for the fire alarm system to cover the entire structure, increasing the chances of fire spreading rapidly through a common attic without proper warning to occupants in other parts of the building.

- **No Escape & Rescue Openings Required**

The UBC requires emergency escape windows in rooms that are or may be used for sleeping. The IBC allows for the elimination of this requirement if there is a sprinkler system installed. We see this as problematic because a smoldering fire can produce enough smoke and toxic gases kill someone before generating the required heat to activate the fire sprinkler. In addition, even if the occupant were conscious and physically able to escape, there would be no second escape route to the door. Also, this allowance would inhibit our ability to access the room from the outside.

It is important to note that our concern is not with a bad code, but rather with the lack of an acceptable state standard. The fire service hopes to have some influence on the safety standards required of the buildings that their respective members must access in order to rescue people and save property. If a state standard were to go away, we are concerned that the amendments to the IBC that have been instituted recently will soon be removed as well.

K. 2/4

Because of existing automatic and mutual aid agreements between our local jurisdictions, we are concerned that we will not always have an accurate sense of the dangers certain buildings may pose to our employees, which would significantly hinder our ability to properly assess and effect the saving of life and property, and potentially increase the risk to our members.

K. 304

IBC by adding 85 amendments. The following are a few examples of deficiencies that have had to be amended.

- **Smoke Control Provisions**

Currently, high-rise building in the State of Nevada must have smoke control systems built in. These include smoke evacuation systems that are integrated with fire and water flow alarms. Their purpose is to begin removing toxic gases from the building in the early stages of a fire. The IBC does not require high-rise buildings to have these systems in place. Without this amendment, the chances of fire casualties would increase significantly in the event of a high-rise structure fire.

- **Partial Sprinkled Buildings**

Under the UBC, if a building meets the criteria for needing sprinklers, it must be sprinkled throughout. The IBC allows building to be partially sprinkled. This can be inconsequential in some buildings but can have disastrous consequences in others. The MGM Grand fire in 1980 is a classic example. Because it was partially sprinkled, fire was allowed to spread to the high-rise tower and get beyond fire suppression efforts. The end result was an enormous loss of life.

- **Hazardous Materials Control Areas**

Currently, the UBC requires that all hazardous materials (HM) be stored on the first and second floors of buildings only, and that there may be only between two and four different areas where those hazardous materials may be stored. The IBC would allow the storage of HM throughout the building, regardless of the elevation. This would prove problematic for inspectors to recognize violations, as well as suppression crews when fighting fires, particularly in high-rise structures.

- **Increased Exiting Travel Distances**

Under the UBC a building cannot have a corridor that ends without an exit to be over twenty feet long. In this case if the building was on fire and filled with smoke, they would encounter the dead-end and have to turn back. They would have had to walk or crawl through forty feet of smoke. The IBC allows a corridor without an exit to be fifty feet long, meaning it would be possible for a person trying to escape to go the wrong direction and travel through one-hundred feet of smoke. This would increase their chances of