

ORDINANCE NO.

(Replacing section 15.01 and 15.36 of Title 15, Building and Construction)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO REPEAL AND REPLACE THE EXISTING MUNICIPAL CODE CHAPTER 15.01, UNIFORM ADMINISTRATIVE CODE, WITH A NEW 15.01 TITLED BUILDING AND FIRE SAFETY ADMINISTRATIVE CODE OF HENDERSON, NEVADA; REPEAL THE EXISTING MUNICIPAL CODE CHAPTER 15.36, MOVING BUILDINGS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Henderson adopts various model codes to regulate construction, which codes are updated approximately every three years; and

WHEREAS, the City of Henderson adopts an administrative code to provide for the administrative rules and regulations for the administration and enforcement of the technical codes adopted by the City of Henderson;

NOW THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Delete existing Chapter 15.01 in its entirety and replace as follows:

**15.01.005 TITLE.**

Chapter 15.01 shall be known as the "Building & Fire Safety Administrative Code of Henderson, Nevada." It may be cited as such or by the short title "Administrative Code." It is referenced herein as "this Chapter."

**15.01.010 PURPOSE.**

The purpose of this Chapter is to provide the administrative rules and regulations for the administration and enforcement of the technical codes adopted by the City of Henderson. These technical codes are set out generally in Chapters 15.08, 15.09, 15.10, 15.16, 15.20, 15.24, 15.40, 15.44, 15.45 and 15.56 of the Henderson Municipal Code.

The purpose of this Chapter and the technical codes is to provide appropriate design and construction regulations to safeguard the public health, safety and general welfare by regulating and controlling the permitting, design, construction, quality of materials, use and occupancy, location and maintenance of buildings, service equipment and structures in the jurisdiction of the City of Henderson specifically regulated herein.

**15.01.015 SCOPE.**

The provisions of this Chapter shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes, that regulate the site preparation, construction, alteration, moving, enlargement, replacement, demolition, repair, maintenance, use and occupancy of buildings and structures and appurtenances connected or attached to such buildings and structures, signs, amusement and transportation systems and building service equipment.

For the purpose of this Chapter, the term “equipment” or “systems” shall apply to any equipment or system regulated by the technical codes. Where, in any specific case, different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Whenever the technical codes make a reference to an Appendix chapter, the Appendix chapter shall not apply unless specifically adopted by the City of Henderson. Where differences occur between provisions of this Chapter and the technical codes, the most restrictive shall govern.

**Exception:** This Chapter does not apply to the following:

- (A) Facilities or installations within the city of Henderson which are owned and operated by an entity which invokes preemptive power such as the State of Nevada or the federal government.
- (B) Buildings, structures or service equipment and installations directly used in utility generation or distribution which are installed on properly recorded easements belonging to water, gas, power, telephone, or other utility companies that are preemptively regulated and governed by the Nevada Public Service Commission, a State of Nevada charter, or other public franchise. This Exception does not apply to non-exempted buildings and structures containing occupiable space such as offices, meeting rooms, service counters, public restrooms, site preparation, block walls and fences.

**15.01.020 SUBSTANTIAL COMPLIANCE STANDARD.**

In the enforcement of specific provisions of this Chapter and the technical codes, the Building Official and the Fire Chief are authorized to grant minor variations from the strict application of specific code provisions where, in the opinion of the Building Official and the Fire Chief, the work is in substantial compliance with the intent of the adopted codes and standards, and these minor variations are warranted.

**15.01.025 GUARANTEE OR WARRANTY.**

The Building Official reviews and approves construction drawings and conducts periodic inspections of work in progress to verify that the approved plans and work inspected at specific points in time are in substantial compliance with the technical codes. The Building Official does not conduct continuous inspections of work in progress. Accordingly, reviews, approvals and inspections performed by the Building Official pursuant to this Chapter do not create any guarantee or warranty that buildings, structures or service equipment have been constructed in accordance with all of the applicable provisions of the technical codes.

**15.01.030 EMERGENCY PROVISIONS.**

In the event of a national, state or local emergency declaration, the Building Official may waive or augment the provisions of this Chapter and the technical codes as needed during the periods of emergency to protect public safety.

**15.01.035 EXISTING BUILDINGS, STRUCTURES, AND BUILDING SERVICE EQUIPMENT.**

Existing buildings, structures and building service equipment shall comply with the provisions of this section.

**(A) Additions, Alterations or Repairs.**

Buildings, structures and building service equipment to which additions, alterations and repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this Chapter.

Additions, alterations and repairs may be made to any building, structure and building service equipment without requiring the existing building, structure or building service equipment to comply with all the requirements of the technical codes provided the addition, alteration or repair conforms to that required for a new building, structure or building service equipment.

Additions, alterations or repairs shall not be made to an existing building, structure or building service equipment that will cause the existing building or building structure service equipment to be in violation of any of the provisions of the technical codes, nor shall such additions, alterations or repairs cause the existing building, structure or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition, alteration or repair:

- (1) Causes the existing building to become structurally unsafe;
- (2) Does not provide adequate means of egress in compliance with the provisions of the Building Code;
- (3) Creates a fire hazard as determined by the Henderson Fire Marshal;
- (4) Reduces required fire resistance;
- (5) Causes building service equipment to become overloaded or exceed its rated capacity;
- (6) Creates a health hazard as determined by the Health District of Southern Nevada or otherwise creates conditions dangerous to human life and safety.

Any addition, alteration or repair of a building which involves a change in use or occupancy shall not exceed the height, number

of stories or area permitted by the Building Code for new buildings. Any building plus new additions shall not exceed the height, number of stories or area permitted by the Building Code for new buildings. All fire systems required by Chapter 9 because of the area of the addition or the area of the addition plus the existing building area shall be extended throughout the building or structure or separated per the Fire Code.

New additions and alterations shall comply with the code in effect at the time of construction of the addition or alteration. Additions and alterations may not be made to an existing building or structure where such building or structure is not in full compliance with the provisions of the applicable Building Code in effect at the time of construction of the building unless the proposed addition or alteration includes work to bring the existing building into compliance with the applicable code.

Alterations and repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or system, or a part of the building having required fire resistance, may be made with the same materials as the building or structure, subject to the approval of the Building Official. The installation or replacement of glass shall be as required for new installations.

Additions or alterations shall not be made to an existing building or structure which is in violation of other provisions of the Henderson Municipal Code unless such additions or alterations include work to bring the building into compliance with the applicable provisions of the Henderson Municipal Code. This limitation does not apply to lawful non-conforming buildings or uses as determined by the Henderson Community Development Department.

**(B) Existing Building Service Equipment Installations.**

Building service equipment lawfully in existence at the time of adoption of the technical codes may have its use, maintenance or repair continued if such building service equipment is in accordance with its original design and does not pose a hazard to life, health or property. Minor additions, alterations and repairs to existing building service equipment may be made in accordance with the technical codes in effect at the time of original installation, subject to approval of the Building Official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

**(C) Existing Occupancy.**

Buildings in existence at the time of the adoption of the Building Code may have their use or occupancy continued if such use or occupancy was legal at the time of the adoption of the Building

Code and provided such continued use is not dangerous to life, health or safety. Any change in the use or occupancy of an existing building shall require that the building be made to conform to all current technical code requirements based upon the new use or occupancy, including upgrade of the building's structural system. In addition, any fire safety system required by the codes because of the occupancy change shall be extended throughout the building or structure or separated per the Fire Code.

**(D) Maintenance.**

All existing and new buildings, structures, signs, and building service equipment and all parts thereof shall be maintained in a safe working condition and in accordance with the provisions of the adopted technical codes and City of Henderson Property Maintenance Code as adopted in Chapter 15.12 of the Henderson Municipal Code. All devices and safeguards which are required by the technical codes shall be maintained in conformance with the technical code in effect at the time of installation. The owner or his designated agent shall be responsible for the maintenance of buildings, structures, building service equipment and assuring that all required fire and life safety systems are maintained in an operable condition at all times. To determine compliance with the requirement of this section, the Building Official may cause any building, structure or building service equipment to be re-inspected.

**15.01.040 DEFINITIONS.**

For the purposes of this Chapter, certain terms, phrases, words and their derivatives shall be defined as specified in this section or other adopted technical codes. Where words and terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1997, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

**ALTER** or **ALTERATION** means any construction or renovation to an existing building, structure or building service equipment other than repair or addition.

**AMUSEMENT AND TRANSPORTATION SYSTEM (ATS)** is any ride, device, building or structure that is used primarily for human entertainment and enjoyment, either moving or stationary. The final determination whether a ride, device or structure shall be classified under this definition shall be made by the Building Official. For the purposes of this Chapter, slot machines, electronic gaming devices, pinball games, electronic arcade games, and non-motorized playground equipment are not amusement and transportation systems.

**AMUSEMENT SYSTEM OR TRANSPORTATION SYSTEM PERMIT**

means permits issued by the Building Official authorizing construction and installation of an ATS. At the option of the Building Official, an amusement and transportation system permit may include in its scope any subsidiary permits for supporting or enclosing structures and buildings, associated and accessory structures, utility permits, and other building service equipment.

**APPROVED**, as to materials, types of construction, equipment and systems refers to approval by the Building Official as the result of investigation and tests, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

**APPROVED AGENCY** is a Quality Assurance Agency that has been approved and listed by the Building Official pursuant to this Chapter.

**APPROVED CONSTRUCTION DOCUMENTS** are construction documents that have been reviewed and approved for permit by the Building Official pursuant to this Chapter.

**APPROVED FABRICATOR** means a company that constructs or assembles standardized building components into assemblies in an approved manner based on submittal of specified documentation and successful periodic evaluation for conformance to standard operating procedures and tests such that the company is listed on the published Approved Fabricators list.

**APPROVED PRODUCTS** are products that are included on product listings from testing and listing agencies approved by the Building Official.

**APPROVED SPECIAL INSPECTOR** is a special inspector who has been approved and listed by the Building Official pursuant to this Chapter.

**AREA ACCEPTANCE REPORT** is a report to the Building Official that states all required activities for special inspection item(s) are complete and acceptable for a portion of the work authorized by a permit.

**ATS** means "Amusement and Transportation System" as defined in this Chapter.

**BUILDING CODE** means that edition of the *International Building Code* and amendments thereto adopted by the City of Henderson and referenced in Chapter 15.08 of the Henderson Municipal Code.

**BUILDING, EXISTING** means a building erected prior to the adoption of the currently adopted technical codes or one for which a legal, unexpired building permit has been issued by the Building Official.

**BUILDING OFFICIAL** means the City of Henderson Building & Fire Safety Director and the Director's designee(s).

**BUILDING SERVICE EQUIPMENT** means the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories that provide potable water, sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for the designated use and occupancy.

**BUILDING SERVICE EQUIPMENT, EXISTING** means building service equipment lawfully installed prior to the adoption of the currently adopted technical codes or for which a legal, unexpired permit has been issued by the Building Official.

**CERTIFICATE OF OPERATION** means a document issued by the Building Official on an annual basis certifying that an Amusement and Transportation System (ATS) has been inspected and found to be in compliance with the manufacturer's requirements for operation and maintenance, the approved Operations and Maintenance Manual(s), and approved plans and any other requirements of this Chapter. A current Certificate of Operation is required in order to lawfully operate an ATS.

**COMMERCIAL COACH** means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. A commercial coach is intended to be shipped to a location and remain at that site for a temporary period of time. A commercial coach does not include a recreational park trailer.

**CONSTRUCTION DOCUMENTS** are plans, specifications, supporting calculations and other data prepared to describe the design, materials, physical characteristics, location, orientation, and scope of a proposed project necessary to obtain a permit.

**CONSTRUCTION OFFICES** are those trailers which are intended to serve as temporary, on-site office and meeting space for the owner, architects, engineers and other project representatives during, and related to, the actual construction of a project. Construction offices do not include office space of the contractor's construction personnel.

**CONSTRUCTION TRAILERS** are those trailers which are intended to serve as temporary, on-site office and meeting space for contractors, subcontractors and other project representatives during, and related to, the actual construction of a project. Construction trailers do not include sales offices or satellite offices of the contractors, architect, engineer, etc., if the staff is working permanently therein.

**DANGEROUS BUILDING CODE** means that edition of the *Uniform Code for the Abatement of Dangerous Buildings* and amendments thereto

adopted by the City of Henderson and referenced in Chapter 15.10 of the Henderson Municipal Code.

**DEPARTMENT** means the City of Henderson Building & Fire Safety Department.

**DESIGN PROFESSIONAL** is an individual who is registered or licensed by the State of Nevada pursuant to Nevada Revised Statutes Chapters 623, 623A, or 625.

**DEVICE** is a component or system that may contain electrical, mechanical and/or pyrotechnic effects that require specific safety features to protect the general public.

**ELECTRICAL CODE** means that edition of the *National Electrical Code* and amendments thereto adopted by the City of Henderson in Chapter 15.16 of the Henderson Municipal Code.

**FIRE CODE** means that edition of the *International Fire Code* and amendments thereto adopted by the City of Henderson in Chapter 15.32 of the Henderson Municipal Code.

**JURISDICTION** as used in this Chapter is the area within the incorporated boundaries of Henderson, Nevada.

**LIFE-SAFETY SYSTEM** means, without limitation, electrical, plumbing, heating, ventilating, air conditioning, emergency lighting, fire alarm systems, fire sprinklers, smoke detectors, fire walls, fire barriers and exits required by the technical codes for the protection of human life and safety.

**LISTED** equipment, materials or services included in a list published by an organization acceptable to the Building Official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material or service meets identified standards or has been tested and found suitable for a specified purpose by an approved testing agency that is qualified and equipped for experimental testing and maintaining an adequate, periodic inspection of current productions, and whose listing states the equipment complies with recognized safety standards.

**LISTING** and **LISTING REPORT** is a published statement or document that details the products and services evaluated by a nationally recognized body and any conditions or limitations placed on the use of the product or service by that body. Listings and reports are subject to acceptance by the Building Official.



**MAJOR MODIFICATION** of any Amusement and Transportation System (ATS) is any change in either the structural or operational characteristics of the ATS that will alter its performance from that specified in the manufacturer's design criteria, including ride control software.

**MANUFACTURED HOME** means a structure which is built on a permanent chassis, designed to be used with or without a permanent foundation as a dwelling when connected to utilities; a manufactured home does not include a recreational park trailer, travel trailer, modular building, commercial coach or mobile home.

**MECHANICAL BULL** is an operator-controlled device, operated in such a manner that the intention is to cause the ejection of the rider.

**MECHANICAL CODE** means that edition of the *Uniform Mechanical Code* and amendments thereto adopted by the City of Henderson in Chapter 15.24 of the Henderson Municipal Code.

**MOBILE HOME** means a vehicular structure which is built on a chassis or frame, is designed to be used with or without a permanent foundation, is capable of being drawn by a motor vehicle and is used as a dwelling when connected to utilities. Mobile home does not include a recreational park trailer, travel trailer, modular building, commercial coach or manufactured home.

**MODULAR BUILDING** means an office, apartment, school, motel or other building, whether it is a total building or room, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with regulations adopted by the State of Nevada. A modular building is intended to be shipped to a location and remain at that site for its intended life as an improvement to the real estate. A modular building does not include a mobile home or recreational park trailer.

**NATIONALLY RECOGNIZED BODY** is an organization that evaluates testing laboratories, inspection agencies and fabrication and manufacturing facilities that produce products and services in accordance with the technical codes.

**OCCUPANCY** means the purpose of which a building or structure or part thereof is used or intended to be used. The term "occupancy" as used in this Chapter shall include the building or structure or part thereof housing the intended use.

**OCCUPANT** means the person who resides in and/or has primary use of a building or structure or a portion of a building or structure.

**OWNER**, any person, agent, firm or corporation having a legal or equitable interest in the property.

**PATRON** is a person who participates in an Amusement and Transportation System (ATS) whether paying or non-paying, including employees.

**PERMIT** means an official document or certificate issued by the Building Official authorizing performance of a specified activity.

**PERMIT APPLICANT** means the person that has filed an application with the Building Official for a permit.

**PERMITEE** means the person to whom a permit is issued.

**PERMITTED WORK** means the work for which a permit is issued.

**PERSON** means an individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PLUMBING CODE** means that edition of the *Uniform Plumbing Code* and amendments thereto adopted by the City of Henderson in Chapter 15.20 of the Henderson Municipal Code.

**POOL CODE** means the *Southern Nevada Pool Code* adopted in Chapter 15.44 of the Henderson Municipal Code.

**PRIME AGENCY** means an approved agency designated by the owner or design professional acting on behalf of the owner to provide special inspection services and required special inspection documents to the Building Official.

**PRINCIPAL DESIGN PROFESSIONAL** is an architect registered pursuant to Nevada Revised Statutes Chapter 623 or a professional engineer licensed pursuant to Nevada Revised Statutes 625 who is responsible for the coordination of each aspect of the construction documents that are submitted to the Building Official for approval.

**PROHIBITED USE NOTICE** means a written document issued by the Building Official indicating non-compliance with the requirements of certification, installation, inspection, operation or any provisions of the Amusement and Transportation System (ATS) Code and further indicating that the ATS may not be operated for other than repairs, inspection or testing.

**QUALITY ASSURANCE AGENCY (QAA)** means an approved organization that is in the business of providing inspection, testing and reporting services for the types of construction and construction work that are regulated in the technical codes.

**QUALITY ASSURANCE AGENCY SPECIAL INSPECTION**

**AGREEMENT** means an agreement between an owner that has been issued a permit, or a design professional acting on behalf of that owner, and an approved Quality Assurance Agency listing the types of construction and construction work required to be verified through a special inspection process.

**QUALITY SYSTEM AUDITOR** means a person with the requisite knowledge, skill and experience to evaluate the quality assurance and quality control operations of fabrication and manufacturing facilities.

**RECOGNIZED AGENCY** means a Quality Assurance Agency (QAA) that maintains an accreditation through a nationally recognized body.

**RECOGNIZED FABRICATOR/MANUFACTURER** means a facility that is listed or maintains an evaluation report through a nationally recognized body. The evaluation report or listing is used by the Building Official to determine the acceptability of the quality control and quality assurance operations of the facility.

**RECREATIONAL PARK TRAILER** means a vehicle which is primarily designed to provide temporary living quarters for recreational, camping or seasonal use.

**REPAIR** means the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of maintenance or continued use, operation or occupancy.

**RESIDENTIAL CODE** means that edition of the *International Residential Code* and amendments thereto adopted by the City of Henderson and referenced in Chapter 15.09 of the Henderson Municipal Code.

**RIDE** means an Amusement Ride or Transportation System (ATS) as defined in this Chapter.

**SALES TRAILER** are those trailers which are intended to serve as temporary, office and sales space for customer sales during the construction of a project.

**SHALL**, as used in this Chapter, is mandatory.

**SPECIAL INSPECTION** means a process of inspection, testing and reporting by approved special inspectors and Quality Assurance Agencies to assure the Building Official that the construction of structural elements, materials, and life safety systems is being performed in accordance with the approved construction documents and applicable technical code.

**SPECIAL INSPECTION CATEGORY** means that collection of specialized inspection activities specified in Chapter 17 of the *International Building Code*.

**SPECIAL INSPECTION PERSONNEL** are individuals employed by an approved Quality Assurance Agency and listed by the Building Official as a special inspector, technician, a laboratory supervisor, a laboratory director, a field supervisor, a Quality Manager, or an Engineering Manager.

**SPECIAL INSPECTOR** is an individual who has specialized knowledge, skill, training, experience and professional certifications by a nationally recognized body for one or more of the types of construction subject to special inspection as specified in Chapter 17 of the *International Building Code*.

**STRUCTURE** means that which is built or constructed.

**STRUCTURE, EXISTING** means a structure erected prior to the date of adoption of the currently adopted technical codes, or one for which a legal building permit has been issued.

**SUBCONTRACTED AGENCY** means an approved agency providing special inspection services through a prime agency.

**TECHNICAL CODES** means those codes adopted in Chapters 15.08, 15.09, 15.10, 15.16, 15.20, 15.24, 15.44, 15.45 and 15.56 of Title 15 of the Henderson Municipal Code.

**TECHNICAL GUIDELINES** means the rules and regulations promulgated by the Building Official to carry out the purpose and provisions of this Chapter.

**TRANSPORTATION SYSTEM** means any moving apparatus which is primarily intended for transportation but may include entertainment and enjoyment while moving along, around, or over a fixed or restricted course. This definition includes people movers and monorails for private property, linking of properties, or when included in a franchise agreement. The final determination as to whether an apparatus shall be classified under this definition shall be made by the Building Official. The definition of transportation system does not include automobiles, trucks, buses, surface trains or other transportation means when existing regulation of the State of Nevada for federal authorities would conflict with this Chapter.

**VALUATION** or **VALUE**, for the purpose of this Chapter, means the total value of work including materials and labor, grading, site development, electrical, gas, mechanical, plumbing, painting, finish work, roofing, fire protection and any other permanent systems or equipment for which a

permit is being issued. Final determination of value shall be made by the Building Official.

**WORK** as used in this Chapter means, without limitation, the construction, erection, alteration, installation, production, activity, manufacture, labor or operation that goes into the making of the proposed project that is subject to a permit.

**15.01.045 MOVED BUILDINGS.**

Buildings or structures moved into or within the city of Henderson shall comply with the provisions of this Chapter, the technical codes and Title 19 of the Henderson Municipal Code for new buildings and structures. All required permits shall be obtained prior to the demolition or removal or relocation of a building or structure to a new site.

**(A) Requirements for Site Demolition.**

The owner is responsible to properly disconnect all utility services from the site of a moved building and remove all debris, building materials, foundations, and accessory building components from the site on which the building existed. The sewer lateral serving the premise shall be removed or shall be capped as determined by the Henderson Utilities Services Department. For this work, the owner shall obtain a demolition permit in accordance with this Chapter.

**(B) Permit Requirements for Moved or Relocated Building.**

Application to move or relocate a building or structure shall be accompanied by:

- (1) The legal description of the property on which the building or structure is currently located;
- (2) The legal description of the property on which the moved or relocated structure is to be placed;
- (3) A fully dimensioned plot plan showing the size of the parcel on which the moved or relocated building is to be placed, any existing buildings on that parcel, and the distance from the moved or relocated building to existing buildings and all property lines;
- (4) Plans and calculations as determined by the Building Official to be sufficient to show that the moved or relocated building or structure will comply with all current technical codes and other applicable provisions of the Henderson Municipal Code;
- (5) Plans detailing any structural or architectural changes to be made to the interior or exterior of the moved or relocated building or structure;
- (6) A performance bond of cash or surety in favor of the City in an amount as determined by the Building Official sufficient to cause the removal of the moved

building and all improvements should the project be abandoned;

- (7) And a letter of intent for completion, including a completion schedule, signed by the owner.

If the owner fails to complete the project as detailed in the completion letter, which, for the purposes of this section, is deemed to be a maximum of one hundred eighty days, the owner may request a single 180 day extension from the Building Official by showing cause of extreme hardship. Should the owner fail to complete the project after expiration of the time specified in the intent for completion letter and any granted extension, the Building Official shall initiate action to cause the performance bond of cash or surety to be utilized to demolish or remove the moved or relocated building or structure and all site improvements as may be deemed appropriate by the Building Official.

**(C) Permit Requirements for New Site.**

At the new site for a moved building, all work including construction of the foundation, installation of site utilities, site development and additions, alterations or repairs made to the moved building or structure shall require a permit application, construction document approval and permit issuance pursuant to the requirements of this Chapter. Such work shall be inspected and shall obtain all required approvals prior to use or occupancy of the building or structure in accordance with this Chapter and the technical codes.

**15.01.050 TEMPORARY BUILDINGS OR STRUCTURES.**

Temporary buildings or structures such as reviewing stands, grandstands, sheds, and other miscellaneous structures located on private property shall require a permit application, construction document approval and building permit issuance.

**Exception:** Temporary buildings or structures erected or used for 30 days or less.

Such buildings or structures need not comply with the type of construction or fire resistive time periods required by the Building Code provided they do not exceed 500 square feet in area and are separated from other structures and lot lines as determined by the Building Official.

No temporary building or structure shall be used or occupied without a current Temporary Certificate of Occupancy (TCO). The initial TCO for temporary buildings or structures may be issued for a period not to exceed 180 days. Upon expiration of the TCO, the temporary building or structure shall be completely removed within 15 days unless the TCO has been extended. When a TCO for a temporary building or structure is renewed or extended, the owner is required to obtain an inspection of the temporary building or structure.

**Exceptions:**

- (A) Temporary membrane structures regulated by the Henderson Fire Code.  
(Note: All requirements of the Henderson Fire Code, including required permits and inspection approvals, remain applicable to such membrane structures.)
- (B) Temporary ATS and structures such as haunted houses and fireworks stands that do not exceed 30 days in duration from erection to removal.  
(Note: All requirements of the Henderson Fire Code, including required permits and inspection approvals, remain applicable to such temporary structures, excluding temporary ATS.)
- (C) Temporary structures such as canopies or fences used for the protection of the public during permitted construction may, when approved by the Building Official, continue in existence until such time as related construction is completed or protection is no longer required.

**15.01.055 HISTORIC BUILDINGS.**

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure and its buildings service equipment may be made without conformance to all the requirements of the technical codes when approved by the Building Official provided:

- (A) The building or structure has been designated by official action of the legally constituted authority of the City of Henderson as having special historical or architectural significance;
- (B) Any unsafe conditions as described in this Chapter, the technical codes and the Property Maintenance Code contained in Chapter 15.12 of the Henderson Municipal Code are corrected;
- (C) The repairs, alterations or additions to the building, structure or its building service equipment shall not cause the existing building, structure or building service equipment to be more hazardous based on life safety, fire safety and sanitation than before the repairs, alterations or additions occurred.

**15.01.060 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION.**

The provisions of the technical codes are not intended to prevent the use of any material, design, or method of construction not specifically prescribed by the technical codes, provided such alternative has been approved by the Building Official. An alternative material, design or method of construction may be approved provided the Building Official finds the proposed alternate is satisfactory and complies with the intent of the technical codes and the proposed

alternate is at least equivalent to that prescribed by the technical codes in suitability, strength, effectiveness, fire resistance, durability, performance, safety and sanitation.

The Building Official shall require that sufficient evidence of proof be provided to substantiate any claims made regarding the suitability of any proposed alternate. The International Code Council *Performance Code for Buildings and Facilities* may be referenced as a guide for using alternate methods and materials. The Building Official may require that evidence or proof be submitted for review and acceptance by the Board of Appeals prior to the granting of an approval. Record of any action granting approval of an alternate shall be kept by the Building & Fire Safety Department as required by prevailing law.

Alternates are project-specific and the granting of approval of an alternate for one project does not constitute approval of that same alternate for another project.

#### **15.01.065 MODIFICATIONS.**

Whenever there are practical difficulties in complying with the provisions of the technical codes, the Building Official shall have the authority to allow modification to the technical codes on an individual case-by-case basis provided the Building Official first determines that strict compliance with the technical codes is impractical. No modification shall be granted which lessens the requirements of the health, life safety or structural integrity of the technical codes or the intent of those codes as determined by the Building Official. Record of action granting any modification shall be kept by the Building & Fire Safety Department as required by prevailing law.

#### **15.01.070 TESTS.**

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that a material or method of construction does not conform to the requirements of the technical codes, or in order to substantiate claims for proposed alternate materials and methods, the Building Official shall have the authority to require tests to provide verification of compliance. The permit applicant shall pay the costs of all tests required by the Building Official. Test methods shall be as specified in the technical codes or by other recognized test methods acceptable to the Building Official. Tests shall be performed by an approved or recognized agency. Test reports will be retained by the Building & Fire Safety Department as required by prevailing law. In the absence of recognized or accepted test methods, the Building Official shall approve the testing procedures. The Building Official may require an opinion of a qualified independent third-party professional regarding a proposed testing procedure. The Building Official shall approve the qualified independent third-party professional in consultation with the permit applicant and the permit applicant shall pay the cost of all third-party review services.

#### **15.01.075 CONFLICTING PROVISIONS.**

Whenever conflicting provisions or requirements occur between this Chapter, the technical codes and other laws and regulations, the most restrictive shall govern. Where conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. Where different sections of the technical



codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. In any situation in which a conflict may develop between the Development Code contained in Title 19 of the Henderson Municipal Code and the technical codes or this Chapter relating to the location or height of buildings and structures, the most restrictive shall govern.

**15.01.080 CREATION OF ENFORCEMENT AGENCY.**

The Building & Fire Safety Department is hereby designated as the enforcing agency for this Chapter and the technical codes. The Building & Fire Safety Director is hereby designated the Building Official and Authority Having Jurisdiction and is responsible for enforcement of this Chapter and the technical codes. Whenever the term or title “administrative authority,” “responsible official,” “director”, “chief inspector,” “code enforcement officer,” “authority having jurisdiction” or other similar designation is used herein or in the technical codes, it shall be construed to mean the Building Official.

The Building Official is authorized and directed to enforce all the provisions of this Chapter and the technical codes and shall have the power to prepare, sign and serve misdemeanor citations pursuant to Nevada Revised Statutes 171.17751. The Building Official may appoint technical officers, plan reviewers, inspectors and other employees to carry out the functions of the Building Official. The Building Official may delegate authority and responsibility for enforcement of specific provisions of this Chapter and the technical codes to qualified third-parties upon approval by the City Council of a contract or memorandum of understanding delegating said authority and responsibility. The Building Official shall have the power to render interpretations of this Chapter and the technical codes and to adopt policies, procedures, rules and regulations supplemental to this Chapter and the technical codes to carry out the provisions of this Chapter and the technical codes. Such policies, procedures, rules, regulations and interpretations shall be in conformance with the intent and purpose of this Chapter and the technical codes.

**15.01.085 ENFORCEMENT.**

Enforcement of this Chapter shall comply with the requirements of this section.

**(A) Right of Entry.**

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter and the technical codes or whenever there is reasonable cause to believe that there exists in any unoccupied building, structure, building service equipment, ATS or upon any unoccupied premises any condition or code violation which makes such building, structure, building service equipment, ATS or premises unsafe, dangerous or hazardous, the Building Official may enter such building, structure, building service equipment, ATS or premises at all reasonable times to inspect the same or to perform any duties imposed by the technical codes and this Chapter.

When it is necessary to make an inspection to enforce any of the provisions of this Chapter and the technical codes, or whenever there is reasonable cause to believe that there exists in any occupied building, structure, building service equipment ATS or upon any unoccupied premises any condition or code violation which makes such building, structure, ATS, or premises unsafe, dangerous or hazardous, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry to a building, structure, building service equipment, ATS or premises is refused, the Building Official shall have recourse to every remedy provided by law to secure entry, including obtaining a warrant for entry and inspection.

**(B) Stop Work Orders.**

Whenever any work is being done contrary to the provisions of this Chapter or the technical codes, to an issued permit, or to other pertinent laws or regulations, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to resume work. Should individuals issued a written stop work notice continue to perform work in violation of that order, the Building Official may request the assistance of the Code Enforcement Division of the Building and Fire Safety Department or the Henderson Police Department in enforcing the requirement to stop work. Any person who shall knowingly proceed to do work in violation of a stop work order shall be guilty of a misdemeanor and shall be issued a misdemeanor citation by an authorized police or peace officer. In addition, police officers have the power to arrest individuals who knowingly proceed to do work in violation of a stop work order after having been issued a misdemeanor citation.

Whenever any work has been stopped for one or more of the above stated reasons, an investigative fee may be assessed by the Building Official to recover the direct and indirect costs of conducting an investigation including the cost of inspections, report preparation, clerical support and supervisory and managerial oversight of the investigation. Investigative fees shall be paid prior to the Building Official authorizing work to resume.

**(C) Occupancy Violations.**

Whenever any building, structure, building service equipment or ATS regulated by this Chapter and the technical codes is occupied or used contrary to the provisions of this Chapter, the technical codes or other pertinent laws, ordinances or regulations, the Building Official may order such occupancy or use discontinued until the building, structure, building service

equipment or ATS is brought into conformance with this Chapter, the technical codes or other pertinent laws, ordinances or regulations. Such notice shall be in writing served on any person causing such occupancy or use to continue. Persons causing the occupancy or use of a building, structure, building service equipment or ATS found to be in violation of this Chapter, the adopted technical codes or other pertinent laws, ordinances or regulations shall discontinue the occupancy or use within the time prescribed by the Building Official after receipt of written notice. Any person who knowingly continues to occupy or use any building, structure, building service equipment or ATS in violation of written notice shall be guilty of a misdemeanor and shall be issued a misdemeanor citation by an authorized police or peace officer. In addition, police officers have the power to arrest individuals who knowingly continue to occupy or use a building, structure, building service equipment or ATS after having been issued a misdemeanor citation.

**(D) Authority to Disconnect Building Service Equipment.**

When the Building Official determines that any building service equipment regulated by the technical codes has become hazardous to life, health, property or unsanitary, the Building Official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain hazardous building service equipment after receiving such notice. When any building service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provision of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

**(1) Emergency Disconnection.**

The Building Official shall have authority to disconnect any utility service equipment supplied to any building, ATS, structure, mobile home, trailer, recreational vehicle or premises regulated by this Chapter or the technical codes in case of emergency when necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility, the owner and the occupant of any building, ATS, structure, mobile home, trailer, recreational vehicle or premises of the decision to disconnect at least 24 hours prior to taking such action, and shall notify in writing such serving utility, owner and occupant of the building, ATS, structure, mobile home, trailer, recreational vehicle or premises of such disconnection immediately thereafter. Upon

demand, the owner or occupant shall be granted an immediate pre-disconnect or post-disconnect hearing by the Building Official.

**(2) Non-Emergency Disconnection.**

The Building Official shall have the authority to disconnect any utility service or energy supplied to any building, ATS, structure, mobile home, trailer, recreational vehicle, premises or building service equipment regulated by this Chapter or the technical codes where notification has been provided and where violation of one or more of the technical codes is deemed to be in existence.

Disconnection of utilities is authorized where an electric or natural gas service has been connected to a building, ATS, structure, mobile home, trailer, recreational vehicle or premises that has not been approved for occupancy or operation at that site, or where a permit for temporary power has expired and the electrical connection is still in use.

**a. Notification.**

The Building Official shall issue the notice to the owner of the building, ATS, structure, mobile home, trailer, recreational vehicle or premises and the occupant thereof by personal service or U. S. Certified Mail (return receipt requested) and posting the entrance of such building, ATS, structure, mobile home, trailer, recreational vehicle or premises. If the Building Official is unable to notify the owner or occupant by personal service or certified mail, the posting of the entrance of such building, ATS, structure, mobile home, trailer, recreational vehicle or premises shall be considered proper and sufficient notification. The notice shall contain:

- (i) The street address or legal description of the property sufficient for identification of the building, ATS, structure, mobile home, trailer, recreational vehicle or premises.
- (ii) A statement that the Building Official has determined one or more violations of the technical codes (to be specified in detail) are in

existence and that disconnection of utility service(s) or energy connections is authorized by this Chapter.

- (iii) A statement of the action to be taken as determined by the Building Official which may range from a voluntary disconnection on the part of the owner within a time certain as specified by the Building Official, to involuntary disconnection at a specified time certain if specific action is not accomplished on the part of the owner such as, but not limited to, application for a zone variance or the removal of the building, ATS, structure, mobile home, trailer, recreational vehicle or premises.
- (iv) Statements advising that if the stated action to be taken by the owner is not accomplished within a specified period of time as determined by the Building Official from the date of service of the notice, the Building Official may order the utility to disconnect service, with the costs for such action to be borne by the owner. Responsibility for damages, losses and liabilities consequent with the loss of utility service shall be borne by the owner and not the City of Henderson, nor its officers or employees.
- (v) Statements advising (1) that any person having any record title or legal interests in the building, ATS, structure, mobile home, trailer, recreational vehicle or premises may appeal the notice to the Building Official within fifteen (15) days from the date of service of such notice; (2) that it is assumed that those referred to as having title or legal interest include the occupant; and (3) that failure to appeal will constitute a waiver of all rights to an administrative hearing and

determination of the matter. If the owner or occupant can conclusively demonstrate the likelihood of a loss of human life or serious health endangerment consequent to a loss of power to the site and can further conclusively demonstrate the inability to provide alternate living arrangements for the endangered person, then the Building Official may stay a disconnect order until such time as a final determination is made by the Building Official.

**b. Appeals.**

Within fifteen (15) days upon receipt of an appeal pursuant to (a)(v) above, the Building Official shall schedule a hearing before the Board of Appeals. This hearing shall constitute the sole administrative recourse provided. Failure to appeal within fifteen (15) days of the date of a notice issued pursuant to this section shall constitute a waiver of all right to an administrative hearing and determination of the matter.

**c. Enforcement.**

After any notice of the Building Official made pursuant to this section shall become final, no person to whom any such notice is directed shall fail, neglect or refuse to obey any such notice. Any such person who fails to comply with any such notice is guilty of a misdemeanor.

**d. Notice to Serving Utility.**

When utility service or energy to such a building, ATS, structure, mobile home, trailer, recreational vehicle or premises is to be disconnected, a written notice of such disconnection and causes therefore shall be provided at least twenty-four (24) hours prior to such disconnection to the serving utility, the owner and the occupants of such building, ATS, structure, mobile home, trailer, or recreational vehicle.

**(3) Removing, or Defacing a Posted Notice or Interfering with the Posting of a Notice.**

It shall be a misdemeanor to remove or deface a posted notice or to interfere with the posting of the notice or the disconnection of any utility under the provisions of this Chapter.

**(4) Connection after Order to Disconnect.**

No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment that has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be disconnected by the Building Official until such time as the Building Official has authorized the reconnection and use of such equipment.

**15.01.090 LIABILITY.**

The Building Official, members of the Board of Appeals and employees charged with the enforcement of this Chapter, the technical codes and other pertinent laws, ordinances and regulations, while acting for the City of Henderson in good faith and without malice in the discharge of the duties required by this Chapter, the technical codes and other pertinent laws, ordinances and regulations, shall not thereby be rendered personally liable and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against a member of the Board of Appeals, an officer or an employee because of a performed act or the failure to perform an act by that Board member, officer or employee in the lawful discharge of duties and under the provisions of this Chapter, the technical codes and other pertinent laws, ordinance and regulations shall be defended by a legal representative of the City of Henderson until final determination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter, the technical codes and other pertinent laws, ordinance and regulations.

**15.01.095 COOPERATION OF OTHER OFFICIALS AND OFFICERS.**

The Building Official may request and shall receive the assistance and cooperation of others in the City of Henderson in the enforcement of this Chapter, the technical codes and other pertinent laws, ordinances and regulations.

**15.01.100 CONTRACT SERVICES.**

Pursuant to Nevada Revised Statutes 278.575, the Building Official may contract for plan review services, engineering review services, and inspection services with qualified public agencies, qualified subdivisions of the State of Nevada and qualified private-sector firms and individuals as determined by the Building Official and in accordance with the applicable City of Henderson purchasing and

contracting procedures. The Building Official shall base the determination of whether agencies, political subdivisions, private-sector firms and individuals are deemed "qualified" based upon objective criteria and the nature of the work to be performed.

**15.01.105 DELEGATION OF AUTHORITY.**

The Building Official may delegate authority to plan review or inspect buildings and structures to qualified political subdivisions of the State of Nevada or other qualified governmental agencies or entities by way of a memorandum of understanding, contract or interlocal governmental agreement that clearly details the delegated duties, responsibilities and obligations.

**15.01.110 UNSAFE BUILDINGS, STRUCTURES, AMUSEMENT OR TRANSPORTATION SYSTEMS AND BUILDING SERVICE EQUIPMENT.**

All buildings, structures, building service equipment and ATS structures and equipment regulated by this Chapter and the technical codes that are structurally inadequate or have inadequate egress, or that constitute a fire or life safety hazard are, for the purpose of this Chapter and the technical codes, unsafe. Building service equipment regulated by this Chapter and the technical codes that constitute a fire, electrical or health hazard, or is otherwise dangerous to human life is, for the purpose of this Chapter and the technical codes, unsafe.

Any use of buildings, structures, ATS or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this Chapter and the technical codes, an unsafe use.

Parapet walls, cornices, eaves, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to or part of a building or structure and in a deteriorated condition or otherwise unable to sustain the design loads specified in the Building Code are, for the purpose of this Chapter and the technical codes, unsafe building appendages.

All such unsafe buildings, ATS rides and devices, structures, building service equipment, parapet walls, cornices, eaves, spires, towers, tanks, statuary and other building appendages or structural members that are supported by, attached to or part of a building are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this Chapter, the *Uniform Code for the Abatement of Dangerous Buildings* as adopted in Chapter 15.10 of the Henderson Municipal Code or the Property Maintenance Code adopted in Chapter 15.12. The Building Official shall determine the appropriate abatement regulations to be utilized based upon the nature and degree of hazard involved.

**15.01.115 BOARD OF APPEALS.**

The Board of Appeals is created to hear and decide appeals of determinations made by the Building Official or Fire Chief relative to the application and interpretation of the technical codes. The Board of Appeals is authorized to hear



appeals relating to this Chapter and the technical codes and to review proposed alternate materials and methods of construction.

**(A) Members.**

The members of the Board of Appeals shall be qualified by training and experience to decide matters pertaining to building construction and building service equipment. The members shall not be employees of the City of Henderson. The members of the Board of Appeals shall consist of the following:

1. Two (2) General Contractors.
2. One (1) Electrical Contractor or Electrical Engineer.
3. Two (2) Mechanical and/or Plumbing Contractors
4. One (1) Fire Protection Engineer
5. One (1) Lay Member.

**(B) Procedures.**

The Board of Appeals shall adopt rules and procedures for conducting its hearings and investigations. A person (the appellant) who wishes to appeal a determination of the Building Official or Fire Chief to the Board of Appeals shall submit a written request for appeal to the Building Official or Fire Chief as applicable. The Building Official or Fire Chief, as applicable, shall provide the appellant a copy of the guidelines for preparing an appeal and a copy of the Board rules and procedures. The appellant is responsible to prepare the written appeal in compliance with the guidelines.

In order to provide for timely hearing and resolution of appeals, the Building Official or Fire Chief shall schedule a hearing before the Board upon a determination of the Building Official or Fire Chief that a written appeal is in substantial compliance with the Board guidelines for preparing an appeal.

The Board shall issue a written decision based on the evidence presented at the hearing. The decision shall be signed by the chairman of the Board and shall be filed with the Building Official or Fire Chief as applicable. A copy of the Board decision shall be delivered to the appellant in person or by U.S. Certified Mail.

**(C) Limitation and Scope of Authority.**

The Board of Appeals shall not have authority relative to the interpretation of the administrative provisions of this Chapter or the adopted administrative provisions of the technical codes, nor shall the Board be empowered to waive any requirements of this Chapter or the technical codes.

**(D) Tests.**

The appellant shall cause to be made at the appellant's expense any tests or research necessary to support appellant claims before the Board of Appeals and any tests or research as may be required by the Board in its investigation of claims of the appellant.

**(E) Liability.**

Neither the Board of Appeals nor any member thereof shall be personally liable for, any damage that may accrue to persons or property as a result of any good faith act or any good faith act omission in the discharge of the duties specified herein. Any suit brought against the Board or any member thereof resulting from such act or omission performed, or not performed, by a member of the Board acting in an official capacity in the performance of Board duties as specified in this Chapter shall be considered an act of the City of Henderson and shall be subject to all applicable immunities and rights conferred by law upon the City of Henderson, as well as subject to applicable City of Henderson liability self-insurance or insurance coverage.

**15.01.120 VIOLATIONS.**

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, ATS, structure or building service equipment or cause or allow the same to be done in violation of this Chapter or the technical codes. Whenever in this Chapter or the technical codes any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such act shall constitute a violation of this Chapter or the technical codes.

Any person violating any of the provisions of the Chapter or the technical codes shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Chapter or the technical codes is committed, continued or permitted to exist and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.

**15.01.125 PERMITS REQUIRED.**

Unless exempted by this Chapter, no building, structure, ATS, building service equipment, swimming pool, spa, sign, fence or wall regulated by this Chapter or the technical codes shall be erected, constructed, enlarged, altered, repaired, moved improved, removed, converted or demolished unless the appropriate building, electrical, plumbing, mechanical, swimming pool, spa, demolition or other permit(s) has first been obtained from the Building Official.

**15.01.130 BUILDING PERMIT EXEMPTIONS.**

A building permit shall not be required for the following:

- (A) Buildings, structures, or service equipment and installations directly used in utility generation or distribution which are installed on properly recorded easements and right-of-ways belonging to water, gas, power, telephone or other utility companies that are preemptively regulated and governed by the Nevada Public Service Commission, State of Nevada charter, or other governmental entity. This exemption does not include site preparation, block walls, fences or habitable public areas such as offices, meeting rooms, and public service counters.
- (B) Improvements such as traffic lights, streets, curbs, gutters, sidewalks, drainage facilities, bus stops and similar improvements constructed on public property or in a public easement or right-of-way.
- (C) One-story detached accessory buildings in conjunction with a single family dwelling used as tool or storage sheds, playhouses and similar uses provided the floor area does not exceed 120 square feet;
- (D) Movable cases, counters and partitions not over 5 feet 9 inches high;
- (E) Water tanks supported directly on grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed two to one;
- (F) Walks and driveways not more than 30 inches above grade and not part of an accessible route or means of egress and not over any basement or story below;
- (G) Exterior stairways on-grade and not part of an accessible route or means of egress;
- (H) Platforms, decks and similar structures not more than 30 inches in height above grade in conjunction with a single family dwelling;
- (I) Painting, papering and similar finish work;
- (J) Structures, booths, sets, and scenery used for motion picture, conventions, television shows, theaters, shows, special events, and similar temporary uses;
- (K) Window awning supported by an exterior wall of one and two family dwellings and garages accessory thereto when projecting not more than 54 inches;
- (L) A storable swimming or wading pool as defined in the Pool Code that is accessory to a single-family dwelling and in which the pool walls are entirely above the adjacent grade;
- (M) Pre-manufactured fabric sun shade and carport structures, wood gazebos and similar structures used in conjunction with a single-family dwelling and not exceeding 120 square feet in area and not permanently affixed to an existing building nor anchored to a permanent foundation;
- (N) Fences in rear yards without permanent foundations and not over four feet in height;
- (O) Fences not over twenty-four inches (24") in height at any location;
- (P) Retaining walls that are not more than twenty-four inches (24") in height measured from the top of the footing to the top of the wall;

- (Q) Hazardous material storage tanks regulated by the Fire Code;
- (R) Storage sheds and portable or mobile offices, including construction trailers not exceeding 400 sq ft, on an active construction project site;
- (S) Livestock shade structures open on three sides and not more than 1,500 square feet in area;
- (T) Non-motorized playground equipment;
- (U) Storage racks less than or equal to eight feet (8') in height;
- (V) Portable spas accessory to a single-family dwelling with all heating and circulating equipment integral to the manufactured product;
- (W) Underground structures and facilities housing mechanical equipment constructed by a political subdivision of the State of Nevada and not intended for human habitation;
- (X) Replacement of existing exterior and interior windows, doors and similar openings not requiring enlargement of the wall opening;
- (Y) Replacement of existing roofing material of the same or higher Class and the same or lighter material and not involving replacement of sheathing.
- (Z) Installation of additional layers of roofing material over existing roof covering not exceeding the maximum allowable number of layers.
- (AA) Minor repair of interior or exterior wall covering, such as stucco and drywall, provided the repair area does not exceed 10 square feet and the repair work is not performed in conjunction with any other permit;
- (BB) Structures containing technical service equipment used for meteorological sampling or air quality sampling and testing by local, state or federal government agencies provided the structure does not exceed 240 square feet in area.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.135 PLUMBING PERMIT EXEMPTIONS.**

A plumbing permit shall not be required for the following:

- (A) The stopping of leaks in drain, soil, waste or vent pipe;
- (B) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or for the removal and reinstallation of plumbing fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures;
- (C) Lift stations, septic tanks and package plants regulated by the appropriate serving sanitation utility;
- (D) Automatic fire sprinkler systems (NOTE: These systems are regulated by the Fire Code);
- (E) Piping for dry chemical extinguishing systems serving Type I commercial hoods (NOTE: These systems are regulated by the Fire Code);

- (F) Fuel tanks buried or above ground that are regulated by the Fire Code or the State of Nevada;
- (G) Landscape water sprinkler systems;
- (H) Installation or replacement of water softeners where pre-plumbing for the softener is existing.
- (I) Replacement of plumbing fixtures in the same location with a similar fixture and materials provided no work is done other than the replacement of the fixture, the tail piece and/or the trap and provided the work does not penetrate the fire resistive rated construction, including a fire resistive rated concrete slab.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.140 ELECTRICAL PERMIT EXEMPTIONS.**

An electrical permit shall not be required for the following:

- (A) Installations under the exclusive control of electrical utilities governed by the State of Nevada Public Service Commission for the purpose of communication or metering or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes, or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property;
- (B) Portable motors or other portable appliances having an approved listing for use by means of a cord or cable having an attachment plug end to be connected to an approved receptacle as permitted by the Electrical Code;
- (C) Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;
- (D) Temporary decorative lighting;
- (E) Repair or replacement of electrical current-carrying parts of any switch, contactor or control device;
- (F) Reinstallation of attachment plug receptacles, but not the outlets thereof;
- (G) Repair or replacement of any over-current device of the required capacity in the same location;
- (H) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;
- (I) Taping or wrapping of joints and splices;
- (J) Removal of electrical wiring and outline lighting;
- (K) Temporary wiring for experimental purposes in suitable experimental laboratories;
- (L) The wiring for temporary theater, motion picture or television stage sets;
- (M) Signal wiring outside of buildings installed by licensed and franchised cable television, telephone or buried cable installers;

- (N) Power-limited wiring of 50 volts or less in or associated with single-family dwellings;
- (O) Surface-mounted power-limited wiring;
- (P) Power limited Class II and III wiring not part of a fire system;
- (Q) Replacement of lighting fixtures in single family residences, dwelling units, guest rooms and guest suites as defined in the NEC;
- (R) Installation of low voltage devices and data links.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.145 MECHANICAL PERMIT EXEMPTIONS.**

A mechanical permit shall not be required for the following:

- (A) Any portable heating appliance;
- (B) Any portable ventilating equipment;
- (C) Any portable cooling equipment;
- (D) Any portable evaporative cooler;
- (E) Any closed system of steam, hot or chilled water piping within any heating or cooling equipment regulated by the Mechanical Code;
- (F) Replacement of any component or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of the technical codes;
- (G) Any refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes;
- (H) Any unit refrigerating system as defined in the Mechanical Code;
- (I) Replacement of compressors of the same rating;
- (J) Any piping that is part of a manufacturing process.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.150 GRADING PERMIT EXEMPTIONS.**

A grading permit shall not be required for the following:

- (A) Grading in an isolated, self-contained area, not exceeding 100 cubic yards, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties or on-site structures;
- (B) Excavation for construction of a structure permitted under this code;
- (C) Cemetery graves;
- (D) Refuse disposal sites controlled by other regulations;
- (E) Excavations for wells or trenches for utilities;
- (F) Mining, quarrying, excavation, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulatory agencies provided such operations do not affect the lateral

- support of, or significantly increase stressed in, soil on adjoining properties;
- (G) Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.155 SIGN CONSTRUCTION PERMIT EXEMPTIONS.**

A sign construction permit shall not be required for the following:

- (A) Mobile or portable signs;
- (B) The changing of advertising copy or message on painted or printed signs, theater marquees and similar signs specifically designed for use of replacement copy;
- (C) Maintenance activities to include only painting, repainting, exact replacement with approved flashers, lamps, bulbs, ballasts, neon tubing, starters, neon transformers, wire or computer components, cleaning or changing the copy unless a structural change is made;
- (D) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials;
- (E) Construction signs 32 square feet or less;
- (F) Holiday decorations;
- (G) Nameplates of 4 square feet or less;
- (H) Public signs or notices, or any sign relating to an emergency.

Exemption from the permit requirements of this Chapter does not authorize any work to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.160 AMUSEMENT AND TRANSPORTATION SYSTEM PERMIT AND CERTIFICATE OF OPERATION EXEMPTIONS.**

Neither an ATS permit nor ATS Certificate of Operation shall be required for the below listed apparatus:

- (A) Non-motorized playground equipment;
- (B) Shows performed on stages that have been designed for such events;
- (C) Any ATS that is relocated on a regular basis, with or without disassembly, and operated for a period of less than thirty (30) days on any single property such as, but not limited to, fair or carnival ATS;
- (D) Any-ATS installed at single-family residential private property for the exclusive use of the owner and non-paying guests;
- (E) Repairs or minor modifications to an existing ATS operating under a valid ATS Certificate of Operation;
- (F) Mechanical bulls;
- (G) Non-motorized climbing walls;
- (H) Inflatable slides and bounce structures.

Exemption from the ATS permit and Certificate of Operation requirements of this Chapter shall not authorize any ATS work, use or operation to be done in violation of the provisions of this Chapter, the technical codes, or any other pertinent ordinances, laws or regulations of the City of Henderson.

**15.01.165 PERMIT DENIAL.**

The Building Official may deny the issuance of any permit regulated by this Chapter for work on property upon which there exists any violation of this Chapter, the technical codes or the Henderson Municipal Code unless the scope of work authorized by such permit includes corrective action to remove said violation.

In addition, the Building Official may deny the issuance of permits to individuals or firms who have failed to complete work and obtain final inspection approval for previously issued permits resulting in the expiration of those permits.

**15.01.170 SUBCONTRACTOR REGISTRATION.**

Subcontractors performing plumbing, electrical or mechanical work authorized by a combination building permit shall file a subcontractor registration with the Building & Fire Safety Department. The submittal shall be by a qualified individual representing the person holding a valid unexpired, un-revoked or un-suspended contractors license as required by the State of Nevada unless specifically exempted by Nevada Revised Statutes Chapter 624.

**15.01.175 BUSINESS LICENSE REQUIRED.**

Any contractor or subcontractor required to sign a permit or voucher, or who provides work, services, or other functions for any purpose whatsoever regulated by this Chapter or the technical codes adopted by the City of Henderson shall first secure the applicable business license from the City of Henderson Finance Department.

**15.01.180 AMUSEMENT AND TRANSPORTATION SYSTEM PERMIT REQUIRED.**

No person shall construct or install any Amusement and Transportation System (ATS) unless it has been issued an ATS permit for construction or installation. An ATS may not be lawfully operated unless it has passed all required inspections and an ATS Certification of Operation has been issued. A new ATS permit shall be obtained prior to commencement of work to relocate or substantially modify an existing ATS. A Certificate of Operation is required before any ATS may be lawfully operated. Possession of the required permit for construction or installation of an ATS shall not be construed to give the right to operate the ATS without having first obtained the required Certificate of Operation.

**15.01.185 EXPLOSIVE DEMOLITIONS.**

A contractor using explosive devices or materials shall comply with the demolition technical guidelines and shall obtain an Explosive Demolition Permit prior to commencing preparation work for an explosive demolition.



In accordance with the provisions of the Fire Code, an operation permit is required for the manufacture, storage, handling or use of any quantity of explosives and/or explosive materials.

**15.01.190 PERMIT APPLICATION.**

To obtain a permit for construction or installation as required by this Chapter, the applicant shall first file an application in writing on a form furnished by the Building Official for that purpose. Every such application shall:

- (A) Identify and describe the work to be covered by the permit for which application is made;
- (B) Describe the land on which the proposed work is to be done by legal description, parcel number, street address or similar description that will readily identify and definitely locate the proposed work;
- (C) Indicate the use or occupancy for which the proposed work is intended;
- (D) Be accompanied by construction documents as required in this Chapter;
- (E) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;
- (F) Be signed by the permittee or an authorized agent of the permittee;
- (G) Applications for permits for public swimming and wading pools and spas shall have the prior written approval of the Health District of Southern Nevada, together with construction documents;
- (H) Reference all applicable technical codes, standards and ordinances that regulate the design and construction of the proposed project;
- (I) Provide such other data and information as may be required by the Building Official.

**15.01.195 APPLICATION FOR AMUSEMENT AND TRANSPORTATION SYSTEM (ATS) PERMIT.**

To obtain an Amusement and Transportation System (ATS) Permit for an amusement and transportation system, the Owner/Operator shall file an application in writing on a form furnished by the Building Official for that purpose. A group of identical ATSs may, at the option of the Building Official, be part of a group application, but shall be individually permitted. Every application shall be accompanied by all required reports, plans, calculations, specifications, data, manuals, fees and other items required by the Building Official. A functional description of any computer software used in the operation of an ATS that includes methods to validate changes to the original installation and effects on the operational characteristics shall be included with the permit application.

**15.01.200 SUBMITTAL OF CONSTRUCTION DOCUMENTS.**

Construction documents shall be submitted in multiple sets as required by the Building Official with each application for a permit.

Construction documents shall be prepared by a design professional or by a person who qualifies for an exemption pursuant to Nevada Revised Statutes Chapters 623, 623A, 624, or 625. The Building Official may require persons claiming the design exemption to demonstrate their qualifications for the exemption and may require such persons to obtain written confirmation of qualifying for an exemption from the appropriate State or regulatory body.

Construction documents shall contain the name and signature of the design professional, contractor or owner of residential property who prepared the documents or under whose direct supervision the documents were prepared, and must conform to this Chapter, the technical codes and the applicable provisions of the Development Code contained in Title 19 of the Henderson Municipal Code. The signature of the design professional, contractor or owner of residential property who prepared the documents, or under whose direct supervision the documents were prepared, shall represent that the person takes responsibility for the content of the construction documents.

The Building Official may require construction documents to be prepared, stamped and signed by a licensed design professional. Computer generated calculations shall include a complete description of the mathematical model used in the design, program identification, input data, program application and limitations and final results. The Building Official may require the submittal of the program description (user's manual).

The Building Official may require a principal design professional be designated for any project that requires multiple disciplines (i.e. architectural, structural, mechanical, electrical, etc.). The principal design professional shall be responsible for the coordination of each aspect of the construction documents. All special inspection and structural inspection requirements shall be clearly specified in the construction documents by the design professional in responsible charge of the design work.

**Exception:** The Building Official may waive the submission of plans, calculations, special and structural inspection requirements, etc. if the proposed work is minor in nature and reviewing of plans is not necessary to obtain compliance with this Chapter or the technical codes.

#### **15.01.205 INFORMATION ON PLANS AND SPECIFICATIONS.**

Plans and specifications submitted to the Building Official for review and approval shall comply with the requirements of this section. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work will conform to the provisions of the technical codes and all relevant laws, ordinances, rules, regulations and shall include all components listed in the applicable City of Henderson Development Services Center submittal checklists. All construction documents shall be of sufficient quality to be readable after they are reproduced from microfilm or electronic scanning. All revisions shall be identified with a delta symbol and clouded on the drawings or resubmitted as a

new project. It shall be the responsibility of the principal design professional to notify the Building Official, the permittee and the Prime Agency of any and all changes to the construction documents throughout the project and provide revised construction documents prior to the commencement of work.

**15.01.210 DEFERRED SUBMITTALS.**

For the purposes of this section, deferred submittals are defined as those portions of the design documents that are not submitted at the time of application and that are to be submitted to the Building Official within a specified period. Deferral of submittal of any required construction documents shall have the prior approval of the Building Official. Documents approved for deferred submittal shall first be submitted to the registered design professional in responsible charge who shall review the documents and forward the documents to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance with the approved design. Construction or erection of deferred submittal components shall not occur until the design and deferred submittal documents have been reviewed and approved by the Building Official.

**15.01.215 DESIGN PROVISIONS FOR USE WITH THE BUILDING CODE.**

The most recent editions of referenced standards may be allowed for use with the Building Code.

**15.01.220 REFERENCED STANDARDS.**

Technical guidelines promulgated by the Building Official shall serve as reference standards as provided for in this Chapter. Standards referenced in the technical codes are hereby adopted into, and considered part of the technical codes.

**15.01.225 CONTRACTOR LICENSING.**

All permits regulated by this Chapter shall be issued only to contractors who hold a valid and active Nevada State Contractors License covering the scope of work authorized by the permit and who hold a valid and active City of Henderson business license as required by Title 4 of the Henderson Municipal Code.

**Exception:** The requirements of this section do not apply to persons who are exempted pursuant to Nevada Revised Statutes 624.031 and Section 15.01.230 of this Chapter.

**15.01.230 HOMEOWNER PERMITTEES.**

A homeowner may be issued a permit for work regulated by this Chapter for a single-family dwelling used exclusively by the homeowner as a residence, provided that:

- (A) The homeowner has been granted an exemption to the contractor licensing requirements of Nevada Revised Statutes 624.031(4);
- (B) The homeowner is the bona fide owner of the real property on which the residential structure or accessory building is to be built or improved;
- (C) The residential structure is, or shall be, occupied by the homeowner;

- (D) The homeowner applies for and obtains the appropriate permits for the installation of any building service equipment; and
- (E) The homeowner permittee shall sign the permit application and the "Owner/Builder" Statement pursuant to Nevada Revised Statutes 278.573 acknowledging the homeowner's responsibilities as the permittee to supervise the work and to comply with all applicable laws, ordinances, technical codes and the Development Code requirements contained in Title 19 of the Henderson Municipal Code.

**15.01.235 MANUFACTURED HOUSING PERMITS.**

Manufactured housing permits will only be issued to persons appropriately licensed by the State of Nevada to perform the scope of work covered by the permit being issued. Separate permits for work involving building, plumbing, electrical and mechanical work may be required.

**15.01.240 MANUFACTURED HOUSING SUBMITTAL REQUIREMENTS, FEES AND OCCUPANCY.**

The provisions of this section establish submittal and permit requirements for manufactured housing projects.

- (A) **Submittal Requirements.**  
Application and submittals for Manufactured Housing Installation Permits shall comply with applicable requirements of this Chapter.
- (B) **Installation and Permit Requirements.**
  - (1) Installation of manufactured housing built to federal Housing and Urban Development (HUD) standards shall be approved by, and comply with, the State of Nevada Division of Manufactured Housing Regulations and the Manufacturer's Installation Instructions and Standards.
  - (2) A manufactured home may be located on a permanent foundation approved by the Building Official. Submittal requirements for the permanent foundation systems shall be the same as those required for site built construction.
  - (3) All building, zoning, public works and other applicable approvals shall be obtained prior to the issuance of a Manufactured Housing Permit.
- (C) **Fees.**  
Permit fees for all site improvements required in conjunction with the installation of manufactured housing for residential uses, excluding pre-fabricated components, shall be as specified in Chapter 15.02 of the Henderson Municipal Code.

The Manufactured Housing Installation Permit fee shall be as specified in Chapter 15.02 of the Henderson Municipal Code.

Note: This fee is only charged if installation inspection has been delegated to the City of Henderson pursuant to a Memorandum of Understanding between the City of Henderson and the State of Nevada Manufactured Housing Division.

**(D) Occupancy.**

It is unlawful to occupy any manufactured home that has not received City of Henderson final inspection approval for all applicable permits and issuance of a Certificate of Occupancy.

**15.01.245 MANUFACTURED HOUSING AS A CONDITIONAL OR TEMPORARY USE.**

Conditional or temporary use of manufactured housing shall comply with the provisions of this section.

**(A) Caretaker/Security Uses.**

A manufactured home may be used as quarters for a caretaker or security personnel in conjunction with a commercial or industrial use if approved as a conditional use in accordance with Title 19 of the Henderson Municipal Code.

**(B) Temporary Residence.**

A manufactured home may be used as a temporary residence during construction of a permanent residence under the following conditions:

- (1) The manufactured home shall not be placed on the property prior to the issuance of a building permit for a permanent residence on the property;
- (2) The owner of the property shall comply with the following Manufactured Housing Permit requirements:
  - a. Permit applications and submittals for Manufactured Housing Permits shall comply with the applicable requirements of this Chapter.
  - b. Permits for use of a manufactured home as a temporary residence shall not be issued prior to the issuance of a building permit for a permanent residence on the property.
  - c. Manufactured Housing Permit fees for all manufactured housing for conditional or temporary residential uses, not including pre-fabricated

- components, shall be as specified in Chapter 15.02 of the Henderson Municipal Code. Separate permit fees for building, plumbing, electrical and mechanical work not directly part of the installation are in addition to the Manufactured Housing Permit.
- d. It shall be unlawful to occupy a manufactured home under a conditional use or temporary use that has not received City of Henderson approval for placement, inspection and approval of all applicable permits.

**15.01.250 MODULAR COMMERCIAL AND RESIDENTIAL PERMITS, SUBMITTAL REQUIREMENTS AND FEES.**

Modular buildings shall comply with the provisions of this section and Title 19 of the Henderson Municipal Code.

**(A) Submittal requirements.**

- (1) Applications and submittals for Modular Permits shall comply with the applicable requirements of this Chapter.
- (2) Modular buildings shall be constructed to the standards and requirements of the technical codes.

**(B) Fees.**

Fees for Modular Permits shall be as specified in Chapter 15.02 of the Henderson Municipal Code.

**15.01.255 MOBILE HOME AND MANUFACTURED HOUSING PARKS.**

Mobile home and manufactured housing parks shall be constructed and maintained in conformance with all applicable provisions of the technical codes and Chapter 15.12 and Title 19 of the Henderson Municipal Code.

**15.01.260 BUILDING PERMIT ISSUANCE.**

The permit application and construction documents filed by an applicant for a permit shall be reviewed by the Building Official. The construction documents may be reviewed by other departments of the City of Henderson to verify compliance with all applicable laws. The Building Official shall require the application for permit to include verification of applicable utility services including, but not limited to, electrical, water and sewer service prior to the issuance of permit. As a prerequisite to obtaining a building permit or a combination permit, all fees must be paid prior to or at the same time as permit issuance. If the Building Official finds that the work described in an application for a permit and the construction documents filed with it conform to the requirements of this Chapter, the technical codes and other pertinent laws, regulations and

ordinances, the Building Official shall stamp the plans, specifications and related construction documents as "APPROVED".

Approved construction documents shall not be changed, modified or altered without authorization from the Building Official and all work required by the technical codes, this Chapter and other City of Henderson ordinances and regulations shall be completed in accordance with the approved construction documents. Upon identification and verification of appropriate licensing of a contractor or owner/builder exemption and the payment of all fees pursuant to this Chapter, a permit shall be issued to the contractor or owner/builder for the described work.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the construction documents for the entire building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been submitted with the application to show compliance with the requirements of this Chapter, the technical codes and other applicable City of Henderson ordinances and regulations. Issuance of a permit for part of a building, structure or building service equipment shall be granted and the permittee may proceed at the permittee's own risk. The Building Official may require changes to work authorized for partial construction of a building, structure or building service equipment, whether or not inspection approval of that work has been granted by the Building Official, based upon final approval of construction documents for the entire building to bring the partial work into conformance with the applicable technical codes, this Chapter and other pertinent City of Henderson regulations and ordinances.

**15.01.265 PHASED DESIGN AND CONSTRUCTION.**

The Building Official may authorize projects to be constructed using a phased design and construction approach. Such authorization must be obtained prior to the submission of construction documents. Final authorization of projects to be constructed using a phased design and construction approach shall be as determined by the Building Official.

**(A) Application.**

The applicant shall furnish all information as may be required by the Building Official including the following:

- (1) Description of the project including preliminary drawings, if any;
- (2) Description of the land by parcel(s) on which the project is to be built and the applicant's actions to date to obtain required land use and design review discretionary approvals;
- (3) Design and construction schedule outlining time-phases of the project;
- (4) A description of each time-phase specifying the construction to be completed in that phase;
- (5) The name of the person who will be responsible for coordinating the phasing, plans submittals, design

data, re-submittals, correspondence and meetings with the applicant and the Building and Fire Safety Department;

- (6) The name of the principal design professional for the project;
- (7) A statement indicating the final phase for which the coordinating person will be responsible under each application. All work subsequent to the permitted phases shall be governed by the provisions of this Chapter and the technical codes.

**(B) Procedure.**

All time-phase submittals to the Building Official shall include a transmittal letter listing the documents and describing their contents and detailing the purpose and intended outcome of the time-phase submittal. All documents resubmitted that have been revised or changed in whole or in part shall contain a revision date and an indication of the type and location of all revisions or changes made. Significant revisions or changes to the documents shall be made in an identical manner of delineation as the original submitted documents.

**15.01.270 COMBINATION PERMIT.**

The Building Official may issue a single permit incorporating any combination of the multiple scopes of work governed by one or more of the various technical codes. To obtain a combination permit, the applicant shall complete and file with the Building Official a permit application on a form furnished by the Building Official for that purpose and shall submit with the application all construction documents required by the Building Official pursuant to the applicable provisions of this Chapter. Prior to issuing a combination permit, the Building Official shall require the identification and verification of appropriate licensing of contractors.

When inspections proceed simultaneously, the Building Official may issue a single permit incorporating several scopes of work governed by one or more of the technical codes; for example, a single permit may be issued for a pool with an attached spa that includes the building, electrical, plumbing and mechanical work.

**15.01.275 RETENTION OF PLANS.**

Upon issuance of a permit, one set of stamped approved construction documents shall be returned to the permit applicant and shall be kept on the site of the permitted work at all times during which the permitted work is in progress. One set of approved construction documents of sufficient quality to be readable after they are reproduced from microfilm or electronic scanning shall be retained by the Building Official until final approval of the permitted work and for the period required for retention of public records as specified by the Office of the City Clerk.



**15.01.280 VALIDITY OF PERMIT.**

The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or the technical codes, or any other code, regulation or ordinance of the City of Henderson. Permits presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes, or any other code, regulation or ordinance of the City of Henderson shall be invalid. The issuance of a permit based upon approved construction documents shall not prevent the Building Official from thereafter requiring the correction of errors in the construction documents, or from issuing a notice of violation or stop work order when work is not in compliance with the approved construction documents, this Chapter, the technical codes or any other code, regulation or ordinance of the City of Henderson.

**15.01.285 PERMIT EXPIRATION.**

Unless otherwise approved by the Building Official, the provisions of this section shall apply to all new and existing permits, regardless of the date of permit issuance.

**(A) Expiration.**

Every permit issued by the Building Official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 calendar days from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 calendar days, or if the building or work authorized by such permit exceeds three calendar years from the date of issuance of the permit.

**(B) Inspections Required.**

Work shall be presumed to have commenced if a required inspection approval of work authorized by the permit has been obtained from the Building Official within 180 calendar days of the date of permit issuance. Work shall be presumed to be suspended or abandoned if a required inspection approval of work authorized by the permit has not been obtained by the Building Official within each 180 calendar days upon initial commencement of work authorized by such permit. Before such work can be recommenced, a new permit or renewal permit as specified below shall first be obtained.

**(C) Renewal Permit – Work Not Commenced.**

For permits for which work has not been commenced in the first 180 days from the date of permit issuance as defined herein, a renewal permit may be obtained provided that:

- (1) No changes have been made or will be made in the original plans and specification for such work;

- (2) The expiration has not exceeded three years from the original date of permit issuance;
- (3) The same edition of the technical codes are in effect as used in the initial review and approval of the construction documents;
- (4) A fee equal to one-fourth the amount required for a new permit is paid; and
- (5) The renewal permit shall expire three calendar years from date of issuance of original permit.
- (6) The renewal permit shall expire if work is not commenced within 180 calendar days from renewal date.

Where more recent editions of the technical codes have been adopted than used in the initial review and approval of the construction documents, such application for renewal shall be considered as a new submittal. Accordingly, all construction documents shall be updated to reflect the requirements of the current technical codes in effect, a full new review and approval of the construction documents by the Building Official is required, and a full new plan review fee shall be paid. In instances where, in the opinion of the Building Official, the changes in the construction document required to reflect compliance with the technical codes are minor in nature, the Building Official may reduce the plan review fee to reflect the actual total cost (direct and indirect costs) of reviewing the plans. Upon completion of the plan review, the permit may be renewed upon payment equal to one-fourth the amount required for a new permit.

**(D) Renewal Permit – Work Commenced.**

For permits where work has commenced as defined herein and was subsequently suspended or abandoned as defined herein, a renewal permit may be obtained provided that:

- (1) No changes have been made or will be made in the original plans and specification for such work;
- (2) The expiration has not exceeded three years from the original issuance date;
- (3) A fee equal to one-fourth the amount required for a new permit is paid; and
- (4) The renewal permit shall expire three calendar years from date of issuance of original permit.
- (5) The renewal permit shall expire if work is not commenced within 180 calendar days from renewal date.

**(E) Renewal Permit - Three Years from Date of Original Permit Issuance.**

For permits that have exceeded three years from the date of original issuance, a renewal permit may be obtained provided that:

- (1) Construction authorized by the building permit has commenced and has received required inspection approvals as stated herein;
- (2) No changes have been made or will be made in the original plans and construction documents for such work;
- (3) A fee equal to the amount required for a new permit is paid, except that where the Building Official determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee as determined by the Building Official shall be paid.

The maximum life of renewal permits in accordance with this subsection shall be one calendar year from the date of permit renewal. Thereafter, the permit shall be renewed for each calendar year provided that all the requirements of (1), (2) and (3) as stated in this subsection are met.

**15.01.290 PERMIT EXTENSION.**

For unexpired permits, the permittee may apply for an extension of time within which work under that permit may be continued when for good and satisfactory reasons the permittee is unable to commence or continue work within the time required by the Chapter. The Building Official may extend the time for action by the permittee for a period not exceeding 180 calendar days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

**15.01.295 TIMELY COMPLETION OF WORK.**

All work for which a permit is issued shall be completed in a timely manner. Approval of a required inspection must be obtained for work authorized by a permit at least once every 180 days upon issuance. Failure to obtain approval of a required inspection within any 180 day period will result in the expiration of the permit. If work has commenced and the permit for that work has expired, then renewal of the original permit shall be obtained within 60 days of expiration of the permit as specified in Section 15.01.285 (A). If the project on which permit expiration has occurred is not completed in a timely manner as specified herein, the project shall be subject to enforcement action to ensure completion or removal of work authorized by the permit. The building official may grant a waiver of the enforcement action on a case-by-case basis where, in the opinion of the building official, the incomplete work or structure does not present a hazard or nuisance condition or would not reasonably be expected to present negative visual or fiscal impacts to adjacent properties or the neighborhood.

**15.01.300 SUSPENSION OR REVOCATION OF PERMITS.**

The Building Official may suspend or revoke a permit issued under the provisions of this Chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any of the technical codes, this Chapter, or any ordinance or regulation of the City of Henderson. A permit may also be

revoked or suspended when work authorized by such permit is determined to be unsafe by the Building Official.

**15.01.305 FEES.**

Permit, plan review and inspection fees shall be assessed in accordance with the provisions of specific fees set forth in this Chapter or as set forth in the fee schedules contained in Chapter 15.02 of the Henderson Municipal Code. The payment of fees pursuant to this Chapter and Chapter 15.02 of the Henderson Municipal Code does not preclude the assessment of other applicable fees. Employing or contracting with a Quality Assurance Agency does not preclude or waive permit, plan review and other relevant fees as set forth in this Chapter and Chapter 15.02 of the Henderson Municipal Code.

Any issued permit may be suspended or revoked and all work authorized by that permit may be ordered stopped by the Building Official should the method of payment of required fees result in the failure of the City of Henderson to receive those fees. In the event a method of payment of fees does not result in the City of Henderson receiving required fees, the Building Official may specify a method of payment that, in the opinion of the Building Official, will result in required fees being received by the City.

**15.01.310 FEE REFUNDS.**

The provisions of this section shall govern the refunding of plan review and inspection fees.

**(A) Plan Check Fee Refunds**

The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

**(B) Inspection Fee Refunds**

In the event of abandonment or discontinuance of work for which a permit has been issued, a refund by the City of certain portions of the permit inspection fees may be approved subject to all of the following:

- (1) A written request is made by the person or firm who paid the fee;
- (2) The written request is delivered to the office of the Building Official within 180 days of the date of permit issuance where no work has commenced or 180 days of the date of last inspection approval or permit extension and;
- (3) The work approved to date does not present negative visual or fiscal impacts to adjacent properties or the neighborhood.

The portion of the fee to be refunded shall be based upon the following table.

<b>Time at Which Work is Abandoned or Discontinued</b>	<b>Percentage of Fee to be Refunded</b>
Subsequent to issue of permit, but prior to any foundation inspection approval	75 percent
Subsequent to any foundation inspection approval, but prior to any rough inspections approval	50 percent
Subsequent to any rough inspections approval, but prior to any final inspection approval	25 percent

The Building Official may approve variations from these fee refund provisions in unusual or extenuating circumstances on a case-by-case basis.

#### **15.01.315 EXPIRATION OF PLAN REVIEW.**

Applications for which no permit is issued within 180 calendar days following the date of application shall expire by limitation and construction documents submitted for review may be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 calendar days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevent action from being taken. An application may not be extended more than once. An application shall not be extended if this Chapter, the technical codes or any other pertinent laws, ordinances or regulations of the City of Henderson have been amended subsequent to the date of application. In order to review action on an application after expiration, the applicant shall submit plans and pay a new plan review fee.

**Exceptions:** For large public works and public utilities projects, the Building Official may grant plan review extensions in instances where more recent editions of the technical codes have been adopted provided that, in the opinion of the Building Official, there have been no substantial changes to the structural or life-safety requirements of the technical codes in effect at the time of submittal of the original permit application and construction of the project in accordance with those codes will not pose any structural or life-safety hazards to the project occupants or the public.

The Building Official may grant minor extensions due to hardship or unusual extenuating circumstances on a case by case basis.

**15.01.320 WORK WITHOUT PERMITS – INVESTIGATIVE FEE.**

- (A) **Investigation.** Whenever any work for which a permit is required by this Chapter has commenced without first obtaining a permit or work authorized by a permit exceeds the scope of the permit, a special investigation shall be made before a permit may be issued for such work.
- (B) **Fee.** The Building Official may assess an investigative fee, in addition to all other required fees, whether or not a permit is then subsequently issued. The investigative fee shall be as set forth in Chapter 15.02 of the Henderson Municipal Code. The payment of such investigative fee shall not exempt any person from compliance with all other provisions of this Chapter, the technical codes, and other relevant ordinances and regulations of the City of Henderson.
- (C) **Voluntary Disclosure.** The Building Official may waive the fees referenced in (B) above for voluntary disclosure of work done without a permit; but all costs associated with the investigation shall be reimbursed.

**15.01.325 INSPECTION OF EXISTING BUILDINGS.**

An existing building or structure that is not covered by an existing valid building permit may be inspected by the Building Official at the owner's or other interested party's request upon payment of an inspection fee based upon the estimated time to perform the inspection and the hourly inspection rate as contained in Chapter 15.02 of the Henderson Municipal Code. This service shall be available at the option of the Building Official.

**15.01.330 WITNESS FEES.**

Time spent in preparation for a deposition or testimony in a legal proceeding shall be reimbursed at the full-cost (direct and indirect cost) hourly rates specified in Chapter 15.02 of the Henderson Municipal or at the full cost-recovery hour rate as calculated by the City of Henderson Finance Department for hourly rates not specified in Chapter 15.02 of the Henderson Municipal Code.

**15.01.335 INSPECTION AND SURVEY.**

All work for which a permit is required shall be subject to inspection by the Building Official. In addition, certain types of work shall have continuous inspection as determined by the Building Official.

The Building Official may require a survey of the lot upon which construction authorized by a permit is to be performed to verify that site grading is in conformance with the approved construction documents and structures or portions of structures are located in accordance with the approved construction documents.

**(A) Inspection Access.**

It shall be the duty of the permittee to provide access to and means for proper inspection of work authorized by a permit. The permittee shall cause the work to be exposed for inspection purposes until approved by the Building Official. Neither the Building Official nor the City of Henderson shall be liable for expenses incurred in the removal or replacement of any material or construction to provide access to work to be inspected.

**(B) Inspection Requests.**

It shall be the duty of the permittee to notify the Building Official that work is ready for inspection. Every request for inspection shall be filed at least one workday before such inspection is desired. Failure to provide one workday notification for an inspection is deemed improper notification and the inspection may be rescheduled for the following workday.

**(C) Access to Inspection Record, Permit and Approved Plans.**

Work for which a permit is required shall not be commenced until the permittee has made available on the premises the inspection record, approved permit and approved construction documents in such a location as to allow the Building Official convenient access and use. The inspection record, approved permit and approved construction documents shall be maintained in such location by the permittee until final inspection approval has been granted by the Building Official.

**(D) Inspection Approval Required to Proceed.**

All work for which a permit is required shall not be done beyond the stage indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon proper request, shall make requested inspections and shall either indicate that portion of the work is satisfactory as completed or shall notify the permittee or his authorized agent when the work fails to comply with this Chapter, the approved construction documents, the technical codes or any ordinance or regulation of the City of Henderson. Any portion of the work that does not comply with this Chapter, the approved construction documents, the technical codes or any ordinance or regulation of the City of Henderson shall be corrected and such work shall not be covered or concealed until re-inspected and approved by the Building Official.

Inspection approval shall not be construed to be an approval of a violation of the provisions of this Chapter, the approved construction documents, the technical codes or any ordinance or regulation of the City of Henderson. Inspections presuming to give authority to violate or cancel the provisions of this Chapter, the

approved construction documents, the technical codes or any ordinance or regulation of the City of Henderson shall not be valid.

**15.01.340 REQUIRED BUILDING INSPECTIONS.**

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official. Upon receipt of a proper inspection request, the Building Official shall perform the following inspections:

**(A) Foundation Inspection.**

A foundation inspection shall be performed after excavations for footings are complete and any required reinforcing steel, structural embeds, grounding electrodes, piping and other equipment required by the construction documents or technical codes are in place and before concrete is placed. When required, a Pad Certification prepared by a licensed civil engineer shall be submitted to the Building Official prior to the performance of a foundation inspection.

**(B) Framing Inspection.**

A framing inspection shall be performed after all structural and non-structural components are in place as follows:

- (1) **Wood and Light Gauge Metal Construction.**  
Framing inspection of wood and light gauge metal construction shall be performed after the roof sheathing, all framing, fire blocking, shear panels and bracing are in place and all pipes, chimneys, vents and rough electrical, plumbing and mechanical system components are in place.
- (2) **Concrete, Steel and Masonry Construction.**  
Framing inspection of concrete, steel and masonry construction shall be performed after all structural elements required by the approved construction documents and technical codes are in place, including reinforcing steel, structural steel, concrete, masonry, grout and mortar and all structural connections are complete.

**(C) Insulation Inspection.**

An insulation inspection shall be performed after all insulation is installed and fastened in place pursuant to the manufacturer's installation instructions, all caulking and sealing is installed, and all exterior openings are properly flashed.

**(D) Lath and/or Wallboard Inspection.**

Lath and/or wallboard inspection shall be performed after all lathing and wall and ceiling board (interior and exterior) is in place



and before any plastering is applied or before wallboard joints and fasteners are taped and finished.

**(E) Final Inspection.**

A final inspection and approval of all work, including final grading, shall be performed when the building or structure is completed and ready for occupancy and use but prior to any occupancy or use unless specific prior approval for occupancy or use has been granted by the Building Official.

**Exception:** Free-standing walls and fences 6' or less in height. This exemption applies to existing walls constructed under permits issued prior to the effective date of this Chapter.

**15.01.345 REQUIRED BUILDING SERVICE EQUIPMENT INSPECTIONS.**

All building service equipment for which a permit is required by this Chapter or the technical codes shall be inspected by the Building Official. No portion of any building service equipment shall be concealed until inspected and approved. When the installation of any building service equipment is complete, a final inspection shall be performed. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

**(A) Temporary Connections.**

The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment or for use under a Temporary Certificate of Occupancy.

**(B) Replacement of Building Service Equipment.**

Building service equipment installed to replace existing building service equipment serving an occupied portion of a building may be operated if a request for inspection of the replacement equipment has been filed with the Building Official not more than 48 hours after such replacement work was completed and before any portion of the building service equipment is concealed.

**(C) Fire and Life-Safety Systems Performance Verification.**

Prior to final inspection of the building, the permittee is responsible to test all components of the fire and life-safety systems and verify the proper operation of such systems. Upon completion of all testing, the general contractor shall perform an overall life safety system test. The system test program shall be submitted to the Building Official prior to system testing. The system test shall be witnessed by the Building Official.

**15.01.350 REQUIRED POOL AND SPA INSPECTIONS.**

Inspection of pools and spas shall comply with the provisions of this section.

**(A) Concrete Construction.**

Upon receipt of a proper inspection request, the Building Official shall perform the following inspections of pools and spas constructed of concrete:

- (1) **Steel and Bonding.**  
A steel and bonding inspection shall be performed after excavation is complete, the reinforcing steel is in place per the approved construction documents and all electrical bonding connections are made.
- (2) **Pre-Gunite Inspection**  
All underground utilities, gas, water and electrical piping shall be completed at this time with required pressure tests.
- (3) **Pre-Plaster Inspection.**  
A pre-plaster inspection shall be performed when all equipment is installed, bonding and electrical work is complete and permanent barriers are in place. All required interior safety devices shall be in place and inspected at this time.
- (4) **Final Inspection.**  
A final inspection shall be performed when the structure is complete and filled with water. All systems shall be operational and lights and ground fault circuit interrupter (GFCI) tested. The safety barriers and yard drainage shall be re-inspected. If applicable, a gas pressure test will be inspected and gas tag issued when the final inspection is approved.

**(B) Manufactured Pools and Spas.**

Upon receipt of a proper inspection request, the Building Official shall perform the following inspections of manufactured pools and spas:

- (1) **Underground Utility and Bonding Inspection.**  
An inspection shall be performed after all trenching and excavation work is complete. All underground utilities, gas, water and electrical piping shall be completed at this time with required pressure tests. Access barriers shall be installed and all electrical bonding connections shall be made. All required interior safety devices must be in place and inspected at this time.
- (2) **Pre-Deck Inspection**  
A pre-deck inspection shall be performed prior to placing decks. The Equipotential Grid shall be in

- place and all electrical work complete. All equipment shall be connected and anchored in place. All permanent barriers shall be complete.
- (3) Final Inspection.  
A final inspection shall be performed when the structure is complete and filled with water. All systems shall be operational and lights and GFCI's tested. The safety barriers and yard drainage shall be re-inspected. If applicable, a gas pressure test will be inspected and gas tag issued when the final inspection is approved.

**15.01.355 REQUIRED ELECTRICAL INSPECTIONS.**

Upon receipt of a proper inspection request, the Building Official shall perform the following electrical inspections:

- (A) **Concrete-Encased Electrode Ground Inspection.**  
An inspection of the concrete-encased electrode ground shall be performed before or concurrently with the building foundation inspection and prior to the foundation being poured. The concrete-encased electrode ground shall be installed per the Electrical Code.
- (B) **Underground Electrical Inspection.**  
An underground electrical inspection shall be performed before the building concrete slab or under-floor inspection and after all in-slab or under-floor building service equipment items are in place, but before any concrete is poured or floor sheathing is installed, including sub-flooring.
- (C) **Rough Electrical Inspection.**  
A rough electrical inspection shall be performed before or concurrently with the building framing inspection and after the initial installation of all electrical equipment and conduit or wiring.
- (D) **Other Electrical Inspections.**  
Depending on the type of electrical installation, inspection of additional electrical system components may be required by the Building Official.
- (E) **Final Electrical Inspection.**  
A final electrical inspection shall be performed when the electrical work is complete and prior to any use or occupancy.

**15.01.360 REQUIRED PLUMBING INSPECTIONS.**

Upon receipt of a proper inspection request, the Building Official shall perform the following inspections:

- (A) On-Site Sewer Inspection.**  
For the purposes of this section, on-site sewers shall be that portion(s) of the sewer system under the jurisdiction and permitted by the Building Official. An on-site sewer inspection shall be performed after all underground on-site sewer piping is installed, including manholes and cleanouts. Sewer piping shall be tested in accordance with the Plumbing Code. Portion of the sewer system covered under this section includes piping extending 5' from the building envelope.
- (B) Underground Plumbing Inspection.**  
An underground plumbing inspection shall be performed after all underground drain, waste, vent and water piping is installed and under test. Portion of the plumbing system covered under this section includes piping extending up to 5' from building envelope.
- (C) Rough Plumbing Inspection.**  
A rough plumbing inspection shall be performed before or concurrently with the building framing inspection and after all portions of the above-floor drain, waste, vent and water piping systems are installed and under test.
- (D) Final Plumbing Inspection.**  
A final plumbing inspection shall be performed after all fixtures are in place and connected to the drain, waste, vent and potable water supply systems and prior to any use or occupancy.

**15.01.365 REQUIRED MECHANICAL INSPECTIONS.**

Upon receipt of a proper inspection request, the Building Official shall perform the following mechanical inspections:

- (A) Rough Mechanical Inspection.**  
A rough mechanical inspection shall be performed before or concurrently with the building framing inspection and after all heating, ventilating, air-conditioning and exhaust duct systems are installed, securely fastened and supported in place. Fire and smoke dampers shall be installed pursuant to the manufacturer's listing requirements and installation instructions.
- (B) Mechanical Equipment Testing.**  
Mechanical equipment shall be tested pursuant to inspection procedures specified in the Mechanical Code.
- (C) Final Mechanical Inspection.**  
A final mechanical inspection shall be performed after all heating, ventilating, air-conditioning equipment and exhaust duct systems, gas lines, and refrigeration lines are installed and prior to any use or occupancy.

**15.01.370 OCCUPANCY AUTHORIZATION.**

**(A) Certificate of Occupancy (CO).**

No building or structure for which a Certificate of Occupancy (CO) is required shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until such time as the Building Official has issued a Certificate of Occupancy (CO) therefore as provided herein. The Certificate of Occupancy (CO) creates no warranty or guarantee, either expressed or implied. A Final Inspection approval shall be considered equivalent to the Certificate of Occupancy (CO) for any building classified as Group U occupancy.

**(B) Change in Use.**

Changes in the character or use of a building shall not be made except as specified in this Chapter and the Building Code.

**(C) Issuance of Certificate.**

After an approved Final Inspection, the Building Official shall issue a Certificate of Occupancy (CO) within three working days. The Building Official shall not issue a Certificate of Occupancy (CO) for any building classified in occupancy group A, B, E, H, I or R under the Building Code until:

- (1) Final Inspection approval has been granted by all applicable City departments and agencies;
- (2) Verification of the connection of the building service equipment has been completed;
- (3) Verification that the building or structure has met all the requirements specified in the approved construction documents and permits has been completed.

**(D) Temporary Certificate of Occupancy.**

If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof, the Building Official may issue a Temporary Certificate of Occupancy (TCO) for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

**(E) Fee for Temporary Certificate of Use of Occupancy.**

The fee for issuance of a Temporary Certificate of Occupancy (TCO) shall be as set forth in Chapter 15.02 of the Henderson Municipal Code. If additional inspection(s) are required prior to the issuance of the temporary certificate, all costs of such inspection(s) shall be paid by the applicant at the full-cost (direct and indirect cost) recovery hourly service rate specified in Chapter 15.02 of the Henderson Municipal Code. If a Temporary Certificate of Occupancy (TCO) is not issued within 90 days from

the date of application, the request shall become null and void and a new application shall be required if occupancy approval continues to be pursued and all costs of additional inspections shall be paid by the applicant as specified herein.

**(F) Certificate Posting.**

The Certificate of Occupancy (CO) for buildings classified in occupancy groups A, B, E, H, I, M, and S shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

**(G) Certificate Revocation.**

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy (CO) or a Temporary Certificate of Occupancy (TCO) issued under the provisions of this Chapter whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any provisions of this Chapter, the technical codes or other ordinances and regulations of the City of Henderson.

**(H) Certificate Content.**

The Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) shall contain the following information:

- (1) The building permit number;
- (2) The address of the building;
- (3) The name of the owner;
- (4) A description of that portion of the building for which the certificate is issued;
- (5) A statement that the described portion of the building is in substantial compliance with the requirements of this Chapter and the technical codes for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (6) The name of the Building Official.
- (7) Date of issuance.

An approved Final Inspection, Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or an Amusement and Transportation System (ATS) Certificate of Operation from the Building & Fire Safety Department indicates the building, structure, ATS, or part thereof for which the approved Final Inspection was made or certificate was issued, was found by the Building Official to be in substantial compliance with the provisions of this Chapter and the technical codes based upon periodic inspections during construction and, do not create an express or implied warranty or guarantee.

**15.01.375 REQUIRED AMUSEMENT AND TRANSPORTATION SYSTEM INSPECTIONS.**

All Amusement and Transportation Systems (ATS) shall be inspected in accordance with the requirements of the technical codes, the Technical Guidelines, the approved Operations and Maintenance Manual, the Amusement and Transportation Code and any special requirements of the permit for a specific ATS.

The installing contractor or manufacturer shall be responsible to obtain all required inspection and testing services and furnish an Inspection and Testing Report to the Building Official for each ATS for its initial installation on a site. Thereafter, the Owner/Operator of an ATS is responsible to obtain all required inspection and testing services and furnish an Inspection and Testing Report to the Building Official for each ATS when required by the approved Operations and Maintenance Manual. Reports of inspection and testing, as required, shall be made by an Approved Quality Assurance Agency. Reports that indicate non-compliance with the approved construction documents or Operation and Maintenance Manual shall require a reinspection and written report of compliance before a renewal ATS Certificate of Operation will be issued.

The Building Official may perform unannounced monitoring inspections for the purpose of determining operational compliance with the approved Operation and Maintenance Manual. Should the inspection identify non-compliance with the technical codes, the Operation and Maintenance Manual or the conditions of the Certificate of Operation, the Owner/Operator shall bear the full cost of the unannounced monitoring inspection at the full cost-recovery hourly rate as specified in Chapter 15.02 of the Henderson Municipal Code or as calculated by the City of Henderson Finance Department. Any additional monitoring inspections due to non-compliance reports or deficiencies found will also be charged to the Owner/Operator who shall be responsible for paying those costs.

**15.01.380 AMUSEMENT AND TRANSPORTATION SYSTEM (ATS) CERTIFICATE OF OPERATION.**

A valid ATS Certificate of Operation is required for the operation of an ATS after initial installation. Each ATS shall have an individually issued Certificate of Operation in accordance with the requirements of this section.

**(A) Initial Amusement and Transportation System Certificate of Operation.**

After the ATS Permit is finalized and all requirements for operation are completed satisfactorily, the Building Official shall issue the initial ATS Certificate of Operation for the ATS. No additional application or fees are required for the initial ATS Certificate of Operation certificate.

**(B) Expiration.**

An ATS Certificate of Operation expires one year from the date of issuance. Prior to expiration, the Owner/Operator is responsible to make an application to the Building Official for renewal of the ATS Certificate of Operation in accordance with the requirements

of this Chapter and the technical codes. No ATS Certificate of Operation shall be renewed or extended without meeting all requirements of the Amusement and Transportation Code, the Technical Guidelines and this Chapter. No ATS shall be used or operated with an expired Certificate of Operation.

**(C) Application for Renewal.**

To obtain a renewal of the ATS Certificate of Operation, the Owner/Operator shall file an application no less than 30 days prior to the certificate expiration. When grouped, Amusement and Transportation Systems may, at the option of the Building Official, be part of a group application, but shall have individual certificates issued for each ATS. Every application for certificate renewal shall be accompanied by all required inspection reports, fees and other items required by the Building Official. Third-party inspection and/or testing shall be performed in accordance with the requirements of the approved Operations and Maintenance Manual for all ATSs governed by this Chapter. Any such inspection and testing reports issued since the last monitoring inspection or initial installation of the ATS, whichever is more recent, shall be provided to the Building Official at the time of application for a renewal of the ATS Certificate of Operation. The ATS Certificate of Operation shall be issued only after a third-party inspection report is submitted and approved, a Building & Fire Safety Department monitoring inspection is satisfactorily completed and all fees are paid.

**(D) Revocation.**

The Building Official may, in writing, revoke or suspend an ATS Certificate of Operation when it is issued in error or on the basis of incorrect information supplied, or the ATS is in violation of any ordinance or regulation or any of the provisions of this Chapter, the Amusement and Transportation Code, the Technical Guidelines and the technical codes.

**(E) Certificate Posting and Display.**

The ATS Certificate of Operation shall be posted on the ATS or at an alternate location near the ATS approved by the Building Official. In instances where the certificate is posted at an approved alternate location, a notice shall be placed on the ATS indicating the actual location of the ATS Certificate of Operation.

**15.01.385 REINSPECTION FEES.**

A reinspection fee as specified in Chapter 15.02 of the Henderson Municipal Code may be assessed for each initial inspection or reinspection of work if any of the following conditions occur:

- (A) Work for which inspection is requested is not substantially complete;



- (B) Corrections identified in a previous inspection are not substantially complete;
- (C) The permit, approved plans and documents pertinent to the requested inspection such as geotechnical report, structural calculations, electrical load calculations, energy calculations, manufacturer listings, etc. and the inspection record are not readily available on the job site;
- (D) Access to the work to be inspected is not provided or is so restricted that the requested inspection cannot be performed;
- (E) Work for which the inspection is requested has been covered or otherwise concealed;
- (F) Work that requires inspection approval prior to the requested inspection has not been approved;

This section shall not be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Chapter or the technical codes, but as controlling the practice of requesting inspections before work is ready for inspection or reinspection. In instances where reinspection fees have been assessed, no additional inspection of the work shall be performed until the required reinspection fees have been paid.

**15.01.390 DEDICATED INSPECTION SERVICES.**

A building permit permittee may request that the Building Official assign one or more dedicated inspectors to be available on-site to immediately perform inspections upon request. The Building Official has the option of granting or denying such requests based upon the nature and extent of work to be inspected and the availability of sufficient staff to provide such services. The permittee shall, as a condition of granting the request, pay in advance the total cost (direct and indirect cost) of providing such services as determined by the Building Official in addition to normal inspection fees. The Building Official shall determine the appropriate inspector classification to be assigned to inspect the work based on the type and scope of work to be inspected. An agreement setting forth conditions of such dedicated inspection services may be required by the Building Official.

**15.01.395 INSPECTION OF ATYPICAL OR UNUSUAL WORK.**

In situations where the scope and nature of work is atypical or unusual and exceeds the technical knowledge and skills of conventional inspection personnel, the Building Official may determine that specialized inspection services are required. Upon determination that specialized inspection services are required, the Building Official shall notify the permittee of that determination and the permittee shall pay the total cost (direct and indirect cost) of such specialized inspection services. The Building Official shall determine the appropriate qualifications of individuals to perform specialized inspections based upon the type and scope of atypical or unusual work to be inspected. An agreement setting forth conditions of specialized inspection services may be required by the Building Official.

**15.01.400 INSPECTION AGENCIES.**

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications, licensing and approval.

**15.01.405 SPECIAL INSPECTIONS.**

Special inspections shall comply with the provisions of this section.

**(A) General.**

In addition to the inspections required elsewhere in this Chapter, certain types of work shall have special inspections as specified in the Building Code. The special inspections shall be conducted by the Building Official or by an approved Quality Assurance Agency approved by the Building Official. Special inspections conducted by an approved Quality Assurance Agency shall be performed as provided in this Chapter and the technical codes. Methods of complying with special inspection requirements are found in the Technical Guidelines.

**(B) Special Inspection by an Approved Quality Assurance Agency.**

When special inspections by an approved Quality Assurance Agency are required, the owner or the design professional acting as the owner's agent shall employ a Prime Agency. The Prime Agency shall provide special inspections in accordance with the special inspection agreement as required by this Chapter and the technical codes. No change of the Prime Agency shall be made without the approval of the Building Official.

Projects designated by the Building Official as requiring special inspection by an approved Quality Assurance Agency shall not be issued a permit until the Special Inspection Agreement is executed by the owner or the owner's agent, the designated Prime Agency and the Building Official.

**(C) Special Inspection by Other than a Prime Agency.**

Upon approval of the Building Official, other persons may provide special inspections in the following cases:

- (1) Where the required special inspection is to be performed by the design professional responsible for construction documents approved by the Building Official pursuant to this Chapter;
- (2) Where, in the opinion of the Building Official, the nature of the work requires inspection by a person having specialized technical knowledge and skill to inspect and test specialized work for which the Prime Agency may not be qualified or authorized to inspect. In such cases, the Building Official may

approve other persons to perform the required special inspection.

Persons acting pursuant to this section accept all duties and responsibilities of a Quality Assurance Agency including reporting requirements.

**(D) Stop Work Orders.**

If the Building Official determines that an approved special inspector is failing to properly perform special inspection services, or that an unapproved special inspector performed, or is performing, special inspection services, the Building Official may order the special inspection work stopped. Once stopped by the Building Official, special inspection work may only resume upon written agreement between the Quality Control Manager of the Quality Assurance Agency and the Building Official. If the Building Official determines that the owner has made changes to the Prime Agency without prior approval after the special inspection work has commenced, the Building Official may order the special inspection work stopped. Once stopped by the Building Official, special inspection work may only resume upon submittal of a Compliance Report or other evidence that the special inspection work completed prior to the agency change complies with the approved construction documents, this Chapter and the technical codes.

**(E) Subcontracted Special Inspection.**

The Prime Agency designated in the special inspection agreement may subcontract special inspection services to another approved Quality Assurance Agency. The Prime Agency is responsible for overall coordination and issuance of the required final report. The Prime Agency and the subcontracted agency shall notify the Building Official in writing of a subcontracting arrangement. The written notification shall identify the Prime Agency, the subcontracted agency, and the division of scope of work prior to commencement of the work. The engineering manager of the Prime Agency shall provide a written declaration that they are in responsible charge of all subcontracted special inspections. The Prime Agency is responsible for notifying the Building Official in writing of any changes in the designated subcontracted agencies.

**(F) Waiver of Special Inspection.**

The Building Official may waive the requirement for the employment for an Approved Quality Assurance Agency where minor quantities or amount of work requiring special inspection are involved or when the work is performed at the facility of an approved fabricator or manufacturer.

**(G) Special Inspection Requests.**

Special inspection requests shall be coordinated between the designated Prime Agency and the contractor. The permittee shall verify that the Prime Agency has the most current set of approved construction documents. The permittee is responsible to establish and maintain communication with the Prime Agency and Quality Assurance Agency throughout the construction process. The permittee shall provide sufficient notice to the Prime Agency to schedule special inspection services. Construction work is subject to a stop work order for failure to establish and maintain the required special inspection process.

**(H) Types of Work Requiring Special Inspection.**

Special inspection shall be as required by the technical codes. In addition, the Building Official may require special inspection of work identified by the Building Official as unique and requiring specialized knowledge to verify proper and safe construction or installation.

**(I) Approved Special Inspection Personnel.**

Special Inspection Personnel, fabrication shop inspectors, or quality systems auditors must demonstrate competence to the satisfaction of the Building Official, achieve and maintain national certification(s), as required for the special inspections to be performed, and meet the applicable requirements of the Technical Guidelines. The approved special inspection personnel shall be employed by an approved Quality Assurance Agency, a design professional approved to perform special inspections, or the Building Official.

**(J) Duties and Responsibilities of the Quality Assurance Agency and Special Inspector.**

Approved special inspectors and approved quality assurance agencies shall perform all duties imposed in this Chapter, the technical codes, the referenced standards and the Technical Guidelines.

The approved special inspector shall inspect the types of work identified in the Special Inspection Agreement for conformance with the approved construction documents, the technical codes, the referenced standards and the Technical Guidelines. The approved special inspector shall report to the job sufficiently in advance of the commencement of work to become familiarized with the approved construction documents. The approved special inspector shall write a Non-Compliance Report (NCR) when approved construction documents or the permit are not available on the premise at the time of special inspection. The approved special inspector shall immediately notify the contractor and shall

immediately submit a copy of the noncompliance report to the Building Official.

The approved agencies shall notify the Building Official in writing of commencement of special inspection activities on a project.

**(1) Reports.**

The approved special inspector is responsible for the following reports:

**(a) Daily Report by Special Inspector.**

The approved special inspector shall write daily reports and provide such other information as may be required by the Building Official within the scope of the special inspector's duties. The approved special inspector shall also furnish inspection reports as required by the Technical Guidelines. The approved special inspector shall immediately notify the contractor and the Building Official in writing of non-conformance with the approved construction documents or other violations of the technical codes and technical guidelines within the scope of the special inspector's activities and duties. Notification shall be within 24 hours and may be accomplished by fax or, upon approval of the Building Official, transmitted electronically. All daily reports prepared by a special inspector pursuant to this Chapter and the technical codes and Technical Guidelines are the property of the City of Henderson and shall be made available upon request of the Building Official.

**(b) Final Reports.**

The approved Quality Assurance Agency shall submit a final report to the Building Official stating whether all specified special inspections were completed, documented, and found to be in compliance with the approved construction documents, technical codes and Technical Guidelines. Final reports shall not be submitted to the Building Official until all non-compliance reports have been cleared by the approved Quality Assurance Agency. Final reports shall include all non-compliance reports with dates of approval of corrective action, the

completed job card and the job history record.

Final reports shall be reviewed by a Nevada licensed professional engineer or registered architect and have an original signature and licensure seal prior to submittal to the Building Official. The stamp and original signature shall be on a cover letter that certifies the required special inspections were completed or exceptions taken and documented as being acceptable to the Building Official.

Final reports requiring more than two reviews shall be charged fees for additional reviews on a full cost-recovery hourly rate (direct and indirect costs) specified in Chapter 15.02 of the Henderson Municipal Code or calculated by the City of Henderson Finance Department.

**(c) Maintenance of Records.**

Approved agencies shall maintain records of all inspection reports, laboratory test results, and other documents generated during the performance of inspections, material testing, and other related activities on a project. Those records shall be maintained by the approved agencies for a period specified by the applicable referenced standards, but not less than two years from the date the final report was documented as approved.

**15.01.410 QUALITY ASSURANCE AGENCY.**

Each approved Quality Assurance Agency (QAA ) shall meet the following requirements:

**(A) Approval by the Building Official Required.**

To perform special inspections as set forth in the technical codes, reference standards and technical guidelines, a Quality Assurance Agency must be approved by the Building Official, who shall maintain a list of approved Quality Assurance Agencies. The Building Official shall establish rules and regulations for approval and listing and the conduct of approval Quality Assurance Agencies. Rules and regulations for the approval and listing requirements shall be contained in the Technical Guidelines.

**(B) Employment of Special Inspectors.**

The approved Quality Assurance Agency is responsible to employ only approved special inspectors for work requiring special inspection pursuant to the technical codes, Technical Guidelines and referenced standards.

**(C) Quality Management.**

The Quality Assurance Agency shall employ at all times a Quality Control Manager to carry out supervision and technical responsibilities. The Quality Control Manager shall possess appropriate education, certifications and experience. The Quality Assurance Agency is responsible to notify the Building Official within 14 days of any changes in the designated Quality Control Manager. Failure to do so shall result in the immediate forfeiture of the Quality Assurance Agency's approval status.

The Quality Assurance Agency, through its Quality Control Manager, is responsible to the Building Official for:

- (1) Hiring and training of qualified special inspectors and testing technicians;
- (2) Supervision of special inspectors;
- (3) Filing of accurate and complete reports based upon actual inspection and testing results;
- (4) In-house distribution and application of Technical Guidelines;
- (5) Supervising and documenting the internal audit and in-house training program.

**(D) Engineering Management.**

The Prime Agency shall employ a Nevada licensed Professional Engineer or Registered Architect as an Engineering Manager who shall be in responsible charge and accountable to the Building Official for technical processes used to verify compliance with approved construction documents and the technical codes. Failure to comply with the requirement for engineering management shall result in the immediate forfeiture of the Quality Assurance Agency's approval status.

The Prime Agency, through its Engineering Manager, is responsible to the Building Official for:

- (1) Directing the operations of testing and special inspection;
- (2) Certifying the special inspection and testing processes for all projects that require special inspection;
- (3) Supervision and performing a review to ensure special inspections are performed pursuant to the approved construction documents, Technical

Guidelines and the technical codes and within the scope of the permit;

- (4) Directing and reviewing the internal audit and in-house training program.

**(E) Conflict of Interest.**

Quality Assurance Agencies shall conform to the Conflict of Interest Technical Guidelines.

**15.01.415 APPROVED FABRICATORS/MANUFACTURERS.**

To perform work identified in this section, fabricators/manufacturers shall be approved by the Building Official who shall maintain a list of approved fabricators/manufacturers. Approved fabricator/manufacturers shall perform all duties imposed through this chapter, technical codes, and the technical guidelines.

**(A) Approval Required.**

Approval is required for the following fabricated/manufactured products and systems:

- (1) Engineered structural wood products;
- (2) Engineered structural metal products and assemblies;
- (3) Structural metal storage racks over eight (8) feet in height;
- (4) Metal stairs, balconies, and assemblies;
- (5) Engineered metal canopies;
- (6) Amusement and Transportation Systems (ATS);
- (7) Pre-cast and/or pre-stressed concrete products;
- (8) Ready-mix concrete;
- (9) Exterior insulation and finish systems;
- (10) Panelized wall systems;
- (11) Other products or systems as the Building Official may designate.

**(B) Requirements for Approval.**

Each fabricator/manufacturers shall apply for approval using forms obtained from the Building Official and pay the fees as provided in this Chapter. General approval requirements are listed below with additional detail provided in the Technical Guidelines:

- (1) Verification of the fabricator/manufacturers quality control capabilities, equipment and personnel as outline in the manufacture/fabrication procedural manual;
- (2) Periodic inspection of the fabricator/manufacturers shall be conducted to monitor the effectiveness of the quality control program;
- (3) Notify the Building Official in writing of any changes to the manufacture/fabrication procedural manual.



An approved fabricator/manufacturer shall have an established written quality control program. The quality control program shall verify fabrication compliance with the technical codes and Technical Guidelines. The quality control program, through inspection and testing processes, shall provide documentation sufficient to meet the intent of the special inspection requirements of this Chapter, the technical codes and the Technical Guidelines.

**(C) Conditional Approval.**

Conditional approval requirements are detailed in the Technical Guidelines. Conditional approval allows for the initial listing of a fabricator/manufacturer that has met minimum requirements equivalent to those contained in the technical guidelines. A conditional approval may also be provided for approved fabricators/manufacturers that require time to resolve findings identified and reported as part of the auditing process.

**(D) Requirements for a One-Time Permit-Specific Approval.**

A fabricator/manufacturer requesting one-time permit-specific approval shall apply for approval using forms provided by the Building Official and pay the fees as provided in this Chapter and Chapter 15.02 of the Henderson Municipal Code. The fabricator/manufacturer shall be qualified as specified in the Technical Guidelines.

**15.01.420 CONDITION, SUSPENSION OR REVOCATION OF APPROVAL FOR SPECIAL INSPECTORS, QUALITY ASSURANCE AGENCIES AND FABRICATORS/MANUFACTURERS.**

**(A) Procedures.**

The Building Official may establish procedures to identify and resolve problems that interfere with the proper functioning of the special inspection process, including actions by special inspection personnel, Quality Assurance Agencies and fabricators/manufacturers. Such procedures may include informal resolution and voluntary compliance by the special inspection personnel, Quality Assurance Agency and fabricator/manufacturer.

**(B) Sanctions.**

The Building Official may condition, suspend or revoke the approval of any special inspection personnel, Quality Assurance Agency or fabricator/manufacturer as prescribed in sections 1 and 3 below. Conditions, suspensions and revocations shall be for a period to be determined by the Building Official. The Building Official may require any individual or firm to retest or recertify in their specific category at the end of the sanctions or

revocation period. Revocations and sanctions may be appealed as specified Section 15.01.415 of this Chapter.

- (1) Suspension of Approval. Approved status of listed special inspection personnel, Quality Assurance Agency, or Fabricator/Manufacturer may be suspended for any of the following grounds: incompetence; conflict of interest; willful or negligent failure to inspect the work; failure to establish and maintain job site supervision; failure to report non compliances; violations of approved construction documents; technical codes or technical guidelines; or any other failure to perform the duties designated for approved special inspection personnel, Quality Assurance Agencies, or Fabricators/Manufacturers, as documented in two or more Notices of Violation issued pursuant to the Chapter and the Technical Guidelines within 12 months of the agency's annual renewal date. Conditions placed to lift the suspension and restore approved status shall be determined by the Building Official and indicated in the written notification of suspension of approved status.
  
- (2) Automatic Revocation. Approval of a special inspection personnel, Quality Assurance Agency and fabricator/manufacturer shall be automatically revoked for the following causes:

<b>CAUSES FOR AUTOMATIC REVOCATION</b>		
APPROVED QUALITY ASSURANCE AGENCY	APPROVED FABRICATOR MANUFACTURER	APPROVED SPECIAL INSPECTOR
Failure to pay renewal fee within 45 days of renewal date	Failure to pay renewal fee within 45 days of renewal date	Failure to pay renewal fee within 45 days of renewal date
Failure to document internal quality control audits	Failure to submit the required quality control document as a condition of renewal	Failure to maintain certifications for specific approvals in accordance with the Technical Guidelines
Failure to pay administrative and investigative fees within 45 days of assessment	Failure to pay administrative and investigative fees within 45 days of assessment	Failure to pay administrative and investigative fees within 45 days of assessment
Failure to employ a Quality Control Manager		
Failure of Prime Agency to employ an Engineering Manager		

Request for reinstatement after revocation shall be treated as a new application.

- (C) **Conditional Approval.**  
Previously approved personnel which have unresolved performance issues may be granted full approval after verification that similar performance issues do not recur during a three month conditional approval period. Performance issues are those documented in Notices of Violation during a period of 12 months prior to a request to be approved. Verification activities and approval conditions during the conditional approval period are as specified in the Technical Guidelines.
- (D) **Fees.**  
In addition to other fees that may be imposed pursuant to this Chapter, the Building Official may impose other administrative and investigative fees as specified in this Chapter and Chapter 15.02 of the Henderson Municipal Code.

**15.01.425 SPECIAL INSPECTOR, QUALITY ASSURANCE AGENCY AND FABRICATOR/MANUFACTURER COMPLAINTS, HEARING AND APPEAL PROCEDURES.**

The provisions of the section apply to the administration of complaints, hearings and appeals regarding special inspectors, Quality Assurance Agencies and fabricators/manufacturers.

- (A) **Complaints.**  
Complaints alleging facts, that if true, would constitute ground to condition, suspend or revoke an approval or certification of a special inspector, Quality Assurance Agency or fabricator/manufacture shall be submitted in writing to the Building Official. The complaint shall be verified, and supporting documents, with numbered pages, shall be attached to the complaint. Building & Fire Safety Department staff may be a complaining party. Facts asserted in the complaint shall be referenced to the page in the supporting documentation where the matters relied upon are to be found.

The special inspector, Quality Assurance Agency or fabricator/manufacture against whom the complaint is filed shall be notified of the complaint and shall have an opportunity to submit a written response to the complaint. The written response shall set forth facts that respond to the allegations contained in the complaint. Supporting

documents, with numbered pages, shall be attached to the written response. Facts asserted in the response shall be referenced to the page in the supporting documentation where the matters relied upon are to be found.

**(B) Designation of Hearing Officer.**

Upon receipt of a complaint, the Building Official shall designate a Hearing Officer to conduct an investigation of the facts that are the basis of the complaint. The Hearing Officer shall set a reasonable time in which to respond, but the time shall be no less than 21 days from the date the notice of the complaint is mailed to the special inspector, Quality Assurance Agency or fabricator/manufacturer. The Hearing Officer shall review the complaint and response and all supporting documents. The Hearing Officer may request additional information from the involved parties.

After completing the review, the Hearing Officer shall make a report of findings of fact to the Building Official and recommend an appropriate remedy. The special inspector, Quality Assurance Agency or fabricator/manufacturer shall receive a copy of the Hearing Officer's report and recommendations. The report shall be sent by certified mail, return receipt requested.

**(C) Building Official Review of Hearing Officer Report and Recommendations.**

The Building Official shall review the Hearing Officer's report and recommendations. The Building Official may accept, modify or reject the report and recommendations. The Building Official shall prepare a final report of findings of fact and shall impose an appropriate remedy. The special inspector, Quality Assurance Agency or fabricator/manufacturer shall be notified of the decision of the Building Official no later than ten (10) calendar days upon completion of the review of the hearing officer's report and recommendations. The notice shall be sent certified mail, return receipt requested.

**(D) Appeal to the Building Official.**

The complaining party, special inspector, Quality Assurance Agency or fabricator/manufacturer that is the subject of a complaint made pursuant to this section may appeal the Hearing Officer's report of findings of fact and recommendations to the Building Official. A written notice of appeal shall be submitted to the Building Official no later than ten (10) calendar days after notice of the Hearing Officer's report and recommendations are mailed to the Special Inspector, Quality Assurance Agency or

Fabricator/Manufacturer. The written notice of appeal shall address disputed findings and recommendations in the Hearing Officer's reports. Supporting documents, with numbered pages, may be attached to the written notice. Facts asserted in the notice shall be referenced to the page in the supporting documentation where the matters relied upon are to be found. Failure to file a timely written notice of appeal as specified in this section shall be a waiver of further administrative remedy.

The hearing of the appeal shall be conducted by the Building Official no later than ten (10) calendar days upon receipt of a written notice of appeal. Procedures for conducting the hearing shall be established by the Building Official and shall allow the parties to be represented by legal counsel and provide an opportunity for each party to present facts based upon supporting documentation in support of their respective positions. The Building Official may accept, modify or reject the report of the findings of fact and the recommendations of the Hearing Officer.

Upon concluding the hearing, the Building Official shall prepare a final report of findings of fact and shall impose an appropriate remedy. The special inspector, Quality Assurance Agency or fabricator/manufacturer shall be notified in writing of the Building Official's decision no later than ten (10) calendar days upon conclusion of the hearing by the Building Official. The notice shall be sent certified mail, return receipt requested.

**(E) Appeal to the Board of Appeals.**

The complaining party, special inspector, Quality Assurance Agency or fabricator/manufacturer that is the subject to a complaint made pursuant to this section may appeal the Building Official's final report of findings of fact and determinations to the Board of Appeals as specified in Section 15.01.115 of this Chapter.

SECTION 2. Repeal existing Section 15.36 in its entirety.

SECTION 3. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on Month Day, 2008 in the Henderson Home News.