

Section ID:

Section:

Title: Adoption Of Portions Of The Uniform Fire Code PTO 45

Last Revised Date: 7/13/2005

Description:

BILL NO. 045

PAHRUMP TOWN ORDINANCE NO, 45

AN ACT PROVIDING FOR THE ADOPTION OF PORTIONS OF THE UNIFORM FIRE CODE, ESTABLISHING A CITATION PROGRAM FOR VIOLATION THEREOF, AND FIXING PENALTIES; SEVERABILITY; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that when fugitive tumbleweeds collect on property, they create a hazardous condition and pose an imminent threat to the health, welfare, and safety of the community; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found the Nye County Sheriffs Department was not created under the "Police Protection" sections of NRS 269.235 through NRS 269.247; thus the members of the Sheriffs Department are not ex officio fire wardens of the Town. As such, they do not have the power under NRS 269,260 to: (1) examine streets, alleyways, out lots, or the surrounding of houses and buildings in the Town; (2) direct the removal, of any inflammable material found thereon; (3) issue a written notice ordering the dangerous or inflammable material removed; (4) seek to impose a fine for violation thereof; or (5) have the inflammable materials removed at the expense of the owner.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that NRS 244.360 and NRS 244.3605 could regulate this conduct by prohibiting nuisances; however, those statutes require a cumbersome, lengthy process. The Town Board of the unincorporated Town of Pahrump finds that this matter poses an imminent threat and must be dealt with swiftly.

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that it is mandated to prevent fires under NRS 269.250 and is authorized to take the following action under that section.

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that the Board can accomplish this by adopting portions of the 1997 Uniform Fire Code, the latest

available Code in existence.

NOW. THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:

45.000 ADOPTION OF PORTIONS OF THE UNIFORM FIRE CODE. There is hereby adopted by the Unincorporated Town of Pahrump, Nevada for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the Uniform Fire Code, Sections 101-General, Section 103.1.1.2- Fire prevention bureau personnel and police, 102-Retroactive Application to Existing Conditions, Section 103.4.1-General, Section 103A.1.4-Time Limit for Corrective Orders, Section 1014.2- Service of Orders and Notices, 103.4.3,1-

Compliance with Orders and Notices, 103.43.2- Compliance with Tags, -103.4.33- Removal and Destruction of Signs and Tags, 103.4.4- Citations, and Appendix II-A, Section 15- Clearance of Brush and Vegetative Growth from Electrical Transmission Lines, Section 16- Clearance of Brush or Vegetative Growth from Structures.

45.01.0 SCOPE. The unrestricted use of grass, grain, tumbleweeds, or brush is a potential menace to life and property from fire and resulting erosion,

45.020 CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES AND ROADWAYS,

(A) Structures. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon, or adjoining, hazardous fire areas, and persons owning, leasing, or controlling land adjacent to such buildings or structures, shall at all times.

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures; and

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from 30 to 100 feet (9144 nun. to 30 480 Trim) from such buildings or structures, when required by the chief because of extra-hazardous conditions causing a firebreak of only 30 feet (9144 mm) to be insufficient to provide reasonable fire safety.

3. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants used as ground cover, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure. Further, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 min) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

(B) Roadways. The chief is authorized to cause areas within 10 feet (3048 nun) on each side of portions of highways and private streets which are improved, designated or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The chief is authorized to enter private property to do so.

45.030, CORRECTIVE ACTIONS. The Town Board empowers the Fire Chief with the authority to give notice to the owner of the property upon which conditions in Section

45,020 are present to correct such conditions. If the owner fails to correct such conditions, the fire chief is authorized to correct the condition. In that case, the property owner is liable for all costs incurred in correcting the condition. The Town shall have the right to file a lien against said property.

45.040. OPERATING PROCEDURE CITATION PROGRAM.

(A) Policy. The fire chief shall be responsible for enforcement of laws and regulations for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion and from conditions hazardous to life and property in the use or occupancy of buildings or premises and their contents.

(B) Intent. It is the intent of the Town Board to achieve compliance by traditional means of inspection, notification, granting of reasonable time to comply and re-inspection. The citation shall be used only after all reasonable means of compliance have failed or, with proper justification, at the discretion of the fire chief.

(C) Authority to issue citations. Pursuant to Uniform Fire Code, Section 103.2.1.2, the fire chief shall have the powers of a police officer in performing his duties under the provisions of the Uniform Fire Code. Only those members of the fire department specifically designated by the fire chief may issue citations.

(D) Purpose. To gain compliance with the state and local codes, ordinances, and regulations, when all reasonable efforts have been unsuccessful and to create a course of action when a condition exists that causes an immediate or extreme threat to life or property from fire and explosion,

(E) Penalty. A violation of this ordinance is a misdemeanor, punishable by up to a \$1000.00 fine and six months in the county jail.

45.050. CAUSE FOR ISSUANCE OF CITATIONS. Citations will not normally be issued on the first visit. When routine violations of the applicable fire code are encountered, citations will generally be issued following the third visit or second re-inspection. If code compliance has not been obtained on the second visit or the first re-inspection, the inspector should mention the possibility of a citation and the need to issue one. In all cases, adequate time shall be provided between inspections. This will vary with the seriousness of the violation and the complexity of the work to be done.

45.060. ROUTINE VIOLATIONS. A written notice shall be issued whenever a code violation is encountered. The notice shall be issued to the person responsible for the premises or their authorized representative.

45.070. REPEAL. All ordinances, parts of ordinances, or chapters, sections, or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

45.080. SEVERABILITY. Every section of this Ordinance and Amendment, and every part of every section hereof is hereby declared to be independent of every other section and part of section. The holding of any section or part of section void does not affect the validity of any other section or part:

45.090. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

Proposed on the ____day of _____,
Proposed by Board Member
Passed on the 13th day of July, _____