

Section ID: PTO 48

Section:

Title: FIRE INSPECTIONS FOR EVERY BUSINESS

Last Revised Date: 03/08/05

Description:

AN ORDINANCE CREATING FIRE INSPECTIONS FOR EVERY BUSINESS LOCATION; PENALTIES; REPEAL OF CONFLICTING AND PRIOR ORDINANCES; SEVERABILITY; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that fire prevention and life safety require immediate attention, and that fire inspections are necessary to attain these goals.

WHEREAS, the Town Board finds that well-trained inspectors are necessary for effective inspection.

WHEREAS, the Town Board finds that a fire inspection fee is necessary to ensure that personnel are properly trained and maintain adequate training.

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

48.100. **PURPOSE AND SCOPE.** The purpose of this Ordinance is to set forth the requirements of a Fire Safety Inspection Program within the Town of Pahrump for compliance with and violation of the 2003 International Fire Code and 1997 Uniform Fire Code. The provisions of this Ordinance shall apply to each business location of every business within the Town of Pahrump.

48.110. **INSPECTIONS.** Each business location of every business located within the Town of Pahrump is subject to a fire inspection by the Pahrump Valley Fire-Rescue Service each calendar year.

48.120. **APPLICATIONS.** Every new and temporary business location must submit a Fire Inspection Request Form with the appropriate fee before conducting business. A temporary business is one which is housed in a non-permanent structure and operates on a short-term basis.

48.130. **REINSPECTIONS.** When violations are found in the course of an annual inspection, Pahrump Valley Fire-Rescue Service shall conduct a reinspection, after allowing the appropriate time for voluntary abatement of the violation.

48.140. **FEES.** Any and all fees under this Ordinance shall be established by Town Board resolution. The annual fee for each business location must be paid on or before the 15th day of January each year. For new and temporary businesses, the fee must be paid prior to commencement of operation and shall be submitted with the Fire Inspection Request Form. There shall be no offsets or refunds for any fee imposed pursuant to this Ordinance.

48.150. **HAZARDOUS MATERIAL STORAGE.** Hazardous materials are those substances which are physical or health hazards, regardless of whether the materials are in usable or waste condition. Any business that stores hazardous material shall pay an additional fee, as determined by Town Board resolution.

48.160. **FAILURE TO ABATE VIOLATIONS.** Failure to abate violations shall constitute a public nuisance under NRS 202.450, and is punishable by a fine of not more than \$1000.00 and/or up to 6 months in jail in addition to the imposition of any administrative fees, which shall be set by Town Board Resolution. Further, the Town reserves the right to proceed with any available civil remedies.

48.170 **LIENS.** Any fees due under this Ordinance shall, if not paid within 30 days of imposition, constitute a valid lien against the property in favor of the Town, and shall remain a lien against the property until paid in full. The Town shall file such liens with the County Recorder.

48.180. **FUND.** Any fee collected pursuant to this statute shall be deposited into the general fund.

48.190. **EXEMPTIONS.** All Federal, State, and local governmental entities are exempt from paying the fee required by this statute.

48.200. **CONSTITUTIONALITY.** If any section, clause, or phrase of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect.

48.210. **REPEAL OF PRIOR OR CONFLICTING ORDINANCES.** All ordinances, parts of ordinances, or chapters, sections, subsections, paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed. Any previously enacted amendments to this Ordinance are hereby incorporated into the main body of this Ordinance.

48.220. **SEVERABILITY.** Every section of this Ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections,

and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section contained in this Ordinance.

48.230. **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.

FIRE INSPECTION ORDINANCE

Proposed on the 8th day of March, 2005

Passed on the 12th day of April, 2005