

Ordinance No. _____

SUMMARY: AN ORDINANCE AMENDING LYON COUNTY CODE TITLE 6, CHAPTER 06, TO DEFINE BURNING RESTRICTIONS AND SET PERMIT FEES FOR THE CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT AND OTHER MATTERS RELATED THERETO.

TITLE: AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF TITLE 6, CHAPTER 06 OF THE ORDINANCES OF LYON COUNTY.

THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, NEVADA
DOES HEREBY ORDAIN:

Section 1. Lyon County Code, Title 6, Chapter 06 is hereby amended to add the following subchapters:

6.06.02 Definitions

Central Lyon County Fire Protection District: The “Central Lyon County Fire Protection District” means the Fire Protection District as organized pursuant to the provisions of chapter 474 of the Nevada Revised Statutes to include all those areas in the County described as follows: All land and property within that part of Lyon County lying north of the township line between Township fifteen North and Township sixteen North and west and south of the county line between Lyon County and Churchill County and south of the township line between Township eighteen North and Township nineteen North and east and south of the county line between Storey and Lyon County and east and north of the county line between Carson City (Ormsby) using Mt. Diablo as base and meridian; excepting those lands reserved for Lahontan Reservoir.

Fire Chief: The “Fire Chief” means the Fire Chief of the Central Lyon County Fire Protection District.

International Fire Code: The “International Fire Code” means the code published by the International Code Council.

International Building Code: The “International Building Code” means the code published by the International Code Council.

6.06.031 Open burning defined. “Open burning” means any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

Total floor area defined: “Total floor area” shall be defined as the total floor area, in

square feet, for all floor levels within the exterior walls and under the horizontal projection of a roof of a building. Total fire area shall be as defined in the International Fire and Building Codes.

6.06.02 Burning Restrictions

6.06.02.1 Authority; Authorization--Required.

The Fire Chief or his designee shall establish regulations for burning within the Central Lyon County Fire Protection District. No person shall kindle or maintain any fire for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training, elimination of hazards, agricultural purposes and management, recreational, educational or ceremonial purposes or authorize any such fire to be kindled or maintained on any public or private land, without first having obtained a permit from the fire agency having jurisdiction.

6.06.02.2 Permit Required.

Burning under the regulations stated above shall not be done without first obtaining a Burn Permit from Central Lyon County Fire Protection District. The permittee shall follow the burning regulations as stated on the burn permit and will be responsible for fire suppression costs as stated in 6.06.05.

6.06.02.3 Burn barrels prohibited.

The use of burn barrels is prohibited within the boundaries of Central Lyon County Fire Protection District.

6.06.02.4 Hours prohibited--Extinguishment.

No fire shall be ignited before sunrise, and must be extinguished by 3:00 p.m. of that same day with no smoke visible after 2:00 p.m. Before igniting a fire, the permit holder must check with Central Lyon County Fire District by calling the burn line to confirm that burning is allowed that day. The Fire Chief or his designee shall determine on a daily basis whether burning will be allowed due to conditions and will leave notification on the burn line.

6.06.02.5 Exceptions to provisions.

Outdoor fires may be used for heating, cooking or branding in an appropriate approved fireplace or appliance at any time without permission.

6.06.02.6 Fire department--Extinguishment powers.

The fire agency having jurisdiction, its officers, or agents may, without further process of law, extinguish or require to have extinguished any fire ignited or maintained in violation of the requirements of this chapter.

6.06.02.7 Waiver of provisions.

The provisions of this chapter may be waived under extraordinary circumstances but only by the written authorization from the fire chief of the fire agency having jurisdiction or his authorized deputies.

6.06.02.8 Burning of Trash, Waste, Rubbish, or Toxic Material.

The burning of garbage, rubbish, waste, toxic material, construction debris, plastics or other hydrocarbon products or fuels is prohibited.

6.06.03 Fees

Permit fees shall be collected prior to issuing a permit. Permit fees shall be set by the Central Lyon County Fire Protection District and shall not exceed:

Permit to Build – building and site	\$300.00
Permit for the site only	\$300.00
Permit for building plan review	\$300.00
Permit for fire sprinkler system	\$300.00
Permit for fire alarm system	\$300.00
Operational Permit	\$300.00

6.06.04 Plan Review Fees

Plan Review Fees shall be assessed based upon the following project valuation schedule using the valuation method listed in the International Building Code:

Valuation Fee

\$1-4,000	\$109.73	30,001-31,000	374.55
4,001-5,000	118.47	31,001-32,000	381.98
5,001-6,000	129.03	32,001-33,000	389.57
6,001-7,000	139.59	33,001-34,000	397.16
7,001-8,000	150.15	34,001-35,000	404.75
8,001-9,000	160.71	35,001-36,000.....	412.17
9,001-10,000	171.20	36,001-37,000.....	419.76
10,001-11,000	181.67	37,001-38,000.....	427.35
11,001-12,000	192.23	38,001-39,000.....	434.94
12,001-13,000	202.79	39,001-40,000.....	442.37
13,001-14,000	213.35	40,001-41,000.....	449.96
14,001-15,000	223.91	41,001-42,000.....	457.55
15,001-16,000	234.30	42,001-43,000.....	465.14
16,001-17,000	244.86	43,001-44,000.....	472.56
17,001-18,000	255.42	44,001-45,000.....	480.15
18,001-19,000	264.33	45,001-46,000.....	487.74
19,001-20,000	276.54	46,001-47,000.....	495.33
20,001-21,000	287.10	47,001-48,000.....	502.76
21,001-22,000	297.66	48,001-49,000.....	510.35
22,001-23,000	308.06	49,001-50,000.....	517.94
23,001-24,000	318.62	50,001-51,000.....	523.22
24,001-25,000	329.18	51,001-52,000.....	528.50
25,001-26,000	336.77	52,001-53,000.....	533.76
26,001-27,000	344.36	53,001-54,000.....	539.06
27,001-28,000	351.78	54,001-55,000.....	544.17
28,001-29,000	359.37	55,001-56,000.....	549.45
29,001-30,000	356.97	56,001-57,000.....	544.73

57,001-58,000.....	560.01	80,001-81,000	691.68
58,001-59,000.....	565.29	81,001-82,000	700.26
59,001-60,000.....	570.57	82,001-83,000	702.24
60,001-61,000.....	575.85	83,001-84,000	707.52
61,001-62,000.....	581.13	84,001-85,000.....	712.80
62,001-63,000.....	586.41	85,001-86,000.....	718.08
63,001-64,000.....	591.69	86,001-87,000.....	723.36
64,001-65,000.....	596.97	87,001-88,000.....	728.64
65,001-66,000.....	602.25	88,001-89,000.....	733.92
66,001-67,000.....	607.37	89,001-90,000.....	739.20
67,001-68,000	612.65	90,001-91,000.....	744.32
68,001-69,000	617.93	91,001-92,000.....	749.60
69,001-70,000	623.21	92,001-93,000.....	754.88
70,001-71,000	633.77	93,001-94,000.....	760.16
71,001-72,000	639.05	94,001-95,000.....	765.44
72,001-73,000	644.32	95,001-96,000.....	770.72
73,001-74,000	649.61	96,001-97,000.....	776.00
74,001-75,000	654.89	97,001-98,000.....	781.28
75,001-76,000	660.17	98,001-99,000.....	786.56
76,001-77,000	665.45	99,001-100,000.....	791.83
77,001-78,000	670.73	100,001 +	see below
78,001-79,000	675.84		
79,001-80,000	686.40		

2. If the proposed cost or bid is more than \$100,000 but less than \$500,000, the fee is \$797.12 for the first \$100,000 plus \$4.04 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

3. If the proposed cost or bid is \$500,000 or more but less than \$1,000,000, the fee is \$2,414.12 for the first \$500,000 plus \$3.56 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

4. If the proposed cost or bid is \$1,000,000 or more, the fee is \$4,171.37 for the first \$1,000,000 plus \$2.48 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

5. If a conference is required for any given project, one 60 minute conference will be provided free of charge by CLCFPD, per project. If additional conferences/meetings are necessary, a fee will be charged at the rate of \$55 per hour or any fraction thereof, for each person from CLCFPD, or its agents, required to attend the conference.

6. If a review of plans by a local government waives or grants a variance of a minimum standard established by the state fire marshal or otherwise requires review by the state fire marshal, the local government shall require the plans to be submitted to the state fire marshal for review. The State Fire Marshal will charge the person on whose behalf the plans are submitted a fee of \$55 per hour for each person who participates in the review. The State Fire Marshal will notify the local government of his approval or disapproval of the plans upon completion of his review.

6.06.05 Violation--Penalty.

Any person who violates any provision of this chapter or the guidelines of the burn permit is guilty of a misdemeanor, and is responsible for all costs of fire suppression associated with the violation of this chapter not to exceed \$100,000.

Section 2. Lyon County Code, Title 6, Chapter 06 is hereby amended to add the following subchapters:

6.06.028 Amendments to the International Fire Code.

The International Fire Code as amended by Chapter 477 of the Nevada Administrative Code is hereby adopted with the following amendments:

Chapter 1 Administration

102.6. Referenced Codes and Standards. The codes and standards referenced in this code shall be the most current edition of the nationally recognized standards unless otherwise designated by NAC 477.281 (2) that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

109.3 Violation penalties. Unless a greater penalty is provided by Nevada law, persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in the Lyon County jail for a period of not more than six months, or both by such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punishable by a fine of not more than \$1000.00 dollars and guilty of a misdemeanor.

Chapter 2: Definitions

OCCUPANCYCLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

A-1 Assembly uses, usually with fixed seating, intended for the production and viewing of performing arts or motion pictures including but not limited to:

Motion picture theaters

Symphony and concert halls

Television and radio studios admitting an audience

Theaters

A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:

Banquet halls

Night clubs

Restaurants

Taverns and bars

Casinos

[B] Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

Section 202, Occupancy Classification, Storage Group S: Add the following to the uses listed in Moderate Hazard storage, Group S-1:

Automobiles storage facilities

Enclosed Recreational Vehicles/Motor Homes Storage facilities

Mini-storage facilities

Chapter 3: General Precautions Against Fire

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare. The property owner shall remove such combustible rubbish within twenty-one (21) days after the department issues a notice of violation by certified mail to the property owner as listed by the Assessors' Office.

305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be no less than 10 feet and shall be maintained in an approved manner.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. Open burning shall be in accordance with specific District burn permit requirements.

308.3.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking

devices shall not be operated on combustible balconies or within 10 feet (3048mm) of combustible construction.

Exceptions:

1. Single family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound (0.454 kg) LP-gas capacity) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions: Single family dwellings.

311.2.2 Fire Protection. Fire alarm, sprinkler, and standpipe systems shall be maintained in an operable condition at all times.

311.3 Removal of Combustibles. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

Exception:

1. Buildings or portions of buildings undergoing additions, alterations, repairs or change of occupancy in accordance with the International Building Code, where waste is controlled and removed as required by Section 304.

313.1 Fueled Equipment. Fueled equipment, including but not limited to motorcycles, mopeds, lawn care equipment and portable cooking equipment, shall not be stored, operated or repaired within a building.

Exceptions:

1. Buildings or rooms constructed for such use in accordance with the International Building and International Residential Codes, as adopted by Lyon County Title 10. When such buildings are an S-1 occupancy, the vehicles shall be stored with a full tank of fuel or the fuel tank completely purged of fuel and combustible vapors.
2. Where allowed by Section 313.

315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet for storage not exceeding 4 feet in height.
2. The separation distance is allowed to be reduced when the fire code official determines that no hazard to the adjoining property exists.

Chapter 4 Emergency Planning and Preparedness

401.1 Scope. Reporting of emergencies, coordination with emergency response forces, emergency plans, and procedures for managing or responding to emergencies shall comply with the provisions of this section.

Chapter 5: Fire Service Features

505.1 Address numbers. New and existing non –residential buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 8 inches high with a minimum stroke width of 1 inch for commercial occupancies as defined in the International Building Code.

509.1 Features. Where required by other sections of this code and in all buildings classified as high-rise buildings by the International Building Code, a fire command center for fire department operations shall be provided. The location and accessibility of the fire command center shall be approved by the fire department. The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire-resistance-rated fire barrier. The room shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm). A layout of the fire command center shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication unit
2. The fire department communications system
3. Fire-detection and alarm system annunciator system
4. Annunciator visually indicating the location of the elevators and whether they are operational
5. Status indicators and controls for air-handling systems
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building
7. Controls for unlocking stairway doors simultaneously
8. Sprinkler valve and water-flow detector display panels
9. Emergency and stand-by power status indicators
10. A telephone for fire department use with controlled access to the public telephone system
11. Fire pump status indicators
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.
13. Work table
14. Generator supervision devices, manual start and transfer features

15. Public address system, where specifically required by other sections of this code
16. Annunciator panels shall be combination smoke/fire and shall be approved by CLCFPD before installation.
17. In occupancies greater than 55' in height, a fire equipment cache room shall be provided every 5 stories and stocked as specified by the department with jurisdiction. Fire cache room shall be provided at the request of the jurisdiction for buildings or occupancies where it is deemed necessary based on special hazards or square footage.

Chapter 6: Building Services and Systems

603.4 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited.

605.10.4 Prohibited areas. Portable, electric space heaters shall not be operated within 3 feet (914 mm) of any combustible materials in all occupancies.

605.5.1 Power supply. Extension cords shall be plugged directly into an approved receptacle, power tap or multi-plug adapter may not be plugged into another multi-plug adaptor and shall serve only one portable appliance.

Chapter 8: Interior Finish, Decorative Materials and Furnishings

806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2, but shall not be located near an exit or in an exit corridor.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.

Chapter 9: Fire Protection Systems

901.4.2 Nonrequired fire protection systems. Any fire protection system or portion thereof not required by this code or the International Building Code shall be allowed to be furnished for partial or complete protection provided such installed system meets the requirements of this code and the International Building Code. All fire protection systems shall be installed, repaired, operated, tested, and maintained in accordance with this code and the requirements of NFPA 13.

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. Approved automatic sprinkler systems shall be required in all new commercial buildings and

structures with 5,000 square feet or greater of total fire area, regardless of location, occupancy or floor area. Approved automatic sprinkler systems shall also be required throughout the entire building where an addition makes the total fire area of the building 5,000 square feet or larger. This requirement is not retroactive unless the business or occupancy requires it.

Exception: Self-storage/ mini storage buildings provided an approved firewall be installed every 5,000 square feet.

All new residential single-family dwellings 5,000 square feet or greater of total floor area shall be required to have an automatic fire sprinkler system installed in accordance with NFPA 13D. Any additions or alterations to the structure, making the structure greater than or equal to 5,000 square feet under roof and total floor area, shall be required to install a sprinkler system throughout the entire structure at the time of addition or alteration.

Total floor area shall be defined as the total floor area, in square feet, for all floor levels within the exterior walls and under the horizontal projection of a roof of a building. Total fire area shall be as defined in the International Fire and Building Codes.

Sections 903.2.1.1, 903.2.1.4, 903.2.2, 903.2.3, 903.2.6, 903.2.8, 903.2.8.1, 903.2.8.2, are amended to require approved automatic sprinkler systems in all occupancies that are greater than or equal to 5,000 square feet under roof or under the horizontal projection of the roof of the building.

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies as follows:

1. In all Group E occupancies with an occupant load greater than 5.
2. Throughout all Group E fire areas that are 5,000 square feet or larger, even if the occupant load is less than 5.

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station as defined in NFPA 72.

907.2 Where required-new buildings and structures. An approved manual, automatic, or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.10, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

All new buildings with an automatic fire sprinkler system installed shall be required to have an automatic fire alarm system, if an automatic fire alarm system is not already required to be installed by the Code. Buildings with an automatic fire sprinkler system shall have notification devices installed to alert the occupants of the building of a

waterflow or other alarm within the building. The notification devices shall be both audible and visual devices in compliance with NFPA 72. The Fire District shall determine the number and location of devices. If a fire alarm system is required by the Code, the system shall be installed per the Code. An additional strobe shall be located outside the riser room. Any new installation of an automatic fire sprinkler system shall invoke this provision even if the building is not of new construction.

Exception:

1. Single-family residential (R-3) occupancies on residential properties.

907.2.3 Group E. A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

1. Group E occupancies with an occupant load of less than 5 .

907.3.1.1 Group E. A fire alarm system shall be installed in existing Group E occupancies in accordance with Section 907.2.3.

Exceptions:

1. Group E with an occupant load less than 5.

913.4 Valve Supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:

1. Central-station, proprietary, or remote-station signaling service.
2. Locking valves open.

Chapter 10: Means of Egress

1004.1.1 Design occupant load. In determining means of egress requirements, the number of occupants for whom means of egress facilities shall be provided shall be determined in accordance with this section. Where occupants from accessory areas egress through a primary space, the calculated occupant load for the primary space shall include the total occupant load of the primary space plus the number of occupants egressing through it from the accessory area.

Chapter 14: Fire Safety During Construction and Demolition

1412.1 When Required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. Any approved temporary water supply shall be capable of supplying the same minimum requirements for water flow and duration as the permanent water supply required.

Chapter 19 Lumberyards and Woodworking Facilities

1909.2 Size of piles. Exterior lumber storage shall be arranged to form stable piles with a maximum height of 10 feet, with a total pile volume not to exceed 75,000 cubic feet.

Exception: Banded lumber storage shall not be stacked greater than 20 feet in height.

Firewood shall be stacked with regard to stability of the piles and shall in no case be higher than 10 feet. Where firewood is piled next to a property line, the distance from the pile to the property line shall be no less than 10 feet.

Section 3. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

Section 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Lyon County Code in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

THIS RESOLUTION has been PASSED, ADOPTED and APPROVED this ____ day of _____, 2009 by the following vote of the Board of County Commissioners, Lyon County:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTENTIONS: _____

Board of County Commissioners
Lyon County

By: Chairman

Attest:

Clerk of the Board