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Summary: UPDATES WASHOE COUNTY CODE CHAPTER 100 (BUILDINGS AND CONSTRUCTION) TO REFLECT THE CURRENT NOMENCLATURE, STRUCTURE AND POSITIONS WITHIN THE WASHOE COUNTY BUILDING PROGRAM.

BILL NO. 1887

ORDINANCE NO. 11697

Title:

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 100 (BUILDINGS AND CONSTRUCTION) TO REFLECT THAT A STAND-ALONE DEPARTMENT OF BUILDING AND SAFETY NO LONGER EXISTS AND THAT ITS FUNCTIONS ARE PART OF THE PLANNING AND BUILDING DIVISION WITHIN THE COMMUNITY SERVICES DEPARTMENT. AMENDMENTS TO THIS CHAPTER INCLUDE UPDATES TO: THE NOMENCLATURE AND STRUCTURE OF THE BUSINESS UNIT AND POSITIONS PROVIDING BUILDING AND SAFETY SERVICES TO THE WASHOE COUNTY COMMUNITY; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 100 (Buildings and Construction) to update the nomenclature and structure of the business unit and positions providing building and safety services;
- B. Pursuant to WCC Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 100 on November 15, 2022;
- C. The amendments and this ordinance were drafted in concert with the District Attorney; and

D. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1: Section 100.103.2 of Washoe County Code Chapter 100 (Buildings and Construction) is hereby repealed.

SECTION 2: Section 100.100.20 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.100.20 Definition of words and terms.

As used in the adopted codes and chapter 100, inclusive, of the Washoe County Code

1. "Adopted codes" shall mean the codes listed in section 100.100.10, as amended.
2. "Building Program" shall mean the Washoe County Building Program, part of the Washoe County Community Services Department's Planning and Building Division.
3. "FEMA" shall mean the Federal Emergency Management Agency.
4. "Jurisdiction" and other similar terms shall be construed to mean Washoe County, Nevada.
5. "This code" shall mean the Building Code of Washoe County.
6. "TRPA" shall mean Tahoe Regional Planning Agency.
7. "WCC" shall mean the Washoe County Code.

SECTION 3: Section 100.103.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

ARTICLE 103 BUILDING PROGRAM

100.103.1 Creation of enforcement agency.

The Building Program is hereby created and the position in charge thereof shall be known as the Division Director or authorized staff.

SECTION 4: Section 100.103.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.103.3 Building official and other staff.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Division Director has the authority to appoint a building official,

as well as the related technical officers, inspectors, plan examiners and other employees of the Building Program, who have the authority to administer and enforce the adopted codes.

SECTION 5: Section 100.104.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

**ARTICLE 104 DUTIES AND POWERS OF BUILDING PROGRAM'S DIVISION DIRECTOR
OR AUTHORIZED STAFF**

100.104.1 General.

The Division Director or authorized staff is hereby authorized and directed to enforce all the provisions of this code and related provisions in the WCC. For such purposes, the Division Director or authorized staff shall have the powers of a law enforcement officer, may prepare, sign and serve written citations pursuant to the provisions of NRS 171.1773, and may otherwise enforce this code and related provisions in the WCC, pursuant to any applicable enforcement provisions therein, against all persons accused of violating the provisions of this code, related provisions in the WCC, and any amendments to them. The Division Director or authorized staff, including the building official, shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

SECTION 6: Section 100.104.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.2 Applications and permits.

The Division Director or authorized staff shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

SECTION 7: Section 100.104.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.3 Notices and orders.

The Division Director or authorized staff shall issue all necessary notices or orders to ensure compliance with this code.

SECTION 8: Section 100.104.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.4 Inspections.

The building official or authorized staff, upon notification, shall make required inspections, or the building official or authorized staff shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official or authorized staff is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

SECTION 9: Section 100.104.5 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.5 Identification.

The building official or authorized staff shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

SECTION 10: Section 100.104.6 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official or authorized staff has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or authorized staff is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official or authorized staff shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official or authorized staff shall have recourse to the remedies provided by law to secure entry.

SECTION 11: Section 100.104.7 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.7 Building Program records.

The Building Program shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 12: Section 100.104.8 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.8 Liability.

The Division Director, building official, member of the board of appeals or any employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally 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 an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Division Director or authorized staff shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

Any duty created by this code or based on this code runs to the public, and no private cause of action is created by a breach of such duty. No document, certificate, inspection or approval given pursuant to this code may be construed to be a representation or warranty of any kind, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with this code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality of workmanship. The amount and quality of inspection and other services provided is discretionary with the Division Director or authorized staff and may vary in response to the amount of staff, their work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

SECTION 13: Section 100.104.9 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.9 Approved materials and equipment.

Materials, equipment and devices approved by the Division Director or building official shall be constructed and installed in accordance with such approval.

SECTION 14: Section 100.104.9.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.9.1 Used materials and equipment.

The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Division Director or building official.

SECTION 15: Section 100.104.10 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.10 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the Division Director and building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Division Director or building official shall first find that special individual reason makes the strict letter of

this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Program.

SECTION 16: Section 100.104.11 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.11 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Division Director or building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

SECTION 17: Section 100.104.11.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.104.11.2 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Program shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Division Director or building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Program for the period required for retention of public records.

SECTION 18: Section 100.105.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Program and obtain the required permit.

SECTION 19: Section 100.105.1.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1.1 Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Program, which shall include an explanation and proof of the emergency.

SECTION 20: Section 100.105.1.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1.2 Annual permit.

In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Program is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

SECTION 21: Section 100.105.1.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1.3 Annual permit records.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Program shall have access to such records at all times or such records shall be filed with the Building Program.

SECTION 22: Section 100.105.1.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1.4 Administrative permits.

Any person who intends to investigate, abate, or resolve building code violations, dangerous conditions, or defective construction must first obtain an administrative permit if invasive, destructive, or repair work is to be done. The person to whom an administrative permit is issued shall keep a detailed record of the investigation and actions made under such permit. The Building Program shall have access to such records at all times and such records shall be filed with the Building Program. The permittee may need to obtain additional building permits in pursuit of the investigation, abatement, or to resolve building code violations, dangerous conditions, or defective construction. The purpose of this administrative permit is to ensure that persons involved in such work are licensed; that the scope of the investigative work and repairs to the investigative work do not violate the building code; that proper permits are obtained for any repairs or corrective work outlined in the record of investigation; and that all repairs and corrective work be performed and inspected as required and in accordance with this code.

SECTION 23: Section 100.105.1.4.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.1.4.1 Fee.

The administrative permit fee shall be paid at the Building Program's hourly rate as shown in Appendix A at Table 2.

SECTION 24: Section 100.105.2.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.2.1 Repairs.

Application or notice to the Building Program is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

SECTION 25: Section 100.105.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.3 Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Program for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use and occupancy for which the proposed work is intended;
4. Be accompanied by construction documents and other information as required in article 106;
5. State the valuation of the proposed work;
6. Be signed by the applicant, or the applicant's authorized agent; and
7. Give such other data and information as required by the Building Program.

SECTION 26: Section 100.105.3.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.3.1 Action on application.

The Building Program shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction

documents do not conform to the requirements of pertinent laws, the Building Program shall reject such application in writing, stating the reasons therefore. If the Building Program is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Program shall issue a permit therefore as soon as practicable.

SECTION 27: Section 100.105.3.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Program is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 28: Section 100.105.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.4 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official or authorized staff from requiring the correction of errors in the construction documents and other data. The building official or authorized staff is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

SECTION 29: Section 100.105.5 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.5 Expiration.

All building permits for the construction of buildings issued by the Building Program under the provisions of this code and the WCC shall expire and become invalid 18 months after the date of issuance. All other permits including permits issued for grading, fences, and utilities, shall expire and become invalid 180 days after the date of issuance.

All work authorized by a permit that has expired must stop, and may only continue upon application for and approval of either a renewal of the expired permit or a new permit. Renewal of a permit is prohibited if the work authorized by a permit is not commenced and inspected within the permit period after issuance or if any permit is not renewed within the renewal grace period after expiration.

Exception: The Building Program may allow an invalid permit to be renewed only upon a determination by the Director or authorized staff that unforeseen and extraordinary

circumstances are established by the applicant and the other provisions of this Section 100.105.5 are satisfied.

SECTION 30: Section 100.105.5.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.5.2 Renewals.

Renewals of an expired permit must be applied for within the renewal grace period from the permit expiration date and all additional fees paid. A renewal may be granted in writing by the Building Program only if the Division Director or authorized staff is satisfied that justifiable cause exists for a renewal or a site inspection by the Building Program establishes that all work is within the scope of the permit and is authorized by the permit and the work is not complete. Renewals shall extend the time of the permit from the date of expiration of the original permit or the last renewal. The renewals shall have the same duration as the original permit.

Exceptions: If the Director or authorized staff is satisfied with proof from the applicant that their active military service prevented timely completion of the authorized work, the Building Program may grant a one-time extension for a reasonable period of time not to exceed two years at no cost to the applicant. If the authorized work is not completed within this extension of time, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

If at the time of expiration of the permit or its renewal the authorized work is in the final inspection stage as defined in Article 109, the Building Program may grant a one-time 90-day extension at no cost. If work under this extension is not completed within the 90 days, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

SECTION 31: Section 100.105.6 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.105.6 Suspension or revocation.

The Division Director or authorized staff is authorized to suspend or revoke a permit issued under the provisions of this code whenever this code or any other applicable policy, regulation or law, local, state or federal, is violated, or whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 32: Section 100.106.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.1 Submittal documents.

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Division Director or authorized staff is

authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Division Director or authorized staff is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

SECTION 33: Section 100.106.1.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.1.1 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Program. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Division Director or authorized staff.

SECTION 34: Section 100.106.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.2 Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Program is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

SECTION 35: Section 100.106.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.3 Examination of documents.

The Building Program shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

SECTION 36: Section 100.106.3.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.3.1 Approval of construction documents.

When the Building Program issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Program. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

SECTION 37: Section 100.106.3.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.3.3 Phased approval.

The Building Program is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

SECTION 38: Section 100.106.3.4.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.3.4.1 General.

When it is required that documents be prepared by a registered design professional, the Building Program shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Program shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

SECTION 39: Section 100.106.3.4.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.3.4.2 Deferred submittals.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Program within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Program. The registered design professional in responsible charge shall list the deferred submittals on the construction documents.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Program with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Program.

SECTION 40: Section 100.106.5 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.106.5 Retention of construction documents.

One set of approved construction documents shall be retained by the Building Program for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 41: Section 100.107.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.107.1 General.

The Building Program is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Division Director or authorized staff is authorized to grant extensions for demonstrated cause.

SECTION 42: Section 100.107.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.107.3 Temporary power.

The Building Program is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the electrical code.

SECTION 43: Section 100.107.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.107.4 Termination of approval.

The Building Program is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

SECTION 44: Section 100.108.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Division Director or authorized staff, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Program. Final building permit valuation shall be set by the Building Program as shown in Appendix A at Building Valuation Data, attached and incorporated by this reference.

SECTION 45: Section 100.108.7.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.7.1 Refund of permit fees.

The Division Director or authorized staff may authorize the refunding of not more than 80 percent of the permit fee when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code; and
2. A written application for a refund is submitted to the Building Program within 180 days after the date the permit was issued.

Exception: No portion of the tax imposed pursuant to section 20.457 (residential construction tax) of the WCC is refundable, but credit for any tax paid shall be given for a subsequent application for a building permit on the same project site.

SECTION 46: Section 100.108.7.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.7.2 Refund of plan review fees.

The Division Director or authorized staff may authorize the refunding of not more than 80 percent of the plan review fee when:

1. The application for a permit for which a plan review fee has been paid is withdrawn by the applicant before any plan reviewing is done; and
2. A written application for refund is submitted to the Building Program within 180 days after the date the application is withdrawn.

Exception: The Building Program shall refund 100 percent of the plan review fee paid pursuant to section 100.108.4 if the Building Program requires the applicant to apply for a permit that is not required by this code.

SECTION 47: Section 100.108.7.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.7.3 Refund of master plan permit fees.

The Division Director or authorized staff may authorize the refunding of not more than 80 percent of the permit fee for master plans when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code;
2. A written application for a refund is submitted to the Building Program within 180 days after the date the permit was issued; and
3. A new permit is paid for and issued for a different master plan.

Exception: No portion of the tax imposed pursuant to section 20.457 (residential construction tax) of the WCC is refundable, but credit for any tax paid shall be given for a subsequent application for a building permit on the same project site.

SECTION 48: Section 100.108.7.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.7.4 Refund of other fees.

The Building Program shall refund 100 percent of any TRPA application fees tendered to the Building Program if no review is performed or if the application was received in error.

SECTION 49: Section 100.108.8 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.108.8 Witness Fee.

Time spent in preparation for and/or in deposition or as an expert witness shall be reimbursed at the hourly rate as shown in Appendix A in Table 2, attached and incorporated by this reference. The fee for the Division Director, building official and managers within the Building Program shall be twice the hourly rate as indicated.

SECTION 50: Section 100.109.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.1 General.

Construction or work for which a permit is required shall be subject to inspection by the building official or authorized staff and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the

provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official, authorized staff, nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

SECTION 51: Section 100.109.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.2 Preliminary inspection.

Before issuing a permit, the building official or authorized staff is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 52: Section 100.109.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.3 Required inspections.

The building official or authorized staff, upon notification, shall make the inspections set forth in sections 100.109.3.1 through 100.109.3.14.

SECTION 53: Section 100.109.3.10 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.3.10 Other inspections.

In addition to the inspections specified above, the building official or authorized staff is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Program.

SECTION 54: Section 100.109.3.14 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.3.14 Additional inspections.

When an inspection is scheduled by the applicant and the work or portion of the work is not complete or ready and requires additional inspections for approval, the Building Program may require the applicant to pay in advance for additional inspections before the work or inspections may continue. The fee for additional inspections is set forth in Appendix A at Table 2.

SECTION 55: Section 100.109.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.4 Inspection agencies.

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

SECTION 56: Section 100.109.5 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.5 Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Program when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

SECTION 57: Section 100.109.6 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.109.6 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Program. The building official or authorized staff, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Program.

SECTION 58: Section 100.110.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.110.1 Use and occupancy.

No building or structure 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 the Building Program has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

SECTION 59: Section 100.110.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.110.2 Certificate issued.

After the building official or authorized staff inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Building Program, the Building Program shall issue a certificate of occupancy that contains the following:

1. The building permit number.

2. The address of the structure.
3. The name and address of the owner.
4. The name of the building official.
5. The edition of the code under which the permit was issued.
6. The use and occupancy, in accordance with the provisions of this code and the WCC.
7. The type of construction as defined in this code.
8. If an automatic sprinkler system is provided, whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.

SECTION 60: Section 100.110.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.110.3 Temporary occupancy.

The Building Program may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Program shall set a time period during which the temporary certificate of occupancy is valid.

SECTION 61: Section 100.110.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.110.4 Revocation.

The Division Director or authorized staff is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 62: Section 100.111.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.111.1 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Program.

SECTION 63: Section 100.111.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.111.2 Temporary connection.

The Building Program shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

SECTION 64: Section 100.111.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.111.3 Authority to disconnect service utilities.

The Division Director or authorized staff shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Program shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 65: Section 100.112.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.112.1 General.

There shall be and is hereby created a board of review to consider an order, decision or determination made by the Building Program for the purpose of correcting an error, omission or oversight. The board shall be formed as needed. The request for review shall be filed in writing with the Building Program and be specific on issues to be reviewed.

SECTION 66: Section 100.112.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.112.2 Limitations on authority.

The board of review shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. Concerning the other provisions of the code, the board shall not consider any matter de novo, but shall simply re-examine the decisions of the Building Program to determine whether such decisions are supported by substantial evidence, are reasonable, are not arbitrary, and are within the intent and purpose of this code.

SECTION 67: Section 100.113.1.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.113.1.1 Gas Testing.

It is unlawful for any person to perform gas testing without a valid certificate of qualification. The Building Program or approved agency shall issue certifications of qualification to every person who makes application and successfully passes the examination conducted by the Building Program. Any person who fails to pass the examination may apply for reexamination in 30 days. Certifications are not transferable from one person to another, and every certification shall remain in effect until canceled or revoked by the Building Program. Certifications may be revoked for incompetence, lack of knowledge in matters relevant to gas testing and for lending a certification to another person.

The provisions of this code and related provisions of the WCC shall be adhered to in the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion,

demolition, occupancy, equipment, use, height, area, maintenance, excavation and foundation of any building or other structure in the unincorporated area of Washoe County.

SECTION 68: Section 100.113.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.113.2 Notice of violation.

The Division Director or authorized staff is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or land in violation of the provisions of this code or related provisions of the WCC, or in violation of a permit or certificate issued under the provisions of this code or the WCC. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

SECTION 69: Section 100.113.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.113.3 Enforcement.

If the notice of violation is not complied with promptly, the Division Director or authorized staff is authorized to institute or seek the institution of the appropriate measure or process to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or related provisions of the WCC or of the order or direction made pursuant thereto. Such enforcement may include any combination of applicable enforcement actions authorized by this code and the WCC, including without limitation prosecution as a misdemeanor. A separate offense may be charged for each day a violation is committed, continued, permitted or otherwise maintained.

SECTION 70: Section 100.113.3.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.113.3.1 Work commencing before permit issuance.

Any person who commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to and pay an investigative fee in addition to the required permit fees, as well as be subject to any other applicable enforcement measures provided in this code and in the WCC. An investigation fee shall be collected in advance, whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of the permit fee as set forth in Appendix A at Table 1 through Table 9. The payment of such fee shall not exempt any person from compliance with all other provisions of this code and related provisions in the WCC nor from any penalty prescribed by law. The Division Director or authorized staff may also require of any person working without a building permit to be responsible for the cost of third party inspection to insure that the project is completed in accordance with the applicable code and approved plans.

Exception:

1. The Building Program may-waive or reduce the investigative fee if the Division Director or authorized staff determines that a permit application has been pursued in a timely manner and in good faith, and it is in the best interest of the jurisdiction.
2. The Building Program may increase the investigative fee up to four times the amount of the permit fee as set forth in Appendix A at Table 1 through Table 9 when a licensed contractor or other licensed professional commences work before a permit is issued. The amount paid shall not exceed \$4,000.00 for residential construction and \$50,000.00 for all other types of construction.

SECTION 71: Section 100.113.3.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.113.3.2 Voluntary Disclosure.

If a person voluntarily discloses work done without a permit within 90 days of a certificate of occupancy or receiving ownership of the property, the Building Program may waive the investigative fee.

Exception:

1. R-3 occupancies and their accessory structures are exempt from the 90-day limit.
2. For unpermitted work performed by previous owner, the 90-day period for disclosure under this subsection does not begin to run until the current owner knows, or in the exercise of reasonable diligence, should have known that work has been performed without a permit in the violation of this chapter. An owner is deemed to have the same knowledge as the employees or contractors with the responsibility of performing the work at issue.

SECTION 72: Section 100.114.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.114.1 Authority.

Whenever the Division Director or authorized staff finds any work regulated by this code or related provisions of the WCC being performed in a manner either contrary to the provisions of this code, related provisions of the WCC or dangerous or unsafe, the Division Director or authorized staff is authorized to issue a stop work order.

SECTION 73: Section 100.115.1 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.115.1 Conditions.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the

Division Director or authorized staff deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

SECTION 74: Section 100.115.2 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.115.2 Record.

The Division Director or authorized staff shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 75: Section 100.115.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.115.3 Notice.

If an unsafe condition is found, the Division Director or authorized staff shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Division Director or authorized staff acceptance or rejection of the terms of the order.

SECTION 76: Section 100.115.5 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.115.5 Restoration.

The structure or equipment determined to be unsafe by the Division Director or authorized staff is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this code, related provisions of the WCC, and Chapter 34 of the IBC.

SECTION 77: Section 100.200.3 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.200.3 Application.

Any person desiring a move and alter permit must file an application with the Building Program. The applicant must specify the following:

1. The existing location of the structure.
2. The size and character of the structure.
3. The proposed location of the structure.

SECTION 78: Section 100.200.4 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.200.4 Determination.

The Building Program shall review the application, inspect the structure, approve, approve with conditions, or deny the application. Costs of inspection shall be borne by the applicant. The Building Program shall deny the application for a permit when:

1. The proposed use for the structure is prohibited by zoning laws of this county; or
2. The structure is of a type prohibited at the proposed location by any other law or ordinance; or
3. The structure is such that it cannot be brought into compliance with existing codes through improvement or modification.

The Building Program shall not approve an application unless the applicant posts the bond and other guarantees specified in this Article 200.

The county engineer shall designate on the permit the route over which the structure must pass.

SECTION 79: Section 100.200.6 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.200.6 Permits, guarantees, conditions.

The Building Program shall not issue a permit until the applicant provides a bond or other guarantee acceptable to the Building Program, and in a form approved by the district attorney, in an amount not less than \$1,000.00. The guarantees must be conditioned so that the person intending to move the structure shall pay for the following damages, costs and expenses:

1. Damages that may occur to the streets, roads or other public rights-of-way of the county of Washoe;
2. Damages that may occur to the property of the county of Washoe or to the property of any person during the moving of a structure;
3. Damages, costs and expenses incurred in the necessary removal or changing of any telephone, telegraph, electric light or any other wires used for public convenience in the unincorporated areas of the county; and damages and costs for the removal of any poles in the streets, alleys or sidewalks in the unincorporated areas of the county. The bond or other guarantee must be kept in force until such time as the structure has been moved to the proposed site, placed on the new foundation and the Building Program has determined that the bond or other guarantee is no longer necessary for the purposes specified above.

A bond or other guarantee acceptable to the Building Program and the district attorney, in an amount the Division Director or authorized staff deems necessary to bring the structure to be moved into full compliance with all codes in effect when the application to move the building or structure was submitted. The bond or other guarantee must be kept in force throughout the term of the move and alter permit. If the permit must be renewed, the Building Program shall review the work performed on, and the condition of, the structure at the time of renewal and may decrease or increase the bond or other guarantee by an amount he deems sufficient to accomplish the purpose of this paragraph.

At such time as the holder of the permit has performed all terms and conditions of the permit in a manner acceptable to the Division Director or authorized staff, the Building Program shall provide written notice to the principal and surety on the bonds or other guarantees, if any.

Any portion of a guarantee not required to complete the conditions of a permit issued pursuant to this section shall be returned to the principal or surety.

SECTION 80: Section 100.200.7 of Washoe County Code Chapter 100 is hereby amended to read as follows:

100.200.7 Default on performance of conditions.

If the Division Director or authorized staff finds that a default has occurred in the performance of any term or condition of the permit, the Building Program shall give written notice thereof to the principal and the surety, if any, on the guarantee within ten days after the determination of default. The requirement for notice is met if written notice is directed by U.S. Mail to the principal at the address given by the principal upon the application for the permit and to the surety or other guarantor at the business address provided by the surety or guarantor. The notice shall specify the work to be done, the estimated costs thereof and the period of time deemed by the Division Director or authorized staff to be reasonably necessary for the completion of such work.

If after receipt of the notice the principal or surety fails to perform the required work within the time specified in the notice, the Building Program may take whatever action is appropriate to ensure that the required work is performed and completed. Alternatively, the Division Director or authorized staff may order the structure demolished and removed if the structure has deteriorated to the point that the cost of alteration thereof has exceeded the bond or guarantee posted to bring the structure into compliance. If the order is not obeyed the Division Director or authorized staff may cause the structure to be demolished and removed on his own initiative. Costs incurred by Washoe County pursuant to the provisions of this paragraph are payable from the bond or other guarantee and by the permit holder.

It is unlawful for the owner or his representatives, successors or assigns or any other person, to interfere with or obstruct the ingress or egress to or from any such premises by any authorized representatives or agent of any surety or by the county engaged in the work of completing, demolishing or removing any structure for which a permit has been issued after default has occurred in the performance of the terms or conditions thereof.

SECTION 81. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chair of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Passage and Effective Date

Proposed on December (month) 13 (day), 2022.

Proposed by Commissioner Hill.

Passed on January (month) 17 (day), 2023.

Vote:

Ayes: Hastung, Hill, Herman, Garcia, Clark

Nays: None

Absent: None


Chair
Washoe County Commission

ATTEST:


Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the 27th day of the month of January of the year 2023.

