

ORDINANCE NO. 3907
(Amending Henderson Municipal Code Chapter 15.08 - Building Code)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HENDERSON, NEVADA, TO AMEND PORTIONS OF CHAPTER 15.08 –
BUILDING CODE OF TITLE 15 - OF THE HENDERSON MUNICIPAL
CODE.

WHEREAS, pursuant to the provisions of the Henderson City Charter, Section 2.180, the City Council is authorized to regulate all matters relating to construction, maintenance and safety of buildings, structures and property within the City, and to adopt building or safety codes as are deemed necessary to carry out this purpose; and

WHEREAS, pursuant to NRS 477, regulations concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property adopted by the State Fire Marshal are inapplicable in the City of Henderson, excluding buildings owned or occupied by the State or public schools, as Henderson has adopted the most recently published editions of the International Fire Code and the International Building Code; and

WHEREAS, a new International Building Code was published October 23, 2020, which replaced the 2018 edition of the International Building Code; and

WHEREAS, local amendments to the International Building Code have been developed in collaboration with the City of Las Vegas and construction industry groups, the completed version of which is known as the City of Las Vegas & City of Henderson Amendments to the 2021 International Building Code; and

WHEREAS, the City Council adopted Ordinance No. 3504 on August 7, 2018, with an effective date of February 4, 2019; and

WHEREAS, the City Council adopted Ordinance No. 3669 on March 3, 2020; and

WHEREAS, the City Council adopted Ordinance No. 3824 on December 7, 2021; and

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

SECTION 1. Henderson Municipal Code, Chapter 15.08.010 – Adoption by reference - is hereby amended as follows:

15.08.010 Adoption by reference.

The City of Henderson adopts as its building code the ~~[2018]~~2021 International Building Code as published by the International Code Council in its entirety excepting amendments and changes as stated in this chapter. ~~[Three copies]~~*This code is available online through the International Code Council. One copy* of this code ~~is~~are on file in the office of the city clerk.

SECTION 2. Henderson Municipal Code, Chapter 15.08.020 – Code amended - is hereby amended as follows:

15.08.020 Code amended.

~~[The City of Henderson adopts as an amendment to the 2018 International Building Code the booklet entitled "Southern Nevada Amendments to the 2018 International Building Code" amending the 2018 International Building Code as published by the International Code Council. This booklet is adopted in its entirety excepting amendments and changes as stated in this chapter. Three copies of this booklet are on file in the office of the city clerk.~~

~~The City of Henderson further amends as an amendment to the 2018 International Building Code, a revision Section 403.4.7 as follows:~~

~~403.4.7 Smoke removal. To facilitate smoke removal in post-fire salvage and overhaul operations, buildings and structures shall be equipped with natural or mechanical ventilation for removal of products of combustion in accordance with one of the following:~~

~~Exceptions:~~

- ~~1. Smoke removal is not required for building renovations where HVAC systems are not being modified.~~
- ~~2. Smoke removal systems are not required for remodels and alterations within existing buildings where the area being remodeled or altered is provided with a smoke control approach consistent with the smoke control requirements of the existing building.~~
- ~~3. Where permitted by the fire code official, smoke removal systems are not required for minor additions to existing buildings that are not already provided with smoke removal systems.~~

- ~~1. Easily identifiable, manually operable windows or panels shall be distributed around the perimeter of each floor at not more than 50-foot (15 240 mm) intervals. The area of operable windows or panels shall not be less than 40 square feet (3.7 m²) per 50 linear feet (15 240 mm) of perimeter.~~

Exceptions:

1. In Group R-1 occupancies, each sleeping unit or suite having an exterior wall shall be permitted to be provided with 2 square feet (0.19 m²) of venting area in lieu of the area specified in Item 1.
 2. Where permitted by the fire code official, windows of tempered glass shall be permitted to be fixed provided no coating or film is applied and that glazing can be cleared by firefighters.
 3. Manually operable windows or panels are not required in Group R-1 and R-2 residential units provided the residential units comply with the passive requirements of Section 909 and all corridors between the residential units and the exit enclosures serving the residential units comply with Section 403.4.7, Item 3.
2. Mechanical air-handling equipment providing one exhaust air change every 15 minutes for the area involved. Return and exhaust air shall be moved directly to the outside without recirculation to other portions of the building. The air volume shall be calculated based upon the volume of the space between the floor and the floor or roof structure above. The exhaust air quantity shall be as measured at the exhaust fan.
- Exception: Smoke removal is not required for normally unoccupied areas such as mechanical equipment rooms, electrical rooms, storage rooms that do not exceed 500 square feet in area, elevator equipment rooms, or similar areas as approved by the building official.
3. A smoke control system that provides a minimum of one exhaust air change every 15 minutes is provided for the area involved upon manual activation of the smoke removal feature at the smoke control graphics panel. The volume of air shall be calculated based upon the volume of the space between the floor and the floor or roof structure above. The exhaust air quantity shall be as measured at the exhaust fan.
4. Any other approved design that will produce equivalent results where permitted by the Authority Having Jurisdiction.

The City of Henderson further amends as an amendment to the 2018 International Building Code, revisions to Sections 202, 2901.1.2, 2901.1.2.1 and 2902.4 as follows:

Modify section 202 by adding the following definition:

Single-Stall Restroom. A single-user toilet facility that is intended for individual use that contains a single toilet or a single urinal; or a toilet facility that contains a toilet and a urinal which is not separated from each other by enclosure within a stall, in accordance with NRS 651.

Modify section 2902.1.2 as shown:

2902.1.2 Single-user toilet facility and bathing room fixtures. The plumbing fixtures located in single-stall restroom, single-user toilet facilities and bathing rooms, including family or assisted-use toilet and bathing rooms that are required by Section 1109.2, shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Where a single-stall restroom is provided a water closet shall be included. Single-stall restrooms, single-user toilet facilities and bathing rooms, and family or assisted-use toilet rooms and bathing rooms shall not be identified for use by either sex, but may be labeled for use by any persons including without limitations "All-Gender Bathroom" or "All-Accessible Bathroom".

Add section 2902.1.2.1 as shown:

2902.1.2.1 Single-user facility use. A single-stall restroom, single-user toilet facilities and bathing rooms, including family or assisted-use toilet and bathing rooms shall be inclusive and accessible as possible to a person of any gender identity or expression, in accordance with NRS 651, including without limitation by allowing:

1. A parent or guardian of a child to enter the facility with the child;
2. A person with a disability to enter the facility with his or her caregiver; and
3. A person of any gender identity or expression to use the facility as needed.

Modify section 2902.4 as shown:

2902.4 Signage. Required public facilities shall be provided with signs that designate the sex, as required by Section 2902.2. Single-stall restrooms, single-user toilet facilities and bathing rooms, including family or assisted-use toilet and bathing rooms shall be provided with signage as required by 2902.1.2. Signs shall be readily visible and located near the entrance to each toilet facility. Signs for accessible toilet facilities shall comply with Section 1111.]

The City of Henderson adopts as an amendment to the 2021 International Building Code the booklet entitled "City of Las Vegas & City of Henderson Amendments to the 2021 International Building Code", is adopted in its entirety. This booklet is available on the city's website. One copy of this booklet is on file in the office of the city clerk.

- SECTION 3. 15.08.050 Effective date.
This chapter shall become effective on [February 4, 2019]March 23, 2023.
- SECTION 4. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.
- SECTION 5. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.
- SECTION 6. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on September 16, 2022, in the Las Vegas Review-Journal, at which time it will become effective.

PASSED, ADOPTED, AND APPROVED THIS 13th DAY OF SEPTEMBER, 2022.

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on August 23, 2022, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 13, 2022, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held September 13, 2022, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

Those voting nay: None
Those abstaining: None
Those absent: None

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in blue italics and underlined.