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SECOND AMENDMENT

BILL NO. 90-63

ORDINANCE No. 3538

AN ORDINANCE RELATING TO THE CONSTRUCTION OF FIREPLACES; AMENDING THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1988 EDITION," BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 45.1 OF SAID SUPPLEMENTAL DOCUMENT, TO ADD To THE UNIFORM BUILDING CODE A NEW SECTION 3708 TO REQUIRE ALL FIREPLACES CONSTRUCTED IN RESIDENTIAL DWELLING UNITS AFTER JULY 1, 1991, TO CONFORM TO SPECIFIED LISTING OR EPA REQUIREMENTS OR TO BE DECORATIVE ELECTRICAL APPLIANCES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Arnie Adamsen

Summary: Requires all fireplaces constructed after July 1, 1991, in residential dwelling units to conform to specified listing or EPA requirements, or their equivalent, or to be decorative electrical appliances.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That certain document that is entitled "A Supplemental Document Amending the Uniform Building Code, 1988 Edition," and adopted by reference as Part II of Title 16, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section 45.1, reading as follows:

Section 45.1: Chapter 37 is amended to add a new section, designated as Section 3708, reading as follows:

Section 3708: (a) Fireplaces in New Construction and New Fireplaces in Existing Construction. Effective July 1, 1991, no fireplace shall be constructed in any residential dwelling unit in the City of Las Vegas unless it is one of the following:

(1) A fireplace equipped with gas logs with a listing approved by the Building Official;

(2) A dedicated natural gas burning factory-built
fireplace with a listing approved by the Building Official;

(3) A dedicated woodburning factory-built fireplace that conforms to the "Phase II Environmental Protection Agency Standards for Wood Heaters," as prescribed in NSPS, 40 CFR Part 60, Subpart AAA (emitting less than 7.5 grams per hour of particulate matter);

(4) A masonry fireplace that includes the installation of a woodburning insert which meets the standards described in Paragraph (3) of this Subsection and which is installed in accordance with the insert manufacturer's instructions;

(5) A low-emission fireplace that is deemed by the Building Official to be equivalent to one or more of the fireplaces permitted in this Subsection (a), based upon third-party laboratory documentation or certification by a state or federal agency; or

(6) A decorative electrical appliance.

(b) Exception: None of the terms or prohibitions of this Section shall apply to or be enforced against any wood heater that has been certified by the Environmental Protection Agency. Uncertified wood heaters shall not be installed within the City of Las Vegas.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, sub-
1 division, paragraph, sentence, clause or phrase thereof irrespec-
2 tive of the fact that any one or more sections, subsections, sub-
3 divisions, paragraphs, sentences, clauses or phrases be declared
4 unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is
6 prohibited or is made or declared to be unlawful or an offense or
7 a misdemeanor, or whenever in this ordinance the doing of any act
8 is required or the failure to do any act is made or declared to
9 be unlawful or an offense or a misdemeanor, the doing of any such
10 prohibited act or the failure to do any such required act shall
11 constitute a misdemeanor and upon conviction thereof, shall be
12 punished by a fine of not more than $1,000.00 or by imprisonment
13 for a term of not more than six (6) months, or by any combination
14 of such fine and imprisonment. Any day of any violation of this
15 ordinance shall constitute a separate offense; provided, however,
16 that no violation shall be deemed to have occurred before the
17 Building Official has conducted an inspection for the sole pur-
18 pose of determining compliance with this ordinance. Such inspec-
19 tion shall be conducted subsequent to the final inspection of the
20 building at a time that is mutually agreeable to the builder and
21 the Building Official.

SECTION 4: All ordinances or parts of ordinances,
sections, subsections, phrases, sentences, clauses or paragraphs
contained in the Municipal Code of the City of Las Vegas, Nevada,

PASSED, ADOPTED AND APPROVED this 1st day of November,
1990.

APPROVED:

By

RON LURIE, MAYOR 04/26/90 RRL

ATTEST:

KATHLEEN M. SYKES CITY CLERK

-3-
The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of September, 1990, and referred to the following committee composed of Councilmen Adamsen and Nolen for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of November, 1990, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen, Higginson, Miller, and Mayor Lurie

VOTING "NAY": NONE

ABSENT: Councilman Nolen

APPROVED:

By RON LURIE, MAYOR DK/7.14.90

ATTEST:

KATHLEEN W DIGNE, CITY CLERK